



LICENSING BOARD MEETING - SPECIAL - AMENDED – MEETING MINUTES

WEDNESDAY, MAY 29, 2024 AT 4:00 PM

WATERTOWN MUNICIPAL - 106 JONES STREET, WATERTOWN, WI 53094 ROOM 0041

The Licensing Board met on the above date and time in person at the Municipal Building 106 Jones St. in room 0041 and via GoToMeeting. The following members were present: Mayor McFarland, Ald. Smith, Erin Schroeder, and Cheri Martin. Absent was Ald. Blanke. Staff present were: Police Chief David Brower, City Attorney Steven Chesebro, Town Square Coordinator Steph Juhl, Park and Rec Director Kristine Butteris, City Clerk Megan Dunneisen, and Deputy Treasurer/Clerk Sheri Rohr. Other members of the public were also present.

1. CALL TO ORDER Mayor McFarland called the meeting to order at 4:07pm

2. BUSINESS

Mayor McFarland gave background on the sequence of events that have taken place resulting in the special Licensing Board meeting, such as Licensing Board's decision to recommend approval of BrewFinity's application for an off-site retail location and Council voting to bring it back to the Licensing Board. The Jefferson County Tavern League Foundation representatives spoke to the Council about other options available aside from bringing in outside businesses to the city.

Mayor McFarland reminded everyone that we have approved BrewFinity to operate at an event that took place last year (October 2023). Due to the passing of Act 73, there is now a formal form from the state that is required to be completed by the municipality for the brewery to submit to the DOR, rather than simply providing an approval letter for the brewery to submit to the DOR for the permit; this is what took place in October.

A recap was given on why we now have two applications for the same date on the same agenda: this is due to Council referring the application from BrewFinity back to Licensing Board and since then the Jefferson County Tavern League Foundation has applied as an option after the council meeting. The Licensing Board now has options to recommend back to Council.

The wording of "possible action" on the Jefferson County Tavern League Foundation Temp B application was questioned and it was explained that it was due to not having the Foundation's application at the time the agenda was created. Erin Schroeder (Licensing Board member, establishment owner, and Jefferson County Tavern League Foundation representative) gave background on confusion of filling out the application for an event that is no longer taking place and needing to submit a new application for the June 15th date. This resulted in the delay of the application for the correct dates being submitted.

Schroeder went on to discuss the Foundation's application and mentioned that they would be giving proceeds from the event back to local charitable organizations. Cheri Martin (Licensing Board member) asked if the Town Square Coordinator seeks out nonprofit organizations first before looking at other options to help with events. Stephanie Juhl (Town Square Coordinator) responded that it is not always what happens, but typically it is nonprofits that qualify to hold a Temp B license.

City Attorney Chesebro was asked to provide information on denying a license. He stated that if a license should be denied it shall be based on the same standards and criteria that the municipality has established by ordinance for the evaluation of all retail license applications and the municipality may not impose any requirement restrictions that the municipality does not oppose on other retail licenses - referencing chapter 125.29(d) of the WI State Statutes. The DOR needs approval by the municipality to issue the permit to the brewery for the offsite full-service retail location. If the municipality is going to deny the application, they would need to provide justification for the denial so that if it was contested the justification could be explained to the court.

Martin stated that either one of the agenda items could be approved but really, it's about keeping the business in the city. Background was given on Park and Rec reaching out to the Jefferson County Tavern League Foundation about working together back in February, but there was no follow up from the Foundation to Park and Rec. Park and Rec then reached out to BrewFinity to see if they could fill in for a vacancy at the event in which they responded yes. The Foundation's concern came up later after Licensing Board had recommended approval of BrewFinity.

Mayor McFarland discussed that the event is only for 4 hours and that she is uncomfortable setting the precedence that we are going to recommend approval at one level and then back track it at the eleventh hour because of another idea coming up. When we are talking about private businesses, especially for 4 hours, Mayor McFarland further expressed feeling uncomfortable putting the city in a possible discriminatory position just because the applicant is

from out of town. Mayor McFarland believes we can still find a path to coordinate with the Jefferson County Tavern League Foundation to serve at Town Square events in the future.

Ald. Smith offered that we are going to set a precedence no matter which way it goes, stating he is more concerned about setting the precedence about approving an out-of-town business over a local one. At the previous licensing board meeting, there was only one option presented and now there are two options. That sets a different context and therein the Board is not automatically required to come to the same result. He continues to say we would be failing the mandate of Council if we would say we were duty bound procedurally. Since granting approval to the brewery needs to be done by invitation, and the city does not have any affirmative action outlining the inviting or denying breweries to operate at city events, there would be no bases or reason to state a denial. The brewery would not be rejected if we don't approve it, we would just not be filling the prerequisite for the brewery to come.

Mayor McFarland clarified her previous comments that, being a voting member on this Board and interfering with two businesses competing for a place in the community, she is feeling uncomfortable about the situation. Here we have a business who came in, applied, someone didn't like it, applied with their application, and now there is a possibility that we are going back on that decision. She very much supports local business and is confident we will get there in the long run, but this is only one day for 4 hours. Martin echoed Mayor McFarland. Mayor McFarland continued by saying we reached out to BrewFinity and now we are going back on that. Martin suggested that perhaps going forward we can remember this and choose not to reach out to them next time.

Mayor McFarland explained that it is important to note that the Jefferson County Tavern League Foundation was reached out to months ago about working together, and the city didn't hear back so the decision was made to move on to the next option. There were no ill intentions to not support local business when that decision was made.

Ald. Smith mentioned that the decision made today could set precedence for the future.

Ald. Smith made a motion to move to Item B, seconded by Martin and carried by unanimous voice vote.

- B. Ald. Smith moved to approve the application for a Temporary Class "B" Beer license from the Jefferson County Tavern League Foundation for the Summer Concert Series on June 15, 2024 from 5pm - 9pm at the Bentzin Family Town Square contingent on all required information being submitted, seconded by Martin and carried by voice vote with Schroeder abstaining.
- A. Ald. Smith made a motion to table the request to sell beer and wine as a full-service retail outlet from Kellermeister Beverages, LLC DBA BrewFinity Brewing Co at the Bentzin Family Town Square for the Summer Concert Series on June 15, 2024 from 5pm - 9pm, seconded by Martin and carried by voice vote with Schroeder abstaining.

3. ADJOURNMENT Schroeder made a motion to adjourn the meeting at 4:54 p.m., seconded by Martin and carried by unanimous voice vote.

Respectfully submitted,

Megan Dunneisen, City Clerk

Note: These minutes are uncorrected, and any corrections made thereto will be noted in the proceedings at which these minutes are approved.