



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, AUGUST 20, 2024 – 5:30 PM
CITY HALL – SECOND FLOOR**

<https://us02web.zoom.us/j/86917031517?pwd=Em4t0Lq1X07hyAHllczFubvWJvXwLW.1>

Meeting ID: 869 1703 1517

Passcode: 998760

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 a **Class "A" Fermented Malt Beverage License** for Sarahndipity Salon, located at 121 N. Main Street, for the licensing period of September 4, 2024 through June 30, 2025. (Ebbert, Clerk/Treasurer/Finance Director)
- 4. Adjournment**

Date Posted: August 16, 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: August 20, 2024

TO: Committee/Commission/Board

FROM: Michelle Ebbert, Clerk/Treasurer/Finance Director

RE: Review and possible recommendation to the City Council relating to a Class "A" Fermented Malt Beverage License for Sarahndipity Salon, located at 121 N. Main Street, for the licensing period of September 4, 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. "Class C" pertains strictly to wine with consumption on-site in a restaurant. 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.

Table 2: Existing Quotas

<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	5	1
“Class B” Intoxicating Liquor			

DISCUSSION

Sarahndipity Salon, 121 N. Main Street has held a "Class A" Intoxicating Liquor license since February 2023. She has applied for a Class "A" Fermented Malt Beverage license to add to her selection of products for sale following requests by customers. Class A licenses do allow for limited samples between the hours of 11 am to 7 pm. All appropriate documentation was provided.

The existing quota provided in Code of Ordinances Sec 6-62. License Quotas - for Class "A" Fermented Malt Beverages was last amended by the City Council in 2004 allowing the number of licenses *shall be limited to one license for each 750 or fraction thereof of the population of the city.*

FINANCIAL ANALYSIS

The publication fee of \$100.00 was paid at time of application. The Class A license fee will be prorated from the date of issuance to expiration date of June 30, 2024.

RECOMMENDATION

Staff recommends that the City Council approve the Class "A" Fermented Malt Beverage license application for Sarahndipity Salon, 101 N. Main Street for the licensing period of September 4, 2024 through June 30, 2025.

ATTACHMENTS

1. Sarahndipity Class A Beer applications
2. Sarahndipity Class A Beer
3. 3106Sampling

Form
AB-200

Alcohol Beverage License Application

For Municipal Use Only
Municipality
License Period

License(s) Requested: (up to two boxes may be checked)

- Class "A" Beer \$ 100- Class "B" Beer \$ _____
 "Class A" Liquor \$ _____ "Class B" Liquor \$ _____
 "Class A" Liquor (cider only) \$ _____ Reserve "Class B" Liquor \$ _____
 "Class C" Liquor (wine only) \$ _____

Fees	
License Fees	\$ <u>100-</u>
Background Check Fee	\$ <u>-</u>
Publication Fee	\$ <u>100-</u>
Total Fees	\$ <u>200-</u>

Part A: Premises/Business Information

1. Legal Business Name (individual name if sole proprietorship) <u>Sarahndipity Salon + Boutique LLC</u>			
2. Business Trade Name or DBA <u>Sarahndipity Salon + Boutique</u>			
3. FEIN <u>83-3378752</u>		4. Wisconsin Seller's Permit Number <u>456-1020935036-04</u>	
5. 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			
6. State of Organization <u>WI</u>		7. Date of Organization <u>10/24/2018</u>	8. Wisconsin DFI Registration Number <u>5120535</u>
9. Premises Address <u>121 N. Main St.</u>			
10. City <u>Fort Atkinson</u>		11. State <u>WI</u>	12. Zip Code <u>53538</u>
13. County <u>Jefferson</u>		14. Governing Municipality: <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: <u>Fort Atkinson</u>	15. Aldermanic District
16. Premises Phone <u>920-691-6799</u>		17. Premises Email <u>Sarahndipitysalonllc@gmail.com</u>	18. Website
19. Premises Description - Describe the building or buildings where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. <u>The space is approximately 2,000 square feet with the alcohol on display towards the front of the building. Storage areas consist of "office" type areas along with a large storage area at the back of the building.</u>			
20. Mailing Address (if different from premises address)			
21. City		22. State	23. Zip Code

Part B: Questions

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. Yes No

If yes, list the details of violation below. Attach additional sheets if necessary.

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

2. Are charges for any offenses pending against the business? Exclude traffic offenses unless related to alcohol beverages. Yes No
 If yes, describe the nature and status of pending charges using the space below. Attach additional sheets as needed.

3. Is the applicant business or any of its officers, directors, members, agent, employees, owners, or other related individuals or entities a restricted investor with any interest in an alcohol beverage producer or distributor? Yes No
 If yes, provide the name of the restricted investor and describe the nature of the interest.

4. Is the applicant business owned by another business entity? Yes No
 If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional sheets as needed.

