

Item 24-0834: Non-Renewal of the Class "B" Fermented Malt Beverage & "Class B" Liquor License for Corner Pub, 1123 N Mason Street. Kim Williams, Agent
Safety and Licensing Committee

Wed, Jul 10, 2024 5:30PM

Alderman Chris Croatt (District 14) 01:15

Okay, no scheduled public hearings are appearances. We will move right into the action items starting with 24-0834 is the non-renewal of the class B fermented malt beverage and Class B liquor license for Corner Pub located at 1123 North Mason Street in Appleton, Kim Williams agent. This committee held this at the last meeting to give basically give the applicant an opportunity to address some of the inspections related concerns. So, is there—well, we can hold on the motion, correct, Attorney Glad? Or do you want to you want to say anything as far as the hearing process?

Darrin Glad (Assistant City Attorney) 02:00

You correctly [rest of words not picked up by microphone]

Alderman Chris Croatt (District 14) 02:02

Okay. Okay. Do we need to confirm that Miss Williams is here today? Miss Williams, are you here today? Okay, thank you. All right.

[Attorney Glad speaks off microphone.]

Alderman Chris Croatt (District 14) 02:16

Okay, thank you. I will start with anything from the City Attorney's Office. We do have a new memo from the inspections division, dated the 10th, today. I believe it references an inspection that took place yesterday. Would you like to cover that as an additional attachment to the agenda? District five should be on.

Zak Buruin (Assistant City Attorney) 02:43

So, there was the follow up inspection that was conducted on Monday here, the results of which are outlined within the memorandum from the inspections department from Director Craanen. The inspection supervisor notes, a number of items that are still needing to be done before the place could be lawfully opened for business. So, the place is not ready to go. My understanding from speaking with other departments is the situation is essentially the same today. So even though this was Monday, it remains the same today. I don't know that there's a lot to add that would be anything other than cumulative. We're just kind of in the same spot we were two weeks ago.

Alderman Chris Croatt (District 14) 03:23

Okay. Thank you very much. And the recommendation or the comment on the memo is that staff does not support renewal of the liquor license. Miss Williams, would you like to speak you need to come to the podium and give your name and address for the record, please.

[She goes to the podium to speak, but the microphone either isn't on or doesn't pick up her words.]

Alderman Chris Croatt (District 14) 03:47

That's the business property, correct?

Kim Williams (Corner Pub) 03:49

Yeah.

Alderson Chris Croatt (District 14) 03:50

Okay. Go ahead. Would you like to add anything since the last meeting when you made your comments?

[Ms. Williams speaks, but her words are not picked up by the microphone.]

Alderson Chris Croatt (District 14) 06:33

Okay, anything additional? Anything additional? Sorry, I'm bringing my mic closer.

[Ms. Williams turns to the audience and seems to talk to someone sitting there.]

Alderson Chris Croatt (District 14) 06:45

Yes, she can be. We—do we need to have the clerk swear her in formally or...?

Darrin Glad (Assistant City Attorney) 06:51

I think the last **[the rest of his words are not picked up by the microphone]**

Alderson Chris Croatt (District 14) 06:56

I don't think the gentleman that was here spoke last time, though. Okay.

[Attorney Glad speaks off microphone.]

Alderson Chris Croatt (District 14) 07:03

Okay, so name and address if she wants to speak? Okay. Yes, she can speak she just needs to give her name and address. And I just wanted to say Miss Williams that I understand the challenges that you've been facing, and sorry to hear that you're dealing with a lot of that. It's been over a year that these things have been, you know, identified as far as the license renewal process goes. Are you aware of the memo that we're looking at that's part of our packet that lists seven things that need to be addressed? You mentioned one or two of them. It would have been part of an inspections report.

[Ms. Williams speaks off microphone.]

Alderson Chris Croatt (District 14) 07:43

Okay, so I might have misspoke and said the inspection was yesterday, but it was actually Monday. And the memo references seven deficiencies or areas that need to be addressed. I just wanted to make—see if you are aware of this. And I'm sure there was some sort of inspection report that was generated and probably.

Kim Williams (Corner Pub) 08:02

I have not.

Alderson Chris Croatt (District 14) 08:02

Okay. Okay. All right. She can speak if she'd like to. Name and address for the record, please.

[The microphone was not picking up anything, but it sounded like Ms. Williams' associate had the last name Williams, possible with a first name along the lines of Crystal/Christine. The meeting minutes don't identify her.]

Alderson Chris Croatt (District 14) 08:15

Thank you.

[Ms. Williams' associate speaks off microphone.]

Alderson Chris Croatt (District 14) 09:39

Okay, and I think at least from my perspective, the intent of holding this for two weeks was to get a lot of those things, taken care of. And I know—understand two weeks is a short period of time for work to be done and completed and inspected, but that was one of the driving factors for holding it for two weeks was to address the remaining issues that would allow the bar to open in com—in full compliance.

[Ms. Williams' associate speaks off microphone.]

Alderson Chris Croatt (District 14) 10:22

Okay, and this memo is dated today. So it could be that just the short amount of time since the inspection and then the reporting and the memo generation is just—it's just a really short period of time. So, Alder Siebers. Do you have anything else you want to add? We're gonna bring it to committee. So, thank you for your comments. Alder Siebers, go ahead.

Alderson William Siebers (District 1) 10:41

I believe the reason that we held this was because I was led to believe as well as the committee, that the things that needed to be completed were completed. In fact, I asked at least three times, "You're saying that everything that you need to do has been done." The issue was that Miss Williams had not contacted Inspections to set up a time of visitation so that they could then clear her, and so I, for that reason, I requested that we hold this to give her the opportunity to schedule inspections at her place. So.

