

City of Monroe
License Committee Minutes
February 7, 2017

A. ROLL CALL

Chairperson Thoman called the meeting to order. Present at roll call were Alderpersons Thoman and Boyce. Also present were alternate Alder Miller, other Alders, City Clerk Stamm, City Attorney Bartholf and Police Chief Kelley. Alder Beer was absent.

B. CORRECTION OF MINUTES

None

C. BUSINESS

1. APPLICATION FROM NORTHSIDE PUB & GRILL LLC FOR A "CLASS B" LIQUOR AND FERMENTED MALT BEVERAGE LICENSE

City Clerk Stamm explained this is basically transferring the license from Green County Smoke Shack LLC to the Northside Pub & Grill LLC. Joey and Laura Winters are partners in Green County Smoke Shack and owners of Northside Pub & Grill. The Green County Smoke Shack is being dissolved. There was a voluntary surrender of the license back to the City if the City gives it back to Northside Pub and Grill. All paperwork has been filed and she sees no reason not to approve it. Alder Boyce asked questions about the license and how close they were to the time required. City Clerk Stamm said they were just within the time frame. Alder Boyce questioned the demand for this type of license. City Clerk Stamm said she did not have any applications waiting. She said that she believes the Winters have every intention of having the business up and running soon. The old license could be taken away however, revocation proceedings would need to be started and she did not think that needed to be done. Alder Boyce made a motion to approve the license. Alder Miller seconded the motion. The motion carried on voice vote.

2. CONSIDERATION OF APPLICATION FOR PERMIT FOR POSSESSION OF LIVE CHICKENS AT 2724 3RD AVE FROM MICHAEL MANCINI & ERIN MANCINI

City Clerk Stamm explained they applied for a Chicken permit. There is a deed restriction in that neighborhood that prohibits the keeping of poultry. It is not in the City code that a permit can't be issued if there is a deed or covenant restriction. She told them they would have to decide if it was right to issue a permit that goes against a deed restriction. If it is issued it would be up to the neighbors to force the restriction with a lawsuit. Alder Boyce asked if there were any letters included from neighbors saying they don't object. City Clerk Stamm said during one of her email conversations with Mr. Mancini he stated he would have all the neighbors sign something saying they were okay with it and bring it into the office. He never brought anything in. Police Chief Kelley asked City Attorney Bartholf what happens if the neighbors file a suit, would the Mancini's have to pay the fees if the neighbors won. City Attorney Bartholf explained that the Mancini's would not have to pay the attorney fees the neighbors would.

Discussion took place. Police Chief Kelley asked City Attorney Bartholf if the City grants the license knowing a deed exists will the City then become part of the lawsuit. City Attorney Bartholf said no, the city would not be part of it. He said the City can deny the application if they chose to. City Clerk Stamm said the Committee is acting on behalf of the public, what

should they do knowing the deed restriction is in place. More discussion took place. Alder Boyce said putting himself in the neighbors place he knows he would not want it and would be upset that the City approved it knowing it was not allowed.

City Clerk Stamm said according to City Code this Committee has to either deny or recommend to Council to approve the application. Alder Miller made a motion to recommend to Council to deny it since there are covenants against it at this address. The motion was seconded by Alder Boyce. The motion carried on voice vote.

3. DISCUSSION AND POSSIBLE ACTION REGARDING RECENT ISSUES WITH TEMPORARY ALCOHOL LICENSE ISSUED TO MONROE THEATRE GUILD AND FUTURE COURSE OF ACTION FOR SIMILAR TEMPORARY ALCOHOL LICENSES

City Clerk Stamm explained that the Mayor requested this item be put on the agenda. She explained what she knew about the situation. Keith Hoesly submitted the application for MTG Comedy night. She said the premises description was very vague. She asked him if he wanted the entire building licensed and he said no. She questioned that and he told her they don't ever allow beverages in the auditorium. She said she questioned him again and he said not the auditorium, so that is what the application was submitted for and license was approved for. On January 20th, a staff member reported to her that there were alcohol beverages in the auditorium which was against the license. She said she called Keith to discuss and he admitted it was his mistake. Many conversations were had with Keith and Chris Soukup (director of the show). At some point phone calls were made by them to Alderpersons and the Mayor asking for a special meeting to change the premises on the license. She notified Police Chief Kelley about the issue.