4a. Name of Business Entity	4b. Business Entity FEIN
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5. Have the partners, agent, or sole proprietor satisfied the responsible beverage server training requirement for this license period? Submit proof of completion. Yes No

6. Is the applicant business indebted to any wholesaler beyond 15 days for beer or 30 days for liquor/wine? Yes No

7. Does the applicant business owe past due municipal property taxes, assessments, or other fees? Yes No

Part C: Individual Information

List the name, title, and phone number for each person or entity holding the following positions in the applicant business or businesses listed in Part B, Question 4: sole proprietor, all officers, directors, and agent of a corporation or nonprofit organization, all partners of a partnership, and all members, managers, and agent of a limited liability company. Attach additional sheets if necessary.

Include Form AB-100 for each person listed below. Corporations and LLCs must appoint an agent by including Form AB-101.

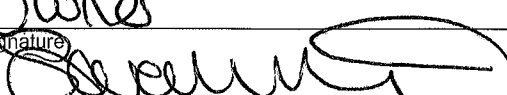
Last Name	First Name	Title	Phone
McKinney	Sarah	Owner	920-691-6393

Part D: Attestation

One of the following must sign and attest to this application:

- sole proprietor
- one general partner of a partnership
- one corporate officer
- one 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.

Last Name McKinney	First Name Sarah	M.I. A
Title Owner	Email Sarahndipitysalonllc@gmail.com	Phone 920-691-6393
Signature 		Date August 5 2024

Part E: For Clerk Use Only

Date Application Was Filed With Clerk	License Number	Date License Granted	Date License Issued
Signature of Clerk/Deputy Clerk		Date Provisional License Issued (if applicable)	

All individuals involved in the alcohol beverage business must complete this form, including:

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

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

Part A: Business Information			
1. Legal Business Name (individual name if sole proprietor) Sarahndipity Salon LLC			
2. Business Trade Name or DBA Sarahndipity Salon + Boutique			
3. 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

Part B: Individual Information			
1. Last Name McKinney	2. First Name Sarah	3. M.I. A	
4. Relationship to Business (Title) Owner	5. Email Sarahndipitysalonllc@gmail.com	6. Phone 920-691-6393	
7. Home Address W6143 N. Thornapple Ct.			
8. City Fort Atkinson	9. State WI	10. Zip Code 53538	11. Date of Birth 4/20/1983
12. Drivers License/State ID Number M250-7818-3640-06		13. Drivers License/State ID State of Issuance WI	

Part C: Address History			
1. Do you currently reside in Wisconsin? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes to 1 above, how long have you continuously lived in Wisconsin prior to the date of application?			Years 6 Months
2. List in chronological order all of your addresses within the last 5 years. Attach additional sheets if necessary.			
Previous Address 1 W7772 Hwy 12	City Fort Atkinson	State WI	Zip Code 53538
Previous Address 2	City	State	Zip Code
Previous Address 3	City	State	Zip Code
Previous Address 4	City	State	Zip Code
Previous Address 5	City	State	Zip Code
3. List all states and counties you have lived in as an adult. Attach additional sheets if necessary.			
State WI	County Jefferson	State NC	County Union
State	County	State	County
State	County	State	County

Continued →

Part D: Criminal History

1. Have you ever been convicted of any offenses (excluding traffic offenses unless related 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	Location	Conviction Date
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Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Law/Ordinance Violated	Location	Conviction Date
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Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Law/Ordinance Violated	Location	Conviction Date
------------------------	----------	-----------------

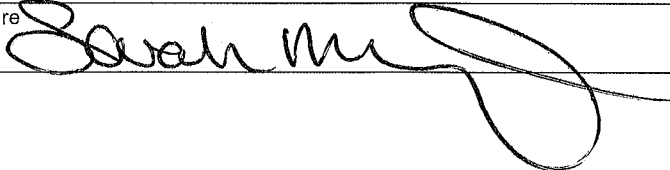
Penalty Imposed	Was sentence completed? <input type="checkbox"/> Yes <input type="checkbox"/> No
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2. Are charges for any offenses currently pending against you (excluding traffic offenses unless related to alcohol beverages) for violation of any federal, 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 E: Attestation

READ CAREFULLY BEFORE SIGNING: Under penalty of law, I have answered each of the above questions completely and truthfully. I certify that I am not prohibited from participating in this business due to any involvement in another tier of the alcohol beverage industry as a restricted investor. 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 <u>August 5, 2024</u>
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Dear Members of the City Council,

I am writing to express my interest in obtaining a Class A Beer License for my business, Sarahndipity Salon & Boutique, located in downtown Fort Atkinson. For over five years, our salon and boutique have been a vibrant part of the community, offering a range of beauty services, boutique and consignment clothing, accessories, and a platform for local entrepreneurs to showcase their custom jewelry, candles, and specialty items.

Since February 2023, we have successfully held a Class A Intoxicating Liquor License, which allows us to sell various wines and liquors. This addition has been well-received by our clientele, enhancing their shopping experience as they enjoy a diverse selection of beverages while exploring our offerings. We have also held special events throughout the year featuring local artists and their customizable jewelry, hats, and belt bags. During these events, we offer two samples of wine or flavored liquor per day as permitted by law, which has led to increased sales and positive feedback from our customers.

