



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

June 20, 2018

CALL OF MEETING TO THE MEMBERS OF THE COUNCIL OF THE CITY OF NEW RICHMOND

Notice is hereby given there will be a Special Session of the Council of the City of New Richmond on Monday, June 25, 2018 at 4:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, New Richmond, WI 54017.

AGENDA:

1. Call to Order
2. Clerk's Roll Call
3. Pledge of Allegiance
4. Adoption of Agenda
5. Recycling Shed Disposal Fees
6. Freedom Park/VFW
7. Fundraising Policy
8. Review of Ordinance Chapter 6
9. Assessor Services Contract
10. Capital Improvement Plan 2018 – 2022
11. Budget 2019
12. Communications and Miscellaneous
13. Closed Session per State Statute 19.85(1)(e) – Sale of City-Owned Property
14. Open Session – Action on Closed Session Agenda
15. Adjournment

Fred Horne, Mayor

cc: The New Richmond News
Northwest Communications
City Website



TO: Mayor Fred Horne and City Council

FROM: Rae Ann Ailts, Finance Director

DATE: June 18, 2018

RE: Recycling Shed Disposal Fees

Background

Stephen's Sanitation provides disposal and staffing services for the City's recycling shed. Stephen's has informed the City that the cost for disposal per ton has increased and are requesting an increase in their contract to cover these costs.

Stephen's requests the fees for the recycling shed disposal be \$65 per ton plus \$125 per pull. Approximately 8-10 tons per month of recycling material are disposed of from the recycling shed.

The cost proposed by Stephen's would result in an increase of \$6,240 annually to dispose of recycling shed material and \$6,000 annually in pull costs for a total increase of \$12,240 annually.

Recommendation

Council is being requested to consider the request from Stephen's Sanitation.



TO: Mayor Fred and City Council Members

FROM: Mike Darrow, City Administrator

DATE: May 21, 2018

RE: VFW Project Update

Attached to this memo is a summary of several questions directed to the VFW related to their proposed facility to be located within Freedom Park. In addition to responses from the VFW, city staff have also provided questions, where appropriate.

In reviewing the overall VFW request, staff recommends the following process:

1. Approval of land- The Park Board has formally recommended donating approximately 5 acres of land to the City for the purpose of VFW.
 - a. The City Council should consider this question on May 30, 2018.
 - b. Utilizing land for the purposes of a not-for-profit would be consistent with other projects. NR Golf Course, Centre, Hockey Association, etc.
2. Consider Funding- Funding of the project, in the opinion of staff has several issues that should be considered prior to a financial commitment.
 - a. The proposed funding process as sought by the VFW would be considerably different than city projects of the past. Beyond a \$200,000 financial commitment, the VFW is also seeking staff support for the project as well as long-term operational and management support once the building is completed. In the case of the Centre and New Richmond Golf Course, which are both located on city land, operational costs, programming and management are the responsibilities of those agencies.
 - b. When considering financial support, the City should consider not just the initial \$200,000 funding, but the short and long-term in-kind (grant assistance, public works assistance, equipment, maintenance staff, etc.) needed to support this project. We anticipate that over the course of the next 10-years, as outlined by the VFW, there will be a considerable amount of city resources utilized. To that end, a financial agreement should be utilized and approved prior to formal action on the \$200,000.

When considering financial support, the City should consider the financial resources that may be required from the water and sewer utilities to service the facility depending upon the results of the feasibility study.

3. Timing-The VFW has outlined that they would like a 10-year commitment on the land. This would bring a potential construction schedule to 2028. Since the schedule is contingent on federal approval, staff offers the following schedule for consideration.
 - a. Land Donation Decision- Consideration of request from VFW related to donation of land. This recommendation made by the Park Board, would allow the VFW to begin fundraising for this project. Physical development or movement of land cannot begin until development agreement is authorized as well as necessary planning and construction documents.
 - b. Financial Support- Our recommendation will be to hold off on financial and in-kind support until the following:
 - i. Formal approval from the Federal Government on this project.
 - ii. The VFW meets outlined funding goals towards the project.
 1. If the project is \$2,500,000, the city's contribution would be approximately 8.0% of the total project cost. We would recommend that the VFW fundraise the first 75% of the project prior to the city's contribution being considered.
 2. At the time that 75% of the project is fundraised for, the City will outline the development agreement, funding strategy, short and long-term maintenance and overall development agreement with the VFW, Senior Center and other groups and associations.

Consideration

There is no formal recommendation proposed for this work session meeting. Staff is recommending the elected officials, members of the VFW as well as community members take 30-days to review these comments. Comments and questions related to this project can be submitted back to Mike Darrow. After the 30-day review period has ended, the City Council should consider the following during their meeting on July 9, 2018.

