

Item 25-0599: Non-renewal of the Class “B” Fermented Malt Beverage and “Class B” Liquor License for Tandem Wine & Beer

Common Council

Wed, Jun 04, 2025 7:00PM

Mayor Jake Woodford 15:07

All right, we come now to time of public participation. At each meeting in the council, the council allocates 30 minutes to public participation. Members of the public are asked to limit their comments to five minutes or less on items that appear on the agenda. And so, we'll work our way through the list here. We have seven members of the public who signed up to speak on a couple of different items. So, we will, we will take these up more or less in the order in which folks signed up. We—I will need some clarification from Benji when you come up but, but hang tight and we'll get to you. Just want to make sure we got the item you're speaking on before we get into comment.

Mayor Jake Woodford 15:48

What I'm going to do is take up the comments related to Tandem as a group first. So, we'll work through those in the order in which those appeared on the list, and then we'll take up the comments on the other items that are listed here. So, with that, we will get started. First to sign up was Peter Beckley. Welcome Peter, and if you just approach the microphone here, state your name and address for the record, please.

Peter Beckley (Tandem Witness) 16:19

Peter Beckley, [XXXXXX], Appleton, Wisconsin. Well, good evening, Mayor Woodford and council members. Benn a while since I've been on the council. That was way back 1970 1978. I'm here to speak for George Koenig regarding the Tandem. I know what the issues are, and I have—I've known for George for over 10 years. I have never seen him intoxicated. He runs a very tight ship with Tandem. I've seen him car—card anyone that even looks like they're less than 21. He does have a group of Lawrence students or stop—who stop there. I've seen occasionally the Lawrence—President of Lawrence University, and her husband who stopped in. He has a real good base of clientele, including chief executive officers of major corporations here in the Valley. I think that, as far as I know, the police have never been called to his establishment, because there's never been a problem at his establishment, and he runs it extremely well.

Peter Beckley (Tandem Witness) 18:17

I was kind of hoping when I did talk earlier to the committee, licensing committee and safe safety and licensing committee, that maybe it could be a win/win situation whereby it would be held in committee just to allow George to transfer the ownership to his wife with—who has an impeccable record. So, I would ask that someone in the council refer it back just for that reason, and to give him an opportunity to continue to operate the business with his wife as head of the business. Thank you very much. Oh, any questions?

Mayor Jake Woodford 19:15

We won't, we won't have a dialog during public participation. But thank you very much.

Peter Beckley (Tandem Witness) 19:20

Thank you.

Mayor Jake Woodford 19:22

All right. Next, looks like Nicole and Andrew Brad, I think it is. They here? Okay, they might have been here for the previous meeting. So, we'll keep moving then. All right. Next, George Koenig.

George Koenig (Tandem Wine and Beer) 19:46

[...] for the clerk to copy, if that's okay, to hand out.

Mayor Jake Woodford 19:52

We can dis—we'll take that for the record and get that distributed. Yeah.

George Koenig (Tandem Wine and Beer) 19:56

Uh, subsequent to the safety and licensing committee meeting earlier, prior to this meeting, we didn't know what the argument was going to be regarding non-renewal, and that my identity as owner was really the anchoring legal issue. So, after the decision in the Safety and Licensing Committee today to refuse renewal, I consulted with an attorney, and we created a legal document which demonstrates that I have released all of my membership and interest in the LLC to my wife, and I didn't—I didn't have time to transfer that ownership prior to the meeting. We were alerted last week, Thursday, and then I was out of town for a wedding all weekend, and my daughter got married. So, we created that legal document just after that meeting, and so I am no longer the owner. Thank you.

[Cut]

Mayor Jake Woodford 33:04

All right, moving along then. This is Safety and licensing item 25-0599, non-renewal of the class B fermented malt beverage and Class B liquor license for Tandem Wine and Beer LLC, located at 101 East Edison Street. And Attorney Behrens, would you like to...?

Attorney Christopher Behrens 33:26

I'm going to have Attorney Glad sit in, since he sat in on the hearing, but if you could give me a minute just to confer with him about the document that was submitted.

Mayor Jake Woodford 33:34

Yeah, absolutely. We're going to take a five-minute recess to give the attorneys a moment. Five-minute recess.

Mayor Jake Woodford 33:45

All right, we'll come back to order now. And this is item 25-0599, non-renewal, Class B fermented malt beverage and Class B liquor license for Tandem Wine and Beer LLC, located at 101 East Edison Street. We do have a motion and a second to approve. And just ahead of discussion, go ahead, just ahead of discussion, I'm going to hand it over to Assistant Attorney Glad.

Darrin Glad (Assistant City Attorney) 34:16

All right. One thing I wanted to mention, first and foremost, if this were to be referred back, it wouldn't come back to council until mid to late July due to the timing of it. This license would expire June 31. So, it would leave them without the license for that time period. With that, there was a transfer of the ownership interest document that was—looks like it was prepared during the public participation shown to staff during the public participation period. So, with that, if I could have George and Karter approach the podium again, just to clarify what this is.

Darrin Glad (Assistant City Attorney) 35:02

All right, so George and Karter, this document is signed by both of you. It says, "I George Koenig, owner of Tandem Wine and Beer LLC, transfer all my membership interest to my wife Karter Thompson for \$1." Is that true and accurate?

George Koenig (Tandem Wine and Beer) 35:20

That's correct. Yes.

Darrin Glad (Assistant City Attorney) 35:22

Okay, so now, with that understanding, city staff has proposed, an alternative path forward here, and I believe Attorney Buruin has more details as to what that looks like.

Mayor Jake Woodford 35:39

Okay. Attorney Buruin.

Zak Buruin (Assistant City Attorney) 35:42

Thank you. So, this was discussed among staff. It was also something that I discussed with the applicants here. The way forward that we've come to as a possibility with this transfer—obviously, it's a little bit of a last moment thing here, but what it does present the opportunity for is to approve—renew the license with conditions. We are permitted to renegotiate conditions during the course of a renewal process. And I did talk to the applicants about the possibility of conditions that would alleviate the eligibility issues that are the hold up and were the reason for the vote to non-renewal—to refuse to renew the license.

Zak Buruin (Assistant City Attorney) 36:34

What we discussed was, in addition to the document that's been presented here today, them providing more formal documentation of transfer of ownership, be that through the requisite filings with the Department of Financial Institutions, getting more formalized documents drawn up with a transactional attorney, any tax filings that need to be corrected, updated, addressed, and anything else that the Clerk's office may need to ensure that this is a true and legitimate transfer, and not just something that is being done for the purposes of kind of playing a shell game. And I'm not saying that that's what's happening here, but I think in terms of due diligence, protecting the city and making sure we're following the law, that would be something would be prudent to make sure that we get verification of.

Zak Buruin (Assistant City Attorney) 37:26

We discussed the possibility of the need for a deadline. I floated the possibility of a July 31 deadline to give them time to get those things taken care of and provided to the clerk's office to make sure we have the verification for everything that we need, and that seemed to be something that they were agreeable to.

Zak Buruin (Assistant City Attorney) 37:45

And I think that's the only option, other than—there's no opportunity to effectuate something similar by kicking it back to committee because of the deadlines that we've talked about already. So that was discussed as the alternative. If there's any questions regarding that, I'd certainly entertain those but.

Zak Buruin (Assistant City Attorney) 37:45

And finally, and I think most importantly, I made it clear to them that if this is the way that the Council decides to go forward, it would need to be something that they would agree to, because this would then be a new requisite condition as part of their license. If they fail to abide by that condition by failing to provide the necessary documentation within the time frame required that that would be grounds for revocation of the

license, rather than non-renewal, which carries a non-application period in addition to just losing the license. So, there's some additional collateral consequences of that as well. I made that clear to them. I think they understand it, and I think they're agreeable to it as a way forward, if that's something the council is willing to consider.

Mayor Jake Woodford 38:47

Attorney Glad.

Darrin Glad (Assistant City Attorney) 39:00

So, Mr. Koenig and Ms. Thompson, everything that he just said is that a true and accurate description of the negotiated terms for the conditional renewal?

George Koenig (Tandem Wine and Beer) 39:11

That's correct.

Darrin Glad (Assistant City Attorney) 39:12

And you have any questions or any misunderstanding about what these conditions will look like?

George Koenig (Tandem Wine and Beer) 39:18

No, it seems pretty clear, and I think we can—we—we'll accomplish that by the time frame. [...] question is do we follow—file these documents with the clerk and then follow up with legal? Or how would this framework work? Where do we...?

Darrin Glad (Assistant City Attorney) 39:40

I think—when you say "follow up with legal", do you mean us or with your own attorney? I think once you get the appropriate paperwork to the clerk, it'll be forwarded to our to us internally, and you wouldn't need to contact us.

George Koenig (Tandem Wine and Beer) 39:54

Okay.

Mayor Jake Woodford 39:57

Anything else, Attorney Glad, before we proceed with discussion? Okay. So, thank you, and we'll call you up if we need you again. Thank you very much.

Mayor Jake Woodford 40:11

All right, so just procedurally what we have right now before us is a motion and a second to approve the non-renewal that came from safety and licensing in their special meeting. So, I see Alder Croatt would like to get in.

Aldersperson Chris Croatt (District 14) 40:31

Thank you, Mayor. Actually, the motion that came out of committee was a refusal to renew, which is essentially the same thing, but that was the recommended language. Before I get into more about what was discussed at the committee level, I would like to, if I could, address Attorney Buruin for clarity. You mentioned a deadline of July 31. Could you expand on that as it relates to the license expiring on June 30?

Zak Buruin (Assistant City Attorney) 41:01

Certainly, that was the potential deadline that was discussed as when they could make sure they provided the updated, formalized transfer documents, anything that would be associated with that. It's not directly tied to

the deadline or the end of the current license period. It's more designed as making sure they have the sufficient time to formalize what has been put on paper here tonight.

Alderperson Chris Croatt (District 14) 41:27

Does that—may follow up?

Mayor Jake Woodford 41:28

Please.

Alderperson Chris Croatt (District 14) 41:29

Does that mean that the business would not be able to operate on July 1 if that was not taken care of by then?

Zak Buruin (Assistant City Attorney) 41:38

On July 31?

Alderperson Chris Croatt (District 14) 41:39

No, so that license is expiring on June 30.

Zak Buruin (Assistant City Attorney) 41:43

Right. The conditions would give them till July 31 to provide the documentation. So, they would still be able to occu—pardon me. They'd still be able to operate on July 1 if it went forward in this manner. If they failed to provide what was required by July 31 and that would provide grounds for revocation at that point, but it wouldn't—up until then, it wouldn't necessitate any interruption in their business.

Alderperson Chris Croatt (District 14) 42:11

Okay. So maybe a better way to ask it is, does the proposed option with the extension to July 31 basically extend their license by 30 days?

Zak Buruin (Assistant City Attorney) 42:21

No, it's a renewal of the license, just with those conditions.

Alderperson Chris Croatt (District 14) 42:26

Okay. Okay, I see,

Zak Buruin (Assistant City Attorney) 42:27

And those conditions provide additional grounds for revocation.

Mayor Jake Woodford 42:31

All right. And that is because this this is a—this is a renewal conversation, not of revocation discussion. So, because it's because it's a renewal, the action that's available to the Council, if you wish to take it, would be to renew this license, but with additional conditions that would need to be met. So effectively, it would extend their ability to operate under a renewed license, but it would also provide the grounds for revocation proceedings if those conditions aren't met. Alder Croatt.

Alderperson Chris Croatt (District 14) 42:31

Okay.

Alderperson Chris Croatt (District 14) 43:09

Thank you, and normally I'm a big advocate for doing committee work at committee, but this is obviously a unique situation with a timing component. I just want to be clear from the attorney's office that we have a couple of options here. One is the new proposal, or option of granting it with conditions, or we can take the committee recommendation, which was to non-renew.

Mayor Jake Woodford 43:39

Those options are available.

Alderperson Chris Croatt (District 14) 43:41

Okay, thank you.

Mayor Jake Woodford 43:45

All right. Alder van Zeeland.

