



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final-revised Safety and Licensing Committee

Wednesday, September 23, 2020

5:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

2. Roll call of membership

3. Approval of minutes from previous meeting

[20-1252](#) Approval of minutes from previous meeting.

Attachments: [S&L Minutes 9-16-20 SPECIAL.pdf](#)

4. **Public Hearings/Apearances**

5. **Action Items**

[20-1184](#) Resolution #15-R-20 Marijuana & Drug Paraphernalia Citations

Attachments: [#15-R-20 Marijuana & Drug Paraphernalia Citations.pdf](#)
[THC and Paraphernalia Resolution.pdf](#)

Legislative History

9/9/20	Safety and Licensing Committee	referred
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[20-1255](#) Class "B" Beer and Class "C" Wine License application for Poppy Avenue Boutique & Clean Beauty Bar, Audra Balof, Agent, located at 161 S Riverheath Way Suite 2600 & Suite 2700.

Attachments: [Poppy Avenue Boutique & Clean Beauty Bar.pdf](#)
[Recommended Denial of Alcohol License- Poppy Avenue- Final.pdf](#)

[20-1250](#) Class "B" Beer and "Class B" Liquor License Permanent Premise Amendment application for Skogen's Foodliner Inc, d/b/a Festival Foods, Paul Klinkhammer, Agent, located at 1200 W Northland Ave, contingent upon approval from all departments.

Attachments: [Festival Foods - permanent.pdf](#)

- [20-1256](#) Temporary Class "B" Wine License application for Appleton Downtown Inc, Ladies Wine Walk, Djuanna Hugdahl, Person In Charge, Downtown Appleton Retailers, October 10, 2020, contingent upon approval from all departments.

Attachments: [ADI -Ladies Wine Walk S&L 9-23-20.pdf](#)

6. Information Items

- [20-1251](#) Special Events:
Prolife March & Rally, Houdini Plaza, September 26, 2020
Xavier Homecoming Fun Run & Dog Walk, October 10, 2020

- [20-1253](#) Director's Reports
1. City Clerk
 - November Elections Updates
 2. Police Chief
 - Community Advisory Board
 - Crime Statistics Update
 3. Fire Chief

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
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Meeting Minutes - Final Safety and Licensing Committee

Wednesday, September 16, 2020

6:50 PM

Council Chambers, 6th Floor

SPECIAL

1. Call meeting to order

The meeting was called to order by Chair Siebers at 6:51 p.m.

Present: 4 - Siebers, Lobner, Reed and Schultz

Excused: 1 - Van Zeeland

2. Roll call of membership

Present: 4 - Siebers, Lobner, Reed and Schultz

Excused: 1 - Van Zeeland

3. Approval of minutes from previous meeting

[20-1196](#)

Approval of minutes from previous meeting.

Attachments: [S&L Minutes 9-9-20.pdf](#)

**Reed moved, seconded by Lobner, that the Minutes be approved. Roll Call.
Motion carried by the following vote:**

Aye: 4 - Siebers, Lobner, Reed and Schultz

Excused: 1 - Van Zeeland

5. Action Items

[20-1199](#)

Alcohol License Premise Amendment for Dairyland Brew Pub, 1216 E Wisconsin Ave, Dorri Schmidt as agent, for September 26th, 2020 10 a.m. - 10 p.m., contingent on approval from all departments.

Attachments: [Dairyland.pdf](#)

Schultz moved, seconded by Reed, that the Premise Amendment be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Siebers, Lobner, Reed and Schultz

Excused: 1 - Van Zeeland

7. Adjournment

Reed moved, seconded by Lobner, that the meeting be adjourned at 6:52 p.m.

Roll Call. Motion carried by the following vote:

Aye: 4 - Siebers, Lobner, Reed and Schultz

Excused: 1 - Van Zeeland

Resolution #15-R-20

Date: September 2, 2020

Submitted By: Alderperson Wolff, District 12 & Alderperson Prohaska, District 14

Referred To: Safety & Licensing Committee

Whereas, Marijuana has been legalized by states on each of our borders. And out of state individuals may visit the area.

Whereas, from time to time we have to adjust our citation costs due to changes in our state or country.

Whereas, for both possession of marijuana violations (Sec. 10-32) and possession of drug paraphernalia violations (Sec. 10-34), the current Schedule of Deposits has forfeiture amounts of two hundred dollars (\$200) for a first offense, two hundred and fifty dollars (\$250) for a second offense, and three hundred dollars (\$300) for third and subsequent offenses.

Therefore be it resolved, that the Schedule of Deposits be amended to the following for possession of marijuana violations and possession of drug paraphernalia violations:

For possession of marijuana violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a fifteen-dollar (\$15.00) forfeiture.

For possession of drug paraphernalia violations, a first offense shall be a five-dollar (\$5.00) forfeiture and second and subsequent offenses shall be a ten-dollar (\$10.00) forfeiture.



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

To: Alderperson Siebers, Safety and Licensing Committee Chairperson
From: Chief Todd Thomas
Date: September 21, 2020
Subject: Resolution #15-R-20 Marijuana and Drug Paraphernalia Citations

This information is being provided to assist the council in its decision making on the above resolution.