“Authorization to donate approximately 5 acres of land to the VFW for future use within the context of Freedom Park.” If approved by the City Council, we would offer the following findings of fact:

1. This authorization would be consistent with the Park Boards recommendation to the City Council.
2. Authorization of a donation of land would be consistent with other not-for-profits within the City of New Richmond.
3. Funding of the project would be the responsibility of the VFW prior to formal appropriation of city funds. Staff is recommending that prior to city funds and/or staff resources and city equipment, the VFW will need formal approval from the federal government as well as confirmation of 75% of funds for the project.

4. Once 75% of the project has been funded, the City Council will then need to consider a development agreement, agreements on short and long-term financing, etc.

DEPARTMENT OF WISCONSIN

VETERANS OF FOREIGN WARS OF THE UNITED STATES



Office of Mike Borg, Commander

P.O. Box 6128 • Monona, Wisconsin 53716-6128
4622 Dutch Mill Road, Madison, Wisconsin 53716
Phone: 608-221-5276 • Fax: 608-221-5277
E-mail: cdr@wi.vfwwebmail.com • Website: vfwofwi.com

Fred Horn, Mayor
City of New Richmond
215 North Third Street
New Richmond, WI 54017

December 21, 2015

David Greene
Commander, VFW Post 10818
1427 County Road K
New Richmond, WI 54017

The Department of Wisconsin Veterans of Foreign Wars grants permission for the New Richmond VFW Post 10818 to proceed with a proposal to enter into a lease agreement with the City of New Richmond for a 99 year lease agreement for a 3-5 acres of land in Freedom Park with the following three (3) provisions.

1. That any final agreement between VFW Post 10818 and the City of New Richmond be subject to review by the Department of Wisconsin Veterans of Foreign Wars before execution.
2. That it be made clear that, in accordance with National By-Laws, neither the Department of Wisconsin Veterans of Foreign Wars nor the Veterans of Foreign Wars National Organization will share in any financial responsibility with respect to the acquisition, construction, financing or operational expenses of this or any VFW Post 10818 project.
3. That all provisions of Veterans of Foreign Wars National By-Laws and Manual of Procedure are properly followed.

Signed:

Michael I. Borg

Michael Borg
State Commander
VFW Department of Wisconsin

Attesting:

Joseph Hines

Joseph Hines
State Adjutant
VFW Department of Wisconsin



DEPARTMENT OF WISCONSIN
P.O. Box 6128 | Monona, WI 53716-0128
4622 Dutch Mill Road | Madison, WI 53716
1.608.221.5276 | www.vfwwi.org

VETERANS OF FOREIGN WARS OF THE UNITED STATES

Commander Jasen Pomroy
1242 20th Ave
New Richmond, WI 54017

June 4, 2018

Dear Commander,

I grant permission to purchase the 5.1 acres in New Richmond, Wisconsin from the municipality. Take all necessary and appropriate actions to move forward on your project.

Best regards,

John Schultz
Commander
Department of Wisconsin



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne and City Council
FROM: Mike Darrow, City Administrator
DATE: June 18, 2018
SUBJECT: Fundraising Policy – Discussion Only

BACKGROUND

City staff will provide an overview of the proposed fundraising policy. The overall objectives of this policy are as follows:

- To ensure that prior approval is obtained for all fundraising activities over \$1,000
- To ensure that any municipal-directed fundraising will aid in the accomplishment of the City's mission
- To control duplicate fundraising efforts
- To control multiple solicitations of gifts from the same donor(s)
- To assist in the identification of city-wide policies
- To ensure that proper accounting for all funds and gifts meet accounting principles
- To ensure an effective fundraising plan
- To ensure compliance with the Internal Revenue Service, State Statutes, and/or City Ordinances

No formal action is being proposed for this discussion item.



156 East First Street
New Richmond, WI 54017
Ph 715-246-4268 Fax 715-246-7129
www.newrichmondwi.gov

MEMORANDUM

TO: Mayor Horne & City Council

FROM: Noah Wiedenfeld, Management Analyst
Tanya Batchelor, City Clerk

DATE: June 20, 2018

SUBJECT: Ordinance Chapter 6 Amendments

BACKGROUND

Noah and I have been reviewing Chapter 6 of the City Ordinances. The City Council approved an amendment to the Class A license quota at their meeting on November 14, 2016 and requested staff bring back a policy for issuing these licenses. As part of our review of Chapter 6, we have added criteria for issuing the Class A licenses. There are a few other revisions in this chapter to make the things more clear and correct grammatical errors. Nick Vivian, City Attorney, has reviewed the additions and corrections, as well as Alderman Ard and Jackson. All additions and corrections are shown in red on the attached document.

ACTION REQUESTED

We recommend this be the first reading of the ordinance. Action can be taken at the regular meeting in July.

Chapter 6 - ALCOHOL BEVERAGES

ARTICLE I. - IN GENERAL

Sec. 6-1. - State statutes adopted.

The provisions of Wis. Stats. ch. 125 are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Definitions in such chapter apply to this chapter.

Sec. 6-2. - Penalties.

- (a) Forfeitures for violations of Wis. Stats. §§ 125.07(1)—(5) and 125.09(2), adopted by reference in Section 6-1, shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable State statute, including any variations or increases for subsequent offenses.
- (b) Any person who shall violate any provision of this chapter of the City, except as otherwise provided in Subsection (a) of this section or who shall conduct any activity or make any sale for which a license is required without a license, shall be guilty of an offense.

Sec. 6-3. - Events for underage persons on licensed premises.

The presence of underage persons on a licensed premises as provided under Wis. Stats. § 125.07(3)(a)10 shall be subject to the following:

- (1) The licensee or agent of a corporate licensee shall notify the Police Department at least 48 hours in advance of the date of any event at which underage persons will be present on the licensed premises. Each such nonalcohol event notice shall specify the date on which the event is to occur and the time of commencement. All notices shall be filed with the Police Department during normal working hours (8:00 a.m. to 4:30 p.m., Monday through Friday) and shall be given on forms prescribed by the Department. After a nonalcohol event notice has been given, the licensee may cancel an event only by giving like notice to the Department in accordance with the provisions of this subsection. Regardless of the date given, all notices shall expire and be deemed cancelled no later than the date of expiration or revocation of the applicable retail Class "B" or "Class B" license.
- (2) During the period of any nonalcohol event a notice card prescribed by the Police Department shall be posted at all public entrances to the licensed premises notifying the general public that no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises during the event. Such notice cards shall be made available by the Department to a requesting licensee.
- (3) Once a nonalcohol event has commenced, no alcohol beverages may be consumed, sold or given away on or carried into the licensed premises until the next day following the closing

Secs. 6-4—6-25. - Reserved.

ARTICLE II. - ESTABLISHMENT LICENSES¹¹¹

Footnotes:

--- (1) ---

State Law reference— Alcohol beverage licenses, Wis. Stats. § 125.04 et seq.

Sec. 6-26. - License required.

No person, firm or corporation shall vend, sell, deal or traffic in or have in his possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any

intoxicating liquor or fermented malt beverage in any quantity whatsoever, or cause the same to be done, without having procured a license as provided in this article nor without complying with all the provisions of this article, and all statutes and regulations applicable thereto, except as provided by Wis. Stats. ch. 125.

Sec. 6-27. - License classes.

- (a) *Generally.* The City shall issue all classes of licenses that Wis. Stats. ch. 125 authorizes the City to issue, subject to the restrictions in this article.
- (b) *Retail "Class B" intoxicating liquor license.* A retail "Class B" intoxicating liquor license, when issued by the **City Clerk** under authority of the Common Council, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four liters at any one time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises. Such a license when issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers only on the premises where sold and also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.
- (c) *Temporary Class "B" fermented malt beverage license; application.* Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the **City Clerk** together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall be guilty of an offense and will be ineligible to apply for a temporary Class "B" license for one year. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of 15 days prior to the meeting of the Common Council at which the application will be considered for events of more than three consecutive days. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.
- (d) *Temporary "Class B" wine license; application.* Application for such license shall be signed by the President or corresponding officer of the society or association making such application and shall be filed with the **City Clerk** together with the appropriate license fee for each day for which the license is sought. Any person fronting for any group other than the one applied for shall, upon conviction thereof, be guilty of an offense and will be ineligible to apply for a temporary "Class B" wine license for one year. The license shall specify the hours and dates of license validity. If the application is for a license to be used in a City park, the applicant shall specify the main point of sale facility.
- (e) *Reserve "Class B" license quota.*
 - (1) The number of "Class B" intoxicating liquor licenses authorized to be issued by the City on December 1, 1997, per Wis. Stats. § 125.51(4)(1995—1996) was 12.
 - (2) The number of Reserve "Class B" licenses authorized by Act 27, Wisconsin Legislature 1997, as of December 1, 1997, was zero licenses. The number of Reserve "Class B" licenses available October 1998 in the City was one. There is a one-time initial issuance fee in addition to the annual fees. Bona fide clubs or lodges situated and incorporated in the State for at least six years that apply for Reserve "Class B" licenses are exempt from the minimum initial issuance fee and need only pay the regular annual fee. Reserve "Class B" licenses differ from regular "Class B" licenses; they cannot be transferred to another place or premises within the City.
 - (3) The number of Reserve "Class B" licenses is to be adjusted based on the increase in population as determined by the Department of Administration. The base population as of December 1, 1997, was 5,874. The 1998 population set by the Department of Administration for October 1998 was 5,985. The increase of 111 in population allows one Reserve "Class B" license. (An increase in population of 500 or fraction thereof allows one Reserve "Class B" license.) However, after that increase, the next increase in the number of Reserve "Class B"

