



Entertainment License

Permanent

City of Madison Clerk
210 MLK Jr Blvd, Room 103
Madison, WI 53703

Class A: Beer, Liquor, Cider

Class B: Beer, Liquor,

Class C Wine

licensing@cityofmadison.com
608-266-4601

(Agenda Item Number)

(Legistar file number)

LICENT-2019-00093
(License number)

15 (Alder District #) 610 (Police Sector)

Office Use Only

Type of entertainment license: Entertainment License (21+) Visual & Performing Arts License (18+)

Licensed Premises Information

This application modifies existing alcohol license number (if applicable): LICLIB-2016-01185
(Class B license only)

Business dba Name: The Biergarten at Olbrich Park

Licensed Address: 3401 Atwood Avenue

Premise Capacity: 240 Liquor/Beer Agent Name: Matthew Gest

75 % Alcohol, 20 % Food, 5 % Other Alder, District #: 15 Police Sector: East

Corporate Information

Business Legal Name (as on WI State Sellers Permit): BKM Group, LLC

Business Mailing Address: 543 Harvest Ln, Verona, WI 53593

Business Contact Name, Position: Mike Bare, Member

Business Phone: 608-620-3001 Business Email: mike.bare83@gmail.com

Corporate Officers, Partners, or Sole Proprietor's information:

Name	Address	Title
Mike Bare	543 Harvest Ln, Verona, WI 53593	Member
Erik Kesting	502 Edgewood Ave, Madison, WI 53711	Member
Travis Mueller	3024 North Murray Ave, Milwaukee, WI 53211	Member

Security Plan attached (21+ must complete page 2, 18+ must completed pages 2 and 3)

I have contacted Zoning (zoning@cityofmadison.com, 608-266-4551) for necessary approvals.

I certify that this information is true and correct to the best of my knowledge.

X
Signature

1/22/19
Date

Orange sign and business card issued

"License Renewals & Changes" brochure with next steps issued
Office Use Only

Entertainment and Security Information

Live entertainment includes (check all that apply): Live Music Disc Jockey Designated Dance Floor
Live entertainment does not include non-amplified or acoustic music performed by a single artist, or performances where an uncompensated patron sings along with a machine that plays pre-recorded music, commonly known as karaoke.

Type of live entertainment to be offered: Live music performance in accordance with conditions in our current license and existing use agreement with the City of Madison (effective March 1, 2017), which limits amplified sound to PA1 Level on Fridays and Saturdays 4-8 PM.

Number of security personnel and how they will be utilized: Staffing levels are adjusted based on number of guests.
Our ambassadors are focused on monitoring the premises and checking IDs. At least one ambassador will be staffed at all times during performances.

Description of clothing to identify security personnel: Staff wear shirts with business logo and "staff."

Plan to handle control and clearance of the parking lot during hours of operation and at closing time:
We will continue to coordinate with Madison Parks and MPD as necessary to address any parking issues if they arise.

How will the entrance line be managed and controlled: Ambassadors check IDs upon entry and monitor capacity and flow of guests.

Plan for unruly patrons, intoxicated patrons, and physical disturbances: Please see accompanying safety plan.

Underage drinking and fake ID plan: Please see the accompanying Responsible Alcohol Consumption Action Plan.

Plan to control and supervise patrons under twenty-one (21) years of age: Please see the accompanying Responsible Alcohol Consumption Plan.

How will orderly appearance and operation of the premises be maintained in regard to litter and noise:
We will continue to closely monitor the premises for litter and monitor live music performance volume levels to comply with our agreement with the City of Madison.

Management Personnel

Name	Date of Birth	Name	Date of Birth
Matthew Gest			

Safety Plan

The Biergarten at Olbrich Park

Plan Established March 7, 2017

Updated January 20, 2018

Goals

- To create a safe and secure environment on and immediately surrounding the Biergarten premises for all patrons, employees, and park visitors.
- To mitigate any inappropriate conduct or noise by patrons.
- To diffuse any unsafe situations as they occur and establish preventive measures to minimize potential incidents.
- To maintain trained staff responsible and accountable for looking after the security and safety of our patrons.

