



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, July 13, 2020

6:00 PM

Virtual Meeting. View meeting live online:

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

877- 853 -5247 Webinar ID: 929 2201 0941 Password: 402459

For Public Comment, register by 4pm:

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

1. Call to Order

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

2. Public Comment

Dan Faustman-Guitar for Life, commented regarding the redraft of the sidewalk cafe ordinance - appreciates the change made to the requirement for barriers and allowing bars to participate.

Ald. Rodriguez read a comment from Lori Lester-Divino Gelato - she is supportive of the redrafted ordinance.

Karissa Jajtner - Salty Toad - She is in favor of the redrafted ordinance-she is in favor of removing the barrier requirement as it would be costly.

Judy -Crush Wine Bar - She sent a message via Zoom that they support the proposed sidewalk cafe ordinance.

Susie Taylor - People's Park - Thanked everyone for their hard work on the proposed sidewalk cafe ordinance. She is supportive of the removal of the barrier language that was in the previous draft. Supports opening it up to all bars and restaurants and other businesses wanting to go into the streets if closed if they have the organizer's approval.

Christina Tofte-Tofte's Table and Steaming Cup. She is supportive of the proposed sidewalk cafe ordinance without the requirement for barriers; also supportive to open it up to bars.

Elizabeth Cliff, Keith Kuharski-House of Guinness-They are supportive of the proposed sidewalk cafe ordinance and thanked everyone for their work on it.

Tom Hockel-Spring City Wine House - an email from Hockel in support of the proposed sidewalk cafe ordinance was read by Ald. Rodriguez.

3. Approval of Minutes

[ID#20-0844](#) O&L Minutes 6-22-20

Attachments: [O&L Minutes 6-22-20](#)

A motion was made by Johnson, seconded by Manion, to approve the Minutes for June 22, 2020. The motion carried by the following vote:

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

4. Licenses

[ID#20-0893](#) INVITED Bartenders - July 13, 2020

Attachments: [Bartenders 7-13-20](#)

Shannon Duehr appeared via Zoom with the manager from Michael's Restaurant, Larynn Ferree. Duehr was cited - with possession charges twice in 4 years; she said the second offense was a minor traffic violation - taillight out and she had a marijuana cigar in the car. She said it was an honest mistake. She said she learned from this and assured the committee it will not happen again.

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

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

[ID#20-0894](#) Bartenders - July 13, 2020

Attachments: [Bartenders 7-13-20](#)

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

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

[ID#20-0895](#) INVITED Other Applications - July 13, 2020

Attachments: [Other Applications 7-13-20](#)

Club 400 - Extension of Premise application, July 25th, noon - 10 pm in the parking lot of establishment.

A motion was made by Moltzan, seconded by Manion, to approve the Extension of Premise application for Club 400. The motion carried by the following vote:

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

Magellan's - Extension of Premise application for Fridays through September 25th in conjunction with Friday Night Live, parking spaces in front of 370 and 374 W. Main Street.

A motion was made by Rodriguez, seconded by Johnson, approve the extension of premise application in conjunction with Friday Night Live events. The motion carried by the following vote:

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

Panos-Expansion of Premise application for future outdoor seating area at the front of store. Fencing will be installed with an opening adjacent to the front door. There is a large window allowing visibility of this area from inside the store. Customers will be served their beverages.

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

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

Destination - Application for extensions of premise for August 1st and 8th into the parking lot east of the building with 3 tents for shelter.

Chairperson Johnson made a motion, seconded by Manion to approve the extension of premise applications for Destination. The motion passed by the following vote:

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

Eagles Club - Application for Extension of Premise on July 25th, 3 pm - 11 pm. Mark Lepkowski said he has 6 to 7 staff members during his events - includes his manager and himself.

A motion was made by Johnson, seconded by D. Lemke, to approve the Extension of Premise application for July 25th. The motion carried by the following vote:

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

[ID#20-0896](#) Other Applications - July 13, 2020

Attachments: [Other Applications 7-13-20](#)

A motion was made by Johnson, seconded by Rodriguez, 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

[ID#20-0883](#) Repeal Ordinance Section 1.06 decentralizing absentee ballot processing by the Municipal Board of Absentee Ballot Canvassers (Central Count) . The process will be returned to the individual poll locations using absentee ballot processors assigned to the polls.

Attachments: [Ord. Decentralizing Absentee](#)
[Agenda Cover Sheet Decentralized Absentee](#)

Gina Kozlik-Clerk/Treasurer spoke regarding the repeal of sec. 1.06 regarding Central Count processing of absentee ballots.

A motion was made by Johnson, seconded by Manion, to approve the repeal of sec. 1.06 with the third reading waived. The motion passed by the following vote:

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

[ID#20-0898](#) Discussion and recommendation of reorganization of ordinances related to animals and consideration of new ordinance related to the keeping of domestic fowl.

Attachments: [Animals-Chapter 33- 7-9-20 \(002\)](#)

A motion was made by Moltzan, seconded by Manion, to move Hunting on Public Lands Prohibited from sec. 11.24(1) to sec. 11.13. The motion carried by the following vote:

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

Ald. Rodriguez made a motion to approve changes that no person shall keep or maintain combined total of more than four cats, dogs, Vietnamese Pot-Bellied Pigs or Nigerian dwarf goats in any dwelling unit in the City subject to the provisions listed. Motion failed for lack of a second.