Municipal Citations

Adult (including 15-17 year olds) Possession of marijuana and possession of paraphernalia

- ❖ 1st \$389.50 , 2nd \$452.50, 3rd \$515.50 (\$200, \$250, \$300 fines plus court costs, respectively)
- ❖ 2nd and 3rd must have a violation date within the previous 12 months, with is extremely rare

Juveniles (age 12-14 year olds) is \$143.80 (\$5.00 plus costs).

Our School Resource Officers also use informal dispositions, holding the ticket open and using an informal probation period. If the child follows the agreed on plan the citation is dismissed and considered never issued.

In 2019 we issued 157 municipal citations for possession of marijuana, 31 of the 157 were to juveniles, or 19.7%.

Prosecution – by Assistant City Attorney

If a defendant appears, then they are given the option to attend an AODA assessment, at their cost. If they complete the assessment and follow through with all recommended treatment, then the Assistant City Attorney will dismiss the citation.

If a defendant does not appear, then they are found guilty by default and the total amount is due to the court. If the defendant fails to pay the amount to the court, then they may be sent to collections and their driving privileges could be suspended by WI DOT. For juveniles who do not have driving privileges, their license can be suspended when they obtain their driving privileges, which can be months or years after they are found guilty.

AODA Assessment - I contacted three providers of services and was provided the following costs;

1. \$336 for 2 ½ hours – if they have no insurance it is \$168. If have financial challenge they are referred to the County Human Services Department for Assistance.
2. \$325 for 2 hours – can get assistance from Human Services Department
3. \$459 for 1 ½ - \$344 if no insurance – can get assistance from Human Services or they have internal payment plan and internal funds to assist.

Core Values of the Appleton Police Department: "Compassion, Integrity, Courage"



POLICE DEPARTMENT

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Criminal Referrals – To District Attorney Office

Almost all the cases referred include other charges – the possession charge is in addition to other more serious charges.

Those ages 17-20 are sent through a diversion program, similar to how municipal citations are handled.

Second and subsequent offences usually have multiple referrals for other things.

The goal is to get them into treatment. The District Attorney believes, and we concur, that repeated marijuana usage can frequently lead to other addiction issues and increased criminal activity.

Juvenile Intake criminal referrals (16 and under)

The referrals to Juvenile Intake are very rare, and similar to referrals to the District Attorney, there are usually more serious charges or a history of referrals for the juvenile.

In the past 20 months there have only been 38 referrals for Possession of marijuana, 10 were counseled and closed out, and five others entered deferred prosecution agreements. Of the remaining 21 referred only two were first time offenders; both were for possession on school grounds and had additional behavioral concerns that impacted the referral. All the others had multiple previous referrals and eight of the 21 had five or more previous referrals.

Comparable Municipalities

ACA Glad obtained the fine amount used by other similar sized cities. The lowest was Madison at \$124, the next lowest were Stevens Point and Wausau at \$187, Fond du Lac was \$439 and Green Bay \$502. Those municipalities have their own municipal courts, the fine amounts are \$50, \$100, \$300, and \$350 respectively.

Summary

The enforcement of this ordinance is not a high priority, but it is important to address the behavior to intervene in other potential issues. We share the philosophy our progressive criminal justice partners have: our goal for minor offenses is to give them the incentive to get an assessment so we can divert them from the criminal justice system. The focus on diversion and education for minor offences has been in place for years, for both municipal citations and criminal referrals.

As long as there are federal and state laws in place a municipal ordinance, with appropriate consequences, gives us the option of a lower level sanction to encourage treatment without creating a “criminal” record. Without an ordinance that has an appropriate consequence our only other option to encourage them to get an assessment would be a criminal referral. A criminal referral would lead to higher costs to the individual and a less timely response.



POLICE DEPARTMENT

222 South Walnut Street • Appleton, WI 54911-5899
(920) 832-5500

We believe the amounts recommended in the resolution would be too low to encourage individuals to appear in court and take advantage of the AODA diversion, but we do support a lowering of the fine amount. Setting the fine amount at the level in the resolution would lead to more people paying a fine, which would be entered as a conviction in CCAP and a lost opportunity for AODA intervention.

The Police Department would also recommend that all citations for these offences include the fine amount along with a requirement for a **mandatory appearance**. This will increase the number of defendants who will take advantage of AODA treatment for dismissal of the citation and provide the opportunity for the Judge to use discretionary and alternative sentencing.

Below are what some of the most commonly used ordinances currently have for fine amount's for comparison purposes.

\$5 (\$143.80)

Bike on Sidewalk
No light on Bicycle

\$25 (\$169.00)

Curfew
Animal at large
In Park after hours
Loitering on public grounds

\$50 (\$200.50)

Underage Drinking
Shoplifting
Public Urination
Loud and Unnecessary noise

\$100 (\$263.50)

Disorderly Conduct
Obstructing an Officer
Damage to Property
Trespass to Dwelling

\$150 (\$326.50)

Carrying Concealed Weapon
Misuse of 911
Tattoo Violations
Inspection Code violations

Please let me know if there is any other information you need.