Personnel

- We will ask all job candidates for references and job history, and will evaluate candidate backgrounds, which will include calling references and conducting a reasonable background check.
- All employees will have a written job description to ensure they understand the expectations of their role, including security of the premises.
- We will contract with a sufficient number of licensed security guards should they be necessary.
- Management will hold regular staff meetings to discuss policies and procedures, any recent incidents, and best practices to prevent those situations from occurring again.
- Management will spot check staff compliance with policies and procedures and provide staff with regular performance feedback.
- All employees will receive training on monitoring the premises for safety, and training will include the Biergarten's Responsible Alcohol Consumption Action Plan (as laid out in the use agreement between the City of Madison and BKM Group, LLC), Biergarten Rules (as laid out in the use agreement between the City of Madison and BKM Group, LLC), and Security Plan. These documents will be readily available to all employees.
- Staff will maintain a close, cooperative working relationship with the Madison Police Department, including meetings as requested and necessary.
- Use or possession of illegal drugs on the way to work, on the job, or on the premises is not permitted and will result in disciplinary action up to and including termination.

Checking Identification

- All patrons appearing to be age 35 or younger will be required to show ID to purchase alcohol.
- We will have a state ID book and ID scanner with computer hard drive on hand to enable staff to scan-check IDs and store scans.
- All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued.
- If the identification card is expired or appears at all questionable to the employee, the employee may request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask patrons questions relating to their identification in order to verify their identity. If the employee has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police. Employees will receive a stipend for finding false IDs.

- We will contract with an outside vendor to conduct at least two unannounced alcohol age compliance checks each year.

Monitoring the Premises

- The on-site manager will maintain an adequate ratio of staff to customers. All employees are trained to escalate to the manager when they believe more staff is needed to monitor customers. If additional staff is not available, staff will be positioned at the entrance to prevent additional patrons from entering.
- Maximum capacity will be posted and displayed prominently.
- During busy periods, to ensure capacity limits are met, staff will monitor the number of people entering and leaving the premises with a counter system and do periodic patron counts.
- Security cameras with views covering the entire premises will be used to monitor the premises in compliance with Madison Ordinance 38.05(13). Records will be kept for thirty days and provided to law enforcement upon request, and records of any material incidences will be kept permanently to facilitate response training.
- Staff will be trained to monitor the premises and conduct periodic checks of areas immediately surrounding the premises for suspicious activity or safety concerns. A radio communication system will be available for use by staff to facilitate easy communication.
- Staff will ensure signs indicating the Biergarten rules and premises boundary are clearly posted.
- Staff and posted signs will encourage patrons to exit Olbrich Park and its parking lot by the Park closing time at 10:00pm.
- The premises will be well lit during dark operating hours by overhead and ground lighting as necessary to ensure safety.

Handling Incidents

Service Procedures

- We will maintain a log of all incidents and disturbances and provide copies to law enforcement upon request.
- The log will minimally include: date, time, summary of incident, the names and address of those involved (when available), and whether police or park rangers were notified and by whom.
- Staff will be instructed to notify dispatch ("911") and request police response when any disturbances requiring emergency services occur on or around the licensed premises. The police will be called, in a timely manner, anytime management or staff has information to believe a crime has been or is about to be committed or whenever they believe a threat of or act of violence occurs on the premises or on immediately surrounding areas in view or earshot of the premises.
- Staff will not serve alcohol to anyone they determine has had too much to drink or anyone who is visibly intoxicated. When a customer has been "cut off", the server will notify the other employees. Management will support the server's decision to terminate service to any customer. If a customer is too impaired to drive safely, staff will try to persuade the customer not to drive, and arrange a safe ride. If the customer refuses, management will notify the Police Department and provide officers with a description of the person and the license plate number of the vehicle, if possible.

Weather Procedures

- In the event of a Tornado warning or of other weather emergency that threatens safety (e.g. lightning), staff will discontinue service and direct patrons to seek shelter.
- Following a storm or other incident, staff will check the area for any hazardous conditions (e.g. downed electrical wires) and work with Parks staff and emergency personnel to mitigate these hazards before resuming operations in that area of the premises.

Fire Procedures

If the fire is small and easy to control, staff are instructed to:

1. Call for help.
2. Use one or more available fire extinguishers. Do not use water on any fire if it is near electricity or chemicals of any kind.
3. Remove any chemicals, aerosols, etc. from the area.
4. Clean the area of debris and water when it is safe to do so.
5. Notify a supervisor and complete an incident report.

If the fire is not easy to control, staff are instructed to:

1. Call for help.
2. Direct patrons and staff to evacuate the premises.
3. Call 911 from a safe location and follow instructions of emergency personnel.

