



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, June 8, 2020

6:00 PM

Virtual Meeting. View the meeting live online:

<https://waukesha.legistar.com/Calendar.aspx> or by calling

877 853 5247 (Toll Free) Webinar ID: 968 1967 6027 Password:

239567 For Public Comment, register by 4pm:

<https://waukesha-wi.gov/1907/Public-Comment>

1. Call to Order

Present 4 - Johnson, Manion, Rodriguez, and Moltzan

Absent 1 - D. Lemke

2. Public Comment

3. Approval of Minutes

[ID#20-0663](#) O&L Minutes - May 11, 2020

Attachments: [O&L Minutes 5-11-20](#)

The Minutes were approved by consent.

[ID#20-0672](#) O&L Minutes 5-27-20

Attachments: [O&L Minutes 5-27-20](#)

Ald. Manion pointed out that the motion language for agenda items addressing sec. 8.116 and 9.115 was incorrect. The deputy clerk will correct this and put the minutes on the next agenda for approval.

4. Licenses

[ID#20-0689](#) INVITED Bartenders- June 8, 2020

Attachments: [Invited Bartenders June 8 2020](#)

Skyler Hale appeared via zoom; her application states she will be employed at Waukesha Evolution. This is a renewal application. Her background check indicated a conviction of intoxicants in vehicle in March 2019 by Brookfield PD. Her application listed possession of methamphetamine for that same month. She has attended classes and has done what the courts have ordered her next court date is July 1 and had been delayed due to Covid-19. She is hoping to get the charge reduced.

A motion was made by Rodriguez, seconded by Johnson, to approve the bartender license for Skyler Hales. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

Jasmine Kavalary appeared via Zoom. This is an open application. She was cited for OWI in September 2019, with a previous one in 2006. She said her best friend's dad passed away and she was helping clean up the estate and had a few beers; she was pulled over due to a yellow light. She has completed everything ordered by the court.

A motion was made by Rodriguez, seconded by Johnson, to approve the bartender application for Jasmine Kavalary. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

Jodi Ottum appeared before the committee via zoom with her agent, Matt Boyd, Kwik Trip. She formerly worked at Stop n Go in Hartford and Waukesha; she was robbed twice while at work and starting smoking marijuana to deal with her anxiety, instead of taking her xanax - she had heard of problems with that medication. She knows it was wrong to deal with her anxiety that way. She has been in counseling and deals with her anxiety differently now.

A motion was made by Rodriguez, seconded by Johnson, to approve the bartender application for Jodi Ottum. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

[ID#20-0690](#) INVITED Other Applications - June 8, 2020

Attachments: [O&L 6-8-20 Other Applications](#)

Katherine Woyahn appeared from Billy D's for their liquor license renewal. In 2019 a bartender was cited for serving a minor in a compliance check. Katherine said the bartender was 20 years old and is no longer working there. She said she believes it is best to employ bartenders that are over 21; she has been there for 15 years and this is the first time they failed a compliance check. She continually reminds her staff to check for identification.

Chairperson Johnson made a motion, seconded by Rodriguez, to approve the liquor license for Billy D's. The motion passed by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

La Casa de Esperanza was initially invited to this meeting as they had changed their premise description from past years to include all of the grounds surrounding the community center. Today the Clerk's office spoke with Sherry from La Casa, who explained they wished to remove the surrounding grounds from their premise description. If they have an event, such as Fiesta, they will apply for a temporary extension of premise.

Chairperson Johnson made a motion, seconded by Rodriguez, to approve the liquor license renewal for La Casa de Esperanza. The motion passed by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

Margarita Trujillo-Aviles appeared for Las Palmas de Waukesha, Expansion of Premise. The committee discussed the installation of a physical barrier for the patio portion; Manion asked if this expansion was approved with a chain type barrier, and if the proposed ordinance later in this ordinance that addresses expansions of premise is approved, does this get grandfathered in? Or does the ordinance then apply either now or when they go for renewal? Running said the licensed that may be issued under the current ordinance would still be in effect, it wouldn't be revoked by change of the ordinance, it would only affect prospective applications. Manion said he feels that some barrier should be required, which has been done traditionally. He is in support of the application for area labeled 1 if there were a barrier. Margarita said she would not be able to install a barrier in the area marked 2 and still be able to serve customers there. Ald. Rodriguez suggested using posts with a chain between.