Police Chief Kelley explained that at some point in one of the many phone calls Chris stated what if we just violate it anyway. Police Chief Kelley was told by the City Administrator that they said if the Mayor did not grant the special meeting they would cancel the show. The Mayor did not grant the special meeting. Since he had received phone calls from the City Clerk and the City Administrator about this, he felt it was necessary to have Officers walk through the show. The decision to send the Officers was his, but he felt his hand was forced by those running the Comedy Show. He sent Officers both Friday night and Saturday night at different times. He said on Friday night there was a Licensed Bartender working but Saturday night there was not. Alcohol was in the theater/auditorium part. He said Officers did notice that the auditorium signs had been removed from the auditorium and put on the rehearsal hall area with signs that said no alcohol here. On Saturday night, they had alcohol in both areas. He said the organizers thought that Chris could be the Licensed Bartender because he owns Baumgartner's, but he is only the Agent for Baumgartner's, not a Licensed Bartender. That means he can only tend bar at his store and not anywhere else. Police Chief Kelley spoke with City Attorney Bartholf and he said there could be citations issued, so he wanted to see what the License Committee wanted to do.

City Clerk Stamm said there were things that she thought of to hopefully prevent this from happening in the future. She would like to make up a supplemental application to go with the temporary license application, this is already done for permanent license application and special events applications. It would require a drawing showing the area they want licensed, a list of those who were going to be bartenders and a copy of the retailer regulations would be attached. They would have to sign a statement saying they have read it and understand

it. She would also ask questions such as do you understand you may only purchase from a wholesaler and no carry-ins allowed. She said things like this may be necessary to prevent other incidents from happening in the future.

The Committee discussed the fact that Chris said they would just violate the license and that they moved the signs. This was more than a simple mistake. Alder Boyce wanted to know how the initial complainant knew there were underage drinkers and no Licensed Bartenders. City Administrator Rath said that was not the initial complaint. The initial complaint was that alcohol was in the area where it was not supposed to be. City Clerk Stamm said the underage drinkers and no Licensed Bartenders were not part of the initial complaint but as she was asking questions of Keith and Chris these questions came up. She found that the controls were not in place to check for these things. Police Chief Kelley said what he told the Officers to do was to document if there was a Licensed Bartender and who it was as well as to check if there was alcohol in the area there was not supposed to be.

Alder Boyce questioned how many of these types of licenses are issued annually. City Clerk Stamm said she estimated about 20. Alder Miller said he agreed with the idea of a supplemental page and that they are aware of the rules and abide by them. City Clerk Stamm said they are aware of two violations for the Theater Guild right now. One is not having the Licensed Bartender there and the second is serving in an area that was not licensed. Police Chief Kelley said no citations have been issued yet, he wanted to see what the License Committee wanted to do. City Attorney Bartholf said citations should be issued but we don't have to. Police Chief Kelley said normally a situation like this is handled with a phone call like City Clerk Stamm did, notifying them of the issues and how it needs to be done. The Committee discussed other events that have been in violation. Police Chief Kelley said if you don't do anything then the next one will say but you didn't do anything about the Theater Guild and so on.

Alder Boyce said this Committee sets the licenses but is not the enforcer so who does that? Are the police supposed to go to every event and check for these things? Police Chief Kelley said it could be put on the application that if you violate you could see the police there. Police Chief Kelley said what they violated are not City Ordinances but State Law. Alder Boyce wants to know the mechanism for controlling the licenses. Had there not been a complaint this would never have happened. He's wondering if we wait for a complaint to come in or do we actively go out and monitor the licenses that are issued. Police Chief Kelley said they do go out and check places that have had complaints made or have had issues in the past. They do bar checks, not regularly but on occasion, so that they know the Officers could walk through. They patrol Special Events that there could be an issue with. He is unaware of any issues at the Theater Guild for these things prior. Police Chief Kelley asked how strongly does the committee want it enforced; he can have Officers walk through any time a license is issued. Alders Boyce and Miller did not think it was necessary to send armed Officers to every event. Police Chief Kelley said plain clothes detectives could do the same thing.

The Committee agreed to have City Clerk Stamm draft a supplemental application and bring it to the next meeting for them to review along with the existing application.

City Attorney Bartholf said that if the Committee did not want to issue citations they can always choose not to issue the next temporary license to them based on these previous issues and full licenses can be taken away.

Police Chief Kelley asked what they want to do about this issue. Alder Boyce said it's a huge fundraiser for the Theater Guild, they hate to take that away. Police Chief Kelley said for them to think on it and bring it back to the next meeting.

D. BUSINESS BY MEMBERS
NONE

E. ADJOURNMENT
Motion made by Alderperson Miller to adjourn. The motion was seconded by Alderperson Boyce. Motion carried on voice vote.

Transcribed by:
Nicole M. Cummings, Deputy Clerk