



City of Fort Atkinson
City Manager's Office
101 N. Main Street
Fort Atkinson, WI 53538

**LICENSE COMMITTEE MEETING
IN PERSON AND VIA ZOOM
TUESDAY, MAY 28, 2024 – 4:15 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/5997866403?pwd=alcreldSbGpNUVI1VnR1RWF5bXovdz09&omn=84325341561>

Meeting ID: 599 786 6403

Passcode: 53538

Dial by Location

+1 312 626 6799

If you have special needs or circumstances which may make communication or accessibility difficult at the meeting, please call (920) 397-9901. Accommodations will, to the fullest extent possible, be made available on request by a person with a disability.

AGENDA

- 1. Call meeting to order**
- 2. Roll call**
- 3. New Business**
 - a. Review and possible recommendation to the City Council relating to **Alcohol Beverage License Applications** for the licensing period of July 1, 2024 through June 30, 2025. (Ebbert, Clerk/Treasurer/Finance Director)
 - b. Review and possible recommendation to the City Council relating to **Cigarette, Tobacco and Electronic Vaping Device Retail License Applications** for the licensing period of July 1, 2024 through June 30, 2025. (Ebbert, Clerk/Treasurer/Finance Director)
- 4. Adjournment**

Date Posted: May 24, 2024

CC: City Council; City Staff; City Attorney; Fort Atkinson Chamber of Commerce; Fort Atkinson School District; News Media

Notice is hereby given that a majority of the Fort Atkinson City Council may be present at this meeting at the location and time indicated above to gather information about any subject matters on this agenda over which they have decision-making responsibility. This may constitute a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d. 553, 494 N.W.2d 408 (1993), and must be noticed as such although the City Council will not take any formal action at this meeting.

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MEMORANDUM

DATE: May 28, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible recommendation to the City Council relating to Alcohol Beverage License Applications for the licensing period of July 1, 2024 through June 30, 2025. (Ebbert, Clerk/Treasurer/Finance Director)

BACKGROUND

The State of Wisconsin regulates alcohol licensing for local governments through Chapter 125. There are three classes of Licenses; Class A, Class B and Class C. The difference between Class A and B is where alcohol is authorized for sale and for consumption. Class A generally offers sale of alcohol on-site with consumption off-site (e.g. grocery or liquor store, gas station or convenience store). Class B allows for on-site sale and on-site consumption (e.g. Restaurant, Bar, Bowling Alley, Tavern). Class A can easily be remembered because alcohol is consumed *Away* from the premises. Likewise, Class B you consume on-site, for example *Bar*.

Table 1: Type of license, beverage and where consumption is permitted.

<u>Type of License</u>	<u>Type of Beverage</u>	<u>Consumption Location</u>
"Class A"	Intoxicating Liquor	Off-site
Class "A"	Fermented Malt	Off-site
"Class A" Liquor: Cider Only*	Cider Only	Off-site
"Class B"	Intoxicating Liquor	On-site
Class "B"	Fermented Malt	On-site
"Class C"	Wine only	On-site
Reserve "Class B"	Intoxicating Liquor	On-site
Temporary Class "B" **	Fermented Malt	On-site
Temporary "Class B" **	Wine	On-site

*The 2015-17 Wisconsin State Budget (2015 Act 55) provides that municipalities shall issue a "Class A" liquor license if both of the following apply:

- The “Class A” liquor license application is for sales limited to cider products only.
- The application for a “Class A” liquor license holds a Class “A” beer license for the same premises.

2015 Act 55 provision also defines ‘cider’ to mean any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. “Cider” includes flavored, sparkling, and carbonated cider.

** Temporary Class “B” Fermented Malt and Temporary “Class B” Wine – these licenses are issued throughout the year to lodges, societies, bona fide clubs, chambers, non-profit, etc.