licenses will occur only after the City's population increases by 500 over the population estimate given in October 1998.

DATE	12-1-97	1998	+500	+500	+500	+500	+500	+500
DOA Population Estimate	5,874	5,985	6,485	6,985	7,485	7,985	8,485	8,985
Number of Reserve "Class B" Licenses Authorized to be Issued	0	1	1	1	1	1	1	1
Total Number of "Class B" Licenses Authorized to be Issued	12 Reg	12 Reg 1 Res	12 Reg 2 Res	12 Reg 3 Res	12 Reg 4 Res	12 Reg 5 Res	12 Reg 6 Res	12 Reg 7 Res

DATE	2017	+1,750	+1,750	+1,750	+1,750
DOA Population Estimate	8,909	10,659	12,409	14,159	15,909
Number of "Class A" or Class "A" Licenses Authorized to be Issued	5	1	1	1	1
Total Number of licenses to be issued	5	6	7	8	9

(f) *Class "A" (fermented malt beverage) and "Class A" (intoxicating liquor) license restrictions.* It is the intent of the Common Council and purpose of this provision to provide for a high level of supervision and security in the storage and retail sale of intoxicating beverages under a Class "A" fermented malt beverage license and/or a "Class A" intoxicating liquor license. The purposes include, but are not limited by enumeration, to restrict access of minors, prevent shoplifting, and provide for only licensed clerks or those directly under the supervision of the licensee, to supervise checkout areas so that proper identification and age of purchaser is made by sales clerks.

- (1) In addition to other applicable requirements, no "Class A" retail intoxicating liquor license nor any Class "A" retail fermented malt beverage license shall be issued when the licensee operates other retail businesses open to the public (such as grocery stores or convenience stores) unless the following requirements are met:
 - a. Retail sales are contained in a separate secure portion of the facility which has a separate public access door to the outside of the building.
 - b. Separate checkout facilities are used in the area specified in Subsection (1) above.
 - c. Only properly licensed salespeople are operating sales and checkouts.
 - d. The licensed premises shall be restricted to the area of storage and the area where the intoxicating liquor is displayed for sale.
 - e. Storage of intoxicating liquor/fermented malt beverages shall be in a separate, secured portion of the business and shall not be accessible to the public. Such storage must be in a locked, secured area and be accessible only by the licensee or under the licensee's supervision. Access by underage individuals to this secured storage area is prohibited.

- f. Advertising of alcoholic beverages shall only be allowed in the nonsecured portion of the business, under the following conditions:
 - 1. Weekly newspaper ad with liquor/beer/wine ad included can be posted in-store in one location at the front of the business and/or these can be available to customers.
 - 2. In-store hand bill with liquor/beer/wine ad may be available for customer pickup at courtesy counter area only.
- g. The "Class A" license holder must file, with the City of New Richmond, a formally documented procedure that includes a discipline procedure for employees that unlawfully sell intoxicating liquors or fermented malt beverages to underage persons. This policy shall be part of the application and taken into consideration by the Council in determining whether or not to grant a "Class A" intoxicating liquor license or Class "A" fermented malt beverage license.
- h. During all hours that the premises are open for sale, there shall be a duly licensed operator on the licensed premises.
- i. Entrances. There shall be no entrances or access between the licensed premises and any other retail businesses open to the public. The entrance described in Subsection (1) above shall be the only public access to the licensed premises.
- j. Video system required. Businesses that have been issued either a Class "A" fermented malt beverage or "Class A" intoxicating liquor license shall be required to install, operate and maintain a digital recording system, capable of digitally recording the sales area involved in the sale of fermented malt beverage and intoxicating liquor. The recording system must cover the area of the checkout, to include the facial area of the individual purchasing the beverage.

State Law reference— License classifications, Wis. Stats. §§ 125.25, 125.26, 125.51.

Sec. 6-28. - License fees.

