

MINUTES
ORDINANCE & LICENSE COMMITTEE
Monday, March 10, 2014
Waukesha City Hall, Council Chambers

Members Present: Ald. S. Johnson-chair, Ald. D. Manion, Ald. R. Patton,
Ald. A. Perry, Ald. P. Bartels

Members Absent:

Staff Present:

Others Present: Karlie Koenig, Lee, Klinger, Amber Hendryx, Darrel Radmer

1. **Approval of minutes.** No minutes were submitted for approval.
2. **Licenses**

Sidewalk Café Permit (per list)

Ald. Johnson stated the Committee received a memo from Steve Crandell, Director of Community Development, which indicated that all four applications were recommended for approval for 2014. Ald. Patton made a motion to approve the applications, motion seconded and unanimously approved.

Temporary “Class B” Retailer’s License (per list)

Ald. Patton made a motion to approve; motion seconded and unanimously approved.

Bartender/Operator License (per list)

Amber Hendryx appeared before the Committee at its request. She has two OWI’s on her record (2007 and 2013). Hendryx said she will be working at Kicker’s Pub & Grill. Darrel Radmer, owner of Kicker’s Pub & Grill, appeared before the Committee. Radmer is aware of her record. He said if Hendryx drinks she will not have a job. An alderman said there has been a guideline that an OWI within a year would prevent a license from being granted, he will stick to that guideline. Ald. Johnson said he takes into consideration that the agent appeared tonight. The most recent OWI is from March 2013. Ald. Patton made a motion to approve; motion seconded by Ald. Johnson. The Committee vote 4 – 1 to approve this application. This application will go to the Common Council.

Lee Klinger appeared before the Committee at its request. He appeared with his agent, Darrel Radmer, owner of Kicker’s Pub & Grill. He has an OWI from 2006 and a possession of THC charge that was amended to a disorderly conduct in February 2014. Klinger said he was driving a company vehicle that many people use when the THC was located, it was not his personal vehicle. He took a drug test, he said he does not smoke or do any of that kind of stuff, so it was amended down to disorderly conduct. Ald. Patton made a motion to approve; motion seconded and unanimously approved.

Karlie Koenig appeared before the Committee at its request. She appeared with Ryan from Ryan’s Pub. Koenig has a disorderly conduct from December of 2013. Koenig said she got into an argument with a woman while she was defending her mother. Koenig said the other woman also received a disorderly conduct citation. Ryan said he knows Koenig’s family very well and

that she is a good girl, he's never had any issues with her. A motion was made to approve this license; motion seconded by Ald. Patton and unanimously approved.

Ald. Patton made a motion to approve the remaining applications; motion seconded and unanimously approved.

3. Discussion and recommendation: Review of draft ordinance to repeal and recreate Sec.11.13 Firearms and Other Weapons, amend Sec. 11.24 Birds and Animals, and repeal Sec. 11.26 Trapping Limitations. (City Attorney)

When this item was last before the Committee Ald. Jankowski spoke in favor of eliminating the trapping prohibition on City owned land; he would like to do trapping on the Fox River at Fox River North and South Parks. The Committee suggested Jankowski appear before the Park Board to make his presentation before them. Jankowski was sick for the last Board meeting. Ald. Perry who represents those two parks and Johnson had a discussion with him and it was unanimous that it was not a good idea. There was no one on the Park Board that would entertain the idea of trapping. Ald. Perry talked to his constituents about this, there are citizens in his district that are very much against it. Perry said he respects Jankowski's education on it, but this would be to accommodate a few at the risk of many more. The representative from the school district on the Park/Rec Board is also very much against this because of the educational opportunities that they pursue in the tall grass areas for their science education. Patton spoke in opposition of trapping in the parks. Trapping is not allowed in county parks.

Ald. Johnson made a motion to approve the draft ordinance to repeal and recreate Sec. 11.13 Firearms and Other Weapons, amend Sec. 11.24 Birds and Animals and repeal Sec. 11.26 Trapping Limitations; motion was seconded.

Ald. Johnson stated that when this first came before the Committee the Police Department was here and made comments in support of the draft ordinance.

The Committee voted unanimously to approve.

4. Discussion and recommendation: recommend reduction of two citizen members to Chapter 28, Landmarks Commission, 28.03, Composition and Terms. (Ald. Cummings, 3/4/14)

Ald. Cummings said as Landmarks Chair, a position that she held for a year and a half, she looked into why we had a nine member commission. She has learned that the City of Waukesha is one of the highest member commissions in the State of Wisconsin. She has made a referral to reduce the commission's membership from 9 to 7. She believes this will make it more efficient. Ald. Johnson said he has had discussions with Jeff Fortin in Community Development and he has looked into a number of communities and the largest commission he could find was 7 members and most have 5 members. Johnson said he thinks it's best that we trim this back to a more workable committee level. Cummings requested that due the fact that we will have a change in city attorney, that 2nd and 3rd readings be waived so this is done before a change in administration. There will have to be a decision as to when the terms expire, will it expire by attrition and who is it? Johnson suggested removing this item from the consent agenda and waive the 2nd and 3rd readings at that point as opposed to right now.

Ald. Patton said in light of recent controversies, it would be good to keep the commission larger to represent more people. He does not think this is the time to reduce the number of members on the commission. He suggested waiting a year; there is a new administration coming in and there will be new committee appointments. He opposes this at this time.

An alderman asked Cummings if the commission was aware she was doing this. Cummings said she spoke with the chairperson today. An alderman asked if there were two members with terms expiring soon or if there was a plan on how to reduce the number. Cummings said that would need to go to the City Attorney's Office. She doesn't believe there are any appointments until July. The reduction in number would come from citizen members, not an architect, not a real estate professional. An alderman said attrition would be kinder to the current members.

Ald. Perry said he would support this tonight and most likely at Council. He thinks it would be fair that if they have something to say, that they have an opportunity to come and speak at the Council meeting and to have the whole Council vote on it.

Johnson is not sure about the urgency of this and the need to get it done before the election. Patton said right now there is a state employee surveying properties in the City to determine what may come before the board for landmark status; he feels the commission needs all the help they can get.

Ald. Johnson made a motion to approve the reduction of 2 citizen members to the Landmark Commission and refer to the Attorney's Office; motion seconded. Motion passed 4 – 1 (no - Patton).

5. Discussion and recommendation: approval of an addition to the Sewer Use and Wastewater Treatment Code which would reduce chloride discharge levels in the City's wastewater. The addition requires users installing new or replacement water softeners to install high efficiency demand initiated regeneration type softeners. It also requires significant water users to evaluate their treatment systems and install brine reclamation systems where feasible. These restrictions must be added to the City's Code as a condition of its wastewater discharge permit with the DNR. (Department of Public Works)

Assistant City Attorney Miles Eastman provided the Committee with a draft ordinance prior to the meeting. Jeff Harenda from the wastewater treatment plant said the City was given a deadline of March 31, 2014 to amend the Sewer Use Ordinance and Treatment Code related to reduction of chloride which would include brine from water softener recycling. