



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes - Final Ordinance & License Committee

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Monday, June 8, 2015

6:00 PM

Council Chambers, City Hall  
Use lower level glass door.

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### 1. Call to Order

#### Rollcall

**Present** 4 - Perry, Manion, Patton, and Johnson

**Absent** 1 - Skinner

### 2. Approval of Minutes

#### A. [ID#15-2629](#) Minutes for May 11, 2015

**A motion was made by Manion, seconded by Perry, to approve the Minutes for May 11, 2015. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

### 3. Licenses

#### A. [ID#15-2675](#) INVITED Bartenders

*Marissa Cruz failed to appear at the Committee's request. She will be reinvited.*

*Sara Hernandez appeared before the Committee at its request. She has an OWI and possession of controlled substance from September 2014. This is her 3rd OWI. She appeared with the agent from Paz Pub, Fermin De La Paz. Fermin was aware of the drunk driving, but not the possession conviction. Hernandez has worked for him for a year and has been a very good employee. Hernandez has been seeing 2 counselors since September 2014; she sees a life coach and participates with groups concerning her depression and anxiety. She has not drank or done drugs since the incident. She said she made a mistake. She accepts responsibility for her actions; she is moving forward; she works full time and is a student.*

**A motion was made by Perry, seconded by Chairperson Johnson, that this License be approved. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Joshua Moody appeared before the Committee at its request; he appeared with his supervisor. He has an OWI from October 2014; this is a license renewal. He was drinking and chose to drive a friend home that had also been drinking. He is currently in outpatient therapy; he has purchased a pocket breathalyzer so this never happens again. Moody has been a great employee for 2 1/2 years according to his boss.*

**A motion was made by Patton, seconded by Manion, that this License be approved. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Julie Piech appeared before the Committee at its request; she appeared with her agent, L Lazar Konda from Meli's. Piech has an underage drinking conviction from October 2013, a few months prior to her 21st birthday. Piech has worked at Meli's for a month. Konda said Piech is the best employee he has ever had.*

**A motion was made by Chairperson Johnson, seconded by Patton, that this License be approved. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Bethany Rogowski appeared with her agent from Texas Roadhouse, Philip Diedrich. Rogowski has an underage drinking from July 2014. This was dismissed; she was drinking with her husband who was of age; when she left the location where she was drinking she was cited. She has worked at this Texas Roadhouse for a year, and worked for another Roadhouse for 2 years. Diedrich said she is a good employee.*

**A motion was made by Perry, seconded by Manion, that this License be approved. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*James Smiley appeared before the Committee with his agent from Hilltop Pub, Cheryl Berger. Smiley has an OWI from July 2014. He has been at the Hilltop for about 2 years; Berger is aware of the conviction; she said he is an excellent employee. Smiley has attended his required counseling.*

**A motion was made by Chairperson Johnson, seconded by Patton, that this License be approved. The motion carried by the following vote:**

**Aye:** 3 - Manion, Patton and Johnson

**Nay:** 1 - Perry

**Absent:** 1 - Skinner

**B.**     [ID#15-2676](#)     Bartender Applications

*Remaining bartenders*

**A motion was made by Manion, seconded by Patton, to approve the remaining bartender applications. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

**C.** [ID#15-2677](#) INVITED Other Applications for licenses considered by Ordinance & License Committee on June 8, 2015

*Weissgerber's Gasthaus, Extension of Premise application for Wednesday car show events. The Police Department had no concerns.*

**A motion was made by Patton, seconded by Chairperson Johnson, to approve the Weissgerber's Gasthaus Extension of Premise application. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Summer Zaman appeared for Z Clark Mart. His employee sold cigarettes to an underage person in a sting operation. Zaman said the employee that sold the cigarettes was suspended for one week; he provided her with the rules for selling cigarettes. The Committee emphasized the need to stress to his employees the seriousness of selling to minors. Zaman has been in this location for 6 years.*

**A motion was made by Chairperson Johnson, seconded by Patton, that this License be approved. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Johnson stated that a sidewalk cafe applicant on tonight's agenda is currently using their sidewalk cafe area without a permit; Atty Running said this would be a matter for enforcement by either the PD or Comm Development. Running said the Committee has complete control of the issuance of this permit. Johnson said he doesn't want to revoke the application, however, he doesn't have a permit. Johnson would suggest that he pull his tables and chairs tomorrow and not put them out until the Council acts on his application. (Mainstream Bar & Grill). The PD is present at this meeting and will take care of notifying the establishment.*

**A motion was made by Perry, seconded by Patton, to approve the Sidewalk Cafe application for Mainstream Bar and Grill, with the condition that they remove the tables and chairs until the permit is approved by Council on June 17, 2015. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

*Raymond Preuss failed to appear; he will be invited to the next meeting.  
Jon Woo failed to appear; he will be invited to the next meeting.*

- D. [ID#15-2678](#) Other Applications for licenses considered by Ordinance & License Committee on June 8, 2015

**A motion was made by Chairperson Johnson, seconded by Patton, to approve the remaining applications. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

#### 4. Discussion and Recommendation

- A. [ID#15-2586](#) Consider City Attorney's recommendation to repeal Municipal Code sec. 9.11(5), concerning persons who are authorized to tend bar and serve fermented malt beverages, because it is pre-empted by state statute.

*Atty Running said this provision is more strict than state law, which is not permitted. He recommends that this language be repealed.*

**A motion was made by Patton, seconded by Chairperson Johnson, to amend sec. 9.11(5) as recommended by the City Attorney. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

- B. [ID#15-2763](#) Consider "an appeals process" which would create a "Board of Appeals" and process within the "New Garbage Ordinance" for those citizens and property owners who had previously received garbage pick up to appeal. (HOLD)

*Atty Running said a garbage ordinance is coming before the Board of Public Works. Ald.*

*Cummings said she also made a referral to the Attorney's Office, and the Attorney's Office said this piece would not be included in the pending garbage ordinance.*

*Cummings made this referral after a meeting with Dr. Abadi; she said she learned that people that were getting their garbage picked up for 30 yrs, would no longer have their garbage picked up with the new contract. She learned that the current ordinance drove the contract. Johnson would like to see the draft ordinance first. Perry agrees that this was done backwards. He also has citizens that are affected. He doesn't expect this to get voted down by the Board of Public Works. He questioned at what point this item will come before O&L.*

*Running said it would go from the Board of Public Works to O&L, however, he would expect Finance to look at it before it comes to O&L. Manion said he also has constituents that are affected. Manion is concerned that changes have been made already; Running said changes have been made with the new contract, none of which are in violation of the current ordinance.*

*Cummings pointed out that it has been 7 months since the contract has been approved.*

*Manion is concerned when a contract is negotiated that changes services that have been provided for 30 years; whether they are in line with ordinances or not.*

*A resident spoke against the change in garbage collection.*

*Johnson suggested putting this on hold until the Committee can look at what comes out of the Board of Public Works.*

**A motion was made by Perry, seconded by Chairperson Johnson, that this item be held. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

- C. [ID#15-2765](#) Consider revision of Municipal Code Chapters 16 and 22 to allow more than one kitchen per dwelling unit.

*Community Development Director Jennifer Andrews spoke in favor of amending the ordinance to allow for a second kitchen in a single family dwelling.*

**A motion was made by Perry, seconded by Chairperson Johnson, to approve this item. The motion carried by the following vote:**

**Aye:** 3 - Perry, Manion and Johnson

**Nay:** 1 - Patton

**Absent:** 1 - Skinner

- D. [ID#15-2766](#) Consider proposed revisions to Mun. Code Chapter 16, regarding building permits, fees, and inspections.

*Jennifer Andrews said the Common Council reviewed and approved a revised set of fees. This change will allow for a fee scheduled rather than amending the ordinance each time a fee is changed. Manion suggested easy accessibility to the fee schedule on the City's website via a link.*

**A motion was made by Perry, seconded by Manion, to approve this item. The motion carried by the following vote:**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

5. Communications

*None*

6. Adjournment

**6. Adjournment**

**Aye:** 4 - Perry, Manion, Patton and Johnson

**Absent:** 1 - Skinner

Ald. Steve Johnson, Chairman

"A majority of the Council members may be in attendance"

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact the Finance Office 48 hours prior to the meeting at 524-3560, or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.