Additional Policies and Procedures

- Staff will abide by the Responsible Alcohol Consumption Action Plan as laid out in the use agreement between the City of Madison and BKM Group, LLC, which includes additional actions and policies that support security.
- Staff will enforce the Biergarten Rules as laid out in the use agreement between the City of Madison and BKM Group, LLC. Management is authorized to remove any individuals in violation of these rules or any applicable law, and to contact law enforcement.
- Staff are instructed to follow instructions provided by the Madison Fire Department, Madison Police Department, Madison Park Rangers, or other law enforcement.
- Staff will coordinate with the Madison Police Department and the Parks Division to ensure our operational capacity is maximized and premises are secure during special events that draw large crowds to the Park, including "Shake the Lake" and others.

Biergarten at Olbrich park Responsible Alcohol Consumption Action Plan

BKM Group, LLC, as part of their management of the Biergarten at Olbrich Park, will execute the following Responsible Alcohol Consumption Action Plan. This plan is based on similar plans maintained by other Madison Parks vendors, evidence-based responsible alcohol consumption policies, and is the result of working with Parks Division staff and incorporating feedback from the Madison Police Department, the Wisconsin Alcohol Policy Project and other sources. General alcohol-related policies and practices for staff and operation:

1. All staff will receive mandatory training by Biergarten management and/or external experts.
2. All servers must complete Serv-Safe alcohol and Serv-Safe food training and present their certification to be kept on file at the Biergarten by the Operating Manager.
3. All servers are 21 or older.
4. Employees must maintain a BAC below .04 while on duty.
5. We will have a licensed operator monitoring alcohol service at all times.
6. The on-duty manager is responsible for ensuring staff and patrons follow these policies and all applicable laws. This manager is authorized to respond to incidents, remove any individuals in violation of these rules or any applicable law, or contact law enforcement.
7. Service and consumption of alcohol will be allowed only in designated reusable containers we provide. Non-alcoholic beverages will be served in distinctly different containers we provide.
8. All patrons appearing to be age 35 or younger will be required to show ID to purchase alcohol.
9. We have a state ID book and ID scanner with computer hard drive on hand to check IDs.
10. Servers will confiscate false IDs, report it to law enforcement, and will receive a stipend for finding false IDs.
11. We will contract with an outside vendor to conduct at least two unannounced alcohol age compliance checks each year.
12. No unaccompanied underage persons are allowed in the Biergarten.
13. No underage individual will be allowed to purchase alcohol at the Biergarten or consume alcohol in the Biergarten even if accompanied by a parent, guardian, or spouse. Our staff will monitor consumption within the Biergarten. If underage drinking is found, all individuals involved may be escorted out of the Biergarten and the manager may contact law enforcement.
14. We reserve the right to refuse alcohol to anyone we determine has had too much to drink or anyone who is visibly intoxicated and we will not serve them alcohol. These patrons will be assisted with finding a safe ride.
15. We reserve the right to refuse service to anyone found in violation of the rules at any time.
16. An incident record will be kept on file at all times in the event there is ever an occurrence of a fake ID found, service refused, etc., and will be kept on record for at least 24 months.
17. We provide an attractive selection of food and affordable non-alcoholic beverages at a cost lower than alcoholic beverages.
18. We will install security cameras to monitor the premises in compliance with Madison Ordinance 38.05(13).

The following rules will be posted prominently at the entrance to Biergarten at Olbrich Park and on our website:

Biergarten Rules

- Show respect for our neighbors, Lake Monona, and Olbrich Park.
- Outside alcohol is prohibited by law at Olbrich Park. All alcohol must stay within the Biergarten.
- Picnic baskets and deliveries of outside food are welcome. Outside catering services are prohibited. Seating area may be used by people who wish to picnic and chose not to purchase food or drink from the Biergarten.
- A parent, guardian or spouse over 21 must accompany individuals under 21 in the Biergarten.
- Individuals under 21 may not consume alcohol, even when accompanied by a parent or guardian.
- Grills are prohibited in or around the Biergarten.
- All tables at the Biergarten are shared. A limited number of tables may be reserved for a special event.
- All motor vehicles, motorcycles & motor scooters must remain in the paved parking lot.
- No smoking, e-cigs, or tobacco use in the Biergarten.
- No personal amplified sound is allowed in the Biergarten.
- “Last Call” at the Biergarten is 9:00pm and there will be no alcohol served after 9:30. Plan accordingly. You must return all Biergarten containers and be out of Olbrich Park when it closes at 10pm.

Offenses punishable by ARREST as determined by local law enforcement authorities:

- Underage drinking
- False identification (attempting to use fake IDs)
- Disorderly or unsafe conduct