The fees to be paid to the City for alcohol liquor licenses shall be as established by fee schedule resolution.

State Law reference— Alcohol liquor license fees, Wis. Stats. §§ 125.25(4), 125.26(4), 125.51(2)(d), 125.51(2)(3m)(e).

Sec. 6-29. - Application for license.

- (a) *Contents.* Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made on the form prescribed by the Wisconsin Department of Revenue and sworn to by the applicant as provided by Wis. Stats. § 887.01 to 887.04, and shall be filed with **the City Clerk** not less than 15 days prior to the granting of such license. The premises shall be physically described to include every room and storage space to be covered by the license, including all rooms not separated by a solid wall or joined by connecting entrances.
- (b) *Corporations and Limited Liability companies.* Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary of a corporation **or limited liability company. All corporations or limited liability companies must appoint an agent. The agent must be approved by the municipality. In addition to meeting the age, arrest or conviction record and residency requirements, "the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority."** Sec. 125.04(6)(a)1.
- (c) *Publication.* The **City Clerk** shall publish each application for a Class "A", Class "B", "Class B", or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses

under Wis. Stats. § 126.26, or temporary "Class B" picnic wine license under Wis. Stats. § 125.51(10). The application shall be published once in the official City newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Wis. Stats. § 985.08.

- (d) *Amending application.* Whenever anything occurs to change any fact set out in the application of any license, such license shall file with the issuing authority a notice in writing of such change within ten days after the occurrence thereof.
- (e) *License quotas.* Retail intoxicating liquor and fermented malt beverage licenses issued by the Common Council shall be limited in number to the quota prescribed by state law. Class "A" and "Class A" licenses issued by the Common Council shall be limited in number to a quota set by the Common Council. **The City may issue one "Class A" and one Class "A" license for every 1,750 citizens in population. The population estimate issued by the Wisconsin Department of Administration in August of each year shall be used to determine when a license is available. Whenever a "Class A" or Class "A" license becomes available, the City Clerk shall publish a notice in the official newspaper that the alcohol beverage license is available, identifying the type of license and stating that additional information is available from the City Clerk's office. The Common Council shall not consider any applications for said liquor license until 15 days have elapsed from the date of the public notice and all applicants applying within that fifteen-day period have met the waiting period required under state law. All provisions of state law and the New Richmond City Code shall apply to the consideration of any liquor license applications.**

Sec. 6-30. - Investigation.

The **City Clerk** shall notify the Chief of Police, Health Officer, Fire Inspector and Building Inspector of each new application, and these officials shall inspect or cause to be inspected each application and the premises, 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 furnish to the **City Clerk** in writing, who shall forward to the Common Council, the information derived from such investigation, accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as originally required.

Sec. 6-31. - License issuance criteria.

- (a) No license shall be granted for operation on any premises or with any equipment for which assessments, forfeitures or other financial claims of the City are delinquent and unpaid.
- (b) No license shall be issued unless the premises conforms to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and local Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all ordinances of the City.
- (c) Consideration for the granting or denial of a license will be based on the arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335.
- (d) **The Common Council may, but is not required to, issue fermented malt beverage, wine, and intoxicating liquor licenses as such licenses become available. In addition to the other criteria and conditions identified in City Code, the Common Council establishes the following criteria to be used in evaluating applications for said licenses, and any requests for transfer of any such licenses to a different location:**
 - 1) **The number of employees and creation of new jobs proposed by the applicant.**

- 2) The expansion of the tax base resulting from any new construction that may be associated with the application.
- 3) The adequacy of parking and ability of City departments to provide services to any new establishment, including emergency services vehicles.
- 4) Any adverse impact that the proposed premises may have upon adjoining neighborhoods or other businesses.
- 5) The number of alcohol beverage licensed establishments already operating in the area where the applicant seeks to establish a new alcohol beverage licensed business.
- 6) The proximity of the proposed alcohol beverage licensed business to other alcohol beverage licensed establishments in the area.
- 7) The potential future need for alcohol beverage licenses to be available in other areas of the City.
- 8) Any other relevant criteria or matters that may be appropriate under the individual circumstances of each application.

Sec. 6-32. - Granting of license.

- (a) Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Common Council, the **City Clerk** shall issue to the applicant a license, upon payment by the applicant of the license fee to the City, except as provided in Subsection (c) below. The full license fee shall be charged for the whole or fraction of any year.
- (b) If the Common Council denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Common Council and to provide evidence as to why the denial should be reversed. In addition, the notice shall inform the applicant that the reconsideration of the application shall be held in closed session, pursuant to Wis. Stats. § 19.85(1)(b), unless the applicant requests such reconsideration be held in open session and the Common Council consents to the request. Such written notice shall be mailed or served upon the applicant at least ten days prior to the Common Council meeting at which the application is to be reconsidered.