Alderperson Katie Van Zeeland (District 5) 43:48

Thank you, Chair. I'm wondering if staff could provide some feedback on if a change like this would happen with an establishment any other time but this current renewal, or with the public hearing, is it typical that folks would have to submit a new application or amend an application? How would it typically work?

Mayor Jake Woodford 44:14

All right. Clerk Lynch.

Clerk Kami Lynch 44:17

So, as Attorney Buruin alluded to any other conditions that the clerk would request, and I would request that a revised application be submitted to reflect the current officers of the LLC if there is that change made.

Alderperson Katie Van Zeeland (District 5) 44:35

May I follow up? So, as these options have been presented to us, if the clerk were to ask for that, is that going to go through the same approval process through committee as typically we would with a reapplication?

Clerk Kami Lynch 44:54

I don't believe it would need to, because that that would be the action of the council tonight with the conditions that these are satisfied, and then staff would ensure that the conditions are satisfied. I would even probably propose that we issue two different licenses. So, one, since this is a renewal, and the license period is July one through June 30 of the following year, if the Council were to go in this direction, a license would be issued that the—it would be good through, essentially, just July 31 after satisfaction of those conditions. And then if those conditions are satisfied, they will get the full license that goes through the full license year of June 30, 2026.

Alderperson Katie Van Zeeland (District 5) 45:38

Okay, so you would provide them with a provisional license of some sort through the 31st of July and then, administratively, all of these documents would be handled and reviewed by staff.

Clerk Kami Lynch 45:49

Essentially, yes.

Alderperson Katie Van Zeeland (District 5) 45:50

Okay, thank you.

Mayor Jake Woodford 45:54

Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 45:57

Thank you Chair. I'm not certain if this is germane to the renewal, but because we're presented with this tricky situation, I would like to ask it anyway. Does the current documentation that was just received this evening affect the current licensure to June 30 vis a vis the renewal. In other words, would you're off—would the clerk's office need to receive anything else as far as the change in LLC for the current licensure, which then affects the renewal?

Clerk Kami Lynch 46:40

I don't believe we would need anything, given that there's already been the change of agent has gone through for this, and that was effective immediately. So, once it was approved back, I think that was in April. So, I don't believe that anything would affect this—the remainder of this, you know, 2024, license year that we're in.

Aldersperson Sheri Hartzheim (District 13) 47:01

Okay. Thank you.

Mayor Jake Woodford 47:04

Alder Croatt.

Aldersperson Chris Croatt (District 14) 47:06

I'm sorry I was not in.

Mayor Jake Woodford 47:07

All right. Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 47:12

Thank you. This is a bit of a tricky situation, as we keep saying. So, I'm—first, I'm wondering if maybe we should change the vote to notwithstanding. And then I'm also wondering, would this be a good time to propose an amendment to add those conditions for the license renewal?

Mayor Jake Woodford 47:34

What I would—what I would suggest in this case would be at a point when the council is ready, or a member is prepared to offer an amendment to the motion, the motion would just be made to be reflective of the action that the council wishes to take. It will be amended at that point. So, if the Council decides to proceed with the path that's been described so far, we would just amend this motion to reflect that action so we don't have to worry about notwithstanding in short.

Aldersperson Vered Meltzer (District 2) 48:07

Okay, well, I am in favor of this option, and I would encourage my colleagues to support that as well.

Mayor Jake Woodford 48:18

Alder Hayden.

Alderson Patrick Hayden (District 7) 48:20

Thank you, Chair. I think Alder Meltzer nailed it when he mentioned that this is a really tricky situation, and I keep trying to take a step back because we're so hyper focused on the agreement that the Legal came up with that, I kind of forget that—why this was recommended for not to be renewed. And that kind of still gives me pause, even though it seems like a good agreement. It also makes me think of people who are in the situation where their license is up for renewal and they're in the same situation, and they don't have anybody to transfer to or get legal representation. And it brings into account the idea of fairness when dealing with these sort of issues. So, while I'm kind of leaning towards the agreement that Legal put together, there's there, I think there's a lot more to think about this than just the agreement that we kind of been presented with.

Alderson Denise Fenton (District 6) 49:19

Thank you, your honor. I'm asking the clerk and the attorney, if I may, for clarification. Attorney Glad originally spoke that if the conditions were not met, it would be grounds for revocation of the license. And then Clerk Lynch brought up the notion of basically issuing two licenses, one for the month, and then—and which of those options would we be under? Because, quite frankly, I would be more comfortable with something that would automatically expire if the if the conditions weren't met and the documentation weren't provided, as opposed to having to go through a whole revocation hearing. And so, which, which situation would be would we be working under?

Mayor Jake Woodford 49:19

Alder Fenton.

Mayor Jake Woodford 50:13

Clerk Lynch.

Clerk Kami Lynch 50:16

I guess I'll comment on the two licenses. So, I—and I'll have Attorney Glad to kind of comment on the license period and the revocation procedures. So, the two separate licenses, mostly putting it—they probably have different numbers. Establishments order alcohol based on, you know, proving that they have an alcohol license and providing their alcohol license number. So, one that was set to be revoked if conditions aren't met on July 31 then would have that language specifically on it and have a different license number than one that was conditions were satisfied and was issued later. So that's kind of the reason. But in terms of it just ending on July 31, that's procedurally not a method that we're able to follow based under the statutes, and I think Attorney Glad can comment more on that.

Darrin Glad (Assistant City Attorney) 51:16

Yeah, and I think—I think the crux of it is they wouldn't be issued the second license if they don't meet the conditions by July 31. So, if they didn't meet those conditions, they wouldn't get a license. There wouldn't be anything to revoke. Does that make sense?

Alderson Denise Fenton (District 6) 51:34

I'm more comfortable with that understanding of it, rather than, you know, we—nothing happens, and then we have to go through a whole revocation procedure, which I think, as all of us know, can sometimes take a while.

Mayor Jake Woodford 51:50

Alder van Zeeland.

Alderperson Katie Van Zeeland (District 5) 51:53

Thank you, Chair. Excuse me, we have had license applications come before us for establishments before that have been denied because the applicant is a member of a family that previously had an application and had issues. Could we just talk about are there any issues like that in this particular situation, or maybe, what—do we—can we comment on why that might be different than what we've experienced in the past?

Mayor Jake Woodford 52:30

Attorney Glad.

