

**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, Jun 26, 2024 5:30PM

Alderman Chris Croatt (District 14) 01:08

Okay, moving on our agenda here. No scheduled public hearings or appearances. Moving into our action items, we'll take things in order tonight starting with 24-0834 which is the nonrenewal of Class B fermented malt beverage and Class B liquor license for Corner Pub at 1123 North Mason Street, Kim Williams agent.

Alderman Alex Schultz (District 9) 01:28

Motion to approve.

Alderman Chris Croatt (District 14) 01:30

We can hold on the motion, please. Thank you. And City Attorney Glad is going to join us up here, and I'm going to turn his microphone on and turn it over to him to explain the process for this.

Darrin Glad (Assistant City Attorney) 01:50

Alright, so we're here for—because Kim Williams was given a notice of the intention to non-renew her alcohol license. With that notice she's given an opportunity for a hearing on that license. So, she's present here today, I presume, to have that hearing. So, Miss Williams is allowed to present her case as to why the license should be renewed. She's allowed to call witness—witnesses, present any relevant evidence to the committee as to why it should be renewed, then, basically, Attorney Buruin will have his same opportunity—the same opportunity to present why it shouldn't be non-renewed.

Darrin Glad (Assistant City Attorney) 02:40

There's also a statutory requirement that, from this hearing, the committee provide counsel with a report. The report is to include findings of fact, conclusions of law, and then the recommendation. So, I did draft a draft copy that we'll—we can go through later. I think you could go line by line depending on how the—what the committee's decision ultimately is, and then decide how the finding of fact conclusions along recommendation would look. And I'll finalize that so that it can be given to the parties tonight before they leave.

Alderman Chris Croatt (District 14) 03:23

Okay, thank you. So, first of all, Miss Kim Williams, are you here tonight? Okay. Are you planning on saying anything?

Kim Williams (Corner Pub) 03:35

We would like to speak.

Alderman Chris Croatt (District 14) 03:36

Okay, if you're—if you could approach the podium, we're going to need to get your name and address for the record. Before you before you do that, I would like to ask City Attorney or Attorney Buruin, there were a number of attachments to the tonight's agenda, renewal, the inspection reports from two years, the non-use license letter, the non-renewal hearing notice, and a memo from the attorney's office. Is there anything additional you would like to start out with? Director one should—oh, director one. There we go.

Zak Buruin (Assistant City Attorney) 04:14

I don't think there's anything else to add that encapsulates the factual information and some of the legal analysis from the attorney's office in terms of the decision for the committee here to make, and ultimately there is some discretion for the committee to utilize if it sees fit, but the legal structure and the factual underpinning of the situation is contained within those filings.

Alderman Chris Croatt (District 14) 04:39

Okay. Thank you. Could you elaborate a little bit on the that latitude that the committee has? It—does it include in a possibility to extend?

Zak Buruin (Assistant City Attorney) 04:49

It does. And that's in the second paragraph of the memorandum. The Council does have the ability to extend the period for abandonment if good causes shown. Good causes largely up to the discretion of the Council. In terms of the procedure, I don't know that there's an established procedure for addressing it given the timing of the issue, but it is within the city code that the Council does have the ability to do that if it deems it appropriate.

Alderman Chris Croatt (District 14) 05:18

Okay. Thank you for that clarification.

Darrin Glad (Assistant City Attorney) 05:20

Okay. If I may—

Alderman Chris Croatt (District 14) 05:22

Go ahead Attorney Glad.

Darrin Glad (Assistant City Attorney) 05:23

—as well. A lot of what I believe Attorney Buruin will provide to as evidence for the nonrenewal is attached to the agenda. I just want to double check with him that what I'm about to give Miss Williams is what he would rely on because it didn't look like she came up with any paper. So, I want to make sure she had everything.

Zak Buruin (Assistant City Attorney) 05:41

It's just the attachments. Yes.

[The attorney's go over their papers and verify with each other what they have.]

Alderman Chris Croatt (District 14) 06:20

Okay, Miss Williams, this is your opportunity as the licensee to state your case and position on this matter.