Alderson Chris Croatt (District 14) 11:36

You're correct in that summary. There was also a question about permits being issued, and in this memo references a permit issued on June 6 which would have been prior to our last committee meeting.

Alderson William Siebers (District 1) 11:47

Right.

Alderson Chris Croatt (District 14) 11:47

So, I think there was some question as to have there been any permits pulled? Has the work been completed? So yes, thank you for your comments. Anyone else? Alder Doran, go ahead.

Alderson Chad Doran (District 15) 11:55

Thank you. I don't sure if somebody on staff could just clarify the comments that were made that the issues that have been raised in this memo were not previously given as issues to the bar owner that needed to be fixed.

Zak Buruin (Assistant City Attorney) 12:09

District five yet. There was an inspection report generated in 2023, kind of at the beginning of this year ticking clock for the abandonment issue that outlined have it up here, and it is attached to the record. But it outlines approval still needed from fire HVAC, Building, Plumbing, Electrical, and Health, as well as some other plumbing—specific plumbing needs that were of concern at that point. So at least—at the very least, there were a number of departments that were noted as needing specific approval before anything could happen.

Zak Buruin (Assistant City Attorney) 12:54

The one thing I can share, it does appear that the electrical stuff was done, and that's the one situation where there may have been some small issues that were noted as that inspection was being done. So there, there were some new smaller violations that were noted as part of that, and those would be new, as far as we're aware of. But the other things were noted previously. I will note that it looks like the HVAC situation has actually been addressed. So that matter was dealt with, but the other ones do appear to remain, and they have been long standing.

Alderman Chad Doran (District 15) 13:27

Okay.

Alderman Chris Croatt (District 14) 13:28

Any other question?

Alderman Chad Doran (District 15) 13:30

No, I think—so those other issues that still remain were outstanding prior to the last committee meeting where this was held as well?

Zak Buruin (Assistant City Attorney) 13:37

Yes.

Alderman Chad Doran (District 15) 13:37

Correct? Okay. Thank you.

Alderman Chris Croatt (District 14) 13:39

Okay. Attorney Glad, request from the applicant—and I'm not advocating for this—but a request from the Appleton is a two-month extension. Is that within the pur—within the allowable for the committee to take action on?

Darrin Glad (Assistant City Attorney) 13:54

Yeah, the Council [...]

Alderman Chris Croatt (District 14) 13:56

Oh, what's your—what's your microphone?

Alderman Chris Croatt (District 14) 13:57

District [...]

Alderman Chris Croatt (District 14) 14:00

Sorry.

Darrin Glad (Assistant City Attorney) 14:01

So, if abandonments—that's what we're looking at. It's a one-year period of non-using the license for its intended purpose, and Council may for good cause shown extend that period. So, I think from that comes the committee's recommendation could be to extend that one year period.

Alderson Chris Croatt (District 14) 14:20

Okay. So, anyone else from committee?

Alderson Alex Schultz (District 9) 14:24

Chair?

Alderson Chris Croatt (District 14) 14:24

Before we—Alder Schultz, go ahead.

Alderson Alex Schultz (District 9) 14:26

Yeah, I'm still challenged to wrap my head around the circumstances here that have, you know, put this owner in position where they feel like they've not been entirely briefed on all the things that need to be addressed and, you know, are finding out there's some more things that they're being asked to accomplish which may not have been divulged originally. And so there was an incident a year ago; there was some inspection saying we have a lot of issues. I don't—we don't have, as a committee, a list of the things that were in those inspections reports saying "Here are 10 things that must be addressed." I don't have any reference points. So, it's hard for me to, like, understand what the owner has done and has not done, and it's—so it's challenging a little bit for me to—

Alderson Chris Croatt (District 14) 15:11

Just to clarify two inspection reports are part of the agenda, and they're the 2023 original, and then there was one from May of 2024.

Alderson Alex Schultz (District 9) 15:21

And I've read those.

Alderson Chris Croatt (District 14) 15:21

Okay.

Alderson Alex Schultz (District 9) 15:22

What we have attached, they're not very specific. There's not—there isn't a list of 10 things in each of those inspections report saying what must be done.

Alderson Chris Croatt (District 14) 15:28

I understand what you're saying.

Alderson Alex Schultz (District 9) 15:29

They're generalized in the condition of the bar, what needs to be addressed, but we don't have a "Here are 12 things that must be taken care of" kind of list. And I'm looking at a new list that was generated today or yesterday that says "Here are six things that must be addressed." I don't know if these were already divulged to the owner from that initial or not, because I don't have a reference point to understand. So, it's hard for me to say that this property owner and business owner is trying to do everything they can without knowing that they have everything in their—at least knowledge of everything that needs to be addressed. Now they've got a new inspection saying there's some other things. So, I don't know.

Alderson Alex Schultz (District 9) 16:10

I'm sorry, I'm just—I feel a little bit challenged here as a as a committee member to make a decision one way or the other, understanding that everything was communicated to them properly, and that they knew with 100% certainty all of the things that need to be addressed because I have no reference points. So, I mean, I guess I'd

Wed, Jul 10, 2024

be inclined to give them a little bit more space based on the hardships that the owner in the family has faced, but again, I don't know. Like I say, I'm sorry, I'm challenged here.

Alderson Chris Croatt (District 14) 16:43

Okay.

Alderson Alex Schultz (District 9) 16:43

That's all I'm gonna say.

Alderson Chris Croatt (District 14) 16:45

Thank you. Was there any questions in there for staff or anyone? Comments? Okay. Alder Doran?