Atty Running reviewed the pictures and asked how the area is accessed from the building. Margarita said customers will come in the restaurant and if desired, they will be seated outside and served by wait staff that will utilize the back door next to the larger patio, which leads to the kitchen. Running said he agreed with Manion in being consistent with past years in requiring a barrier/boundary around the patio so customers are clear where they need to stay with alcohol and unaccompanied underage people cannot enter. Running said the expansion cannot extend onto the sidewalk, so staff cannot walk on the sidewalk with drinks to serve outside. Rodriguez asked if this could be approved if they enclosed it and wait staff used the back door. Running said they could. He recommended that they install a fairly substantial physical railing enclosure. He said if they used the area along the sidewalk, the same would need to be installed in that area as well.

Margarita asked for confirmation that she will need to fence the large patio area on the side of the building and utilize the back door for wait staff to access that area when serving alcoholic beverages. The expansion will be for this area only. This was confirmed for her.

Ald. Rodriguez made a motion to approve an expansion of premise to include the back portion of the building that is included in picture 1, area to be fenced off with a barrier; motion seconded by Johnson. The motion passed by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

[ID#20-0691](#) Other Applications - June 8, 2020

Attachments: [O&L 6-8-20 Other Applications](#)

A motion was made by Johnson, seconded by Manion, to approve the remaining Other Applications. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and Moltzan

Absent: 1 - D. Lemke

5. Review & Act On

[ID#20-0644](#) Create Mun. Code sec. 9.115, to regulate licensed premises, amendment of licensed premises, and temporary extensions of licensed premises.

Attachments: [O&L Memo-9.115 Licensed Premises.pdf](#)

[Cover Sheet-Licensed Premises, Definition, Amendment, Temporary Extension.pdf](#)

The proposed ordinance was presented to the committee. Atty Running said the city has issued temporary extensions of premise for quite some time but there has never been an ordinance for this. This creates a process and a set of rules for administering extensions of premise. This also addresses expansions of premise which are referred to as amendments of premise.

Ald. Miller said he is in favor to allow establishments during special events when streets are closed, to extend into public property with a permit. Ald. Manion said we have only considered this in the past when a business has a sidewalk cafe permit, he is not interested in expanding it to others at this time. Ald. Rodriguez suggested we try opening it up to more businesses, she is in favor of people walking freely with a beverage; Atty Running said that would be contrary to state law. Ald. Johnson asked if Running could make a red lined version to show the changes approved tonight when this goes to the Council.

Manion asked if a sidewalk cafe is considered an extension of premise; Running confirmed; Manion said those are issued for an entire year, so does that mean cafes can only operate 90 days per year? Running said there could be an exception for sidewalk cafes.

Ald. Rodriguez suggested approval of the proposed ordinance with a change to (4)(f) to allow all alcohol license holders to have access to the end of the parking spaces with a street closure and special event permit; Brian suggested waiting on this until the sidewalk cafe ordinance is addressed. Johnson is not in favor of expanding it to bars for special events. Moltzan thinks this idea should be married with the sidewalk cafe revision. Running said a compromise would be to allow a temporary extension to public property only for businesses that have a sidewalk cafe permit; Manion, Johnson and Moltzan agree.

A motion was made by Johnson, seconded by Manion, to approve the proposed ordinance with a change to (f)(1) to include an exception for sidewalk cafes to operate more than 90 days per year; and to allow sidewalk cafe permit holders to extend to public property with street closing and special event permits. The motion carried by the following vote:

Aye: 3 - Johnson, Manion and Moltzan

Nay: 1 - Rodriguez

Absent: 1 - D. Lemke

6. Communications

7. Adjournment

Adjourned at 7:53 pm

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 Fred Abadi, 48 hours prior to the meeting at 524-3600 or by the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.