Kim Williams (Corner Pub) 06:30

Well, we definitely want to keep our license. We've been working on everything that the inspectors wanted done. We—as far as I can tell, we are done. We've been trying to contact the inspectors. I have paperwork that had said they were coming in today to do another inspection, but when I contact—the last person I contacted was Dan Meissen—Meissener?

Alderman Chris Croatt (District 14) 07:12

Meissner.

Kim Williams (Corner Pub) 07:14

I spoke with him on Monday. He was going to look into who's been coordinating the inspectors to set, you know, times up for that. I still haven't heard back. We wanted him to come through, all whoever had to come through, to see that and make sure we completed everything that was on the list that they gave us. We were basically ready for them to come through today, but like I said, nobody contacted us.

Kim Williams (Corner Pub) 07:55

We definitely did not want to lose their license. We've been there for 20 years. We've never had, you know, any fines or demerit points, or—you know, we always paid everything on time. We just spent thousands to redo everything that the inspectors wanted done, and I don't want to just have that money thrown away.

Alderson Chris Croatt (District 14) 08:29

Is there anything further you'd like to add?

Kim Williams (Corner Pub) 08:31

You know, if we could have maybe two more weeks after the inspectors go through, just so we can do like clean up and, you know, wash all the glasses, that kind of stuff. You know, even do our beer orders and stuff because that doesn't happen by a snap of a finger. You have to call and order and whatever day their delivery is that's when you get your delivery.

Alderson Chris Croatt (District 14) 09:02

Okay, so do you—can you state—I think I heard what you said in regards to communication with the inspections division. When was the last communication that you had with them?

Kim Williams (Corner Pub) 09:14

Monday was with Dan—

Alderson Chris Croatt (District 14) 09:17

Meissner?

Kim Williams (Corner Pub) 09:18

—Meissner, and then it was two weeks ago—I don't remember all their names—the plumber one, the electric one, all of them that came through.

Alderson Chris Croatt (District 14) 09:36

HVAC maybe?

Kim Williams (Corner Pub) 09:38

I can't remember if it was all through there.

Alderson Chris Croatt (District 14) 09:41

Is it your position that you had an appointment for today? I'm just trying to understand the timeline here.

Kim Williams (Corner Pub) 09:46

Well, on one of the papers that I have the electrical the electrical inspector had sent us you know, kind of like a list of what needed to get done, and on there it said reinspect June 26, 2024, but there was no times on it. So that's what I was trying to find out.

Alderman Chris Croatt (District 14) 10:15

Okay. All right, is there anything additional you'd like to add as to the current state or your readiness or anything? Is...?

[Kim Williams's confers off microphone with someone sitting in the audience.]

Darrin Glad (Assistant City Attorney) 10:30

She can call him as a witness and then we'd have him sworn.

Kim Williams (Corner Pub) 10:33

One of the reasons we haven't been open a lot was because of illnesses. I—the corner pub is across town. That was harder for me to get to. I spent most of my time at the bar on Calumet Street in Appleton because that's only three and a half blocks from my home. Cancer took a toll on me.

Alderman Chris Croatt (District 14) 11:08

Sorry to hear you're dealing with that. All right. I, we will go to City Attorney Buruin to give the city's presentation on this matter.

Zak Buruin (Assistant City Attorney) 11:24

Thank you, Chair. So, this is less of an advocacy situation, I think, and more of just an explanatory situation. I'll start by saying I'm not aware of there being any appointments for inspections today. I think there may have been a lack of requested permits that were not putting the inspections department on notice for any inspections today. But I can't speak to that with any amount of authority. But I can advise is of the information contained within the memorandum that I submitted previously.

Zak Buruin (Assistant City Attorney) 11:57

For some reason—I don't know what caused the original damage, but there was damage done to this location sometime prior to May 30. Ultimately, May 30 is what was utilized in the notice, because that was the date that there was clear documentation that there was too much damage for the business to be open, and there was nearly a year's worth of notice on top of that, advising of the requirement for abandon—or the possibility of abandonment and the impact that that would have on renewal, or the potential for the lack thereof.