Chief Todd Thomas

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: _____ ending: 06/30/21
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: ☐ Town of ☐ Village of ☒ City of Appleton

County of Outagamie Aldermanic Dist. No. _____
(if required by ordinance)

Check one: ☐ Individual ☒ Limited Liability Company
☐ Partnership ☐ Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number ●●●●●●●●●●	
FEIN Number ●●●●●●●●	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$
<input checked="" type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input type="checkbox"/> Class B liquor	\$
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$
TOTAL FEE	\$

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)

Poppy Avenue Boutique + Clean Beauty Bar

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Balof	Audra	Clarice	201 S Riverheath Way Apt 203 54915
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Brewer	Christian	Elizabeth	201 S Riverheath Way Apt 203 54915
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Balof	Audra	Clarice	201 S Riverheath Way Apt 203 54915
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name PoppyAvenueBoutique+CleanBeautyBar Business Phone Number 9205854500
2. Address of Premises 161 SRiverheath Way Suite2600 + 2700 Post Office & Zip Code 54915

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

Beer & Wine will be served on the premises of 161 S Riverheath Way Suite 2700. Beer & wine will be stored in our back room of approximately 444 sq ft. We will be serving 4 different wine options + Kombucha beer for our wine & mask activity menu. On our boutique side small bottles of wine will be sold in our gift section. Our primary focus is retail of clothing, beauty, accessories and gifts. However, our wine + mask menu provides a unique experience in store.




4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? ☐ Yes ☒ No

(b) If yes, under what name was license issued? _____

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** ☐ Yes ☒ No
Both members have a current liscence for this period.
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? ☐ Yes ☒ No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** ☐ Yes ☒ No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 8/2016 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** ☐ Yes ☒ No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** ☐ Yes ☒ No
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] ☒ Yes ☐ No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] ☒ Yes ☐ No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? ☒ Yes ☐ No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.)	Title/Member	Date
Balof, Audra, C	Member	9/3/20
Signature	Phone Number	Email Address
A. Balof 		

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk	Date reported to council / board	Date provisional license issued	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	



City of Appleton Liquor License Questionnaire

1. Name of Applicant: Audra Balof
2. Name of Business: Poppy Avenue Boutique + Clean Beauty Bar
(Check Applicable Box(s) to identify primary business activity)

- ☐ Restaurant
☐ Tavern/Night Club/Wine Bar
☐ Microbrewery/Brewpub
☐ Painting/Craft Studio
☒ Other (describe) Retail + Organic Wine + Mask Bar

3. Address of Business: 1101 S Riverheath Way Suite 2600 + 2700
Appleton, WI 54915

4. Have you or any member of your organization ever been convicted of a misdemeanor or ordinance violation? Yes _____ No ✓

AND/OR been convicted of a felony? Yes _____ No ✓

If yes to either question, please explain in detail below:

5. List all partners, shareholders or investors of your business. Include full name, middle initial and date of birth. Please use additional sheets if necessary.

<u>Audra</u>	<u>C</u>	<u>Balof</u>	<u>● / ● / ●●</u>
First name	MI.	Last name	Date of Birth
<u>Christian</u>	<u>E</u>	<u>Brauer</u>	<u>● / ● / ●●</u>
First name	MI.	Last name	Date of Birth
			/ /
First name	MI.	Last name	Date of Birth
			/ /
First name	MI.	Last name	Date of Birth

6. Name of person/corporation you are buying the premise and equipment from?

Name: _____
First name Middle Initial Last name

Address: _____
City State ZIP

7. What was the previous name and primary nature of the business operating at this location?

Name: N/A

(Check Applicable Box(s) to identify primary business activity)

- ☐ Restaurant
☐ Tavern/Night Club/Wine Bar
☐ Microbrewery/Brewpub
☐ Painting/Craft Studio
☐ Other (describe) _____

8. Was this premise licensed for alcohol sales/consumption during the past license year?

Yes _____ If yes, please contact the Community and Economic Development Department at 832-6468 about obtaining a copy of an existing Special Use Permit and related requirements that may run with property.

No ☒ If no, please contact the Community and Economic Development Department at 832-6468 about obtaining a Special Use Permit. A Special Use Permit may be required for your business activity prior to the issuance of a Liquor License, pursuant to the City of Appleton Zoning Ordinance.

9. If alcohol sales were a previous use in this building, when did the operation cease?

N/A months ago.

10. Seating capacity: Inside 10-16 Outside N/A

11. Operating hours (Inside the building): Closed Sunday/Monday 11-6 Tuesday-Saturday
Operating hours (Outdoor seating areas): N/A

12. Employees/Staff

Number of floor personnel 5 Number of door checkers 0

13. In general, state the size and operational details of the proposed establishment:

- a. Gross floor building area of the premises to be licensed: 2876 square feet.
b. Gross outdoor seating areas of the premises to be licensed: N/A square feet.
c. Below, identify the operational details of the proposed establishment:

Beer & wine will be served on the premises of 161 S Riverheart Way Suite 2700. Beer & wine will be stored in our back room of approximately 444 sq ft. We will be serving 4 different wine options + 1 Kombucha beer for our wine & mask activity menu. On our boutique side small bottles of wine will be sold in our gift section. Our primary focus is

A. Balof

Signature

9/3/20

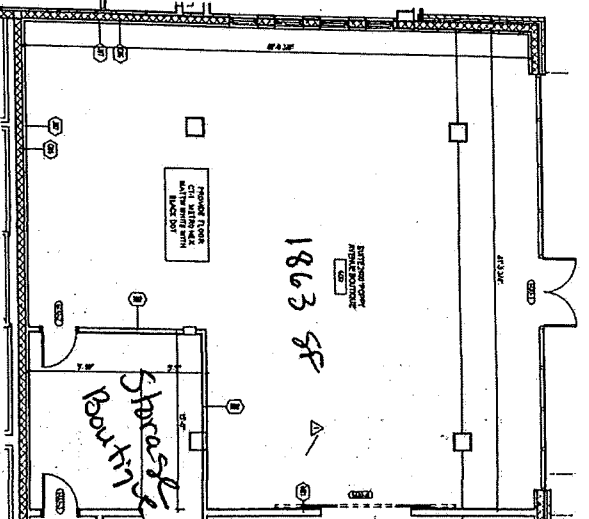
Date

retail of clothing, beauty, accessories & gifts. However, our wine & mask menu provides a unique experience in store