Darrin Glad (Assistant City Attorney) 52:31

I think, as I understand your question, when we've had revocations and transfer—like when we're in a demerit point situation and there's a transfer of a license, those licenses have to be transferred at a arms length sale. So, a husband wife can't do it just to avoid that. What we have here is an LLC; its own entity, and the law cares about who the members of the LLC are. Once they're outside of the LLC, law doesn't care.

Alderperson Katie Van Zeeland (District 5) 52:58

Okay, great. Thank you.

Mayor Jake Woodford 53:01

Alder Hartzheim.

Alderperson Sheri Hartzheim (District 13) 53:04

Thank you, Chair. I'm trying to understand this from the point of logistics, which is obviously the applicant wants to continue their business, and the city should support that because it is a good business. It's doing good business. It's been testified to through the safety and licensing committee and here again, earlier, through public comment.

Alderperson Sheri Hartzheim (District 13) 53:28

So, what I'm wanting to verify logically is if non-renewal proceeds today, which is, to Alder Hayden's point, the fairness thing to do—the way that we can equally treat any applicant who comes to us with this similar sort of situation. They can operate until June 30 under their current licensure and then make those changes separately and reapply to the city for new licensure. Obviously, we have some dollar figures involved as far as the city's available licenses, but that may or may not come into play. Am I understanding that correctly, to the best of everyone sitting up there's knowledge?

Mayor Jake Woodford 54:23

Clerk Lynch.

Clerk Kami Lynch 54:26

So yes, I would say that you're understanding that correctly, that if it was non-renewed at this time, I don't believe there's any waiting period for a non-renewal that would prevent them from reapplying immediately for the new license period which begins on July 1. It's just timing of the application being submitted, and then the departmental review, and then, of course, committee and Council for approval.

Alderperson Sheri Hartzheim (District 13) 54:54

Thank you. And may I follow up then? Again, referring to Alder Hayden's comments, I feel as though that is a way that we as a Council can equally apply the law in these instances of people with applications who have these kinds of issues. Thank you.

Mayor Jake Woodford 55:16

I will just note in my time in this role not seen a situation quite like this one, and so I would just note that in terms of the assessment of precedent and the questions of fairness which are up to the Council to deliberate. I would just note that not having seen the situation before, it's difficult to have a basis for comparison. All right. Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 55:49

Thank you. On the topic of fairness, I think that given that everyone—the Legal department, the Safety and Licensing Committee—everyone has been kind of moving very quick on their feet right now to respond to this emergent developing situation as the owners figure out how to keep their doors from closing. We have this option that before us that can basically support their business. I think that if they have to reapply for their license entirely, that could potentially cause a lot of harm to their business, and so I think that we should choose the more supportive avenue. I don't see any reason not to utilize the option that the legal department has come up with tonight. Thank you.

Mayor Jake Woodford 56:39

Alder Wolff.

Aldersperson Nate Wolff (District 12) 56:41

Thank you, Chair. I would have to agree with Alder Meltzer's points on this. I'm going to ask my colleagues to vote on the—for the agreement. I think that this is unprecedented, and I do think that this is unique. So, when it comes to fairness, I think it's fair to see this as a one off as it's happened and unique to this situation, and not look at other instances that have come up before or might come down the road. So, thank you.

Mayor Jake Woodford 57:18

Alder Stancil-Martin.

Adrian Stancil-Martin (District 11) 57:20

Thank you, Chair. I mean, I agree with Alders Meltzer and Wolff, and as you noted, this is a unique situation. I understand people's concerns with keeping things fair, but I urge my colleagues to vote for this agreement. I think it's a—I think it's a good solution, a good way to keep their doors open.

Mayor Jake Woodford 57:45

All right, before we move on in the queue, I'll just note now there's been reference to an agreement and the—right now what's still before the body and being discussed is the action that was brought forward by the Safety and Licensing Committee. So, I'd just make a note of that. I'll treat these comments as germane as we all know what we're talking about. But just want to, again, remind the council that, as it stands, you still have the action from committee to deal with. All right. Alder Firkus.

Aldersperson Brad Firkus (District 3) 58:16

Thank you, Mayor. I still favor non-renewal. I feel like a contract scribbled up on scrap paper, you know, between committee meeting and council meeting, to me, it feels more like trying to skirt responsibility for what has brought us to this point then to try and find a real solution. And that's how I feel about this. Thank you.

Mayor Jake Woodford 58:37

Alder Meltzer.

Alderpersion Vered Meltzer (District 2) 58:39

Thank you. I think that sometimes, in the process of experiencing our procedures, it's an education process for people. We're not lawyers; they're not lawyers. They—you know, sometimes there's a lot of learning that happens, and people are responding the best that they can. Certainly think that there could perhaps have been a different trajectory that this could have followed, but people do their best with whatever information is available to them at the time. I certainly don't get any sense that these individuals are trying to do anything illegitimate. I think that they're just trying to deal with the cards that they've been dealt, and perhaps having to learn exactly what the lay of the land is as they go along. So, with that said, I am proposing an amendment to grant the renewal with the conditions as previously described by the legal department.

Mayor Jake Woodford 59:40

And we do have—so we have a motion and a second. Before we continue discussion, I'd like to ask Attorney Glad to again review the conditions, just to help inform your discussion.

Darrin Glad (Assistant City Attorney) 59:49

Is it okay if I defer to Attorney Buruin on that one?

Mayor Jake Woodford 59:52

That's fine. Attorney Buruin.

Zak Buruin (Assistant City Attorney) 59:57

So, the conditions that were discussed, um, were provision of formal documents, be they from the Department of Financial Institutions, tax authorities, or formal—formally memorialized documents indicating transfer of ownership; any other documentation required by the Clerk's office to assure the transfer of ownership; and then all those documents be provided by July 31 of this year.

Mayor Jake Woodford 1:00:32

Okay. And Alder Meltzer, just to confirm that, that reflects the language of your motion?

Mayor Jake Woodford 1:00:39

Okay. Thank you very much. And we do have a second on the motion to amend. So now we'll move discussion to the motion that's before the body, which is to amend. Open the floor for discussion. Alder van Zeeland.

