



# City of Waukesha

City Hall,  
201 Delafield Street  
Waukesha, WI 53188

## Meeting Minutes

### Ordinance & License Committee

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Monday, May 21, 2018

6:30 PM

Council Chambers, City Hall  
Use lower level glass door.

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#### 1. Call to Order

**Present** 4 - Manion, Johnson, Rodriguez, and Lemke

**Absent** 1 - Perry

#### 2. Public Comment

*Kathleen Cummings spoke regarding the Sidewalk Cafe permit issued to Magellans. She has a concern regarding the distance between the curb and the booths for seating.*

#### 3. Approval of Minutes

[ID#18-0682](#) Minutes - May 1, 2018

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the Minutes for May 1, 2018. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

[ID#18-0724](#) Minutes - May 7, 2018

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the Minutes for May 7, 2018. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

#### 4. Licenses

[ID#18-0775](#) INVITED Bartender Applications - May 21, 2018

*Bear H.J. Milne appeared with the agent for Nice Ash Cigar Bar, Joette Barta, owner. Milne has a sale of alcohol to underage person in July 2016; he made a bad decision that night - he had received a call from his brother earlier that day regarding a cancer diagnosis and was off his game. This was a compliance check by the Police Dept. Barta said they have a policy for checking identification. Milne has been working there for 12 years and is a good employee.*

**A motion was made by Chairperson Johnson, seconded by Rodriguez, to approve the bartender license for Bear H.J. Milne. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Michael Schuldt appeared before the Committee with the agent for Country Springs Hotel, Nancy Richards. Schuldt has and OWI from March, 2018, case is still pending. Johnson suggested that this be put on hold until it is settled. Rodriguez said that she has recommended approval in the past for applicants with pending OWI's because even with an OWI 1st conviction, applications are approved. Richards said that Schuldt is an operations manager, he oversees other workers, he is an excellent manager; she supports this application. He is not bartending his entire shift. Manion said he is comfortable supporting this given what has been presented. Johnson said it is a good point that this is the only OWI on his record and his primary duty is not a bartender.*

**A motion was made by Rodriguez, seconded by Manion, to approve the bartender license for Michael D. Schuldt. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Danica Skarbek appeared with the owner of Fuzzy's, Phil Santiago. Skarbek has an OWI from March 2017. She has worked for him for 5 years and is a good employee. Skarbek said she made a bad decision that day that she will never make again.*

**A motion was made by Manion, seconded by Chairperson Johnson, to approve the bartender license for Danica Skarbek. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Kayla Zuba appeared before the Committee at its request. She has a possession of controlled substance and paraphernalia from April 2018. The agent for Price Point could not appear tonight, he did write a letter for the committee, however, the committee wished to reschedule this for when the agent can appear in person.*

**A motion was made by Chairperson Johnson, seconded by Manion, to put the bartender application for Kayla Zuba on hold until the next meeting. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

[ID#18-0776](#) Bartender Applications - May 21, 2018

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the remaining bartender licenses, with the exception of #55 Cyndul M. Lanphear. The motion failed by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the bartender application for Cyndul M. Lanphear. The motion carried by the following vote:**

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

**Absent:** 1 - Perry

**Abstain:** 1 - Rodriguez

[ID#18-0777](#) INVITED Other Applications - May 21, 2018

*Center Court, agent Brandon Jurczyk appeared; he has an OWI from September 2017. Jurczyk said he went through a bad period in his personal life last year and has been through counselling and has not been drinking the last 4 or 5 months. Jurczyk said he understands the seriousness of the situation.*

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the "Class B" Beer & Liquor Combo license for Center Court. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Club 400, James Lindenberg, appeared for an Extension of Premise application for July 21, 2018, 10 am - 10 pm.*

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the Extension of Premise application for Club 400 for July 21, 2018. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Donnie Boy's, Donnie Crouse appeared for a failed compliance check in 2017. One of his bartenders sold to an underage person during a compliance check. If it were to ever happen again, that bartender will be fired. He has cameras installed so he can watch from home or his phone.*