Zak Buruin (Assistant City Attorney) 12:32

And as far as why things didn't end up coming through till the very end of that, I can't speak to that. I don't know why. What I do know is that when it was re inspected on that deadline, May 30, it was still not in compliance in terms of having approval from fire, electrical HVAC, plumbing and building, and I believe health department as well. So, there is clearly grounds to not renew license based on the statutes and the local code.

Zak Buruin (Assistant City Attorney) 13:10

The committee has the authority to extend the period for good cause, and that is a discretionary call for the for the committee to make with the idea that obviously we want to make sure that we're treating like situated people alike as much as possible. But ultimately, that's a discretionary call, but there is very clear grounds for non-renewal based on the information that we have.

Alderman Chris Croatt (District 14) 13:36

Okay, thank you. Anything additional?

Zak Buruin (Assistant City Attorney) 13:39

I don't believe so.

Alderson Chris Croatt (District 14) 13:40

Okay.

Zak Buruin (Assistant City Attorney) 13:40

Unless there's specific questions that the committee would have.

Alderson Chris Croatt (District 14) 13:42

Okay. Are there any questions for the attorney at this point from committee members? No? Okay. Miss Williams, would you like to make any other comments?

Kim Williams (Corner Pub) 13:57

Oh, you were talking about a paper that you don't have anything stating it to be reinspected? I can go in my purse and get the one that I have.

Kim Williams (Corner Pub) 14:13

I don't—I don't need to see it. If the committee wants to see it, if there's some value, they would see to that, that is entirely up to them I—the information I have, and I think the information that I needed to present and provide is the inspections that actually took place. And that is the—that's the documents that Attorney Glad provided to you and you should have up there. Apologies for hitting the mic. I just—that's the stuff I needed to present. If there's other stuff you want to present, you're more than welcome to do that.

Kim Williams (Corner Pub) 14:47

We did have a struggle trying to get an electrician that was available. Um, it just—it took a while for that, and then once we did find one, we had to work around his schedule. Um I don't know. We just have so we could.

Alderson Chris Croatt (District 14) 15:13

Okay, is there anything that you would like to submit into the record for this committee to look at and consider? Document or anything?

Kim Williams (Corner Pub) 15:23

Would you like to see the paperwork that indicated that it was going to be reinspected today?

Alderson Chris Croatt (District 14) 15:29

Yes. Since you reference you have it.

[Kim Williams looks through her belongings for the piece of paperwork.]

Alderson Chris Croatt (District 14) 15:45

[Whispering to Attorney Glad] Are there requirements from a process standpoint? Or do we just...?

[The rest of Alderson Croatt and Attorney Glad's discussion is not picked up well by the microphone.]

Alderson Chris Croatt (District 14) 15:57

Sure, yep.

[Kim Williams provides her copy of the paperwork showing when the next inspection date is.]

Aldersperson Chris Croatt (District 14) 16:03

And do we need to get a copy of this for the record?

Zak Buruin (Assistant City Attorney) 16:08

We probably should.

Aldersperson Chris Croatt (District 14) 16:09

Okay. Could we make a few copies?

Darrin Glad (Assistant City Attorney) 16:13

I'll just go make a copy right now.

Aldersperson Chris Croatt (District 14) 16:14

If we make enough copies for the committee members and the clerk and Attorney Buruin. You'll get you'll get your copy back.

Aldersperson Chris Croatt (District 14) 16:58

Let's wait till he gets back.

Darrin Glad (Assistant City Attorney) 20:31

Here's a copy for you. Keep for the minutes.

Aldersperson Chris Croatt (District 14) 20:38

Yes, please. To the microphone, please. Thank you, Attorney Glad.

Aldersperson Chris Croatt (District 14) 20:54

We'll just take a couple of minutes here just to review this and then...

Aldersperson Chris Croatt (District 14) 21:05

Attorney Glad, are we able as committee members able to ask questions?

[Aldersperson Croatt and Attorney Glad confer off microphone.]

