

SPECIAL SPOONER CITY COUNCIL MINUTES  
July 20, 2011

1. **CALL MEETING TO ORDER;**

Called to order at 5:30 p.m.

2. **ROLL CALL; 8 Council Members Present, Quinn, Zufall, Tiller, Lawton, Kohler, Captain Christman, Koehn**

3. **PLEDGE OF ALLEGIANCE;**

4. **Approval Mike Tiller Liquor License Application for Class B Combination Liquor License August 1, 2011 – June 30, 2012;**

Lawton spoke on behalf of Tiller. He notes Tiller's building is for sale & would like license to be available for potential buyers. Tiller may open bar himself if no buyers come forward.

Everroad reminded Lawton next buyer isn't automatically allowed license. Lawton understands this issue. Also, Everroad said that no background on Tiller has been done, no financial findings, etc.

Dunn uncomfortable approving license for empty building when they don't intend to open.

Lawton reminded council it wasn't Tiller's fault there is nothing in building.

Discussion on building as bar.

Mayor asked to be sure & look at fairness. Tiller was unwillingly put out of business.

Lawton indicated law suit has a contingency, if Tiller gets liquor license law suit is done. Trying to avoid bringing City into lawsuit, resolve liquor license & resolve situation for all parties.

Thompson noted at previous meeting, they wanted to wait to see law suit finished.

Clerk explained that she was uncomfortable with application as it wasn't completed. Applicant was informed at time he submitted form of incompleteness & has not taken any action toward completion. Discussion on information not available at this time from applicant, Tax ID, FEIN, no premises, no responsible beverage class, no fire department inspection, no health department report.

Tiller/Lawton brief is next week & wish to dismiss lawsuit. Civil Court has not adjudicated license issue.

Discussion on 'granted' vs 'issuing' & a difference between 'granting' & 'approving'. Previous discussion with Lawton & Clerk, it was unclear that all parties were aware of difference. Lawton stated he has reviewed terminology & agrees there is a difference between approving, granting, & issuing.

A statement was made no other interested parties for license. Clerk said statement was untrue. Application came in morning of July 20<sup>th</sup> from Joel Weiner of Spooner Market & Grill & others have previously asked about a possible open license.

City has considerable discretion on granting, issuing & to whom.

Dunn is unsure about approving a license when it may not be used, there are people out there that will use it tomorrow.

Stelter: they are asking us to approve a license when basic form isn't complete. He wants council to do what is best for City as a whole.

**Motion (Dohm/Schluter) to grant license with provision to complete application, but not issued until Health & Safety, Fire Inspection, building codes brought up to code & Responsible Beverage Class has been completed. Motion fails by roll call vote, 5 no & 3 yes votes.**

Next step is to come before Safety & Licensing.

5. **Adjournment;**

**Motion (Gabriel/Dohm) to adjourn. Passed** Meeting adjourned at 6:30 p.m.

ATTEST:

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Debbie Koehn