Alderpersion Vered Meltzer (District 2) 1:00:39

Correct.

Alderpersion Katie Van Zeeland (District 5) 1:00:40

Thank you, Chair. I think what I would prefer to see is some kind of action before the 30th that would allow for a provisional license to be maintained through the 31st, for instance, a reapplication with the clerk's office and a legal notarized document, something that—similar to what they've provided, but more formal that would allow us to continue. Is that something that the attorney's office would we be open to?

Mayor Jake Woodford 1:01:37

I think, some clarity on what do you mean by a reapplication, because what's before, what's before you now would be a renewal of the license, contingent upon—

Alderpersion Katie Van Zeeland (District 5) 1:01:47

Yeah, well, the clerk said that they would need to reapply typically, correct?

Mayor Jake Woodford 1:01:53
Clerk Lynch.

Aldersperson Katie Van Zeeland (District 5) 1:01:54

I'll clarify that. They would have to file a new application, so amending this one, because the—currently this one lists two officers in the LLC, and this would change it so that there—so that Mr. Koenig would no longer be an officer. So, we would need that, because that's something that we provide to the Department of Revenue whose enforcement agents go and review establishments. So, we would want that accurate document on file once it's accurate with the LLC, I guess.

Aldersperson Katie Van Zeeland (District 5) 1:02:26

So, I think I would feel more comfortable that, since they have to submit the application, that the application be submitted, and that committee be updated on receipt of those materials, but that they're—the application be the collected by the clerk prior to the 30th.

Mayor Jake Woodford 1:02:47
Of June?

Aldersperson Katie Van Zeeland (District 5) 1:02:47
Of June.

Mayor Jake Woodford 1:02:48

Now I just will point out—and I not being familiar with this process, perhaps this is a procedural question, and maybe not one we're prepared to answer, but depending on the time it takes to go through the process of updating documentation with the with the requisite agencies, as noted by Attorney Buruin, one thing to consider maybe that that may take more time than the three weeks between now and the end of the month when you're asking for that item. So just something for your consideration, as—

Aldersperson Katie Van Zeeland (District 5) 1:03:23

I think my point is I don't want it to take that long. I don't think it needs to take that long. And I think if they want to keep their license, that it should be done quickly. So that would be my suggestion, is to make sure that the clerk receives the application by the 30th of June, and then all of the other documents provided too, per the suggestion of our legal staff.

Mayor Jake Woodford 1:03:49
Well, we have one more level of amendment available to you, so if you'd like to make an amendment to that effect, otherwise—

Aldersperson Katie Van Zeeland (District 5) 1:03:56

I'm going to hear what my colleagues have to say about it first.

Mayor Jake Woodford 1:03:58
All right, so we'll continue discussion with Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 1:04:03

Thank you, Chair. I I'm conflicted, which is not a surprise. I would like to recommend that we not approve this amendment, because there is still a way in which this organization can remain in business, and that is non-

renewal, which was recommended by committee after a long hearing, and then all of these things that that are supposedly being asked for are submitted with a new application, fresh and new for this organization, as it—as they wish it to stand. What we're looking at now is very messy, and what we could look at is the same end result but very clean. And I really hope that we as council members think about that. Thank you.

Mayor Jake Woodford 1:04:59

Alder Wolff.

Alderman Nate Wolff (District 12) 1:05:01

Thank you, Chair. I have a quick question. Are—we talked about the amendment to the document, right? And you said one name would be removed. That means both of the names are currently on the document, correct? It's just one name is being taken off in the amendment?

Clerk Kami Lynch 1:05:16

So currently, the application has to list all of the officers of the LLC. So, it's, I think, Tandem Wine and Beer or Tandem LLC. And there are currently the two officers listed that are currently members of the LLC on that application.

Alderman Nate Wolff (District 12) 1:05:30

So, it's just one name essentially being removed from the document.

Clerk Kami Lynch 1:05:35

I wouldn't simplify it like that, because it's a sworn statement that you're swearing that those are the members of your LLC. The LLC is a different process done through the DOR, but it essentially would be the removal of that member from the LLC and then their removal of that name on an application that would be filed as revised.

Alderman Nate Wolff (District 12) 1:05:58

Appreciate that. Thank you.

Mayor Jake Woodford 1:06:00

Alder Croatt.

Alderman Chris Croatt (District 14) 1:06:03

Thank you, Mayor. I would agree with Alder Van Zeeland in that I could support an additional amendment to tie some level of responsibility around the June 30 date. If that is the application with more presentation of documents after that, that's fine, but I definitely would support that second level amendment.

Mayor Jake Woodford 1:06:28

All right Council, so I'm just going to say you're debating in a—you're, you're debating a hypothetical amendment to the amendment. So, I just want to point that out. I'll let you continue your discussion. Alder Hayden.

Alderman Patrick Hayden (District 7) 1:06:41

Thank you, Chair. Like Alder Hartzheim, I'm kind of conflicted on this as well, and one thing I've heard a couple times is keeping a business open and helping them learn the process. But this isn't—or this isn't a renewal because they just want to renew their license. This is a renewal because of an action that was taken by the head of the LLC, or a member of the LLC. So, I just kind of keep coming back to that, and that that's kind of helping me lean in the direction that Alder Firkus was talking. It just it feels very messy to me, the way that this is being

handled, and that just kind of doesn't sit right with me, although I would like to keep the business open just because it feels wrong closing a business. So, I'm all over the place. I apologize.

Mayor Jake Woodford 1:07:36

Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:07:38

Thank you. I think that life is often messy, and I think that the conditions that the legal department has recommended, those are sufficient for me, for me to feel comfortable. I don't think anything about the moral standing or the trustworthiness or the accountability of these two individuals is in question to the point that they need to jump through extra hoops beyond those conditions that I presented in my amendment. So, I would encourage you all to support the amendment. I think that this, again, is a very unique situation, and I think that there is a clear and less messy path forward in the conditions as proposed by the legal department. I think that us at Council, we can run the risk of making it messier and more complicated, and I'd rather stick with what the legal department came up with. Thank you.

