



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes

### Ordinance & License Committee

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Monday, December 14, 2020

6:00 PM

Virtual Meeting. View at  
<https://waukesha.legistar.com/Calendar.aspx>  
or Call: 888-788-0099 (Toll Free)  
Webinar ID: 979 5476 0645 Passcode: 149120  
Public Comment is virtual only, register by 4 pm  
<https://waukesha-wi.gov/1907/Public-Comment>

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#### 1. Call to Order

**Present** 5 - Johnson, Manion, D. Lemke, Rodriguez, and Moltzan

#### 2. Public Comment

*None*

#### 3. Approval of Minutes

##### A. [ID#20-1399](#) O&L Minutes - November 9, 2020

**Attachments:** [O&L Minutes 11-9-20](#)

**A motion was made by Johnson, seconded by D. Lemke, to approve the Minutes for November 9, 2020. The motion carried by the following vote:**

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

##### B. [ID#20-1488](#) O&L Minutes - December 1, 2020

**Attachments:** [O&L Minutes 12-1-20](#)

**A motion was made by Johnson, seconded by D. Lemke, to approve the Minutes for December 1, 2020. The motion carried by the following vote:**

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

#### 4. Licenses

**A.** [ID#20-1520](#) INVITED Bartenders - December 14, 2020

**Attachments:** [12-14-20 Bartender License Letter](#)

*Daniel Francis appeared by phone. Chairperson Johnson asked him to explain a few incidents on his record. Francis said they occurred when he was not on his medication. He said that was to be taken off of his record when he finished his probation which he did in March 2020. He said he is now on his medication and has been for 2 years. Rodriguez said she has no questions and since he was found not guilty, she does not see a reason to deny. Rodriguez made a motion to approve; motion seconded by D. Lemke. Deputy Chief Angle said the not guilty by mental disease or defect determination does not mean that the offense did not happen; he said the defendant also has a history of not following rules - he has driving violations. The City Attorney's office also recommends a denial for the same reasons that the DC Angle stated. Attorney Running said that our bartenders are expected to enforce our alcohol laws. Running said the operating after suspension and operating without insurance - these are not impulsive decisions that would result from not taking medication. Daniel said it has been over a year since he has had any tickets - he was young and he has been driving more responsibly. Rodriguez said if we aren't taking into consideration the not guilty by mental disease or defect and we have had instances of bad driving records in the past, so why is there a concern? Running said that he has made it a point to the committee that when there is a history of not following rules, that it be taken more seriously. Rodriguez suggested that the committee approve; if they don't want to approve, then maybe put on hold until he is employed and appears with an agent. D. Lemke withdrew his second. There was no other second to the motion to approve. Chairperson Johnson then made a motion to deny.*

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

**Aye:** 4 - Johnson, Manion, D. Lemke and Moltzan

**Nay:** 1 - Rodriguez

*Alondra Perez appeared with the assistant manager for Walgreens, Kevin Esser. Perez said she went to an underage drinking party to pick up her sister and when she was there the police arrived and issued everyone tickets. Esser said her background check came back ok with Walgreens corporate. Moltzan asked if she was committed to following the liquor laws; Perez confirmed that she is.*

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

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

*Brandon Taylor appeared with the agent for Speedway, Mary Jaquith. Taylor has a charge pending for MDMA - he said after toxicology comes back it will be cleared. Deputy Chief Angle said the applicant did disclose his entire history which is lengthy. Taylor said he has turned his life around; he has 3 year old and 5 year old sons; he said until he was 24 years of age he didn't make good decisions. He said he walks to and from work and doesn't drive anymore. He received a domestic disorderly conduct during a difficult time he went through with the mother of his children-they eventually split up; and a possession conviction. Brian Running said the City Attorney's office takes the position of recommending non-approval. His agent said he has been a great employee - starts early and stays late - she understands he has a long history of issues; she said that her store is a better store because he is an employee. Johnson said he would like to see some separation in time before a license is issued to him. Rodriguez asked about the possession charge and asked if it was marijuana and Taylor confirmed this.*

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

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

*Heather Zemilicka appeared with the district manager from Speedway. She has a possession of paraphernalia from this year on her record. Zemilicka said it is related to marijuana. The agent said she is aware of the incident. Zemilicka has recently been promoted to manager and is a good employee.*

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

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

**B. [ID#20-1521](#) INVITED Other Licenses - December 14, 2020**

**Attachments:** [12-14-20 Other Licenses Letter](#)

*Meijer store - expansion of premise application to allow for online order pick up for their customers including alcohol. The store director appeared in person. He said the pathway from the building to the parking stalls is marked and the parking stalls are marked for pick up. Strict training with role playing is provided by Meijer.*

*A motion was made by Moltzan to approve with applicant providing further information; motion was later withdrawn. Attorney Running explained that the ordinance as it is currently written requires barriers to delineate the licensed premise. His office will work on revising the ordinance to allow for this type of application. This application was put on hold.*

**C. [ID#20-1522](#) Other Licenses - December 14, 2020**

**Attachments:** [12-14-20 Other Licenses Letter](#)

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

**Aye:** 5 - Johnson, Manion, D. Lemke, Rodriguez and Moltzan

## 5. Discussion and Recommendation

- A. [ID#20-1378](#) Discussion and recommendation: Enact an ordinance allowed under Wis. Stat. Section 341.65(2)(a) which prohibits any unregistered vehicle from being located on a highway or public street and also governs the immobilization, removal and disposal of those unregistered motor vehicles up to and including those in possession by a dealership.

*Asst. City Attorney Anne Iselin gave some history on the events that led to this agenda item. Some complaints were received by the Community Development Dept. regarding car dealerships parking their inventory on city streets. If there is no plate on the vehicle the parking agents cannot issue a citation. Iselin said there is a state statute that allows a municipality to enact an ordinance allowing the citing of unregistered vehicles located on a city street - right now unregistered vehicles can only be cited if they are being operated, not when parked on a city street.*

*DC Angle said the dealerships will work around an ordinance - they will put dealer plates on the cars.*

*Johnson questioned if the situation warranted an ordinance rather than having a discussion with the neighbors of the dealership on Davidson.*

*No action taken.*

## 6. Communications

*Attorney Running said his office will review the expansion of premise ordinance for changes needed for retail stores that offer pick up for their customers.*

*The Committee will return to two meetings per month, the next will be on Monday, January 11th.*

## 7. Adjournment

*Meeting 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.