Table 2: Combination of Licenses

<u>License Combinations</u>	<u>Type of Beverage(s)</u>	<u>Consumption Location</u>
“Class A” and Class “A”	Intoxicating Liquor and Fermented Malt	Off-site
Class “A” and “Class A” Liquor: Cider Only	Fermented Malt and Cider	Off-site
“Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Class “B” and “Class C” Wine	Fermented Malt and Wine	On-site
Reserve “Class B” and Class “B”	Intoxicating Liquor and Fermented Malt	On-site
Temporary Class “B” and Temporary “Class B”	Fermented Malt and Wine	On-site

Table 3: License fees (maximum amount allowable by State Statute is being charged)

<u>Type of License</u>	<u>License Fee</u>
“Class A” Intoxicating Liquor	\$500.00
Class “A” Fermented Malt	\$100.00
“Class A” Liquor: Cider Only	No fee.
“Class B” Intoxicating Liquor	\$500.00
Class “B” Fermented Malt	\$100.00
“Class C” Wine Only	\$100.00
Reserve “Class B” Intoxicating Liquor	\$10,000 (one-time)
Temporary Class “B” Fermented Malt	\$10.00
Temporary “Class B” Wine	\$10.00

A combination Class A license (intoxicating liquor and fermented malt) would total \$600.00.
 A combination Class B license (intoxicating liquor and fermented malt) would total \$600.00

Table 4: Existing Quotas (05/23/2024)

<u>License</u>	<u>Quota</u>	<u>Licenses Issued</u>	<u>Licenses Available</u>
"Class A" Intoxicating Liquor	16 - 1 per 750 residents	16	0
Class "A" Fermented Malt	17 - 1 per 750 residents	16	1
"Class B" Intoxicating Liquor	25 - 1 per 500 residents	25	0
RESERVE	4 - \$10,000 one-time fee	4	0
"Class B" Intoxicating Liquor			

DISCUSSION

Table 1: Submitted Alcohol License Applications - All Renewals

License Type	Trade Name	D/B/A Business Name	Business Address
Class A Beer Class A Liquor Cider Only	La Morenita LLC	La Morenita	303 S 3rd Street West
Class A Beer Class A Liquor Cider Only	Handyspot 105 LLC	Handyspot 105	303 S Main St
Class A Liquor	Blodgett Milling Co Inc	Blodgett Garden Center	1222 Janesville Ave
Class A Liquor	The Fireside, Inc	The Cheese Loft	1009 Janesville Ave
Class A Liquor	Sarahndipity Salon LLC	Sarahndipity Salon	121 N. Main Street
Class A Liquor Class A Beer	Casey's Marketing Company	Casey's General Store #3712	342 Whitewater Ave
Class A Liquor Class A Beer	Green Way Holdings, Inc	FA Gas	1285 Madison Ave
Class A Liquor Class A Beer	J & R Petro LLC	K P Mart	415 Janesville Ave
Class A Liquor Class A Beer	Kwik Trip Inc	Kwik Trip #439	1565 Madison Ave
Class A Liquor Class A Beer	Kwik Trip Inc	Stop-N-Go #1502	313 Madison Ave
Class A Liquor Class A Beer	Kwik Trip Inc	Kwik Trip #1506	1680 Janesville Ave
Class A Liquor Class A Beer	La Tienda Mexicana, Inc	La Tienda Mexicana	809 S Main St.
Class A Liquor Class A Beer	Skogen's Foodliner, Inc	Festival Foods	328 Washington St
Class A Liquor Class A Beer	Ultra Mart Foods LLC	Pick 'N Save #396	1505 Madison Ave
Class A Liquor Class A Beer	Walgreen Co.	Walgreens #01976	300 N. Main St
Class A Liquor Class A Beer	Guanajuato Produces LLC	Guanajuato Produces	1109 Whitewater Ave
Class A Liquor Class A Beer	Ruhani Gas & Food Inc	Shell Food & Liquor	1012 Whitewater Ave
Class A Liquor Class A Beer	Sunnys Quick Mart LLC	Sunny's Quick Mart	1220 Janesville Ave #100
Class B Beer Class C Wine	Mr. Brews Taphouse VIII, LLC	Mr Brews Taphouse	201 N Main Street Ste 220