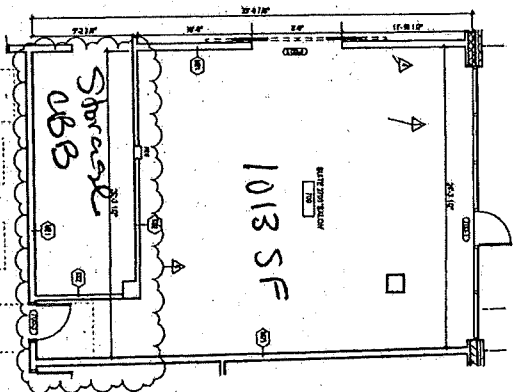
**RIVERHEATH -
WILLOW**

101 South Boulevard
Newark, New Jersey 07102
Tel: 973.261.1100
Fax: 973.261.1101
www.engberganderson.com
Project Number: 170001-02

SHEET NO.	402011
SHEET DESCRIPTION	402011
DATE	08/11/11
BY	AW
CHECKED BY	AW
NO. OF SHEETS	1
PROJECT NAME	170001-02

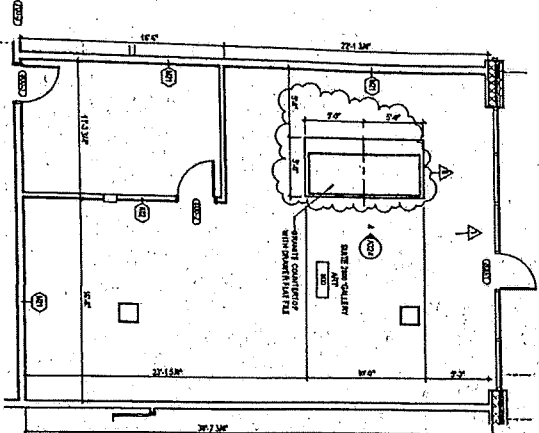


② SUITE 2800 - POPPY AVENUE BOUTIQUE
SCALE: 1/8" = 1'-0"

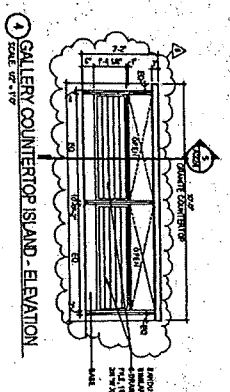


① SUITE 2700 - MARGARET'S
SCALE: 1/8" = 1'-0"

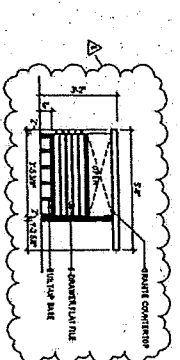
Poppy Avenue
Clean Beauty Bar



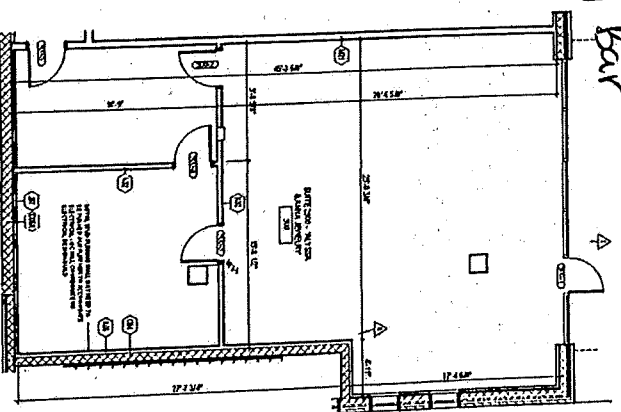
③ SUITE 2800 - GALLERY ART
SCALE: 1/8" = 1'-0"



④ GALLERY COUNTER/ISLAND - ELEVATION
SCALE: 1/8" = 1'-0"



⑤ GALLERY ART ISLAND - SECTION
SCALE: 1/8" = 1'-0"



⑥ SUITE 2900 - RETAIL
SCALE: 1/8" = 1'-0"

ENLARGED RETAIL
FLOOR PLAN &
ELEVATIONS

A324



LEGAL SERVICES DEPARTMENT

Office of the City Clerk

Kami Lynch, Clerk

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6443

Fax: 920/832-5823

September 18, 2020

To: Safety & Licensing Committee Members

Class "B" Beer & "Class C" Wine License Application

Poppy Avenue Boutique & Clean Beauty Bar

161 S Riverheath Way Suites 2600 & 2700

The application for a Class "B" Beer and "Class C" Wine License from Poppy Avenue Boutique, a retail clothing/beauty store, has been submitted for review. I am recommending that the Safety & Licensing Committee, and ultimately, the Common Council, deny the license application due to the business not meeting the statutory qualifications for receiving such licenses.