Aldersperson Chris Croatt (District 14) 22:20

Okay. All right. Thank you for providing this. I think everyone has had ample time to review it. Are there any questions from committee members of the licensee or City Attorney? Alder Siebers Go ahead.

Aldersperson William Siebers (District 1) 22:39

Just to be clear, you stated that you feel you're now in compliance.

Kim Williams (Corner Pub) 22:48

I'm what?

Aldersperson William Siebers (District 1) 22:49

You're now in compliance. Everything that's...?

Kim Williams (Corner Pub) 22:52

To my knowledge, but the inspectors haven't come back, you know, to look at everything.

Alderson William Siebers (District 1) 22:59

But you feel everything that's been asked of you is completed?

Kim Williams (Corner Pub) 23:06

Yes.

Alderson William Siebers (District 1) 23:06

Okay.

Alderson Chris Croatt (District 14) 23:09

Alder Schultz.

Alderson Alex Schultz (District 9) 23:11

Just following up on—

Kim Williams (Corner Pub) 23:12

Like I said, we put thousands in, and if we're not gonna get our license we just threw that money away that I coulda used for my doctor bills.

Alderson Chris Croatt (District 14) 23:23

Alder Schultz, go ahead.

Alderson Alex Schultz (District 9) 23:24

Thank you, chair. Just a quick question is, you did contract in with a licensed electrician and came he came through and the licensed electrician managed to go through this list, remedy all of the things that were pointed out on the inspection, so all from his—

Kim Williams (Corner Pub) 23:39

He informed me that he completed everything on the list.

Alderson Alex Schultz (District 9) 23:43

Okay, that helps. Thank you.

Alderson William Siebers (District 1) 23:46

Chief Hansen still here?

Zak Buruin (Assistant City Attorney) 23:48

He's checking on something. So, I had requested—I'd asked him about the reinspection date noted on there. He advised me that reinspection doesn't occur unless there is an actual request for reinspection once everything is done. I had inquired about the purpose of that date on there, and he's stepped out to figure out what—

Alderson Chris Croatt (District 14) 24:07

That's exactly what I was going to ask is—'cause what's presented by the licensee is that AF—Appleton Fire Department inspection report with a reinspection date listed as today. And I just was trying to understand what that meant exactly.

Zak Buruin (Assistant City Attorney) 24:22

So, he is ascertaining that, and in my conversations with speaking with Clerk Lynch, she's indicated that there have been no permits taken out to do the—I don't know if it was these specific or other repairs required that were noted on the prior inspection report to actually trigger even the possibility of a reinspection. So that is the other—this deals specifically with the fire code stuff.

Alderman Chris Croatt (District 14) 24:46

Right.

Zak Buruin (Assistant City Attorney) 24:47

This doesn't deal with any of the other issues, and I'm not—bluntly, I'm not trying to put my finger on the scale here at all because I think the committee just needs to make the decision as it sees fit here. But in terms of where there are holes in knowledge for the ability to make that decision in a fair way, that is the concern that I would have at this point.

Alderman Chris Croatt (District 14) 25:07

Understood. Okay.

Kim Williams (Corner Pub) 25:08

I did inform our electrician that he did need to pull a permit. So, he's should have.

Alderman Chris Croatt (District 14) 25:15

Okay. Information we heard says he didn't, but...just one pause here for a second. Attorney Buruin.

Zak Buruin (Assistant City Attorney) 25:37

In speaking with the fire chief, he provided some additional information. I don't know if you'd rather hear it from me or directly from him regarding that reinspection date information.

Alderman Chris Croatt (District 14) 25:48

Let's hear it from Chief Hansen. Go ahead.

Fire Chief Jeremy Hansen 25:55

Oh, thank you, Chair. The report that was provided as evidence—the reinspection date is a 30-day date that is just generated by our records management software. The status—violation status, it says "violation noted - schedule recheck." When our inspectors are out there looking through the property, they provide business cards and inform the property owner that they need to call and schedule a recheck or reinspection of the property.

Alderman Chris Croatt (District 14) 26:30

Okay. Okay. Thank you.

Kim Williams (Corner Pub) 26:34

Yeah, I did call and talk to them in person—you know, on the phone. I didn't receive a card, but I did talk to—what's...?

