



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final Ordinance & License Committee

Monday, June 9, 2014

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Ald. Skinner appeared at 6:17 pm

Present 5 - Perry
Manion
Patton
Skinner
Johnson

2. Approval of Minutes

A. [ID#14-0372](#) Minutes - April 28, 2014

Sponsors: Attorney's Office

Ald. Patton made a motion to approve the Minutes for April 28, 2014; motion seconded by Ald. Perry and passed by the following vote:

Aye: 4 - Perry, Manion, Patton and Johnson

Absent: 1 - Skinner

B. [ID#14-0383](#) Minutes for May 12, 2014

Sponsors: Attorney's Office

Ald. Patton made a motion to approve the Minutes for May 12, 2014; motion seconded by Ald. Perry and passed by the following vote:

Aye: 4 - Perry, Manion, Patton and Johnson

Not Present: 1 - Skinner

3. Licenses

A. [ID#14-0527](#) Bartender applications

Sponsors: Clerk/Treasurer

Matthew Best appeared before the Committee regarding his application for a bartender license. Best has also applied to be the agent for Aldi, which makes the bartender application not necessary. The bartender application fee will be refunded to Best. No action taken.

This application was withdrawn

Debra Clark appeared with the agent for Walgreens. Clark was cited for furnishing alcohol to an underage person.

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

Not Present: 1 - Skinner

Dimitrios Dakolias appeared before the Committee. He was cited for serving an underage person in 2013. His bartender/employee that served the minor was suspended.

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

Not Present: 1 - Skinner

Joshua Dahl appeared before the Committee with the agent for Kwik Trip. Dahl was cited for OWI last year.

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

Not Present: 1 - Skinner

Gina Healey appeared with her agent. Healey was cited for OWI in 2012. This is her 4th OWI, her prior was 10 years ago. The agent said bartenders are not allowed to drink while they are working. Perry said he cannot support this application. Patton said she is supervised so he will support this. Healy has completed outpatient treatment.

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

Aye: 3 - Manion, Patton and Johnson

Nay: 1 - Perry

Not Present: 1 - Skinner

Judith Jacobsson appeared before the Committee with Joe Phillips, agent for House of Guinness. Jacobsson was cited for furnishing to an underage person in Dec. 2012. Jacobsson has worked there for 14 years.

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

Not Present: 1 - Skinner

Ald. Skinner joined the meeting @ 6:17pm

Rachel Johnson appeared before the Committee with her agent. She was cited for OWI in 2013. Her agent is aware of this.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Heather Koerbel appeared before the Committee at its request. Koerbel was cited for retail theft and battery. One charge was dismissed and other was not prosecuted.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Roxanne Moede appeared before the Committee with her agent. Moede was cited for sale of tobacco and alcohol to minors. Moede has worked at Tobacco Outlet for 5 1/2 yrs.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Alexander Swendson appeared before the Committee with his agent. Swendson most recently was cited for possession of THC in 2013. Swendson has worked at Boscos for 3 years. Swendson has received treatment for drugs. He has been a bartender for 13 yrs. He doesn't drink at work.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

B. [ID#14-0529](#) Other Applications for Licenses ending June 30, 2015

Sponsors: Clerk/Treasurer

Matthew Best appeared as agent for Aldi. He appeared with the district manager. Best was cited for OWI in February 2014, case is pending, trial date is scheduled for July. If convicted this will be his 2nd. Manager is aware of this. Best has been with Aldi for 8 yrs. Sgt. Becker said his bail restriction prohibits possession, sale of alcohol until the conclusion of the case. Johnson made motion to deny. Another agent will need complete an application.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Jagdishkumar Patel appeared as agent for Bottle Stop Liquors. He was cited for sale of alcohol to an underage person. This is his second conviction (2012, 2013). Perry asked Patel if he were cited in 2014, what should happen? Patel said he is reminding his workers to check id's. He said he is closely supervising his employees. Manion asked what steps Patel has taken to assure this will not happen again. Patel said he has a scanner that checks id's no matter the age of the customer.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Donald Crouse appeared before the Committee as agent for Donnie Boys. His mother served alcohol to an under age person in 2013. Crouse suspended her for 2 weeks. Perry asked if there is another violation this year, what should happen. Crouse said the bartender should be terminated.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Phillip Santiago (The Lucky Rabbit) appeared before the Committee as agent. He was cited for sale of alcohol to an underage person and failure to provide an unobstructed view into an establishment.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Edward McMahon (Grandview Corner Pub) appeared before the Committee as owner. His son, Edward McMahon is the agent and was not able to appear, he broke his leg. The agent was cited in 2013 for sale of alcohol to an underage person. McMahon said a date of birth is required to make a sale; formerly this could be overridden, this is no longer the case. McMahon said if this happens again, the employee will be fired.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Leonidas Haideman (Gyros West) was invited to appear before the Committee as agent, Julie Haideman appeared on his behalf. A bartender did sell alcohol to an underage person. They have spoken to their employees about the importance of carding customers.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Gene Geiger (Kwik Trip #373) appeared before the Committee as agent. He was cited for sale of alcohol to underage person. Geiger was out of town when this occurred. His store has a "secret shopper" ever six weeks by Kwik Trip. A driver's license is required to be scanned to purchase alcohol.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Raymond Preuss (Lincoln Pub) appeared before the Committee as agent. He is also the owner. He was cited for sale of alcohol to an underage person. Preuss said his rule is to card every customer.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Robert Seneff (Main Street Shell) appeared as agent before the Committee. He was cited for sale of alcohol to an underage person. Seneff said he has a zero tolerance program. If an employee sells alcohol or tobacco to an underage person they are terminated. Employees understand this. A date of birth is required for sales.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Edward McMahon (Meadowbrook Corner Pump) appeared before the Committee as agent.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Robert Fleming (Meadowbrook and Fox Run Sentry) appeared before the Committee as agent. An employee sold alcohol to an underage person in July 2013. This employee was suspended. She is a 9 year employee.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Cai Huang (Meiji Restaurant) appeared as agent before the Committee. Huang was cited for sale of alcohol to a minor. Huang said he has trained his servers to check id's. He said he does regular training.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Sandy Cianciolo (Mia's) appeared before the Committee as agent and owner. He was cited for sale of alcohol to an underage person. Cianciolo said this is the first time anyone has been cited there in 10 years. If he is cited again his employee will have to pay the fine.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Dale Palkowski (Montecito) failed to appear. A new agent application will be required. The license for