Alderson Chad Doran (District 15) 16:53

Thank you. Question, I guess, for the clerk. If the license would—I guess, if committee and Council would vote to not renew the license, there are other establishments on a waiting list for this license, correct?

Alderson Chris Croatt (District 14) 17:08

Clerk Lynch, what is your microphone? Go ahead.

Clerk Kami Lynch 17:13

So, we don't currently have a waiting list for licenses. Actually, at the I believe it was the last meeting gave a report with where we're at with this type of alcohol license (the regular class view liquor), and there were some available due to different establishments not getting their renewals in on time, but some of those are coming through tonight, so that—those would go to Council next week. So, this would free up a regular license, which we do at this time, even with those that didn't renew, if they all get their licenses back, essentially, we may still have one or two regular licenses available. So, it's not like this is the only one, but we're tight with that window or the number between regulars and reserves.

Alderson Chris Croatt (District 14) 18:03

Okay.

Alderson Chad Doran (District 15) 18:04

Thank you.

Alderson Chris Croatt (District 14) 18:04

Not a waiting list.

Clerk Kami Lynch 18:06

Not a waiting list at this time.

Alderson Chad Doran (District 15) 18:07

Thank you. And I don't think that's necessarily a factor in our decision, but I just wanted to kind of see where we were at there. And I guess, with the information we have from staff and the clarification that that these are not necessarily new issues and the owners have had time to, you know, had the year plus the extension given by committee to get these issues addressed. Committee was told these items were all addressed, gave the additional time to get the inspection scheduled, and now, we're hearing that these issues haven't been addressed and the owners are asking more time. I think that that sort of clock has run out in my opinion and I would make the motion to deny the renewal at this point.

Alderson Chris Croatt (District 14) 18:55

Okay. So, we have a motion to deny the non-renewal.

Alderson William Siebers (District 1) 18:58

Second.

Alderson Chris Croatt (District 14) 19:00

Or would—wait a minute, "Deny a non-renewal" It would be a motion to approve non-renewal.

Darrin Glad (Assistant City Attorney) 19:07

Yeah, however you word it just make—be sure the intent is clear.

Alderson Chris Croatt (District 14) 19:09

Just want to make sure—

Darrin Glad (Assistant City Attorney) 19:10

Don't want to renew, or you do want to renew right.

Alderson Chris Croatt (District 14) 19:12

So, your motion is?

Alderson Chad Doran (District 15) 19:14

To not renew the license.

Alderson Chris Croatt (District 14) 19:15

So, a motion to—

Alderson Chad Doran (District 15) 19:18

Approve the non-renewal

Alderson Chris Croatt (District 14) 19:19

Approve non-renewal. Okay. Is—did you second? Okay, we have a motion and a second to approve non-renewal. I just want to take Alder Doran's comment one step further in a call it a hypothetical situation. Council decides to not renew this establishment's license. They correct all their problems. Two months from now their option is new application? I'm asking clerk's office or attorney's office for some clarification.

Darrin Glad (Assistant City Attorney) 19:48

That's my—

Alderson Chris Croatt (District 14) 19:49

What their options would be.

Darrin Glad (Assistant City Attorney) 19:50

Yeah, they could apply for a original initial license.

Alderson Chris Croatt (District 14) 19:53

Okay.

Zak Buruin (Assistant City Attorney) 19:54
Understanding as well.

Aldersperson Chris Croatt (District 14) 19:55
Okay. Just wanted to understand what that looks like if they would, you know, not to get this renewed but then get everything addressed and want to reopen.

Darrin Glad (Assistant City Attorney) 20:03
And I think I can add, are you thinking of, like, with a revocation we have that six-month waiting period.

Aldersperson Chris Croatt (District 14) 20:09
Yeah.

Darrin Glad (Assistant City Attorney) 20:09
And then 12 months for the owner—

Aldersperson Chris Croatt (District 14) 20:11
I didn't know if there was anything there that would prevent them from applying.

Darrin Glad (Assistant City Attorney) 20:14
That wouldn't apply for a nonrenewal.

Aldersperson Chris Croatt (District 14) 20:15
Okay. Alder Siebers.

Aldersperson William Siebers (District 1) 20:17
I don't know if—

Aldersperson Denise Fenton (District 6) 20:18
No, it's okay. Alder Doran basically asked my questions.

Aldersperson Chris Croatt (District 14) 20:23
If you want.

Aldersperson Denise Fenton (District 6) 20:24
So, I yield.

Aldersperson Chris Croatt (District 14) 20:24
Okay, thanks.

Aldersperson William Siebers (District 1) 20:25
I don't know if anybody can answer this question, but I'm gonna ask it. At our last meeting, we gave the owner two weeks. She's was on the verge of losing her license. Why did it take us to the eighth of July to get inspections? Is that our doing or is it the owners doing? I mean, did the owner wait until the last minute to call to set up inspections? Or did we say "Well, we can't do it until two days before the meeting?" I don't know if you can answer that question.

Alderson Chris Croatt (District 14) 21:19

Chief Hansen, what microphone do you have? Okay, go ahead.

Fire Chief Jeremy Hansen 21:25

Thank you, Chair. I will defer answering that question to our Battalion Chief of Prevention and Public Education. Derek Hensen. He was at the inspection on Monday as well.

Alderson Chris Croatt (District 14) 21:36

Okay. Great. And your microphone number? Director One should be on. Thanks for coming.

