

SPECIAL PUBLIC HEALTH & SAFETY COMMITTEE

Date and Time: Monday, November 1, 2021, at 5:30 pm, (Council Chambers)

Members Present: Lisa Rasmussen (C), Pat Peckham, Dawn Herbst, Jim Wadinski, and Becky McElhaney

Others Present: Tara Alfonso, Nathan, Miller, Todd Baeten, Michael Felder, Mary Goede, Katie Rosenberg, Allen Woller

Part 1 of Hearing for full testimony: <https://www.youtube.com/watch?v=A-sELI4Gl6w>

REVOCATION HEARING Pursuant to Wis. Stat. s. 125.12(2) on Notice of Intention to Revoke or Suspend the Class B Beer & Liquor License of Allen Woller, d/b/a 6th Street Pub, Premises located at 2002 N. 6th Street, Wausau, WI 54403 for failure to be open in violation of Wausau Municipal Code s. 5.64.160 Abandonment of Premises.

Lisa Rasmussen stated Nathan Miller was present as Counsel to the committee. Tara Alfonso, representing the City of Wausau, indicated Allen Woller was present without Counsel. Rasmussen explained the process for the hearing.

Allen Woller, owner of 6th Street Pub, commented he has not been open due to his poor health and lack of employees. He asked for leniency because he has been unable to work due to some serious health issues and trying to find help was very difficult. He was unable to give the exact date of the last time the bar was open.

Attorney Tara Alfonso, Prosecutor, called witnesses Cpt Todd Baeten and Lt. Michael Felder of the Wausau Police Department for testimony and were sworn in. *Exhibits were filed into evidence with the clerk.* They testified that the bar was observed to be closed during bar checks 107 times between the time period of May 1, 2021 and October 7, 2021. A phone call was made by Lt. Felder to Mr. Woller regarding the business in which Woller indicated he had not been open since August of 2020 and did not have open accounts with wholesalers. Woller had also indicated to Felder during that call that he had tried to sell the business, but the buyer couldn't get the financing and that if he could sell the bar he would retire.

Allen Woller questioned what would happen to his business if they revoked his license. He stated he had \$30,000 worth of liquor inventory he would like to get rid of that cannot be returned. He stated it was a big issue with trying to sell the bar because they would also have to buy the existing inventory. He did not know when he could open because of his health and had to have someone else do the work. Nathan Miller questioned if Mr. Woller wanted to be sworn in for testimony and he replied he did not dispute any of the allegations.

Motion by Wadinski to convene in **CLOSED SESSION Pursuant to Section 19.85(1)(a) of the Wisconsin Statutes: Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body**, seconded by Herbst. Roll Call Vote carried unanimously.

Part 2 Findings of Fact & Conclusions of Law: <https://www.youtube.com/watch?v=KOdG50sba8A>

RECONVENED Into Open Session for the purpose of making a determination on the Notice of Intention to Revoke or Suspend the Class B Beer & Liquor License of Allen Woller, d/b/a 6th Street Pub, Premises located at 2002 N. 6th Street, Wausau, WI 54403.

Rasmussen read the Findings of Fact & Conclusions of Law. The committee found that the licensed establishment, 6th Street Pub, has been closed to the public since at least August 2020. The licensed establishment has not been open for business at least 50 percent of the days within any 12-month period, either within a licensing year, or overlapping two licensing years, as required by WMC 5.64.160(c). The licensed establishment has failed to maintain open and active accounts with its food and/or alcohol distributors, and is no longer open to the public as required by WMC 5.64.160(e). The licensed establishment has no know plans to reopen for business in the next thirty (3) days.

Rasmussen stated the City has met its burden of proof and recommends to the City Council that the Class B Beer & Liquor License be revoked pursuant to Wis. Stat. § 125.12(2)(15)(1).

Adjourn

Motion by Peckham, second by Herbst to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:26 pm.