



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

Ordinance & License Committee

Monday, May 10, 2021

6:00 PM

Committee Members: Council Chambers

Public: In Person (Limited Capacity) or Virtual

https://waukesha-wi.zoom.us/webinar/register/WN_3dwWxhr6

QqSQSMV81LfMAw

Web ID: 973 1547 6731

Passcode: 620543

Phone: 877-853-5247

Register for Public Comment by 4

1. Call to Order

Rollcall

Present 4 - Cummings, Miller, Johnson, and Rodriguez

Absent 1 - D. Lemke

2. Public Comment

None

3. Approval of Minutes

A. [ID#21-2105](#) O&L Minutes - 4/12/21

Attachments: [O&L Minutes 4-12-21](#)

Motion was made by Ald. Miller and seconded by Ald. Cummings to approve the Minutes for April 12, 2021; motion passed by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

B. [ID#21-2174](#) O&L Minutes - April 26th, 2021

Attachments: [O&L Minutes 4-26-21](#)

Motion was made by Ald. Johnson and seconded by Ald. Miller to approve the Minutes for April 26, 2021; motion passed by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

4. Licenses

A. [ID#21-2214](#) Invited Bartender

Attachments: [Bartenders 5-10-21](#)

Frank Altenbach and agent, Mark Hannon, appeared in front of committee to discuss OWI from August 2019. Ald. Miller asked the outcome of OWI charge, Altenbach stated he had the interlock device in his vehicle for one year and he completed the mandated court courses. Hannon stated he does not have a problem with Altenbach and he would vouch for him.

A motion was made by Rodriguez, seconded by Johnson, to approve the Bartender Application for Frank Altenbach. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Justin Arndt and his agent, Cheryl Buerger, appeared to discuss Arndt's OWI from 2020. The case is pending. Arndt has worked for Buerger for 3 years, he is a very good worker according to Buerger and does not drink on duty.

A motion was made by Rodriguez, seconded by Miller, to approve the Bartender Application for Justin Arndt. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Marina Krajewski and agent, James Girmscheid, appeared in front of committee to discuss OWI from 2019. Girmscheid was aware of Krajewski's history. Krajewski will only be selling beer and wine over the counter.

Ald. Rodriguez has concerns with age and recent offenses, Ald. Rodriguez would be concerned with selling alcohol to minors. Krajewski stated underage consumption was in college at the time and has been in sober living for past six months. OWI was almost two years ago. Girmscheid stated Walgreen's policy is to card everyone who wants to purchase liquor. If there is no ID, Walgreen's does not allow for the sale of liquor, there is no option to not card anyone. Girmscheid stated Walgreen's has yearly training and selling alcohol and showing ID is talked about in their daily meetings. Ald. Miller asked when the ID is shown if information needs to be typed into the system. Girmscheid stated the employee will look at the ID and scan the ID into the system. Krajewski has worked for Walgreen's for last few months. Girmscheid would like Krajewski to become a shift leader. Girmscheid stated Krajewski is a good worker, shows up for every shift, and has Girmscheid's support.

A motion was made by Cummings, seconded by Miller, to approve the Bartender Application for Marina Krajewski. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

B. [ID#21-2215](#) Bartenders

Attachments: [Bartenders 5-10-21](#)

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

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

C. [ID#21-2216](#) Invited Other Licenses

Attachments: [Other Applications 5-10-21 \(002\)](#)

Vandana Patel, the agent for D-T Bottle Stop appeared in front of the committee to discuss Failed Compliance check in 2020. Patel stated they have a new system where they have to scan the ID. DC Angle stated DT Bottle Stop 11/2012- Sale to underage person, 4/2013 - Failure to have an operator's license and sale to underage person, 2015- Failed to have an operator's license and sale to underage person, 10/2015 - Failure to have operator's license, and 12/2015 - Sale to underage person. In 2018, Sale underage person. Patel stated the language barrier is hard and stated they have a machine that scans ID's now and a new system. Attorney Running stated there would need to be two violations within a year in order to consider suspension. Ald. Johnson stated it is easy to ask for ID, not worth losing business. Attorney Running stated if there are two violations of selling to underage persons within a year, the next action will be a revocation, not a suspension.