Battalion Chief Derek Henson (Fire Department) 21:42

Thank you. So, we received a request—I believe it was July 2, it was the week of the Fourth of July. We had been instructed to coordinate with Community Development inspections, and they had some staff that were on vacation for that week, and that was what delayed that until the eighth. We did it as soon as we could get all of the inspectors together to do a singular inspection with everybody available.

Alderson Chris Croatt (District 14) 22:05

Okay. So?

Alderson William Siebers (District 1) 22:08

I mean.

Alderson Alex Schultz (District 9) 22:09

Chair? Denise.

Alderson Chris Croatt (District 14) 22:11

You want to comment? Alder Fenton.

Alderson Denise Fenton (District 6) 22:16

No. So, I had the same question that Alder Doran had about are we freezing a license that someone else could use? I—honestly, I understand that it's been a year, but I also am sympathetic to the extraordinary circumstances that have been faced by the owners of the business, and albeit a year had passed, but it appears that, you know, they hired an electrician, they got the proper permits, they had all the electrical work done after—before this inspection. And then on the July 8 inspection, there were some other things.

Alderson Denise Fenton (District 6) 23:04

I am not a contractor, but these items, other than the ceiling possibly, don't look huge to me. So, if—I would be amenable to granting them an extension that would be acceptable to the rest of the committee just because of extenuating circumstances and because they did make the effort, and there was some delay a little bit of delay on the city's part. So, I would be amenable to granting an extension.

Alderson Chris Croatt (District 14) 23:45

Looking at the list, I think there's some other things on here that are not necessarily quick and easy fixes. Who was next Alder Schultz and then Alder Siebers.

Alderson Alex Schultz (District 9) 23:54

Thank you, chair. I guess I'm just gonna drill on the timeline a little bit as we're, as we're talking about this. On June 6 a permit was issued to Alan's Electric to correct the electrical violations that we were privy to in the last

Wed, Jul 10, 2024

meeting, although we didn't know the extent of the other violations that were also needed to be addressed. That's two days before the inspection was scheduled, and then an inspection was conducted within a matter of a week, and I think for any business owner to get a contractor in and do this work and be prepared for an inspection within a within a one-week timeframe—I'm in the business. That's pretty exceptional. I guess, if I'm allowed to, can I ask the property owner question about this list?

Aldersperson Chris Croatt (District 14) 24:38

Sure, please approach the podium, Miss Williams, if you don't mind answering a question from committee member.

Aldersperson Alex Schultz (District 9) 24:45

Thank you, Miss Williams. I'm really trying to understand, you know, your perception of what was communicated and your knowledge of what needed to be addressed. There's a inspection that was supplied with us with seven areas of deficiencies from the most recent inspection from Electric and Health and Fire, sorry. Were any of these previously known to you in, you know, prior to pulling this inspection request and over the—I guess over the course of a year, did you know that you had to manage these things? Gas furnace enclosure, the two-hour firewall rating, door to furnace room must be an hour and a half fire rated? Were these things known to you for the past year? I guess that's my question because if they weren't and you just discovered this, I can't—I can't honestly understand why we would say, "Well, that's your fault," if you weren't made aware of these things previously. And again, I have no documentation from the staff or what's been provided within it, to show me that this was communicated. So, I'm asking you was this communicated to you, and did you understand that these were deficiencies?

[Ms. Williams speaks off microphone. It sounded like the first words she said where "This is all new", but everything after that was not picked up by a microphone.]

Aldersperson Alex Schultz (District 9) 26:03

And when were those?

[Ms. Williams speaks off microphone.]

Aldersperson Alex Schultz (District 9) 26:15

So essentially, you're saying there was a year gap between this incident, the first inspection saying you can't open this property. A year passes, and then suddenly, you guys want to open again, and you've got things to remedy and you're—you didn't pull the permits, and you needed some inspections, and that's what we're basically waiting on and giving you some time to do. And now you're discovering—now you're discovering in this very truncated timeframe in the come—matter of a couple of weeks that there's a lot of stuff you haven't been able to address, even though at our last meeting you said, "To my knowledge, we fixed everything," but I'm seeing that maybe to your knowledge you did, but from what I'm seeing a lot of stuff hasn't been fixed. So, my question is, to your knowledge, did—were you aware that these things needed to be fixed?

[Ms. Williams speaks off microphone.]

Aldersperson Chris Croatt (District 14) 27:10

Okay, I just I think it's important—thank you. I didn't want to cut you off. Sorry. I think it's important to note, when you look at the 2023 and 2024 inspection report, it's clearly outlined that things need to be inspected from various departments. Fire, HVAC, Building, Plumbing, Electrical, and Health all need to come through and inspect prior to the business back opening up for business. That was over a year ago. So that right there tells me

Wed, Jul 10, 2024

that there was a lot of work to do, and over the course of that next 12 months, all those things needed to be addressed, and that's where—that's where I'm struggling with giving any kind of an extension. I know the motion on the floor is to support non-renewal or approved non-renewal. Is there anything else you'd like to add because we're gonna bring this back to the committee?

[Ms. Williams speaks off microphone.]

Alderman Chris Croatt (District 14) 28:25

Understand. Thanks for sharing that.

Alderman William Siebers (District 1) 28:27

Can I ask a question. Before she said—

Alderman Chris Croatt (District 14) 28:28

Was anybody else in the queue? Okay, Alder Siebers, go ahead.

Alderman William Siebers (District 1) 28:34

Can you—when did you—you knew you needed to contact Inspections to set up a time for Inspections to come in. At our last meeting you were made aware that you needed to do that. Could you tell me when you did that? I'm having a hard time—Inspections coming on the eighth of July to inspect your place two days prior to our meeting. Was it your—

[Ms. Williams speaks off microphone.]

