



Meeting: Village Board
Meeting Date: 5/14/12
Agenda Item: 6n-6r

Mission Statement

Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Chris Haltom, Executive Director of Administrative Services

AGENDA ITEM: Review and take action on renewal of various Liquor License Applications listed on Consent Agenda, with any applicable conditions

NOTE: Because the applications are automatically renewed and are included as a consent agenda item, copies of the applications are not being included in the report in order to save staff time, as well as paper and ink. ***Each liquor license application is public record and is available for viewing at Village Hall.***

POLICY ISSUE

Does the Village Board desire to renew all currently held liquor licenses in accordance with state statutes?

PRIOR ACTION/REVIEW

Annually, the Village Board approves renewal of all existing liquor license applications and acts upon any new applications received during the year. The license period begins July 1 of each year and expires the following June 30.

BACKGROUND INFORMATION

Staff mailed liquor license renewal applications to all existing liquor license holders earlier this year. Staff gave deadlines for the applications. Staff published the renewal notices for all applications received by the deadline in *The Press*. The board must act upon all renewal applications prior to the current licenses expiring on June 30, 2012. The applicants must also pay all personal property taxes and utility billings prior to obtaining a renewal license pursuant to Section 6-94(2) of the Howard municipal code.

Last year at the time of renewing these same licenses, the Board directed staff to provide information regarding the renewal of liquor licenses in the Village of Howard. The staff report provided an appendix that contained an opinion from the League of Wisconsin Municipalities and another appendix that included sections of state statutes (see State Statutes chapter 125).

According to the League, "Municipal governing bodies have broad discretion regarding whether to issue a license to a particular applicant for a particular location" on the initial application (not renewal applications). Given the totality of the circumstances, a municipality may deny an initial license application based on any number of issues such as traffic impacts, the neighborhood, parking, license density as well as the ability for law enforcement to provide services to the venue.

The League opinion goes on to state though that **“once a license has been issued, however, a municipality may only refuse to renew the license if there are violations of chapter 125 or local regulations enacted under the authority of sec. 125.10 or violations that fit within the causes identified in sec. 125.12(2)(ag) (Please see Appendix B).”** If the Village decides not to renew a license, the license holder must be informed in writing the reasons why the license will not be renewed. The license holder must then be provided an opportunity to answer to those reasons via a hearing. The Village Attorney would be involved in this process and the license holder would be allowed to have council represent the license holder. The Village Board would act as judge and jury for the hearing and make a decision after hearing all testimony and witnesses. This hearing process can be held at any time during the year to revoke a license should issues arise that warrant such a hearing.

Currently, according to DEO Dagneau, the Village of Howard has satisfactory compliance from the establishments that fall under the provisions of the Statute. There are currently no establishments that have incidents or issues that would necessitate proceedings for non-renewal or revocation of the established license.

FISCAL IMPACT:

- | | |
|------------------------------|------------------------|
| 1. Is There A Fiscal Impact? | <u>Yes</u> |
| 2. Is it Currently Budgeted? | <u>Yes</u> |
| 3. If Budgeted, Which Line? | Liquor License Revenue |

RECOMMENDED ACTION

Village staff recommends the Village Board approve all liquor licenses listed on the Consent Agenda with conditions of payment of personal property taxes and outstanding utility billings. Should the board agree, the following motion could be made as part of the Consent Agenda approval:

“I make a motion to approve the Consent Agenda with the approval of the renewal of liquor license applications contingent upon each business payment of delinquent personal property taxes and delinquent utility bills.”

POLICY ALTERNATIVE(S)

Table any or all of the applications and ask for more information.

ATTACHED INFORMATION

- I. None