Class B Beer Class C Wine	Carla J Robinson Stewart	Carla's Catering	1525 Janesville Ave
Class B Liquor Class B Beer	14 Sherman LLC	10-62 Saloon	12 S Water St E
Class B Liquor Class B Beer	29 Sherman Ave W LLC	Tavern on Rock	29 W Sherman Ave
Class B Liquor Class B Beer	99 Sushi, Inc	99 Sushi	99 N Main Street
Class B Liquor Class B Beer	Bienfang's Bar Inc.	Bienfang's Bar	28 N. Water St. E.
Class B Liquor Class B Beer	Bridge at River & Main LLC	Bridge	88 S Main St
Class B Liquor Class B Beer	William Welch & Alison Camplin	Cafe Carpe	18 S Water St W
Class B Liquor Class B Beer	Creamery 201, LLC	Creamery 201	201 N. Main Street
Class B Liquor Class B Beer	Fort Investments, LLC	Fort 88 Smokehouse & Bar	855 Lexington Blvd
Class B Liquor Class B Beer	Ft Atkinson Hotel Group 2 LLC	Country Inn & Suites	1650 Doris Drive
Class B Liquor Class B Beer	J&J Wisconsin Ventures, LLC	Brock's Riverwalk Tavern & Grill	99 S. Main Street
Class B Liquor Class B Beer	El Patron Mexican Restaurant LLC	El Patron Mexican Restaurant	100 Madison Ave
Class B Liquor Class B Beer	Mangiami Italiano LLC	Mangiami Italiano	226 S Main St
Class B Liquor Class B Beer	NAP Enterprises, LLC	Rock River Lanes	1010 Larsen Rd
Class B Liquor Class B Beer	Patrick Beach	Soup's On	1125 Whitewater Ave
Class B Liquor Class B Beer	Paul Frank Florine Post No. 166 of the American Legion	American Legion Dugout	201 S Water St E
Class B Liquor Class B Beer	McGrath Catering LLC	McGrath Catering	1245 Whitewater Avenue
Class B Liquor Class B Beer	Riverfront Café LLC	Riverfront Café	1317 N High St
Class B Liquor Class B Beer	Salamone Pizza Inc	Salamones Italian Pizzeria	1245 Madison Ave.
Class B Liquor Class B Beer	Scuzzi's Pizza Bar LLC	Brickhouse Pizza	1501 Janesville Ave
Class B Liquor Class B Beer	The Fireside, Inc	The Fireside	1131 Janesville Ave
Class B Liquor Class B Beer	The Sweet Spot Coffee Shop LLC	The Langholf	225 S Main St
Class B Liquor Class B Beer	Wiereal, LLC	Fat Boyz	219 S Main St
Class B Liquor Class B Beer RESERVE	Didley's LLC	Paddy Coughlin's	14 E Sherman Ave
Class B Liquor Class B Beer RESERVE	LTree Cuisine, LLC	Riverstone Event Center	1905 Central Coast Lane
Class B Liquor Class B Beer RESERVE	La Cabana 2, LLC	La Cabana	213 Washington Street
Class B Liquor Class B Beer RESERVE	14 Sherman LLC	Paddyshack Golf and Gaming Lounge	201 S. Main Street

FINANCIAL ANALYSIS

Alcohol license fees for the upcoming licensing period of July 1, 2024 to June 30, 2025 is \$25,600. Applicants are also invoiced for a publication fee of \$30.00 which covers the cost of the annual publication.

RECOMMENDATION

Staff recommends that the Licensing Committee recommend to City Council approval of the Alcohol License Applications for the licensing period of July 1, 2024 to June 30, 2025 contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk.