Mayor Jake Woodford 1:08:41

Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 1:08:42

Thank you, Chair. I'd like to make an amendment to the amendment to include that the applicant needs to provide in amended application and a formal legal document that shows that the LLC has—or that—I'm sorry, can you repeat what the document says that you have from these folks? It's the transfer of ownership, is that correct? Okay. So that there's a legal transfer of ownership and a an amended application prior to the 30th, and that all other materials could be received by the 31st. And if I could just continue, chair.

Mayor Jake Woodford 1:09:32

Please do.

Aldersperson Katie Van Zeeland (District 5) 1:09:32

And the reason for that is, since I have been on council that June that June 30 deadline has been a big deal. You know, we've had people who haven't turned things in on time, that they're real repercussions for that. And I think it's just important that we show that there is responsibility being taken in recognition of that that June 30 deadline for the our licenses. Thank you.

Mayor Jake Woodford 1:10:05

I have a question for the clerk or attorneys. Can an applicant submit an application listing an LLC and officers that has not yet been formally recognized by the required agencies at the at the state level, like by DOR? In other words, if that procedural work isn't done at the state level, can they still submit—can they submit an application with an LLC listing officers that hasn't been formally recognized?

Clerk Kami Lynch 1:10:40

I can—quite long, but I can read the attestation statement on the application. So, the individual submitting the application would have to sign attesting to this: "Under penalty of law, I've answered each of the above questions completely and truthfully. I agree that I'm acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the license. Further, I agree that the rights and responsibilities conferred by the license, if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law, including, but not limited to purchasing alcohol beverages from state authorized

wholesale—wholesaler—wholesalers." (You guys know what I'm trying to say.) "I understand that the lack of access to any portion of a licensed premise during inspection will be deemed a refusal to allow inspection. Such refusal such refusal is a misdemeanor and grounds for revocation of this license. I understand that any license issued contrary to Wisconsin statutes Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted."

Mayor Jake Woodford 1:12:13

So, if I'm—if I'm to understand that, then the representation that's made and attested to on the document is that they're representing the business as it exists and they, as applicants, are representing that they are the agents of that entity. Is that correct?

Clerk Kami Lynch 1:12:33

That's my understanding.

Mayor Jake Woodford 1:12:34

Okay, so I think my question still stands then. If the LLC hasn't been created or formally recognized by the time the application is submitted, does that impact the validity of the application? Attorney Buruin.

Zak Buruin (Assistant City Attorney) 1:12:48

I'm going to slightly dodge the question and indicate that I don't think that's the case here, because the LLC exists. The person to whom ownership would be transferred if this were to go forward is already the agent, so somebody authorized to act on behalf of the LLC to begin with. So, I don't think the issue that is a legitimate concern if we were—if this really was a shell game situation, I don't think it comes into play here.

Mayor Jake Woodford 1:13:15

Okay, thank you. That answers the question. Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 1:13:23

I'll yield.

Mayor Jake Woodford 1:13:24

Okay. Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:13:30

Thank you, Chair. Didn't turn on right away, sorry. So that was similar to my question, but more on timeline, like, is it feasible for this transfer to occur before June 30 with all that goes on? Because I've never, you know, sold an LLC before, and haven't partaken in one, so I wanted to make sure that it was like feasible to do it within the timeline.

Mayor Jake Woodford 1:13:59

I don't know that any of us are prepared to answer the question, but this was—this was the basis for my question related to filing the application, which I believe is the subject of the amendment that Alder Van Zeeland put forward. Alder van Zeeland. Oh, it's not turning on. Here you go.

Alderperson Katie Van Zeeland (District 5) 1:14:18

Obviously, this is anecdotal, but I have actually created an LLC with my husband in a matter of days. I believe two weeks maximum would be a very generous amount of time, and that's why I think I'd like to see some action prior to the 30th because I think it's feasible. Thank you.

Mayor Jake Woodford 1:14:37

All right, so we have a motion and a second to amend the amendment. Any further discussion? Alder Schultz.

Alderperson Alex Schultz (District 9) 1:14:47

Thank you, Chair. Just as a point of clarification so we're all on the same page, the amendment to the amendment is asking for a new application to be submitted to the clerk and some form of documentation—not sure exactly what that is—but attesting to the change of ownership of this LLC. This—the original amendment is asking for documentation from Wisconsin Department of Revenue and other departments that are involved in licensing and issuing business ownership under the state, and that is due by July 31. So, we're looking at two dates, June 30, new application with the city and some form of formal acknowledgement that the ownership has changed. And then roughly 30 days later, the remainder of the documentation, which may take some time, going through Department of Revenue and other agencies in question. So, I just want to be clear, at least from the council standpoint, what we're asking and where we're going with these amendments.

Mayor Jake Woodford 1:15:48

Alder van Zeeland.

Alderperson Katie Van Zeeland (District 5) 1:15:49

Thank you, Chair. Alder Schultz has restated it the way that I believe that I stated it.

Mayor Jake Woodford 1:15:56

All right. We do have a motion and a second to that effect, and this is amendment to the amendment. Is there any further discussion on that hearing? None. Please cast your votes.

Mayor Jake Woodford 1:16:20

All right, that motion passes 10 to two, with Alder Smith and Schultz abstaining.

Mayor Jake Woodford 1:16:30

All right, back to—now, we are back to the amendment as amended, and we'll continue with discussion. Any further discussion on the amendment as amended? Hearing none, please cast your votes.

Mayor Jake Woodford 1:17:05

That motion passes nine to three, with two members abstaining. That's Alder Smith and Schultz. So, the item has been approved, or the amendment has been approved.

Mayor Jake Woodford 1:17:18

Where are we now? We're back to the item as amended. Thank you. I was doing so well. All right, we're back to the item as amended, and we'll continue discussion now. Any further discussion? All right, hearing none, please cast your votes. We have a point of order. Alder Wolff.

Alderperson Nate Wolff (District 12) 1:17:43

Please clarify the vote, withstanding.

Mayor Jake Woodford 1:17:46

The vote—don't worry about withstanding. There's no—that—what's before you now is the item as amended, which reflects the original amendment that was put forward by Alder Meltzer as amended by Alder Van Zeeland. So, there's, it's, it's a, it's a yay or nay vote to approve that item or deny it. All right, everybody clear? Voting is still open. Please cast your votes.

