

City of Monroe
License Committee Minutes
March 7, 2017

A. ROLL CALL

Chairperson Thoman called the meeting to order. Present at roll call were Alderpersons Thoman, Beer, Boyce. Also present were alternate Alder Miller, City Clerk Stamm, City Attorney Bartholf, Police Chief Kelley, City Administrator Rath and Bridget Cooke from The Monroe Times.

B. CORRECTION OF MINUTES

None

C. BUSINESS

1. 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 the new supplemental packet to be given with the temporary alcohol beer/wine license application. Alder Thoman suggested changing the bottom signature line to say two officers of the corporation must sign, rather than the current wording of two officers. He took that to mean two police officers since it's near the law enforcement part. Other Alders agreed this should be changed to avoid confusion.

Alder Boyce asked questions about making the applicant acknowledge they have read the retailer regulations and understand them, and that they are aware they can only buy from a licensed wholesaler. What happens if they mark no, does it not get approved? City Clerk Stamm said the first thing to do would be to educate them, but it could get denied. Discussion took place about how alcoholic beverages can be purchased according to the state statutes. Alder Boyce questioned whose job it is to enforce those statutes. City Clerk Stamm said the Police Department can enforce State Statutes. Police Chief Kelley said it is more than likely the Police Department who would enforce them. They wouldn't call the State Department of Revenue to come handle it, they would write the ticket; they would only have them get involved if it was a more involved investigation. More discussion took place about the laws. City Clerk Stamm said the reason she created those two questions was to create awareness and make them think about what they need to do. They also can't plead ignorance if something happens because they have marked that they have read it and understand it.

The question was asked about people bringing alcoholic beverages into a licensed premise, such as during Cheese Days. City Clerk Stamm said it is up to the licensed premises to not allow it as it is against state statutes. Police Chief Kelley said when these temporary licenses are taken out they are essentially a tavern and have to follow the same regulations as a tavern would.

Alder Boyce questioned the types of organizations the City was issuing to, if they were all ones listed on the state application. City Clerk Stamm said yes, she always looks at that to make sure it fits the guidelines and that they qualify for it. She said temporary licenses cannot be issued to a private person or a private business, it has to be one of the entities on the list and it's mostly likely for a nonprofit. Discussion took place.

Alder Boyce asked if a bartender was licensed somewhere else in the state, could they use that bartender license here? City Clerk Stamm said no. They would have to get a license for the City of

Monroe and it is only good within the city limits, they cannot use it in another city or town. City Attorney Bartholf said with the ordinance change there is now a Provisional Operator's License that is pretty easy to get. If they are licensed in another place such as Madison they could get a Provisional Operator's License for Monroe to use until their Operator's License for the City is approved. They are only good for a short amount of time and there is a small extra fee. City Clerk Stamm said that each permanent establishment that has a regular alcohol license has to appoint an Agent. This Agent is responsible for the liquor sales at that establishment. The Agent is considered to have an Operator's License but only at that establishment. Being an Agent does not make them legal to go bartend anywhere else. More discussion took place about Operator's Licenses.

The Committee agreed to using the new supplemental packet to go along with the temporary beer/wine license application.

2. CURRENT ORDINANCE AND APPLICATION FOR PERMIT FOR POSSESSION OF LIVE CHICKENS

Alder Boyce explained he had requested this. His concern is against promoting litigation amongst residents. If the resident is approved for a permit for chickens and the neighbor doesn't like chickens and your deed say no chickens, all of a sudden, we have given permit for chickens, and the neighbor is now in court suing over the chickens. He is wondering if there is a way to avoid this. Alder Beer said if it's in the covenants of the subdivision she didn't think we have any control over that because that is something that is in your deed. Alder Boyce said if we approve a permit in one of those areas we are essentially causing litigation amongst homeowners. Alternate Alder Miller said his idea is to put wording in the application packet that this permit does not supersede any covenants or deed restrictions that are in place. Discussion took place. City Clerk Stamm said the permit could be revoked if they found out later that the covenants did not allow for chickens. She also said staff does due diligence when these applications come in. Alder Beer questioned whose responsibility is it to police and enforce those restrictions. Alder Boyce said it is up to the association and the members of the association. Alder Beer said the application states, "Have you checked to see if any restrictions or covenants are in affect at the permit address?" City Attorney Bartholf said there should be another question with wording like, "Does your deed contain restrictive covenants that prohibit the keeping of live poultry?"

City Clerk Stamm said she would add the wording, "This does not supersede any covenants or restrictions that are in place" to the permit application. She would also change the wording to "Does your deed contain restrictive covenants that prohibit the keeping of chickens?" (yes/no) She said she would still check to see if there is a deed restriction if she suspects that there may be one in place.

Discussion took place about revoking the permit if they lied about there being a covenant. City Attorney Bartholf said what if someone comes in and says "I don't know if there are covenants." Are you going to make them check? Alder Beer said yes. Discussion took place. The committee decided it would be an incomplete application until the applicant finds that information out. City Clerk Stamm said she would work on this and bring it back to the committee. She also said she spoke with Ekum Abstract Title and they said if someone wanted to run a title search it would be about \$50 and they could see if there were any restrictions on their deed. She felt this should fall on the applicant not the City. More discussion took place.

City Clerk Stamm to come back to the committee with the new language on the permit application.

D. BUSINESS BY MEMBERS

NONE

E. ADJOURNMENT

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

Transcribed by
Nicole M. Cummings, Deputy Clerk