Sec. 6-33. - License transfer.

Whenever a license is transferred, the **City Clerk** shall forthwith notify the Wisconsin Department of Revenue of such transfer.

State Law reference— License transfer, Wis. Stats. § 125.04(12).

Sec. 6-34. - Defacing licenses.

It shall be unlawful for any person to deface or destroy such license issued hereunder.

State Law reference— Posting licenses, Wis. Stats. § 125.04(10).

Sec. 6-35. - Conditions of license.

All retail Class "A", Class "B", "Class A" and "Class B" licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto.

- (1) *Consent to entry.* Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had 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 offenses.
- (2) *Disorderly conduct.* Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- (3) *Location restrictions.* No retail Class "A", Class "B", license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. A temporary Class "B" license may be issued to a premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within 300 feet thereof by any school building, hospital building or church building. This subsection does not apply to any restaurant located within 300 feet of a church or school; this sentence applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.
- (4) *Clubs.* No club shall sell or give away any alcohol beverages except to bona fide members and guests invited by members.
- (5) *Gambling.* Except as authorized by State law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this article or the laws of the State.
- (6) *Credit sales.* No retail Class "A", Class "B", "Class A", "Class B", or "Class C" liquor, wine, or fermented malt beverage licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for such licensee or permittee to sell alcohol beverages to any person on a passbook or store order or to receive from any person any goods, wares, merchandise or other articles in exchange for alcohol beverages.
- (7) *Responsibility for actions of employee.* A violation of this article by a duly authorized agent or employee of a licensee or permittee under this article shall constitute a violation by the licensee. Whenever any licensee under this article shall violate any portion of this article, proceedings for the suspension or revocation of the license of the holder thereof may be instituted in the manner prescribed in this article.

Sec. 6-36. - Temporary fermented malt beverage or wine licenses.

A Temporary Class "B" Fermented Malt Beverage License or Temporary "Class B" Wine License authorizing the sale and consumption of beer and/or wine on City-owned property or privately-owned property may be authorized by the Common Council provided the following requirements are met:

- (1) *Eligibility standards.* The organization shall comply with the requirements of this section and Section 50-88. Members of an organization which are issued a temporary license and who are issued an operator's license for the event shall attend a pre-event informational meeting to learn what rules and regulations apply and what the responsibilities of the bartenders and organization will be.

- (2) *Postings.* All organizations issued a temporary license shall post in a conspicuous location at the main point of sale and at all remote points of sale a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person without proper identification.
- (3) *Fences.* If necessary due to the physical characteristics of the site, the Common Council may require that organizations install a double fence around the main point of sale to control ingress and egress and continually station a licensed operator, security guard or other competent person at the entrance for the purpose of checking age identification. Where possible, there shall be only one point of ingress and egress. When required, the double fence shall be a minimum of four feet high and a minimum of six feet between fences.
- (4) *Underage persons.* No underage persons as defined by the State statutes shall be allowed to assist in the sale of fermented malt beverages or wine at any point of sale, nor shall they be allowed to loiter or linger in the area of any point of sale.
- (5) *Licensed operators.* A licensed operator shall be stationed at all points of sales at all times.
- (6) *Waiver.* The Common Council may waive or modify the requirements of this section due to the physical characteristics of the licensed site.
- (7) *Indemnification and insurance.* The applicant for a temporary fermented malt beverage or wine license may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the license, the applicant may be required to furnish a Certificate of Comprehensive General Liability insurance with the City as a named insured in an amount deemed sufficient by the Common Council to so indemnify the City.

Sec. 6-37. - Revocation and suspension of licenses; abandonment.

- (a) *Procedure.* Whenever the holder of any license under this article violates any portion of this article or Section 50-88, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this section.
- (b) *Abandonment of premises.* Any licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference he may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six months shall be prima facie evidence of the abandonment, unless extended by the Common Council. All persons issued a license to sell alcohol beverages in the City for which a quota exists limiting the number of such licenses that may be issued by the City shall cause such business described in such license to be operated on the premises described in such license for at least 150 days during the terms of such license, unless such license is issued for a term of less than 180 days, in which event this subsection shall not apply.
- (c) *License revocation and suspension.* License revocation or suspension procedures shall be as prescribed by Wis. Stats. ch. 125.

Sec. 6-38. - Construction of premises.