Alderman William Siebers (District 1) 29:06

When did you contact them?

[Ms. Williams speaks off microphone.]

Alderman William Siebers (District 1) 29:17

So, when did you make the first call? When did you make the first call?

Alderman Chris Croatt (District 14) 29:22

We met two weeks ago in this room. Did you call the following day? Because I think we've tried to stress the importance of this being addressed within the next—within the last two weeks.

[Ms. Williams speaks off microphone.]

Alderman Chris Croatt (District 14) 29:38

Okay, so it was that week?

[Ms. Williams consults with her associate.]

Alderman Chris Croatt (District 14) 29:42

Okay, so possibly Friday or Monday, and then—

Zak Buruin (Assistant City Attorney) 29:44

I think we heard July 2 previously.

Alderson Chris Croatt (District 14) 29:46

Right. Thank you.

Alderson William Siebers (District 1) 29:48

Well, our meeting was on the 26th, wasn't it?

Alderson Chris Croatt (District 14) 29:52

Right, which is the week before the Fourth of July.

Alderson William Siebers (District 1) 29:54

So, if you say the second. 26th to the second quite a bit of time, in my opinion. If I knew I was going to lose my business, and I heard from an alderperson that that you need to call inspections to set up and inspections because that was the problem, I would have been on it the next day. Of course, that's me. I know you have, you know, issues but...

Alderson Chris Croatt (District 14) 30:23

Okay. Anything else?

Alderson William Siebers (District 1) 30:24

No.

Alderson Chris Croatt (District 14) 30:25

Okay. I think we're finished, Miss Williams. If you want to take a seat, go ahead. Alder Hartzheim, would you like to speak? 13? All right, go ahead.

Alderson Sheri Hartzheim (District 13) 30:35

Thank you, Chair. I think the thing that would push me either way on this if I were a committee member is there the possibility for her once the bar is open to get another license, and there is that possibility. So, in my mind, denying at this point, after a year of notifications, etc., is not a penalty to her because she's still got the ability then to procure a license after all the inspections, etc., are done. It's not—again, it's not a penalty. It feels bad, because we would like to help, but it's not a penalty to her because she still will have the opportunity to procure a license. Thank you.

Alderson Chris Croatt (District 14) 31:18

Thank you for that. And that's why I threw out the hypothetical of non-renewal now, two months from now businesses ready to open, can they get a license? And that that could change with available licenses, right? Alder Doran, did you have your hand up?

Alderson Chad Doran (District 15) 31:31

Yeah, thank you. I think we're, we're too focused on this time period from the last meeting and the inspection to this report, because as I clarified with staff earlier, the issues noted in in the most recent report that was done Monday were issues that were previously noticed or told to the business before that meeting. So, they're not new from the Monday inspection is what staff has said.

Alderson Chad Doran (District 15) 32:01

So, the owners have had the time have known about these issues prior to, and we certainly can be sympathetic to the issues they've had, but regardless of circumstances, you know, there was still a one-year time period to

address all of these issues. And from what we heard, nothing short of what you'd say is sort of catastrophic circumstances in the last few weeks or even months, prevented them from getting that work done.

Alderson Chad Doran (District 15) 32:28

So there seems to me in my mind to have been plenty of time to address all of these issues. The problem with when they scheduled the inspection to when it was done after the holiday and us getting the memo for today's meeting doesn't change the fact that the items listed in that memo were still known to the business prior to even the last meeting that committee had. So, I think they're asking for an extension after they've already had an extension to address problems that they still haven't addressed. And I think that's why we're why we're looking at the non-renewal at this point.

Alderson Chris Croatt (District 14) 33:04

Okay, thank you. Some final comments. Alder Schultz and then Alder Siebers.

Alderson Alex Schultz (District 9) 33:07

Alder Doran just made two comments that I that I'm challenged to accept. Number one that the business owner understood that the seven violations that were just presented in the last two days were fully understood by the business owner, because we just heard that they weren't, that these are new things. And number two, that staff communicated in any previous report or the initial inspection of the property that these very specific things were spelled out, because the reports that I'm seeing do not identify these issues. The things that were added to this memorandum and what we're being shown from staff do not spell out these very specific violations. And from my understanding, this is the first time this property owner's being made aware of these violations.

Alderson Alex Schultz (District 9) 33:51

So, this notion that they've understood that this is what—I get, there's a lot of issues, and that they did not pull the inspections that they needed to do or the permits to get the work done. I understand that, and a year to a year has gone by. But since we've come to this body and tried to figure this situation out, there is a business owner that's being asked to remediate issues, and they're not fully aware of what they are until two days ago. You cannot expect them to put in a new firewall in a ceiling in two days. And so, from my standpoint, it's—I'm feeling like it's a little unfair to say, "I'm sorry. You screwed up because you did one thing, but because you did that, you weren't aware of all the things that you needed to do, even though you were trying to address all those things."

Alderson Alex Schultz (District 9) 34:36

So, I don't agree with some of the statements. I'm sorry. I feel like that property owner was not fully aware because I have no documentation from staff or the city or the fire that says that these very specific things in the report two days ago, were identified and spelled out to these this owner. If they can—if staff can address it and say these things were presented, if you can if you can tell me that all these things, that in this—these seven bullet points were given to the property owner to address, then I'm in a different position. But I don't feel like that's where we are right now.

Alderson Chris Croatt (District 14) 35:06

Anyone from staff want to comment?

