

Item 24-0327 Recommended Denial of an Operator License for Miguel H.

Common Council

Wed, Apr 03, 2024, 7:00PM

Mayor Jake Woodford 27:08

We have no special resolutions. So we will establish the order of the day. Alder Croatt.

Aldersperson Chris Croatt (District 14) 27:20

Thank you, Mayor. Sorry, I couldn't be at tonight's meeting in person. I'm stuck in Chicago trying to get home. My neighborhood is out of power. So I'll be coming home to that. Hopefully it'll be on. I would like to refer back Safety and Licensing committee item 24-0327 which is the operator license for **[Miguel H.]**.

Mayor Jake Woodford 27:48

Okay, seeing no objections that—alder Wolff has objected. Is there a second? We have an objection and a second to the objection. So with that, we'll move to a vote. This is on the motion to object. Any discussion?

Mayor Jake Woodford 28:17

Yes, it is debatable. So let's—we'll clear the queue, and we'll get back to establishing the order of the day in a moment, but let's just use that to organize us here. All right. We have a motion and a second to object to the refer back, and Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 28:40

Thank you, chair. I too had questions in regards to this after watching this Safety and Licensing meeting. And since the chair of the meeting was not there and is requesting the refer back, I would like us to refer this back. My primary reason to refer it back would be because we have conflicting information regarding the recommendation versus what was actually approved. Thank you.

Mayor Jake Woodford 29:04

Alder Fenton.

Aldersperson Denise Fenton (District 6) 29:06

Thank you, Your Honor. I just have a question. I saw the meeting and read all the documentation. And my question would be either to the city attorney or to the PD, is there a time factor in this? Is the license applicant at any risk with the employment or anything if we go another meeting cycle with this? Anybody know?

Mayor Jake Woodford 29:36

I don't believe we're aware of a time constraint. Clerk Lynch?

Clerk Kami Lynch 29:43

I don't have the application in front of me, but there is a provisional license allowed which is good for 60 days. I know he applied in February. So the provisional would expire but that does not hold up. He just won't be able to work until there was a decision made on the license, but I can't speak to the employment requirements at the establishment.

Aldersperson Denise Fenton (District 6) 30:06

So can I follow up? Because it looks to me like the application was received February 2. And I don't know—he completed the class on the 10th. So bottom line, he would not be able—it is—if I'm understanding this correctly, Clerk Lynch, he would not be able to work because once we get past April 10, is that...?

Clerk Kami Lynch 30:33

Provisional would expire. Yes.

Aldersperson Denise Fenton (District 6) 30:34

Okay. Thank you.

Aldersperson Chad Doran (District 15) 30:41

Thank you. I'm joining some of my colleagues that also have questions just about what took place at the meeting, the vote at the Safety and Licensing meeting. And I would just remind our colleagues that the chair of the committee at which this is held has asked for a refer back, and generally as in past practice, that has been a courtesy when there are no timeliness issues with a request for refer back. So I would encourage us to support the refer back in this instance.

Mayor Jake Woodford 30:41

Alder Doran.

Mayor Jake Woodford 31:18

Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 31:20

Thank you, Chair. I was present at the meeting, and the denial that occurred because the person who applied for the license did have a history that required that if we wanted to provide him a license, we need to be needed to be provided documentation that shows that he's been rehabilitated. I have no problem discussing this further as an item this evening, but I feel uncomfortable sending it back just because we want to discuss it when this could affect a business owner and a person's livelihood. Thank you.

Mayor Jake Woodford 32:05

Alder Wolff.

Aldersperson Nate Wolff (District 12) 32:07

Alder Van Zeeland said it perfectly.

Mayor Jake Woodford 32:14

Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 32:16

Thank you, Chair. Following up on aldersperson Fenton's information request for an answer from Clerk Lynch, and it was stated that this person will not be able to work. I believe that's incorrect. I believe this person will still be able to work but will not have a license to be able to do so. Thank you.

Mayor Jake Woodford 32:36

I want to caution the Council about having a sort of proxy debate about the item. The discussion before he right now is on the objection to the refer back. So just ask that we keep focused on that and get that resolved. Alder Schultz.