The qualifications of a Class "B" Fermented Malt Beverage License are outlined in Wis. Stat. § 125.32 (3m):

Limitations on other business; Class "B" premises. No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- (a) A hotel.
- (b) A restaurant, whether or not it is a part of or located in any mercantile establishment.
- (c) A combination grocery store and tavern.
- (d) A combination sporting goods store and tavern in towns, villages and 4th class cities.
- (e) A combination novelty store and tavern.
- (f) A bowling center or recreation premises.
- (g) A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.
- (h) A movie theater.
- (i) A painting studio

A retail store, such as Poppy Avenue Boutique & Clean Beauty Bar does not fall into any of the listed exceptions and would be considered a place where "any other business is conducted in connection with the premises."

The qualifications of a "Class C" Wine License are outlined in Wis. Stat § 125.51 (3m):

(a) In this subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.

(b) A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(c) A "Class C" license may be issued to a person qualified under s. [125.04 \(5\)](#) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A "Class C" license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

(d) A "Class C" license shall particularly describe the premises for which it is issued.

(e) The annual fee for a "Class C" license shall be determined by the municipal governing body issuing the license. The fee shall not exceed \$100 and shall be the same for all "Class C" licenses.

Additionally, Wis. Stat. § 125.02(18) defines a restaurant as:

"Restaurant" means any building, room, or place where **meals** are prepared or served or sold to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. For purposes of this subsection, "meals" does not include soft drinks, ice cream, milk, milk drinks, ices, and confections. "Restaurant" does not include any of the following:

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.

(b) Churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve, or sell meals to transients or the general public.

(c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales.

(d) Any bed and breakfast establishment, as defined in s. [97.01 \(1g\)](#), that serves breakfasts only to its lodgers.

(e) The serving of food or beverage through a licensed vending machine, as defined in s. [97.01 \(15p\)](#).

(f) Any college campus, as defined in s. [36.05 \(6m\)](#), institution as defined in s. [36.51 \(1\) \(b\)](#), or technical college that serves meals only to the students enrolled in the college campus, institution, or technical college or to authorized elderly persons under s. [36.51](#) or [38.36](#).

(g) A concession stand at a locally sponsored sporting event, such as a little league game.

(h) A potluck event, as defined in s. [97.01 \(13g\)](#)

Poppy Avenue Boutique & Clean Beauty Bar do not meet the definition of a restaurant to hold a "Class C" Wine license. Meals will not be sold/served at their retail store.

I have spoken with the applicant, Ms. Balof, about the license qualifications and indicated that I could not prohibit her from applying for the licenses even though my interpretation and the State of Wisconsin Department of Revenue Alcohol & Tobacco Enforcement Division's interpretation of the statutes indicate the this business would not qualify for the licenses sought.

Therefore, it is my recommendation that the Safety & Licensing Committee recommend denial of the license application to avoid setting a future precedent of licensing establishments that do not meet the statutory qualifications.

Respectfully,





"meeting community needs
.....enhancing quality of life"

REQUEST for Beer/Liquor License Premise Amendment

FEES ARE NON-REFUNDABLE

License Fee \$10.00/event

Receipt 1346-0003

Date Recv'd 9/17/2020

Acct: CLCAGP

SECTION 1 – LICENSE INFORMATION

Name of Establishment

Skogen's Foodliner Inc. DBA Festival Foods

Address of Establishment

1200 W. Northland Avenue Appleton, WI 54901

Name of Agent

Paul Klinkhammer

Phone Number

920-968-2212

SECTION 2 – PREMISE AMENDMENT

Please describe the change in premises:

A drawing/diagram of the proposed area must also be submitted with this application

Please see attached

Is this change Permanent?



YES



NO

If this is temporary please specify the reason for the amendment:

Please list the date(s) and time(s) that this temporary premise amendment will be utilized:

SECTION 3 – PENALTY NOTICE

I certify that I am familiar with Section 9-52 of the Municipal Code of the City of Appleton and agree that any license granted under this application may be suspended for cause at any time by the Common Council.

Under penalty of law, I swear that the information provided in this application is true and correct to the best of my knowledge and belief.

Signature of Applicant:

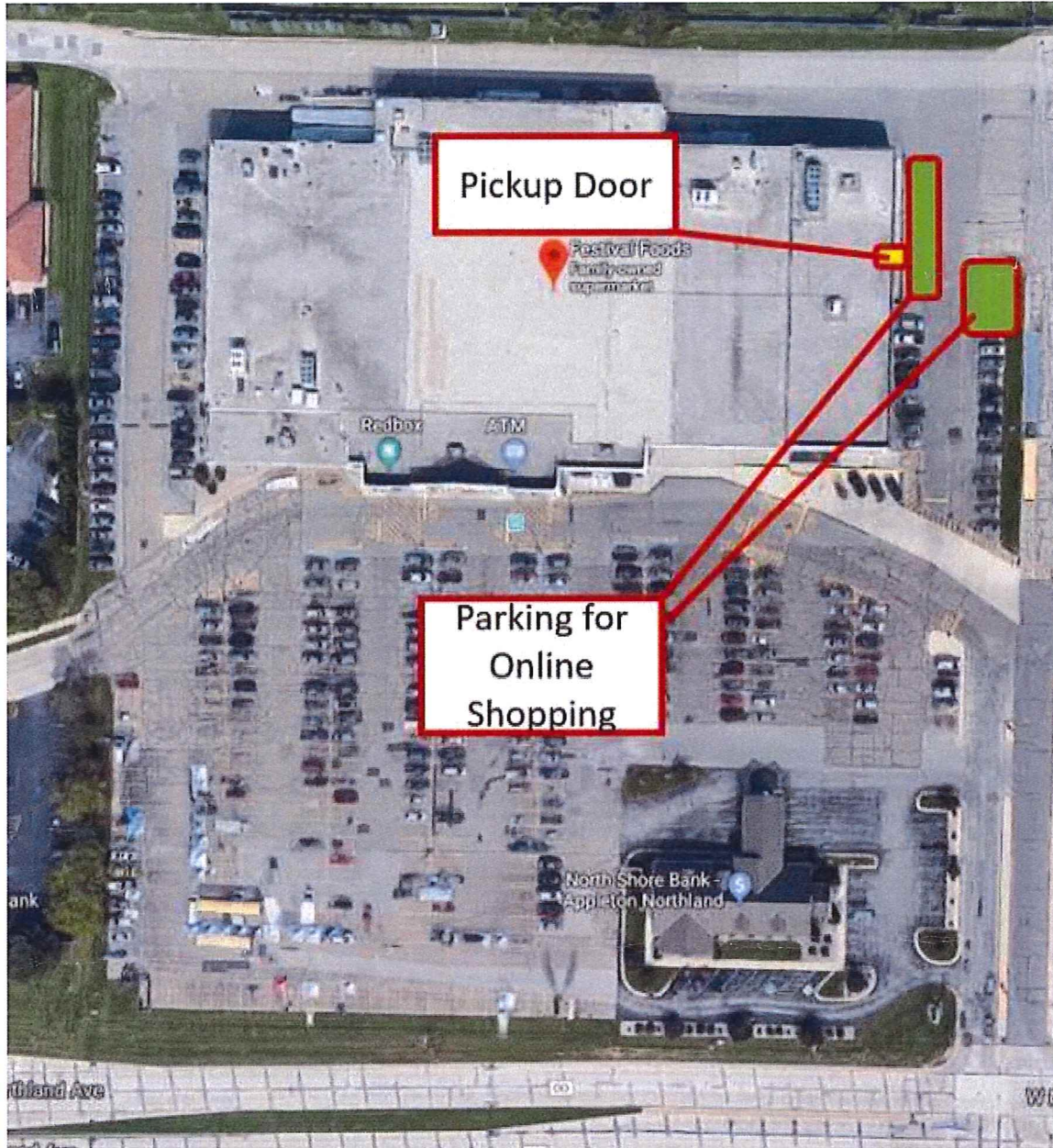
Andrew T. B...

FOR OFFICE USE ONLY

Department	Approve	Deny	By	Reason
Comm. Dev.				
Finance				
Fire				
Health				
Inspections				
Police				
S&L	Council	Date Issued	Exp. Date	License Number