One recurring request from our patrons is for beer or similar beverages as an alternative to wine and liquor. Many customers have expressed a desire for such options, especially during our special events. By obtaining a Class A Beer License, we would be able to diversify our beverage offerings and cater to these preferences more effectively. This expansion would not only enhance the customer experience but also help us maintain a competitive edge and grow our customer base.

Our alcohol sales are conducted during regular business hours, which are from 9 am to 7 pm. We strictly adhere to the regulations regarding sampling, ensuring that samples are offered only during special events and served by a licensed bartender to age-eligible recipients. Adding a beer license would allow us to provide a broader range of products while continuing to comply with all applicable laws and regulations.

We are excited about the prospect of expanding our offerings and contributing further to the vibrancy of downtown Fort Atkinson. The addition of a beer license aligns with our commitment to enhancing the shopping experience for our customers and supporting local businesses and artisans.

Thank you for considering our request. I am confident that the Class A Beer License will greatly benefit our business and the community. I look forward to the opportunity to discuss this further and am happy to provide any additional information as needed.

Sincerely,

Sarah McKinney
Owner
Sarahndipity Salon & Boutique

Alcohol Beverage Sampling
Alcohol Beverage Laws
Fact Sheet 3106

revenue.wi.gov

This fact sheet provides information about offering taste samples of alcohol beverages to the general public at licensed or permitted premises.

Sampling at Class A Licensed Premises (Liquor, Grocery, or Convenience Stores)

Class A retail licensees (retail sales for off premises consumption) are authorized to offer taste samples of alcohol beverages as follows:

"Class A" (Intoxicating Liquor) Licensees

- Samples must be provided free of charge
- Two samples of wine per person per day not to exceed three fluid ounces per sample
- One sample of distilled spirits per person per day not to exceed one half ounce
- Samples may only be provided between the hours of 11 a.m. and 7 p.m.
- Samples may not be provided to underage persons
- Samples must be purchased from a permitted wholesaler (includes a small winery cooperative wholesaler)
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or an agent of a retail corporation or LLC licensee

Class "A" (Fermented Malt Beverage) Licensees

- Samples must be provided free of charge
- Two samples of fermented malt beverages per person per day not to exceed three fluid ounces per sample
- Samples may only be provided between the hours of 11 a.m. and 7 p.m.
- Samples may not be provided to underage persons
- Samples must be purchased from a permitted wholesaler, or purchased from a brewer/brewpub authorized to make sales directly to retailers
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or an agent of a retail corporation or LLC licensee

Note: A Class "A" licensee may allow a brewer to provide samples on the licensed premises under the restrictions above, if the brewer purchased the fermented malt beverages from the licensee at its premises.

Caution: A municipality may further restrict or prohibit taste samples by Class A retail licenses. Check with your local municipality as to whether or not this activity is allowed.

Sampling at Class B Licensed Premises (Restaurants, Taverns, Hotels, Resorts)

Class B retail licensees (retail sales for on or off premises consumption) are authorized to offer taste samples of alcohol beverages as follows:

"Class B" (Intoxicating Liquor) and Class "B" (Fermented Malt Beverage) Licensees

- Samples must be purchased from a permitted wholesaler (includes a small winery cooperative wholesaler) or purchased from a brewer/brewpub authorized to make sales directly to retailers
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee or an agent of a retail corporation or LLC licensee
- Samples may not be provided to underage persons
- Samples may not be provided after closing hours

Sampling at Wineries, Liquor Manufacturers, Rectifiers, and Breweries

Wineries

- If the winery only has a winery permit:
 - Samples of wine manufactured on the winery premises may be provided
 - Samples must be provided free of charge
 - Samples may not be provided to underage persons
- If the winery also has a "Class A" or "Class B" retail license on the winery premises, the requirements described above for serving samples on "Class A" or "Class B" premises apply

Liquor Manufacturers and Rectifiers

- Samples of liquor manufactured/rectified on the manufacturer/rectifier premises may be provided
- Samples must be provided free of charge
- Samples may not exceed one and one-half fluid ounces to any one person per day
- Samples may not be provided to underage persons
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or agent of a retail corporation or LLC licensee

Breweries

- Samples may be provided on the brewery premises or at on an off-site retail outlet established by the brewer
Note: Brewers may also provide samples at Class "A" retail licensed premises as described above.
- Samples must be provided free of charge
- Samples may not be provided to underage persons

Any Questions?

If you are unable to find an answer to your question about alcohol beverage sampling on the department's website, email, write, or call the department.

Visit our website: revenue.wi.gov
Email: DORAlcoholTobaccoEnforcement@wisconsin.gov
Write: Wisconsin Department of Revenue
Alcohol & Tobacco Enforcement
P.O. Box 8933
Madison, WI 53708-8933
Telephone: 608-266-6701
Fax: 608-261-6240

Last updated April 1, 2019