In the event that a license is approved and the premises has not yet been constructed, such license shall not be issued unless the applicant commences construction of the premises within six months and completes construction and obtains an occupancy permit within 12 months of the approval of the license. If the applicant fails to commence or complete construction as provided above, the license shall not be issued to the applicant.

Sec. 6-39. - Closing hours.

- (a) *Class "B" licenses.* No premises for which a "Class B" liquor, Class "B" fermented malt beverage, or "Class C" wine license has been issued shall be permitted to remain open for business for the sale of

liquor or fermented malt beverages or for any other purpose between the hours of 2:00 a.m. and 6:00 a.m., Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1.

- (b) *[Hotels and restaurants.]* Hotels and restaurants, the principal business of which is the furnishing of food or lodging to patrons, bowling alleys, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours of Subsection (a) above.
- (c) *Carry out hours.* Between 9:00 p.m. and 9:00 a.m., no person may sell, remove, carry out, or permit to be removed or carried out from any premises having a "Class A" or Class "A" license, fermented malt beverages or intoxicating liquor in original unopened packages, containers or bottles or for consumption away from the premises.

Secs. 6-40—6-62. - Reserved.

ARTICLE III. - OPERATOR'S LICENSE^[2]

Footnotes:

--- (2) ---

State Law reference— Operators licenses, Wis. Stats. § 125.32(2).

Sec. 6-63. - Issuance procedure.

All applications for operator's licenses are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant and/or premises to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant including, but not limited to, requesting information from the State, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend, in writing, to the Common Council approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

Sec. 6-64. - Term.

Standard operator's licenses issued under the provisions of this article shall be valid for a period of two years.

Sec. 6-65. - Fee; provisional or temporary licenses.

- (a) *Fee.* The fee for a standard operator's license or for a provisional operator's license shall be as established by resolution.
- (b) *Provisional operator's license.* The **City Clerk** may issue provisional operator's licenses in accordance with Wis. Stats. § 5.17(5). A provisional license may not be issued to any person who has been denied an operator's license by the Common Council. Following completion of the bartender awareness course and notification from the school, the license application will be presented to the Council, with the fee for the operator's license. If approved by the Council, the operator's license is issued for a two-year period.
- (c) *Temporary licenses.* The **City Clerk** may issue a temporary operator's licenses.

State Law reference— Operator license fees, Wis. Stats. §§ 125.17(3), 125.17(5)(c).

Sec. 6-66. - Operator's license issuance or denial.

- (a) After the Common Council approves the granting of an operator's license, the **City Clerk** shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (b) If the application is denied by the Common Council, the **City Clerk** shall, in writing, inform the applicant of the denial, the reasons therefore, and of the opportunity to request a reconsideration of the application by the Common Council in a closed session. Such notice must be sent by registered mail to, or served upon, the applicant at least ten days prior to the Council's reconsideration of the matter. At such reconsideration hearing, the applicant may present evidence and testimony as to why the license should be granted. If, upon reconsideration, the Board again denies the application, the **City Clerk** shall notify the applicant in writing of the reasons therefore. An applicant who is denied any license upon reconsideration of the matter, may apply to Circuit Court pursuant to Wis. Stats. § 125.12(2)(d), for review.
- (c) Consideration for the granting or denial of a license will be based on the arrest and conviction record of the applicant, subject to the limitations imposed by Wis. Stats. §§ 111.321, 111.322, and 111.335.
- (d) If a licensee is convicted of an offense substantially related to the licensed activity, the Common Council may act to revoke or suspend the license.

Sec. 6-67. - License display.

Each license issued under the provisions of this article shall be posted on the premises whenever the operator dispenses beverages or be in his possession, or carry a license card.

Sec. 6-68. - Revocation.

Violation of any of the terms or provisions of the State law or of this article relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

Sec. 6-69. - Operator's license required.

Operator's licenses; Class "A", Class "B", "Class A", "Class B" or "Class C" Premises. Except as provided under Wis. Stats. §§ 125.32(3)(b) and 125.07(3)(a)10, no premises operated under a Class "A", Class "B", "Class A", "Class B" or "Class C" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages or intoxicating liquors to customers. An operator's license issued in respect to a vessel under Wis. Stats. § 125.27(2), is valid outside the municipality that issues it. For the purpose of this section, any person holding a manager's license under Wis. Stats. § 125.18, or any member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell fermented malt beverages or intoxicating liquor under a Class "B", "Class B" or "Class C" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service. No person, including a member of the licensee's immediate family or permittee's immediate family, other than the licensee, permittee or agent may serve or sell fermented malt beverages or intoxicating liquor in any place operated under a Class "A" or "Class A" license unless he or she is at least 21 years of age and has an operator's license, or is at least 21 years of age and is under the immediate supervision of the licensee or agent or a person over 21 years of age holding an operator's license, who is on the premises at the time of the service.