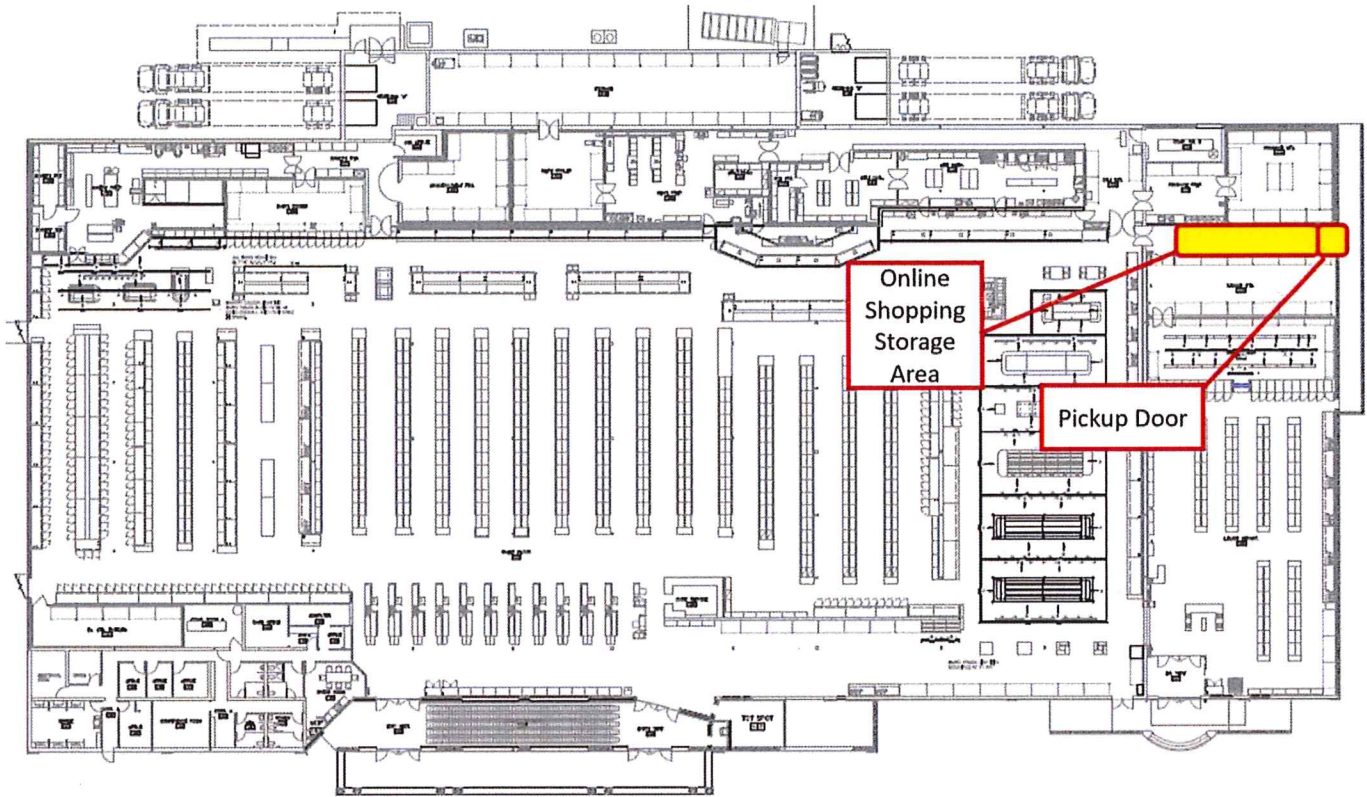
Festival Foods Appleton Northland

Online Shopping (Click N Go)



Festival Foods Appleton Northland

Online Shopping (Click N Go)



Compliance & Ethics

Online Grocery Pickup (Click N Go)

Procedure Guide

Placing Order

- Customer visits festfoods.com and creates an account by providing applicable information such as phone #, zip code, email address, etc.
- The customer will be able to select the store of their choice from our 33 options currently in Wisconsin. Not all locations are providing this service at this time.
- Customer will be able to shop for goods at their desired location.
- Customer will be able to select a pick up timeframe no less than four (4) hours from the time of placing the order.
- No orders containing alcohol will be accepted after 4:00 p.m. for same day pick up.
- Customer completes the order by supplying their credit card information.
- Festival Foods authorizes and holds the card information, but funds are not transferred from the card.

The image displays two screenshots of the Festival Foods Click N Go website. The top screenshot shows the 'SHEBOYGAN' store selection page with a map and a list of nearby locations. A blue arrow points from the map to the 'Click N Go' button. The bottom screenshot shows the 'Checkout' page with a list of items and a 'Place Order' button. A blue arrow points from the 'Place Order' button to the 'Checkout Summary' table on the right.

Checkout Summary

Item	Price
Item Total	\$3.88
Pick Up Fee	\$0.00
Provisional Hold	\$3.00
Tax & Fees	(\$0.00)
*Estimated Total:	\$6.88

*Fees not included

Payment Method

Card Number:

Month: Year:

Cardholder Name:

Provisional Hold:

We temporarily authorize your card for the higher of \$5 or 10% of the item total. It helps us ensure the card is valid. Full item tax and items sold by weight. As soon as your order is complete, we charge your card for exactly what was in your final order.

Back Place Order

- Where allowed by state and local law, customers can include alcoholic beverage products in their online grocery order through festfoods.com
- Orders containing alcohol will be flagged with notification explaining the restrictions around purchasing this product.
- The following verbiage will be included on all orders during checkout.

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

Sale of alcohol to minors is prohibited.

At pickup, you must show a valid photo ID confirming that you are age 21 or over. Accepted forms of ID are: Driver's License, State-issued Identification Card, U.S. Passport, Military ID Card, or Tribal ID in specific states, or other similar government issued ID's that are recognized within the state. No discounts, coupons, or tax-exempt sales may be applied to alcohol.



Picking/Staging

- On the day a customer is scheduled to pick up an order, a Festival Foods associate, identified as an "Online Shopper", will "shop" for the customer order in the store.
- All shopping is completed on the pickup day to ensure the customer receives the freshest products.
- If a customer's order contains alcohol product, it will be flagged with a "Check ID" sign prompting the Online Shopper to ask for and verify a valid form of identification from the guest at the time of pickup.



- This sign will enable our online shoppers to clearly identify items subject to additional regulatory restrictions.
- All picked orders are kept in a secure backroom staging area, not open to the public, where only Festival Foods employees are permitted to enter.

Customer Pickup: Order Review

- When the customer arrives they will park in a clearly defined parking stall under video surveillance (video kept 30 days) within 150 ft. of the pickup door. They will then notify our online shopper of their arrival by calling or texting their name to our online shopper's cell phone.
- Online Grocery Pickup (Click N Go) is currently offered between the hours of 8:00 a.m. – 8:00 p.m., seven (7) days a week (except holidays or other store closures).
- If alcohol is not allowed to be sold at the time of dispense, the item will be removed from the transaction and the physical product will be removed from the cart before completing the transaction.
- Online shoppers must meet age requirements and possess any required licenses within the regulatory jurisdiction to be allowed to handle and/or dispense orders with alcoholic beverage products.
- Sale will only to be made by licensed operator.
- Licensed operator verifies the person placing the order is the same person picking the order up.
- Licensed operator verifies the age of the customer through a visual inspection of their ID as well as by scanning the ID using the "Bar & Club Stats ID Scanner" application.
- If the customer picking up the order containing alcoholic beverages is intoxicated, a manager will be called to the pick-up location to determine the sobriety for purposes of approving or denying the sale. If the customer is deemed to be intoxicated the item will be removed from the transaction and the physical product will be removed from the cart.
- If the customer is under 21 and/or cannot provide a valid ID, the alcohol beverage products will be removed from the transaction and the physical product will be removed from the cart.
- If over 21, the customer's order will be charged accordingly and the item will be placed into the customer's vehicle by our online shopper.