ATTACHMENTS

None



MEMORANDUM

DATE: May 28, 2024

TO: Fort Atkinson City Council

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible recommendation to the City Council relating to Cigarette, Tobacco and Electronic Vaping Device Retail License Applications for the licensing period of July 1, 2024 through June 30, 2025. (Ebbert, Clerk/Treasurer/Finance Director)

BACKGROUND

The State of Wisconsin regulates cigarette, tobacco and electronic vaping device licensing for local governments through State Statute Chapters 134 and 139. On December 6, 2023, Wisconsin Act 73 was signed into law. This legislation subjects electronic vaping devices to the same retail licensing requirements as cigarettes and tobacco products. As of March 6, 2024, retailers selling electronic vaping devices were required to obtain a retail license from the City. The Department of Revenue updated their existing Cigarette and Tobacco Retailers License application to include Electronic Vaping Products.

134.65(1)(d) No person shall in any manner, or upon any pretense, or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes, electronic vaping devices, or tobacco products to any person not holding a license as herein provided or a permit under ss. [139.30](#) to [139.41](#) or [139.79](#) without first obtaining a license from the clerk of the city, village or town wherein such privilege is sought to be exercised.

DISCUSSION

Table 1: Submitted applications for Cigarette, Tobacco and Electronic Vaping Devit Retail License

Legal Name	Trade Name	Trade Address 1	Cigarette	Tobacco	E-Vaping
Casey's Marketing Company	Casey's General Store #3712	342 Whitewater Avenue	X	X	X
Creamery 201, LLC	Creamery 201	201 N Main Street			
Green Way Holdings, Inc	FA GAS	1285 Madison Avenue	X	X	X
Family Dollar Stores of Wisconsin LLC	Family Dollar Store #26250	1517 Madison Avenue #A			
Wiereal, LLC	Fat Boyz Bar & Grill	219 S. Main Street		X	
Skogen's Foodliner, Inc	Festival Foods	328 Washington Street	X	X	
Handyspot 105 LLC	Handyspot 105 LLC	303 S Main Street	X	X	X

Hemp 1848, Inc	Hemp 1848	1220 Janesville Avenue #300			
J&R Petro, LLC	K P Mart	415 Janesville Avenue	X	X	X
Kwik Trip, Inc	Kwik Trip #1506	1680 Janesville Avenue	X	X	X
Kwik Trip, Inc	Kwik Trip #439	1565 Madison Avenue	X	X	X
Ultra Mart Foods, LLC	Pick 'N Save #6396	1505 Madison Avenue	X	X	
Rock River Wellness LLC	Rock River Wellness	41 Sherman Avenue W		X	
Ruhani Gas & Food Inc	Shell Food & Liquor	1012 Whitewater Avenue	X	X	X
Kwik Trip, Inc	Stop-N-Go #1502	313 Madison Avenue	X	X	X
Sunnys Quick Mart LLC	Sunny's Quick Mart	1220 Janesville Avenue #100	X	X	X
Tobacco Land, Inc	Tobacco Land	211 Washington Street	X	X	X
Walgreen Co.	Walgreen's #01976	300 N. Main Street	X	X	
BLADCO, LLC	X-Treme Smoke & Vapor	1642 Madison Avenue	X	X	X

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FINANCIAL ANALYSIS

Cigarette, Tobacco and Electronic Vaping Device Retail License fee for the licensing period of July 1, 2024 to June 30, 2025 is \$100.00, a total potential revenue of \$1,900.00 should Family Dollar and Hemp 1848 submit applications. Publication of the applications is not required.

RECOMMENDATION

Staff recommends that the License Committee recommend the City Council approve the Cigarette and Tobacco Products Retail License Applications for the licensing period of July 1, 2024 to June 30, 2025 contingent upon all monies owed to the City are paid prior to license issuance by the City Clerk.

ATTACHMENTS

None