TO: Mayor Fred Horne and City Council

FROM: Rae Ann Ailts, Finance Director
Mike Darrow, City Administrator

DATE: June 18, 2018

RE: Assessor Services

Background

The City’s current contract for Assessor Services, with Owen Assessing LLC, commenced on January 1, 2016 and expires on December 31, 2018. It has been the City’s practice to place Assessor services out for bid every three years. The municipal Assessor is responsible to discover, list and establish equitable and fair value of all real and personal non-manufacturing property in accordance with Wisconsin State Statutes.

In accordance with prior practice, staff recommends a request for proposal (RFP) be drafted for assessing services for calendar years 2019, 2020 and 2021. Staff further recommends an option for full revaluation of general property be included in the RFP. The City’s last revaluation was conducted in 2009. Under state law (sec 70.05(5)(b), Wis. Stats.), each municipality must assess all major classes of property within 10% of full value in the same year, at least once within a five-year period. If a municipality is noncompliant after four consecutive years, the Department of Revenue (DOR) must notify the municipality of its noncompliance status. DOR issues the municipality a second non-compliance notice after five consecutive years of non-compliance, and issues an order for supervised assessment after six consecutive years of non-compliance. The City is currently compliant with State Statute as full value has been within 10% two of the last five years (see table below). However, the City anticipates a full revaluation will need to be conducted no later than 2020.

Assessed Ratio (%) by Major Class

Property Class	2017	2016	2015	2014	2013
Residential	85.14	89.24	95.50	102.69	111.05
Commercial	93.22	94.90	101.37	97.04	93.54
Agricultural	100.17	100.16	116.47	118.32	116.58
Sum	106.18	106.05	112.04	122.79	110.25
Personal	92.00	100.00	100.00	103.00	110.00
Ratio % Total	87.37	91.10	97.12	101.25	105.89
Major Class Compliance Status	NO	NO	YES	YES	NO

Recommendation

Staff is not seeking formal action at this meeting, but consensus on drafting a request for proposal for assessing services with option for full revaluation. A draft RFP would be brought before the Council during the July regular meeting.



TO: Mayor Fred Horne and City Council

FROM: Rae Ann Ailts, Finance Director
Mike Darrow, City Administrator

DATE: June 18, 2018

RE: Capital Improvement Plan 2018-2022

Background

During the May work session, staff presented Council with an overview of the critical projects and possible sources of funding. The South Route Fox Run/Whispering Prairie Trail was moved to a “very important” ranking while the boat landing at Mary Park was identified as a “critical” ranking. The Capital Improvement Plan has been updated to reflect these classifications.

Next Steps

On Monday evening, staff will provide an overview of “very important” projects as well as possible sources of funding for these projects. We will also begin to look at projects identified as “important”. Council will be asked for consensus on the definition of “important”, which is defined as when a **“Project would be nice, but does not directly impact the safety or health of the community”**.

In the following months, we will continue to move through the remaining projects, categorizing by priority and defining sources of funding. Following is the proposed timeline for completion of the CIP project.

Timeline

- June- Identification of very important projects and definition of “important” projects
- July- Sources and uses of funds for critical and very important projects
- Aug- Public process for two-year critical and very important projects, budget limits for those projects

Engaging the community and obtaining feedback is essential in this process. During the summer, we will be asking the community to provide feedback related the projects and sources of funding. The community feedback will be presented to Council prior to adoption of the 2018-2022 CIP.



TO: Mayor Fred Horne and City Council

FROM: Rae Ann Ailts, Finance Director
Mike Darrow, City Administrator

DATE: June 18, 2018

RE: 2019 Budget Process

Background

On an annual basis, the City develops, adopts and implements the City's financial plan, more commonly referred to as the budget. The City strives to achieve a collaborative and inclusive budgeting process where City resources align community objectives, department goals and the overall mission of the City.

The budgeting process kicked off earlier this month with a series of questions sent to department heads. Questions posed to department heads asked staff to review operations and identify future needs within their respective departments as well as all City operations. In the coming weeks, department heads will meet to review the budget process, timeline and begin general discussions regarding opportunities.

Staff will provide an update and overview to the Council regarding the budget process and timeline during Monday's work session. Last year the budget process embarked on a significant community engagement initiative, which we intend to build upon for the 2019 budget, an update will be provided to council related to the community engagement plan as well.

Recommendation

No action is being requested of the Council at this time.