Aldersperson Alex Schultz (District 9) 32:55

Thank you, Mayor. I was present at the meeting. I chaired the meeting. Many questions were asked of staff, and we went through a conversation that led us to a point where we felt—at least staff felt—that adequate documentation was provided. And so we voted based on what was presented to us. I'm a little unclear as to what the conflicting information is since that meeting. Maybe something has surfaced, and if that's the case, then I'm certainly willing to discuss it more, but I did feel like the committee asked all the right questions, staff answered those questions, and the individual who came forward to request this license provided all the documentation I think he needed to. At least that was my understanding when I chaired the meeting. So that's the reason I object. However, if something else has come to light, I'm certainly willing to refer this back and discuss it. I just don't understand what that would be at this point. Thank you.

Mayor Jake Woodford 33:51

Seeing no further discussion—Alder Croatt.

Aldersperson Chris Croatt (District 14) 33:57

Thank you, Mayor. I would hope that we would be able to send this back to committee. I was not able to attend the meeting. I did watch it. I do have some questions. Out of courtesy for that request, I would hope we would be able to do that. There's really not a need to rush this and vote on this tonight. We need to make sure we have all the information and then make the right decision. So I would hope we can refer it back.

Mayor Jake Woodford 34:21

Right. Seeing no further discussion, we have an objection in a second to the refer back. And aye vote will sustain the objection and keep it here at Council. A nay vote denies the objection, and it'll be referred back everybody clear on that? We'll start with a voice vote, and if we need to, we'll tally it up. But all those in favor please signify by saying aye. Opposed? All right. Believe the nays have it, and the item has been referred back to committee.

Mayor Jake Woodford 35:06

You can. Yes, that would be an order. So a division has been requested, and we will—do we have this setup to vote here. Can we do it on the tablet or you're just going to call the roll? Yeah, go ahead. The Clerk will call the roll. And this is, yeah, two thirds vote to sustain the objection.

Clerk Kami Lynch 35:29

Aldersperson Siebers.

Aldersperson William Siebers (District 1) 35:30

Nay.

Clerk Kami Lynch 35:33

Aldersperson Meltzer.

Aldersperson Vered Meltzer (District 2) 35:34

Aye.

Clerk Kami Lynch 35:37
Aldersperson Firkus.

Aldersperson Brad Firkus (District 3) 35:38
Nay.

Clerk Kami Lynch 35:42
Aldersperson van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 35:43
Aye.

Clerk Kami Lynch 35:45
Aldersperson Fenton.

Aldersperson Denise Fenton (District 6) 35:46
Aye.

Clerk Kami Lynch 35:49
Aldersperson Hayden.

Aldersperson Patrick Hayden (District 7) 35:50
Aye.

Clerk Kami Lynch 35:52
Aldersperson Thyssen.

Aldersperson Joss Thyssen (District 8) 35:53
Aye.

Clerk Kami Lynch 35:56
Aldersperson Schultz.

Aldersperson Alex Schultz (District 9) 35:57
Aye.

Clerk Kami Lynch 35:59
Aldersperson Jones.

Aldersperson Vaya Jones (District 10) 36:00
Aye.

Clerk Kami Lynch 36:02
Aldersperson Alfheim.

Aldersperson Kristin Alfheim (District 11) 36:03
Nay.

Clerk Kami Lynch 36:05
Aldersperson Wolff.

Aldersperson Nate Wolff (District 12) 36:06
Aye.

Clerk Kami Lynch 36:09
Aldersperson Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 36:10
Nay.

Clerk Kami Lynch 36:13
Aldersperson Croatt.

Aldersperson Chris Croatt (District 14) 36:16
Nay.

Clerk Kami Lynch 36:19
Aldersperson Doran.

Aldersperson Chad Doran (District 15) 36:20
Nay.

Mayor Jake Woodford 36:28

All right, we have only eight ayes. That required a two thirds vote, so the objection has failed. The item will be referred back to committee.