[She turns to the person in the audience she spoke to earlier. That person suggests the inspector was “Jeremiah”.]

Kim Williams (Corner Pub) 26:47
Jeremiah?

[Kim Williams turns back to the person in the audience.]

Kim Williams (Corner Pub) 26:53
No, it wasn't Jeremiah. It wasn't Jeremiah.

Fire Chief Jeremy Hansen 26:58
The carding that I mentioned is just a business card that has the phone number of the fire department on it, so if they were able to contact the fire department, then they would have that number.

Alderson Chris Croatt (District 14) 27:07
There is a Jeremiah listed as an inspector.

Fire Chief Jeremy Hansen 27:09
Yes.

Alderson Chris Croatt (District 14) 27:12
Okay. All right. I think we have all the information that we need at this point. Is there anything lastly that you'd like to say? No? If he would like to speak, we can do that. He just needs to be sworn in as a witness. No? Okay. Okay. Just wanted to make sure we give you the opportunity if you had something you wanted to add. Okay. All right. Now we'll bring it back to committee for either action, or we do have posted on our agenda a closed session to deliberate the non-renewal of an alcohol license. What is the committee's prerogative? Alder Siebers?

Alderson William Siebers (District 1) 27:54
Thank you, chair. The agent says to the best of her knowledge all the work that needs to have been done is done. However, the question is, we don't have any record of any permits being taken out. I just wonder if we should give—

Alderson Chris Croatt (District 14) 28:20
Sir, sir, please.

Alderson William Siebers (District 1) 28:21
I wonder if we shouldn't just give the agent will it be two weeks or three weeks until our next.

Alderson Chris Croatt (District 14) 28:32
It'll be three weeks to Council, I believe because we don't have a Council meeting next week. So, the next Council meeting would be

Alderson William Siebers (District 1) 28:39
Our next committee meeting would be when?

[Clerk Kami Lynch speaks off microphone.]

Alderson William Siebers (District 1) 28:47
17th?

Alderson Chris Croatt (District 14) 28:50

Yeah. Yeah. Yeah. Okay. So, the next Safety and Licensing Committee would be on the 10th.

Alderson William Siebers (District 1) 29:00

Well, I would suggest that we give the agent until the 10th.

Alderson Chris Croatt (District 14) 29:11

Okay, so is a motion to hold in order to the next safety and licensing committee meeting? Which Attorney am I supposed to be asking?

Darrin Glad (Assistant City Attorney) 29:20

I think given my role. So, it's one of the—you know, the this hearing today is to decide whether to renew, non-renew, or make a recommendation to extend the time period. What you're asking for is an extension of the time period, but the that ultimately those are recommendations to Council, which Council doesn't meet until July 17th. So, I don't think there's any harm to them by holding this to the 10th of July without any action, because Council can't act on it before then anyway.

Alderson Chris Croatt (District 14) 30:00

Okay, so a motion to hold would be in order. And—

Darrin Glad (Assistant City Attorney) 30:03

Yes.

Alderson Chris Croatt (District 14) 30:04

—and based on the timeline of events?

Darrin Glad (Assistant City Attorney) 30:06

Yes.

Alderson Chris Croatt (District 14) 30:07

Okay,

Darrin Glad (Assistant City Attorney) 30:07

Based on these circumstances that are very unique to the timing of this meeting.

Alderson Chris Croatt (District 14) 30:12

Okay. All right. I'm going to—is that a motion? A formal motion? I'm gonna second that unless Alder Schultz wanted to second? Okay. All right, I'll second it. Go ahead.

Alderson William Siebers (District 1) 30:22

One follow-up. It's on you, and then to make the necessary calls. You're going to need to make the calls to the inspectors to get them to come to do the inspections.

Kim Williams (Corner Pub) 30:36

Okay.

Aldersonperson Chris Croatt (District 14) 30:38

So, we're essentially saying you have two weeks before we take this up again for action. And at that time, the Committee will be making a recommendation to the Council, which would go to the Council on the 17th.