Montecito's is put on hold.

A motion was made by Chairperson Johnson to put this application on hold, seconded by Patton, that this License be approved. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Diane Assimakopoulous (Panos) appeared before the Committee as agent. She was cited for sale of alcohol to an underage person. She said they card all customers. If it happens again the employee will be terminated.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Gary Stephani (Walgreens #03883, #05636, Sunset and Grandview). He was cited for sale of alcohol to an underage person. An employee of his sold the alcohol. The employee was given a final written warning and has been going great since then. Stephani said this is a routine topic in their meetings.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Gina Podhola (Walgreens #05466) appeared before the Committee as agent. An employee of hers sold alcohol to an underage person.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Tom Thurner (agent for Matteo's) appeared. He was cited for sale of alcohol to an underage person. He has had a liquor license for 25 years.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

James Taylor appeared before the Committee late. He is agent for Taylor's People's Park. His employee served alcohol to an underage person. He and his wife have taken the serving class.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

The agents that failed to appear will be re-invited. Mariela Zarate (LaFuente) failed to appear. Robert Boehnen (Fox Run Lanes) failed to appear. Anthony Trevino (The Cooler) failed to appear.

The licenses were held.

Extension of Premise for Spur Saloon. Dimitrios Dakolias appeared before the Committee. Bike night on Tuesdays, June 17 - September 30th in their parking lot from 5 - 9 pm. The area will be fenced, staffed by a bouncer. This will not be approved by Council in time for the June 17th event. Johnson made a motion to approve the events through July.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Lindsay and Mike Warren (MC's Sports Bar) appeared re: Extension of Premise for July 12th 4 pm - 9:30 pm. Area will be fenced off, patrons required to enter through building. This event was held last year.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Debbra Lander (St. Paul Pub) appeared for Extension of Premise on June 28th from 11 am - 5 pm in establishments parking lot.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Dan Italiano (Magellan's) appeared re: Extension of Premise for June 28th from 4 pm - 10 pm in 2 parking stalls in front of establishment (pending approval of parking stall closing permit by Clerk's Office). Italiano said this is for a private party; everyone present would be carded and wear wristbands. Italiano is requesting that patrons be allowed to leave the bar and go to the parking stalls with alcohol. Patton made a motion to approve all 3 of Magellan's Extension of Premise applications. Italiano says he is willing to have patrons served outside in the Extension. Perry requests that applications be dealt with separately. Ald. Johnson made a motion to approve Extension for June 28th with the caveat that patrons be served while seated.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Magellan's Extension for Oktoberfest on September 13th from 12 pm to 8 pm. Other establishments are involved in the event. This application will be brought before the Committee at a later date. Put on hold.

A motion was made by Chairperson Johnson, seconded by Skinner, that this License be put on hold. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Magellan's Sidewalk Cafe Permit renewal.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Magellan's liquor license renewal.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Weissgerber's Gasthaus Extension of Premise for Classic Car Show held every Wednesday from May 28th - September 3rd from 4 pm to 9:30 pm in establishment's parking lot.

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

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Remaining applications for licenses ending June 30, 2015

A motion was made by Perry, seconded by Manion, that the remaining applications for licenses ending June 30, 2015 be approved. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Ald. Skinner moved to approve bartender licenses with the exception of numbers 9, 19, 24, 52, 63, 67, 81, 96, 129

A motion was made by Chairperson Johnson, seconded by Skinner, that bartender licenses with the exception of nos. 9, 19, 24, 52, 63, 67, 81, 96, 129, be approved. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

4. Discussion and Recommendation

- A. [ID#14-0472](#) Review and act on a recommendation to amend Section 2.01 with regard to appointment of Department Directors.

Sponsors: City Administrator

Ed Henschel appeared before the Committee. With Steve Crandell retiring he discovered sec. 2.01 which describes who makes appointments. Henschel said the process is decentralized. Some positions are appointed by the Mayor or a committee. He initially was looking at changing the appointment of Community Development Director and Cemetery Manager. The City Attorney's Office recommended reviewing all appointments. Henschel has discussed this with Mayor Reilly who agrees that the day to day management of the City lies with the City Administrator, and therefore, appointments should be the responsibility of the City Administrator. Henschel believes he should be responsible for selecting his "team". Henschel is not requesting action tonight. He is hoping the City Attorney's Office completes its review before he needs to hire a Community Development Director or a Cemetery Manager. This item is on hold.

5. Communications

Discussion was held to schedule a special meeting 6 pm on June 16th to address the agents that did not appear at tonight's meeting.

6. Adjournment

A motion was made by Chairperson Johnson, seconded by Perry, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

Ald. Steve Johnson, Chairman