Mayor Jake Woodford 1:18:21

All right, the motion fails seven to five, with Alders Smith and Schultz abstaining. As a reminder, the Council rules require eight members voting in the affirmative to approve an item. So that item has failed as amended. Where that leaves us is sort of nowhere, because you've you've—we have recommendation that came from committee for refusal of renewal, and you've now decided not to approve the item as amended. So, as I see it, we still lack clarity in terms of the council's action. I'd like to ask our parliamentarian for a view. Attorney Behrens.

Attorney Christopher Behrens 1:19:11

So basically, the item as amended failed, so you're back to the original item, which is the recommendation from the committee where we started.

Mayor Jake Woodford 1:19:23

All right, so we are back to the original item. Alder Croatt.

Aldersperson Chris Croatt (District 14) 1:19:29

I was going to ask if that was accurate, and Attorney Behrens just confirmed it.

Mayor Jake Woodford 1:19:37

So, we still do require action on this item. Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 1:19:43

Thank you, Chair. If you read everything that was before us before the committee meeting, you know that what was asked of the applicant was to show rehabilitation. That was not shown. Unfortunately, that means that we need to continue with the non-renewal in this regard. That does not mean that this business, which is a viable business and a good business for Appleton to have, cannot operate. They can operate until June 30, and during that period of time, they can do all the things that were offered by Alder Van Zeeland in her request for an amendment to an amendment to blah, blah, blah, blah, blah. So, I know that many of you feel that—many of the council members here feel badly about that, about voting to have a non-renewal occur, but it isn't the end of the world. It just means an extra step for this applicant to take. And again, during that committee meeting, the applicant was asked to show rehabilitation, and that was not shown. So again, we have no choice at this point. Thank you.

Mayor Jake Woodford 1:20:57

All right, just for the sake of clarity about what it is we're discussing here now, we had a series of amendments and the item as amended failed. So, for purposes of discussion, we're still under 25-0599, non-renewal for the class B fermented malt beverage and Class B liquor license for Tandem Wine and Beer, and if there's no objection, we'll continue discussion under the understanding that what is now being discussed is the recommendation coming out of the Safety and Licensing Committee meeting which is refusal of renewal. Everyone clear about that? Any objections to proceeding in that manner? We—do we have—we have a mover and a seconder for the item yet. So, so if there's no concern with proceeding in this manner, that's what we'll do. Okay. So, we'll continue discussion under that understanding. And Alder Croatt is up.

Aldersperson Chris Croatt (District 14) 1:21:56

Thank you, Mayor. Since we're back to the recommendation from Committee, just for those that weren't there, it was a five zero vote to recommend—it was two actually motions taken at committee. One was to recommend refusal of the renewal, and the second one was to submit this findings in fact and conclusion of law document to the council. What you'll see, if you look at all the documentation is—and there was a number of attachments—was that there are offenses by one of the agents that are directly related to serving alcohol at an establishment. And as Alder Hartzheim mentioned, one of the things that we were told by Legal was that the committee could consider evidence of rehabilitation, and I, as chair of the committee, did not see any evidence of rehabilitation presented to the committee. There was some mention of some efforts that have been taken by the owner, which I applaud them for, but there was no evidence submitted to the committee. So that was the recom—that was the reason why I voted for the non-renewal, and that's why it came to this body the way it did. Thank you.

Mayor Jake Woodford 1:23:14

Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 1:23:16

Thank you, Chair. I should start off by saying we are here because of me because I changed my vote. I just—I had a—I've had a crisis of conscience with this. I've really felt uncomfortable about making the changes and hoped that I could make an amendment that would make it palatable. But when we're joking about where we are in amending something it—I just thought this is ridiculous, like what I need to do is vote to not renew this license. And so that's what I would encourage my colleagues to do, for the reasons that Alder Croatt just stated. Thank you.

Mayor Jake Woodford 1:23:58

Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:24:02

Um, is there an option still on the table to hold this agenda item over until the next council meeting? Wouldn't mess up the timeline too much, right?

Mayor Jake Woodford 1:24:23

Attorney Glad. My button—there you go.

Darrin Glad (Assistant City Attorney) 1:24:29

The committee in charge of licensing has to make a decision on the renewal by June 15. So that is not going to happen before the next meeting.

Aldersperson Nate Wolff (District 12) 1:24:41

When is the next meeting?

Darrin Glad (Assistant City Attorney) 1:24:47

The next Council meeting will be two weeks, June 18.

Mayor Jake Woodford 1:24:54

Alder Fenton.

Alderpersion Denise Fenton (District 6) 1:24:55

Thank you, Chair. I just have a question. May I direct a question to Clerk Lynch, please? So, with our consent agenda, we have what I think are the last batch of alcohol license renewals. Do you know if there are open licenses at this point? And I was thinking of a regular license as opposed to reserve.

Clerk Kami Lynch 1:25:21

Well, it's not our last batch of renewals. There will be the late, late batch at next week's, but there are—currently, there are no regular licenses available. There is the possibility that there will be regular licenses available at the start of the new license period, which is July 1, 2025. So, for the 2025 to 2026 license, there may be some, but at this time there are no regular licenses available, just reserve licenses. So, there are licenses available, but not the same kind that the applicant currently holds.

Alderpersion Denise Fenton (District 6) 1:26:01

Thank you.

Mayor Jake Woodford 1:26:03

Alder Meltzer.

Alderpersion Vered Meltzer (District 2) 1:26:05

Thank you. I would like to address a question to Attorney Glad or Attorney Buruin. With the—with what has been presented to us tonight and all the information that's been made available about the changes going on with this LLC, how does that impact the validity of the findings of fact that are being presented to us now? Because, isn't there—is there some kind of a disconnect between these findings of fact from seven o'clock compared to the facts as they stand now at nine?

Darrin Glad (Assistant City Attorney) 1:26:42

Well, if there is, it was created after this report was made, so the gap was created after this. The statutes require the committee to come up with findings of fact, conclusions of law, and a recommendation, which they did. And now there's not really an objection to that. What changed was him divesting his interest in the LLC, making it potentially not applicable to him, the parts that disqualified the LLC, but the finding of fact conclusions are still true as they as they were at the committee, and the path forward is to accept them or to not accept them and grant the renewal.