**A motion was made by Manion, seconded by Rodriguez, to approve the "Class B" Beer & Liquor Combo, Amusement Games & Devices, Juke Box and Pool Table licenses for Donnie Boy's. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Panos Fresh Market appeared due to a failed compliance check. Diane Assimakopoulos and Mr. Assimakopoulos appeared. Diane said it was a new cashier that sold to the underage person. The store managers have been instructed in the importance of checking identification. This cashier is still with them and is a good employee. The liquor key that allowed for a birthdate bypass has been removed from the register.*

**A motion was made by Chairperson Johnson, seconded by Manion, to approve the "Class A" Beer & Liquor Retail license for Panos Fresh Market. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

*Waukesha Eagles Club, Timothy Cooney, agent appeared. Extension of Premise for June 16, 2018 3 pm - 11 pm. The fenced area in the parking lot will only be accessible through the building.*

**A motion was made by Manion, seconded by Lemke, to approve the Extension of Premise application for Waukesha Eagles Club for June 16th. The motion carried by the following vote:**

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

[ID#18-0778](#) Other Applications - May 21, 2018

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

**Aye:** 4 - Manion, Johnson, Rodriguez and Lemke

**Absent:** 1 - Perry

## 5. Review & Act On

[ID#18-0681](#) [Motion to Reconsider] Amendment to Municipal Code section 2.015(7) to require the completion of the City Administrator's annual review by the last day of February each year

*This item was on the last Ordinance & License agenda and was approved 2 - 1. The reconsideration of this item failed for lack of a motion.*

[ID#18-0740](#) Request by Ald. Thieme to amend Section 2.015 (7) of the Municipal Code - City Administrator to modify language in the ordinance to have the Human Resources Committee conduct the annual review of the City Administrator.

*Ald. Manion was the one descending vote when this matter was before the HR Committee. He said the council president's position does not have a lot of statutory responsibilities and he views this as an attempt to take one of them away. He said in the past it has been difficult to get the required 3 parties together to conduct this process. He said his understanding for the proposed amendment is that the HR committee conducting this would be a more stable option as they meet regularly.*

*Manion questioned the motivation for the proposed change. He asked if the city administrator's review in 2018 been conducted in a timely manner, would we be considering this? He doesn't think so. To him that is not a failure of the process, it is a failure of the people conducting the process and he thinks that this is a reactionary proposal based on the action or inaction of individuals that have been responsible for this in the past. As the current council president, he will ask the council to have some faith in him to conduct the process in a more timely manner.*

*He said it is convenient that the HR chair is bringing this when he is one of the trio that has had an issue with meeting. Manion asked for the support of the committee in denying this request. He said it was self serving of the committee chair to make this referral to that committee. This topic was not discussed with him before the amendment was proposed. He is not making accusations, but it does give him pause. He would view this as a vote of non-confidence in him as a council president.*

*Johnson said this is not personal whatsoever, it is an attempt to revamp this entire section of the code; he does not see this as a valid argument. He said HR committee meetings can be called at any time - he doesn't consider this a power or privilege of the council present.*

*Ald. Cummings, 2005 council president, said in 2005 the council did not have an opportunity to review the city administrator. She said while the timing may make an individual feel this way, she understands how that could happen. She said this is a privilege, that could be taken away, to have input in the city administrator's review. She sees no malice or hidden agenda.*

*Manion said he understands where Johnson and Cummings are coming from. He said this is a statutory responsibility and he would be doing a disservice to himself and future presidents if he didn't fight to keep this.*

*Johnson said with the HR Committee there are more people involved in the process and it gives the process more strength.*

*Ald. Rodriguez agreed that more people would be involved if this was moved to the HR committee.*

**A motion was made by Chairperson Johnson, seconded by Rodriguez, to amend sec. 2.015(7) of the Municipal Code - City Administrator, to modify language to have the Human Resources Committee conduct the annual review of the City Administrator. The motion carried by the following vote:**

**Aye:** 3 - Johnson, Rodriguez and Lemke

**Nay:** 1 - Manion

**Absent:** 1 - Perry

## 6. Communications

*Ald. Rodriguez made a comment to an event that occurred May 17, 2018 in the vicinity of Albanese's.*

## 7. Adjournment

*Adjourned at 7:52 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, Fax 524-3898, or the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.