Ald. Rodriguez is not in agreement with the fowl provisions - she would be supportive if that subsection were removed.

Ald. Rick Lemke is not supportive of allowing 4 dogs in the city.

Ald. Browne supports up to 4 dogs per household.

Ald. Miller is supportive of permitting domestic fowl; he is supportive of grandfathering of those that have more than 4.

Deputy Chief Angle said the Police Department is concerned about 4 dogs on one lot generating more calls to the PD than they already receive. He is offering to look at calls for service from his CAD data.

Ald. Manion shared data that he received from Lt. Habanek regarding dog calls. In 2019 - the PD responded to 662 animal complaints and in 2018 they responded to 589 complaints regarding animals; calls were for barking dogs to dogs without a leash - he said there are a significant volume of complaints happening. There were 12 barking dog citations issued in 2018 and 2 in 2019, 1 issued for too many dogs in 2018 - prior to that 1 issued for that violation each year in 2015 - 2017.

Prior to the final vote on proposed ordinance sec. 33.06, the Committee discussed that residents with chickens would be required to obtain a permit at this time and those with more than 4 chickens and any roosters will have 18 months to comply with the code; Attorney Gay will add this language prior to it going to Council.

A motion was made by Johnson, seconded by Manion, to consolidate all of the animal ordinances into ch. 33 with maintaining the number of total animals that are currently allowed by ordinance with a separate vote on the domestic fowl section. The motion passed by the following vote:

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

A motion was made by Moltzan, seconded by Manion, to add sec. 33.06 Domestic Fowl to the Municipal Code as drafted in the attachment to this agenda, giving residents 18 months to comply. The motion carried by the following vote:

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

Nay: 1 - Rodriguez

[ID#20-0906](#) Consider revisions to Municipal Code sec. 8.116, the sidewalk cafe ordinance

Attachments: [Memo-Sidewalk Cafe and Licensed Premises Revisions.pdf](#)

Atty Running prepared a draft ordinance with input from Aldermen Rodriguez and Miller. The draft will allow sidewalk cafes for bars - extend temporarily to streets when closed with permission from event organizer; allows sidewalk cafes to extend laterally beyond the property line with permission from the adjacent property owner; bars will have an earlier closing time (9 pm) than restaurants (11 pm) as long as food is being served; business owners can determine if smoking is allowed.

Ald. Miller has received positive feedback as the draft ordinance is written.

Ald. Moltzan is supportive of the draft as written.

Ald. Dean Lemke asked if the Mayor had comments; Ald. Rodriguez said he is supportive - she has received supportive comments from constituents; she thanked Atty Running for drafting the ordinance. Ald. Lemke has received supportive comments from his constituents.

DC Angle said the Police Department believes the draft is reasonable and enforceable. They have one suggestion for signage on the table to help with enforcement of the provisions - Ald. Rodriguez said the ordinance requires the rules to be posted on the door or window of the business.

Chairman Johnson clarified that sidewalk cafes require table service. It was clarified that anyone wanting to go into the street with a special event would need an extension of premise permit along with the permission of the special event organizer.

Ald. Manion questioned how the extension of premise laterally in front of other property would work. How do we keep track who has that permission - can it be revoked from the adjacent owner - how is that handled? Atty Running - said this is an exception to the general rule - to extend past the property line. This was put in at the request of downtown businesses and the suggestion of the Community Development Dept. that this would help to expand the outdoor seating abilities; allows for greater social distancing. They would have to get the permission of the adjacent property owner in writing - which they could produce for the Police Department. He said it stands to reason that if this can be granted, then it can be revoked. If the adjacent property owner is experiencing trouble, they can pull the plug on this. The PD is supportive of this type of seating. DC Angle said when sidewalk cafe permits are approved, this information is passed on to the patrol division. Manion asked Attorney Running about restricting people on public property used for a sidewalk cafe. Brian said the city is the property owner and as such we can grant others the use of property in a certain fashion with a permit - so the permit holder can restrict who uses it.

A motion was made by Johnson, seconded by Rodriguez, to approve the draft amendment to sec. 8.116 Sidewalk Cafes with the 3rd reading waived. The motion carried by the following vote:

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

[ID#20-0644](#) Create Mun. Code sec. 9.115, to regulate licensed premises, amendment of licensed premises, and temporary extensions of licensed premises.
*Brought back to committee to coordinate revisions with sec. 8.116, Sidewalk Cafe

Attachments: [O&L Memo-9.115 Licensed Premises.pdf](#)
[Cover Sheet-Licensed Premises, Definition, Amendment, Temporary Extension.pdf](#)
[Memo-Sidewalk Cafe and Licensed Premises Revisions.pdf](#)

A motion was made by Johnson, seconded by Rodriguez, to approve changes to sec. 9.115 to coincide with the amendments approved at this meeting to sec. 8.116 Sidewalk Cafes, with waiving of the third reading. The motion carried by the following vote:

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

6. Communications

There were no communication items.

7. Adjournment

Meeting adjourned at 8:17 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.