Kim Williams (Corner Pub) 30:52

Okay. Will I beginning like paperwork on this?

Aldersonperson Chris Croatt (District 14) 30:56

I'm not sure what you're asking for. Basically, I think you have everything you need.

Kim Williams (Corner Pub) 31:05

So, I basically need to just contact all inspectors?

Aldersonperson Chris Croatt (District 14) 31:13

I don't know if I can advise on what...

Darrin Glad (Assistant City Attorney) 31:19

Yeah. I mean,

Aldersonperson Chris Croatt (District 14) 31:21

Maybe call inspections and have a conversation with them?

Darrin Glad (Assistant City Attorney) 31:24

Yeah, start there.

Aldersonperson William Siebers (District 1) 31:25

You know you need to contact the fire department.

Aldersonperson Alex Schultz (District 9) 31:32

But when you come back, this committee needs to see proof that not just the things that have been listed on the electrical report have been satisfied.

Aldersonperson Chris Croatt (District 14) 31:39

Everything.

Aldersonperson Alex Schultz (District 9) 31:40

Everything else, and we don't have any copies of the HVAC report, the Health Department's report on condition of the ceiling or the walls. There's a lot of stuff that—

Aldersonperson Chris Croatt (District 14) 31:49

Right.

Aldersonperson Alex Schultz (District 9) 31:50

—we're being asked to sort of make a judgment on. We have no reference points. So, I think it's prudent upon you to bring back as much evidence that everything that has been pointed out to get repaired is repaired. You can bring pictures to repair. You can certainly get the inspections reports, once you get those done, and they're completed. Then at least we have something to make a judgment on. Because right now, you know, you are at

risk of losing the license. So, this is a little bit of a extra grace period, given your circumstance, but we just need to have some better preparation so that we can make a decision as a body.

Kim Williams (Corner Pub) 32:24

Okay, so I understand, I need to make sure all the inspectors show that everything is complete, what was done, call the fire department, have them come through, and then do I need our electrician to give me something showing that he had the permit?

Alderson Chris Croatt (District 14) 32:49

I think any documentation is going to be helpful, but work might have been completed already without a permit on record. I don't know.

Zak Buruin (Assistant City Attorney) 32:59

Which presents a whole separate can of worms. Ultimately it's—the best way to explain it is all of the work that needs to be done for the place to be open, needs to be done. That's what—

Alderson Chris Croatt (District 14) 33:13

And that was identified—

Zak Buruin (Assistant City Attorney) 33:14

—my understanding of what you're seeking.

Alderson Chris Croatt (District 14) 33:15

Yep. And that was identified in the 2024 inspection report.

Zak Buruin (Assistant City Attorney) 33:19

Yes, there's a number of issues in there that are noted. And that's what needs to be addressed.

Alderson Chris Croatt (District 14) 33:24

Without going into detail, I would refer to that report for all the things that you need to take care of.

Kim Williams (Corner Pub) 33:30

The next one was July...?

Alderson Chris Croatt (District 14) 33:33

July 10. It's a Wednesday at 5:30. This committee, this committee will meet again. Most likely we'll have all five members present, but we need at least three to conduct business. So, you're invited to come back on the 10th and present. I would say bring—if you have things to share with the committee, bring enough copies for five members. Attorney Glad?

[Attorney Glad speaks with Alderson Croatt off microphone.]

Alderson Chris Croatt (District 14) 34:30

Yeah. I think that's important to note that we are essentially giving you two weeks to present us with some information but that does not in any, any way say that if, you know, if what you bring is going to automatically grant your license. Just want you to know that we're still going to take it up on all the facts, all the memos, all the attachments that were provided, including your information and it'll be a review of all of that and a vote and a recommendation. Are we clear? Okay. All right.

Alderson William Siebers (District 1) 35:13

We need to take a vote.

Alderson Chris Croatt (District 14) 35:14

Well, okay, on the motion to hold until July 10 for the next safety and licensing committee meeting, all those in favor signify by saying aye. Aye. All opposed? Okay, three, zero. We have held it until that date. Okay? All right. Thanks for coming. Thanks for sharing information.