Mayor Jake Woodford 1:27:28

Alder Meltzer, anything else?

Alderpersion Vered Meltzer (District 2) 1:27:31

No, thank you.

Mayor Jake Woodford 1:27:35

Alder Hartzheim.

Alderpersion Sheri Hartzheim (District 13) 1:27:37

Thank you, Chair. I would like to just remind everyone who will be voting on this, my colleagues, that this is under state law, under Section 125, that these findings of fact, etc., have been presented to the council. So, if in someone's mind the intention would be to not accept these findings of fact, that's kind of against the law, is it not?

Darrin Glad (Assistant City Attorney) 1:28:13

I think arguably, Mr. Koenig has come in and essentially presented the alternative or objected to them by saying "I am not the owner anymore. I'm not part of the LLC."

Aldersperson Sheri Hartzheim (District 13) 1:28:26

But the findings of fact do not state anything about that in this regard. Is that correct?

Darrin Glad (Assistant City Attorney) 1:28:31

Yeah.

Aldersperson Sheri Hartzheim (District 13) 1:28:31

Thank you.

Mayor Jake Woodford 1:28:39

All right, before we continue with discussion, what I want to make clear right now is that I see the potential for a dynamic where you've decided as a body not to amend and approve the item, but then you head into a vote on the item as presented, and that fails. And there are no ties in these kinds of conversations. And so, this item needs to be resolved, and we will meet until it is resolved. So, I want to make that clear as discussion continues, because if you wish to make a change to the action, or you intend to dispense with the action as recommended by committee, I suggest that we move with expedience in either direction. What I'm I am now hearing is repetition of discussion. And so, if, if there is novel information, or there are additional changes that you'd like to make, or new amendments you'd like to propose, for a different path forward, I'd encourage you to do so. Otherwise, we need to resolve this item, and we'll meet all night if we need to. Alder Hayden.

Aldersperson Patrick Hayden (District 7) 1:30:02

Thank you, Chair. That's kind of where I was going. I feel like we're gonna be in an infinite loop here if we kind of continue down this pace, because it's gonna fail and fail and fail again. Is it possible to reconsider what was brought before previously? Because I'm happy to change my vote to yes to move this along.

Mayor Jake Woodford 1:30:21

That vote has been taken.

Aldersperson Patrick Hayden (District 7) 1:30:23

Okay. Is it possible to amend this?

Mayor Jake Woodford 1:30:28

Possible to again propose an amendment to the same effect. I would my suggestion procedurally would be that the if an if an amendment was brought forward, it would incorporate both the amendment and the amendment to the amendment, so we don't have to go through that exercise again, but such a motion would be in order, because, unlike a resolution, for example, where nothing, no action can be taken on that, the body could take up an item. Attorney Buruin would like to interject.

Zak Buruin (Assistant City Attorney) 1:31:00

Thank you. I have a suggestion based on the discussion as it's been going and talking with some of the folks involved from the application standpoint. But an option that I would float as a way of moving forward is having everything due by the 30th, and I think that might be something that might be agreeable to them, satisfy some of the issues that are of concern here, as a way of moving things forward, and it's a different amendment than what was made before, so we're not retreading old ground.

Mayor Jake Woodford 1:31:29

All right, so I'm just just—before any discussion ensues about that item, if you'd like to make an amendment to that effect, please do. But I am going to rule debate of a hypothetical amendment out of order at this point. Okay? I just want to make that clear. Alder Hayden.

Aldersperson Patrick Hayden (District 7) 1:31:47

Yeah, I would like to make the amendment that everything's due by the 30th as noted.

Mayor Jake Woodford 1:31:51

All right, we have a motion from Alder Hayden, and a second from Alder van Zeeland. This is a motion to amend, and the terms of the amendment would follow the same conditions as previously noted with a change in the deadline to June 30, all other conditions remaining. Okay. That that's your motion?

Aldersperson Patrick Hayden (District 7) 1:32:13

Correct.

Mayor Jake Woodford 1:32:13

Everybody clear on the motion? All right, we have a motion and a second to amend. We'll open discussion on that motion to amend, and first in the queue is Alder Wolff.

Aldersperson Nate Wolff (District 12) 1:32:25

Call the question.

Mayor Jake Woodford 1:32:29

Motion and second has been made to call the question. There were three speakers in the queue. All those in favor of calling the question, please signify by saying aye. Any opposed? The ayes have it. The question has been called. Please cast your votes. Motion passes nine to three, with Alders Smith and Schultz abstaining.

Mayor Jake Woodford 1:33:03

All right, we'll move on now to the balance of the agenda. Need a motion. Excuse me. Item has been amended. Any further discussion on the item as amended? Thank you all

Aldersperson Alex Schultz (District 9) 1:33:22

Alder Schultz in the queue, I just have a point of information for members who are new to council. I could just get some clarification on potential financial implications of a renewal versus going through the process and having to apply for a reserve license. What's the cost difference between an existing license and a reserve license, just for the benefit of members who aren't maybe familiar with that cost

Mayor Jake Woodford 1:33:50

clerk, Lynch Alder, Alder Schultz, I'm gonna rule your question out of order, because you've been abstaining on this item all night, so your questions out of order. Any further discussion on the item as amended?

Mayor Jake Woodford 1:34:12

Need to make, make notations. Exhausted Brad,

Mayor Jake Woodford 1:34:19

if you didn't hear that, we have exhausted Granicus and the clerk needs to make a notation here, so stand by For notation, and then we'll continue discussion if needed. You

Mayor Jake Woodford 1:35:41

All right, we're back To the item as amended. And Alder van Zeeland, Thank

Aldersperson Katie Van Zeeland (District 5) 1:35:45

you, Chair. I was actually in the queue to suggest this amendment. It might have taken me a while to get there, but I would encourage my colleagues to vote for this item as amended. I think that it's hitting all of the fairness notes, it's treating that deadline seriously, and I hope that, and I've sincerely apologize I didn't get to it sooner. Thank you.

Mayor Jake Woodford 1:36:11

All right, any further discussion on the item as amended? Hearing none. Please cast your votes. All right. The motion passes 11 to one, with Alder Smith and Schultz abstaining.