Zak Buruin (Assistant City Attorney) 35:08

District five, briefly. Perhaps, kind of reconciling—I understand the dispute between the last sets of comments that we got. And I think there's—just keeping things to what is in the record and kind of shoring things up

factually, there's actually there's validity to both of those things. Because the record that we have here doesn't specifically say these specific things were noted on this particular date. What it does say is that back in 2023, there are these departments that have not had an opportunity to sign off on, that have not approved everything, and the fact that, according to what we have here on the record, those inspections were never requested, and they weren't requested until within the last couple of weeks. That is a separate problem. That is a different issue in some respects.

Zak Buruin (Assistant City Attorney) 36:02

So, the—in terms of the way I would frame this factually, it kind of lies somewhere in between the two. But the fact of the matter is the things aren't done, and there was action that should have been taken a year ago, or could have been taken a year ago, to get the ball rolling and at least know what that was. And the basis—the impetus was not on the city to start that.

Zak Buruin (Assistant City Attorney) 36:28

Having said all of that the committee is well within its discretion to grant time if it feels it's appropriate. And the facts as I've laid them out, and as I think the record supports them—and maybe there are additional records that I'm not aware of that says these specific things were pointed out. That's something I'm certainly going to look into. But in terms of what we have before us, even if the idea is "Yes, they should have," the committee can exercise judgment and handle this as it sees appropriate. But I don't think the record also fully supports the idea that this is a brand-new thing that's been sprung on them in the last couple of months or even the last couple of weeks. That—I don't think that's true, either. So, the truth is somewhere in between, and I think the committee should—whatever decision it makes base its decision on those facts as they are in the record here.

Alderman Chris Croatt (District 14) 37:18

Thank you, Attorney. Alder Siebers?

Alderman William Siebers (District 1) 37:20

Question of the clerk. Financial consideration. If this place loses its license, and they work hard to get their place up to par, what's the cost to them getting a new license?

Clerk Kami Lynch 37:44

So, if there are no regular licenses available, which is what this one is, and if there is two months goes by the, the chance of there being a regular license available is very unlikely. They would have to get a reserved license. We have reserved licenses available, but those come with an initial fee of \$10,600.

Alderman William Siebers (District 1) 38:03

So, it's not that simple. We're talking about 10,000 bucks.

Alderman Chris Croatt (District 14) 38:12

Yeah, there's an impact.

Alderman William Siebers (District 1) 38:14

Yeah.

Alderman Chris Croatt (District 14) 38:15

Okay. Final comments, Alder Fenton.

Wed, Jul 10, 2024

Alderson William Siebers (District 1) 38:18

Thank you.

Alderson Chris Croatt (District 14) 38:18

I just want to give everybody one last chance.

Alderson Denise Fenton (District 6) 38:20

So, our motion is to approve the denial.

Alderson Chris Croatt (District 14) 38:23

Is to approve non-renewal.

Alderson Denise Fenton (District 6) 38:25

The non-renewal. I'm sorry. I'm sorry.

Alderson Chris Croatt (District 14) 38:27

That's—

Alderson Denise Fenton (District 6) 38:27

So, is this something that is amendable?

Alderson Chris Croatt (District 14) 38:31

I think we should vote on an—

Alderson Denise Fenton (District 6) 38:32

You want to vote on the...?

Alderson Chris Croatt (District 14) 38:34

Well.

Alderson Denise Fenton (District 6) 38:38

I'm asking all the attorneys.

Darrin Glad (Assistant City Attorney) 38:40

So, you want to amend it to the exact opposite? Take the vote on it then.

Alderson Chris Croatt (District 14) 38:46

And then, and then if that fails? Okay, that's what I was thinking too. Did you want to make a final comment? I will allow it. Go ahead. You need to use the microphone so we capture it on the video.

Ms. Williams' Associate 39:01

[...] already for this year. So that money, would it get reimbursed if you guys were to say "No. No renewal." And then—or would that money just be gone? Because we've never missed a license renewal fee. We've always paid that and paid also the all the health fees and all the other fees that need to be paid.

Alderson Chris Croatt (District 14) 39:25

Clerk Lynch?

Clerk Kami Lynch 39:27

City policy is that license fees are non-refundable, but I believe it's within the committee's discretion.

Alderson Chris Croatt (District 14) 39:33

And the renewal—the renewal fee for them was how much?

Clerk Kami Lynch 39:38

Depending on when they filed, which I'd have to look. If they were an early bird, they got a discount. So, it looks like it was \$702.

Alderson Chris Croatt (District 14) 39:54

\$702 for the renewal that they paid?

Clerk Kami Lynch 39:57

Oh, sorry. That includes their amusement device fees. So, \$527 for the alcohol license.

Alderson Chris Croatt (District 14) 40:07

And I think I heard you correctly saying there are—that's non-renew—or not refundable.

Clerk Kami Lynch 40:13

Correct.

Alderson Chris Croatt (District 14) 40:13

Correct. Okay.

Ms. Williams' Associate 40:14

Thank you.

Alderson Chris Croatt (District 14) 40:15

Thank you. All right, let's take committee action on the motion, which is to support non-renewal of this liquor license. All those in favor signify by saying aye.

Alderson Chad Doran (District 15) 40:29

Aye.

Alderson Chris Croatt (District 14) 40:30

All opposed?

Alderson William Siebers (District 1) 40:31

Nay.

Alderson Chris Croatt (District 14) 40:32

Nays? So, fails. Motion fails. Three, two, for the record, or two, three. Okay, now we are back to.

Alderson Denise Fenton (District 6) 40:45

So, I'd like to move to grant the applicant a 60-day extension on the inspection items.

Alderson Alex Schultz (District 9) 40:55
Second.