Customer Pickup: Dispensing

- Once the customer and online shopper have:
 - Reviewed any substituted items, fragile items, and out of stock items
 - Removed any rejected products that the customer no longer wants
 - Verified the customer's age and identification if the order contained any age restricted items (and if necessary, removed age restricted items)
- The customer is then charged for the items and the customer's account is charged with the final order amount (after removing the cost of any products removed from the order)
- The online shopper places the final order into the customer's vehicle, and the transaction is considered complete.





"meeting community needs
.....enhancing quality of life"

FEES ARE NON-REFUNDABLE

License Fee - \$10.00 per event
Investigation Fee + 7.00
Total Amount Paid 57-

Date Rec'd / /
Acct. 11030.4322
Acct. 100.2359
Receipt

* Ladies Wine Walk

Application for Special Class "B" License to Sell Fermented Malt Beverages at Picnics or Gatherings

CK# 18189

The named organization applies for:							
<input type="checkbox"/> A temporary Class "B" license to sell FERMENTED MALT BEVERAGES at picnics or similar gathering under s. 125.26(6) Wis. Stats.							
<input checked="" type="checkbox"/> A temporary Class "B" license to sell WINE at picnics or similar gathering under s. 125.51(10) Wis. Stats. (Limit 2 permits in a 12 month period)							
SECTION 1 - ORGANIZATION INFORMATION - Answer all questions completely. Please PRINT clearly							
Name of Organization (Bona fide club, lodge or society, veteran's organization or fair association)						Date Organized	
Appleton Downtown Inc.						4.2.93	
Address		333 W. College Ave., Ste. 100	City	Appleton	State	Wi	Zip 54911
Person in Charge of Event:		Name: Last First Middle Initial	Hugdahl Dianne L		Date of Birth		
Address		same as above	City	Appleton	State	Wi	Zip 54911
Person in charge phone number:		Cell: 000-000-0000					
President		Last First Middle Initial	Johnson Deb A		Date of Birth		
Address		300 W. College Ave.	City	Appleton	State	Wi	Zip 54911
Vice President		Last First Middle Initial	Vargosko Laura E		Date of Birth		
Address		4321 W. Ballard Rd.	City	Appleton	State	Wi	Zip 54919
Secretary		Last First Middle Initial	King Lyssa M		Date of Birth		
Address		303 N. Oneida St.	City	Appleton	State	Wi	Zip 54911
Treasurer		Last First Middle Initial	Lansway Steve T		Date of Birth		
Address		1004 S. Old Oneida St.	City	Appleton	State	Wi	Zip 54911
SECTION 2 - EVENT INFORMATION SECTION							
Date(s) of Event: Beginning 10 / 10 / 20 Ending: 10 / 10 / 20 Hours 10 AM PM 6 AM PM							
Please describe the type of event you are going to have:							
Do you plan to serve food at this event? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, contact the Appleton Health Department. (920.832.6429) *							
Location where beer or wine will be sold:							
No alcohol sales. Samples only, for those with ticket and over 21.							
Address		College Avenue retailers (see list)	City	Appleton	State	Wi	Zip 54911
Are you requesting an "open concept" license?		No <input checked="" type="checkbox"/> Yes <input type="checkbox"/>	Will minors be present?		No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>		
Describe actual location and dimensions of area to be licensed - Be precise!				If yes, how will you prevent minors from obtaining alcoholic beverages?			
Only those retailers signed-up.				ADI staff will ID, wristband only those over 21.			
SECTION 3 - PENALTY SECTION							
This application must be on file in the Office of the City Clerk for at least ten (10) business days prior to granting the license.							
If the event will last more than four (4) days, the application shall be filed 15 days prior to the granting of the license.							
This organization also agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages if the license is granted. The officer(s) of the organization, individually and together, declare under penalties of law that the information provided in this application is true and correct to the best of their knowledge and belief.							
Signature of Officer <u>[Signature]</u>							
FOR OFFICE USE ONLY							
Dept.	Approve	Deny	By	Reason			
Police							
Fire							
Health							
Inspection							
S&L	Council	Date Issued	Exp. Date	License Number			

11-01-09

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.

Return application to: City Clerk, 100 North Appleton Street, Appleton, WI 54911-4799

* Food - local downtown restaurants, paired with retailer, serving samples (pre-packaged)



Participating Venues:

Wine – 1 oz sample

- | | |
|---------------------------|--|
| • Lillian's of Appleton | 115-117 E. College Ave. |
| • The Vintage Garden | 119 E. College Ave. |
| • J. Hawkinson Clothiers | 10 E. College Ave. |
| • Joseph's Shoes | 10 E. College Ave. |
| • The Trout Museum of Art | 111 W. College Ave. - <i>has own license</i> |
| • Casting On | 305 E. College Ave. |

Food – Prepackaged samples

- | | |
|--------------------------------|----------------------------------|
| • Board & Brush | 109 N. Durkee St. |
| • Eco Candle Co. | 123 E. College Ave. |
| • Beatnik Betty's Resale Butik | 214 E. College Ave. |
| • Hey, daisy! | 121 E. College Ave. |
| • Cedar Harbor | 611 N. Morrison St. |
| • Poppy Avenue | 161 S. Riverheath Way, Ste. 2600 |

Note: Food venues will be serving pre-packaged items, made at local, licensed establishments. ADI is coordinating food and wine to better assist businesses.