

Minutes of the Council's deliberation and determination regarding the issues on the agenda for the Special Common Council meeting of June 11, 2012.

**CITY OF STEVENS POINT
SPECIAL COMMON COUNCIL MEETING**

**Council Chambers
1516 Church Street**

**June 11, 2012
6:00 P.M.**

Mayor Andrew Halverson, Presiding

Roll Call: Alderpersons Beveridge, Suomi, O'Meara (6:01 p.m.), Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips and Moore.

2. Consideration of Renewal of the "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 2124 Rice Street – Player's Lounge – Jason Glisczynski Owner.

Ald. Wiza **moved**, Ald. Phillips seconded, to approve a 6-month license for Jason Glisczynski at 2124 Rice Street relating to "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License.

Ald. Suomi stated that she will support this motion because she wants to see the Players' Lounge succeed like Partners Pub and hopes there are no problems during the next 6 months.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, and Moore.
Nays: None. Motion adopted (11- 0).

3. Hearing on Nonrenewal of the "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 1009 Clark Street – Steel Night Club – City S.P. Inc. – Victor Ceron President and Agent.

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Mayor Halverson declared the hearing closed with the attorneys finishing their closing remarks and brought it before the Council. He advised the Council to take the testimony that they heard from both sides and make an objective determination on the renewal of this license.

Ald. Wiza asked when the mockups for the sign and floor plan, exhibits 10 and 11, were turned in to the owners.

Adolfo Melendez, member of the Corporation that currently holds the license, said they were submitted last week and they were working on them for about a month.

Ald. Wiza asked what would a Class B Fermented Malt Beverage and Intoxicating Liquor License cost if he walked in, applied and one was available.

Clerk Moe replied that regular licenses, if approved by Council, would be \$500 and reserve licenses up to \$10,000.

Atty. Rice asked if any reserve licenses are available and is there a history of providing funds for those licenses.

Clerk Moe noted that one reserve license has been issued and he believes the City did provide them a grant.

Ald. Wiza said that if there are no other questions from the alderpersons, he is prepared to make a motion.

Mayor Halverson said he would refer alderpersons to Wisconsin State Statutes 125.51 (1)(c), "The governing body or committee may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in the clerk's minutes." He said the motion, if you choose to do so, would need to make sure that a reason for the denial is clearly stated.

Ald. Wiza said based on the testimony provided, he feels that the business, as it was, was abandoned. It was not in operation for the better part of a year. The City ordinance says 90 days. It was closed significantly longer than that. Based on the fact that alderpersons did not see any plan, no permits were issued, so there was no work being done, and the fact that the sign that was just turned in to the owners and presented at this meeting, that is either Exhibit 10 or 11, was within a month old, he believes shows that there was nothing done to promote the business.

Ald. Wiza **moved**, Ald. Suomi seconded, the nonrenewal of the aforementioned license.

Ald. Wiza went on to say that if a business model comes to the city that they have rolling, they can reapply and actually save a few bucks.

Mayor Halverson asked Alderman Wiza if the reason within his motion for denial was the prima facie evidence for abandonment that was proven in his estimation.

Ald. Wiza replied yes, and admitted.

Ald. Beveridge said based on the testimony and exhibits, in his opinion there has been no good cause shown for why the prima facie evidence of abandonment should not be taken. Furthermore, if Mr. Rushevics would argue that the license has

not been abandoned, he wonders what abandonment would look like. The place has not been operated as a tavern for 16 months, and the ordinance says 90 days. That is so far beyond the amount of time listed in the ordinance that he just doesn't think any amount of planning or discussion of retooling the business could constitute good cause shown to overcome the prima facie evidence of abandonment at this point.

Ald. Patton asked if anyone was interested in the license at this time.

Mayor Halverson replied that we are unaware of any interest at this time.

Ald. Slowinski said that he believes the owners did not abandon the bar, but abandoned their business plan. He believes that they're respectful business owners. He said that he wants to give them another chance.

Ald. Suomi said as far as a second chance, it was clear for her that they could reapply for a liquor license with a different plan.

Ald. Trzebiatowski asked if they would have to pay for a new license come June.

Clerk Moe responded that the yearly license is \$500.

Ald. Trzebiatowski then noted that they would not pay \$10,000 for a renewal.

Clerk Moe replied that is correct.

Ald. Trzebiatowski asked if they reapplied then they would only be paying \$500 if a license is available.

Clerk Moe replied if there is a liquor license available.

Mayor Halverson asked Clerk Moe if the license that currently rests with the Steel Nightclub is a reserve liquor license.

Clerk Moe replied no, it's not.

Mayor Halverson said it's a regular liquor license, which would have a cost of \$500 associated to it. The number that the alderpersons heard referenced under testimony within the real estate write-up was a completely subjective number that was placed on that particular liquor license through real estate procedures, not necessarily the official dollar amount associated with that liquor license.

Ald. Beveridge said with regard to Alderperson Slowinski's comments, he believes in second chances but doesn't want the City to be in a situation where they have to have this same hearing again in six months or a year from now.

Ald. Patton said he feels that based on their financial security and not owing any back taxes, he believes it is wrong to not renew.

As there were no more comments the Mayor called for the vote. He said the motion before the Council was to not renew.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, Trzebiatowski, R. Stroik, Phillips, and Moore.
Nays: M. Stroik, Slowinski, Patton. Motion adopted (8-3).

4. Adjourned at 7:32 p.m.