Alderson Chris Croatt (District 14) 40:56
Okay, motion and a second to grant a 60-day extension to get in compliance to secure renewal of their license.

Alderson Denise Fenton (District 6) 41:07
And I don't know if we need to stipulate but that means 60 days having been inspected.

Darrin Glad (Assistant City Attorney) 41:17
I can help with that.

Alderson Denise Fenton (District 6) 41:18
Okay.

Darrin Glad (Assistant City Attorney) 41:19
So, the abandonment and non-use is not using their license for its intended purpose which is the sale of alcohol, essentially, that equates to being open for business. So, it has nothing to do with permits or anything like that. It's to be open for business by such date. That's what you're extending is the deadline to not abandon your license.

Alderson Denise Fenton (District 6) 41:37
Alright.

Alderson Chris Croatt (District 14) 41:37
So, 60 days from today?

Alderson Denise Fenton (District 6) 41:41
That's reasonable.

Alderson Chris Croatt (District 14) 41:41
Is that the motion? I'm asking the mover.

Alderson Denise Fenton (District 6) 41:46
Sure.

Alderson Alex Schultz (District 9) 41:47
And I'm good with that as the second.

Alderson Chris Croatt (District 14) 41:47
Okay.

Alderson Chris Croatt (District 14) 41:50
So, 60 days from today.

Alderson Alex Schultz (District 9) 41:51
And then just to speak to that.

Alderson Chris Croatt (District 14) 41:52

Go ahead alder Schultz.

Alderson Alex Schultz (District 9) 41:54

I appreciate where we are. I appreciate the committee thinking about this, whether we vote for or against this. I'm trying to understand and sort of appreciate the situation this particular business owner has been and given the tragedies in the family and dealing with cancer and trying to weigh that against the needs to open and operate a business after a year and trying to retain a license. And so, I can—and I can see the challenges they face with a catastrophic failure of a water leak, with everything else going on and trying to remedy that. I don't know this business proper, but I understand how these things work, and how much damage can happen and how much work needs to be done to repair it.

Alderson Alex Schultz (District 9) 42:39

Out of this list, five of these seven can be pretty quickly taken care of, and I'm hoping that in 60 days, they're able to do that two-hour rated ceiling, because that is a long term contracted need that is going to take some time to find someone to do it and get it done in that amount of time. So, I appreciate—I appreciate the 60 days versus 30 because it might take them that long to find someone to do that portion of it. And the rest I'm comfortable with them doing within a week. So, thank you for that motion. Please support it.

Alderson Chris Croatt (District 14) 43:08

Any other comments on the motion to extend 60 days? All right. Hearing none, all those in favor of extending by 60 days from today signify by saying aye.

Alderson Alex Schultz (District 9) 43:18

Aye.

Alderson Chris Croatt (District 14) 43:19

All opposed?

Alderson Chad Doran (District 15) 43:20

Nay.

Alderson Chris Croatt (District 14) 43:20

Chair votes nay. I think I heard three nays? Okay, so motion fails. All right. Back to committee, as posted on the agenda. Alder Doran, go ahead.

Alderson Chad Doran (District 15) 43:35

Thank you. I think the biggest takeaway I keep coming back to from this is, despite the owner's claims of not maybe understanding what they needed to take care of, not understanding the rules of operating a business, to me, is not a valid excuse to continue granting a license, especially for something as important or impactful in a community as having a liquor license.

Alderson Chad Doran (District 15) 44:09

It doesn't give me a lot of faith, I guess, that if we—if they have had this much time to accomplish the things that needed to be done, and yet still aren't understanding what needed to be done, and have not been maybe in communication with staff to properly address those issues. It gives me some pause about giving them the opportunity to operate a business like that. So, if this is where we're back to, I'll make the motion again to approve the denial.

Alderson Chris Croatt (District 14) 44:40

I'll second. Any other comments? You have the basically the same motion. Is that procedurally allowed?

Darrin Glad (Assistant City Attorney) 44:50

I think just the general understanding is that the committee work—your intent comes out of this committee with action that's clear. So, the fact that it failed, I think you're allowed to—

Alderson Chris Croatt (District 14) 45:04

Basically reconsider?

Darrin Glad (Assistant City Attorney) 45:05

—reconsider and take it up.

Alderson Chris Croatt (District 14) 45:07

Okay. So that's what we're essentially doing. Alder Siebers.

Alderson William Siebers (District 1) 45:13

I would appreciate—the attorney made the offer, and I would appreciate an answer to Alderson Schultz's concerns or problems that we see the list that was generated initially in regards to things that needed to be done, and compare it to the list that we have so we have an understanding in terms of whether these are new—I believe that all of them are new, but you did admit some of them are new.

Zak Buruin (Assistant City Attorney) 45:46

There were some additional electrical issues specifically that were noted. And those were called out specifically as being separate new things, but the remainder of them we're not.

Alderson William Siebers (District 1) 45:56

Okay.

Darrin Glad (Assistant City Attorney) 45:56

I think before we go any further, we have a motion without a second. So.

Alderson Chris Croatt (District 14) 46:00

No, I seconded it.

Darrin Glad (Assistant City Attorney) 46:01

You did?

Alderson Chris Croatt (District 14) 46:01

Yes.

Darrin Glad (Assistant City Attorney) 46:02

My apologies.

Alderson Chris Croatt (District 14) 46:04

Yep. Sorry. Yeah.

Alderson William Siebers (District 1) 46:08

I mean, that's what I would be looking for in terms of that list. You know.