A motion was made by Johnson, seconded by Miller, to approve the liquor license renewal for D-T Bottle Stop. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Daniel Italiano appeared in front of the committee to discuss Extension of Premise for Magellan's for Friday Night Live Event. Italiano stated the event will remain the same as two years ago.

A motion was made by Miller, seconded by Johnson, to approve the Extension of Premise for FNL for Magellan's. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Sandy Cianciolo, agent for Mia's was present to discuss Extension for Friday Night Live, same as two years ago.

A motion was made by Johnson, seconded by Cummings, to approve the Extension of Premise for FNL for Mia's. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Karissa Jajtner, Salty Toad, appeared to discuss Extension for Friday Night Live. Jajtner stated it is the same as two years ago. Extension also includes additional event July 4th weekend, that is not Friday Night Live related.

A motion was made by Miller, seconded by Johnson, to approve the Extensions of Premise for Salty Toad. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Destiny Ramos, The Destination, appeared in front of the committee for an Extension of Premise for a fundraiser event on June 6th.

A motion was made by Rodriguez, seconded by Johnson, to approve the Extension of Premise for The Destination. The motion carried by the following vote:

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

Rhonda Schmidt and Ryan Albrechtion, Waukesha Civic Theatre, appeared before the committee to discuss Extension of Premise for Friday Night Live. A motion was made and seconded, however, Attorney Running stated they could not grant an Extension of Premise until they apply and are granted a Sidewalk Cafe Permit. No action was taken by the committee at this time.

D. [ID#21-2217](#) Other Licenses

Attachments: [Other Applications 5-10-21 \(002\)](#)

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

Aye: 4 - Cummings, Miller, Johnson and Rodriguez

Absent: 1 - D. Lemke

A motion was made by Johnson, seconded by Cummings, to approve the Liquor License for Aldi #49. The motion carried by the following vote:

Aye: 3 - Cummings, Miller and Johnson

Absent: 1 - D. Lemke

Abstain: 1 - Rodriguez

A motion was made by Johnson, seconded by Cummings, to approve the Liquor License Application for Aldi #59. The motion carried by the following vote:

Aye: 3 - Cummings, Miller and Johnson

Absent: 1 - D. Lemke

Abstain: 1 - Rodriguez

5. Review & Act On

- A. [ID#21-2241](#) Amend Mun. Code sections 9.115(4) and 9.11(18) to allow delivery of mixed drinks in sealed containers to customers in cars within licensed premises.

Attachments: [9.115\(2021\)\(2\) Memo with Ordinance.pdf](#)
[Cover Sheet - Mixed Drinks to Cars.pdf](#)

Attorney Running spoke to the proposed amendments to chapter 9 which included an exception to substantial enclosure rule to allow delivery of mixed drinks/intoxicating liquor from "Class B" license holders to parking stalls in private lots (excludes parking stalls in public right of way). This will not apply to bars downtown because they do not have their own private parking area. Attorney Running stated 9.11(18) would have to be amended to allow "Class B" license holders to sell intoxicating liquor by the glass for carryout, provided it is in compliance with state law - mixed drink to be carried out in a sealed container with a tamper evident seal on it.

Ald. Rodriguez said she supports the changes to get into compliance with state law, however, she said it is not a priority for her to have carryout for mixed drinks if they have bigger fish to fry. Attorney Brian Running asked the committee to consider the changes proposed this evening, as presenting a larger package of amendments at one time may prevent any of them getting approved.

Rodriguez said it doesn't make sense to allow the delivery of drinks to vehicles when we have more restrictive ordinances, which she would sponsor changes to, such as the requirement to keep liquor separate in a retail location; not allowing liquor sales at gas stations. Johnson said he would support other changes to chapter 9, but believes that the changes proposed this evening should be passed. Cummings said she is willing to not support this so that more changes can be considered all at one time.

A motion was made by Ald. Rodriguez to update 9.11(18) to be in compliance with state law but not votie on the carryout amendment; motion seconded by Ald. Cummings. The motion was approved by the following vote:

Aye: 3 - Cummings, Miller and Rodriguez

Nay: 1 - Johnson

Absent: 1 - D. Lemke

6. Communications

Ald. Rodriguez to officially sponsored changes to chapter 9, specifically the sale of liquor from gas stations, the the separation of liquor in class A premises and carryout of alcohol being included for temporary class B licenses i.e fundraisers and church festivals.

7. Adjournment

Adjourned 7:37 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.