

**COMMUNITY PROTECTION & SERVICES COMMITTEE**

**November 13, 2014**

A meeting of the Community Protection & Services Committee was called to order at 5:00 p.m. by Chairperson Wiesner in Council Chambers, City Hall. **Roll Call:** Members Mr. Wiesner, Mr. Ireland and Mr. Stults were present. Also present were Steve McNeil from City Hall and Jason Mann from Mann Communications, Attorney Randy Nesbitt, and Alderman Vandertie.

*Moved by Mr. Ireland, seconded by Mr. Stults to adopt the following agenda:*

1. Roll call.
2. Adoption of agenda.
3. Consideration of: Revised liquor licensing ordinance
4. Consideration of: Personal service contract with Mann Communication, LLC for cable TV services
5. Adjourn

*Carried.*

**Revised Liquor License Ordinance**

City Attorney, Randy Nesbitt, reviewed the changes made to ordinance section 9.01(6) and 9.01(7) which was included in the agenda packet. Attorney Nesbitt noted the first change explains how licenses are lost through suspension/non-renewal as a result of not being used. The second way a license may be lost is if the authorizing agent holding the license closes the business, and there is not another business replacing the one being closed, then the license is subject to non-renewal.

Section 9.01(6)(e) had a language addition stating any party holding a Class B liquor license shall suspend or cease doing business selling alcohol beverages for a period of 90 consecutive days or more, such licensee shall be in violation of this section and subject to non-renewal by the Common Council. Any class B liquor license holder who does not have documented liquor sales for at least 180 days per license year shall be in violation of this section and subject to non-renewal of such license. The addition allows the City to pull the license when it becomes apparent an owner of a business is not using the license.

Section 9.01(7) Selection Procedure allows for the City Council to choose the best placement for use of a liquor license, and replaces the language “choose by lot” entirely.

Regarding 9.01(6)(e) Mr. Stults questioned if it would make sense to determine a set amount to be sold in order for a business to keep the license. Attorney Nesbitt responded the more specific the ordinance is the harder it is to prove; the City wants to weed-out those holding licenses that aren't being used, but it does not want to make it a hardship on businesses. Mr. Ireland inquired about how the bar owners will be notified. A letter from the City Clerk will begin the enforcement process. Mr. McNeil informed the committee that currently liquor

licenses expire on June 30th; the changes to the ordinance will have to take effect by April 1 to be able to enforce the 90 day period a business has to make use of their license.

Non-renewal can be challenged by hearing; an opportunity must be given for the agent to continue retaining the license. This will happen on an individual basis. Mr. Ireland posed the question, if a proprietor is not renewed through this process and they turn things around, can they apply to get the license back? After a one-year revocation suspension, the agent may apply once again for the license.

Alderman Vandertie inquired who will be responsible for finding violators. His concern was for the small bar owner who wanted to retire, and hold onto the license as part of the sale of the business.

*Moved by Mr. Stults, seconded by Mr. Ireland do hereby recommend to the Common Council that City Ordinance 9.01(6) and 9.01(7) be changed as prepared by Attorney Randall Nesbitt. All ayes. Carried.*

#### **Personal Service Contract for Cable TV**

Jason Mann of Mann Communications noted the Personal Service Contract stands unchanged; there has not been an increase in the budget for 2015, and should not need one barring any major equipment problems. Listed in the current contract are outdated channel numbers; due to the push into digital, the numbers have changed. Attorney Nesbitt and City Clerk Reinhardt will correct the changes before submitting to the Council. Mr. McNeil indicated the contract will now be concurrent with the State budget; therefore it will be extended for two years.

*Moved by Mr. Ireland, seconded by Mr. Stults to recommend to the Common Council the approval of the Personal Service Contract with Mann Communication for cable TV services. All ayes. Carried.*

*Moved by Mr. Stults, seconded by Mr. Ireland to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:31p.m.*

Respectfully submitted,

Sarah Spude-Olson  
Police Department  
Administrative Office Manager