Alderson Chris Croatt (District 14) 46:20

Question for someone on staff. The two inspection reports that are part of the original agenda item the '23, '24 inspection reports, are those complete documents? Or is there more to that, that we're not—that we don't have? Because I think what I'm hearing is things weren't clearly outlined like they were in the memo.

Clerk Kami Lynch 46:48

These are the two inspection reports '23 and '24 were generated from the health department's system. I believe they try to do all their inspections together. But this was just the document that was received from Health. It does summarize the other issues. But that leads me to believe that it's not an all-inclusive, comprehensive document.

Alderson Chris Croatt (District 14) 47:12

You are correct. It is—the header is Appleton Health Department. And that's what I was wondering because it's a one-page attachment, and I'm thinking an inspection report is multiple pages. Battalion Chief?

Battalion Chief Derek Henson (Fire Department) 47:24

Yes, if you look in your agenda packet under Kim Williams inspection letter, there should be an inspection report from the fire department. On that inspection report it does list from 5/30 of 2024 that there are multiple breaches in the firewall inside the business, and we walked them through that. I was present for that inspection. We walked them through all of those breaches in the firewall, including the ceiling. Part of the issue that—is the water took down all of the drywall and plaster that was in the business. So, both the sidewalls and the ceiling had been stripped to studs. So that was the breaches in the firewall we had talked about. So, on the inspection on the eighth of this week the drywall had been put back in place, but it had not yet been taped and mudded so it was not a complete fire barrier yet, and that's why that violation still remains open.

Alderson Chris Croatt (District 14) 48:15

Thank you for that. Yes, you're right. That fire report is in is in the attached email. Note that report is dated 5/30 AFD inspection report, references a number of things. Okay. Alder Siebers.

Alderson William Siebers (District 1) 48:36

One thing to keep in mind is that this is a recommendation that goes before the Council. This is a recommendation that goes before the Council a week from now. So, in that—I'm going to vote to deny. So that—in that period of time, if we can get a specific list, that would be helpful. If not, I just may refer it back.

Alderson Chris Croatt (District 14) 49:06

As you have the ability to do so. Okay, any final comments? All right, so we have a motion and a second to approve nonrenewal. Alder Doran and was the mover and I was the seconder. All those in favor signify by saying aye.

Alderson Chad Doran (District 15) 49:25

Aye.

Alderson Chris Croatt (District 14) 49:26

All opposed.

Alderson Denise Fenton (District 6) 49:27
Nay.

Alderson Chris Croatt (District 14) 49:28
Three, two. It will go into the full city Council as a recommendation to not renew a week from tonight seven o'clock. If you wish to speak there will be a sign-up sheet in the back of the room. Try to come about 15 minutes early. Sign up, and you'll be able to address the full city Council and make any comments you want to make relative to anything on the agenda including your item. Okay? Thanks for coming. Attorney Glad?

Darrin Glad (Assistant City Attorney) 49:54
So, because it's alcohol licensing, there needs to be a report that goes to Council that includes the findings of fact, conclusions of law, and the recommendation. I did draft one ahead of time I think the most appropriate way to do this base that the recommendations based off of the three people that supported it in order to get findings of fact, conclusions a law that support the recommendation, I think the three of you should go through the exercise of going through the findings of fact—

Alderson Chris Croatt (District 14) 50:19
Okay.

Darrin Glad (Assistant City Attorney) 50:20
—making sure that it represents your—

Alderson Chris Croatt (District 14) 50:22
Okay.

Darrin Glad (Assistant City Attorney) 50:23
—rationale,

Alderson Chris Croatt (District 14) 50:24
Let's hand it out and take a few minutes to review.

[They review the draft letter.]

Alderson Chris Croatt (District 14) 51:54
Okay. So, I think—Alder Doran, are you finished?

Alderson Chad Doran (District 15) 51:58
Yeah.

Alderson Chris Croatt (District 14) 51:58
Okay.

Darrin Glad (Assistant City Attorney) 51:59
I think last week or—I'm sorry, less committee, I'd said to go line by line and get consent, but I think if everyone's had adequate time to review it and agree that that's a fair report in summary. I can print after this meeting the final draft for chair to sign.

Alderson Chris Croatt (District 14) 52:15

Okay. Do you need any sort of vote or confirmation from committee members?

Darrin Glad (Assistant City Attorney) 52:20

I think if you object any part or want any additions, deletions, let me know.

Alderson Chris Croatt (District 14) 52:24

Now are we referring to just the three?

Darrin Glad (Assistant City Attorney) 52:26

I think just—

Alderson Chris Croatt (District 14) 52:26

Okay.

Darrin Glad (Assistant City Attorney) 52:26

—the three that [...]

Alderson Chris Croatt (District 14) 52:28

Any of the three that voted in favor of non-renewal, do you have any objections to the conclusions of law, findings of fact document provided by the attorney's office? Alder Siebers?

Alderson William Siebers (District 1) 52:40

Nope.

Alderson Chris Croatt (District 14) 52:40

Alder Doran?

Alderson Chad Doran (District 15) 52:41

No.

Alderson Chris Croatt (District 14) 52:41

No? I don't either.

Darrin Glad (Assistant City Attorney) 52:43

I'll get that to you immediately after if that's okay.

Alderson Chris Croatt (District 14) 52:44

You want to collect the drafts? Because there's gonna be a final version.

Darrin Glad (Assistant City Attorney) 52:48

Yeah, I'll get—I'll collect.

Alderson Chris Croatt (District 14) 52:49

Okay. All right. Can we move on? Or do we need?

Darrin Glad (Assistant City Attorney) 52:54

No, that's all.

Aldersperson Chris Croatt (District 14) 52:55
Okay. Thank you.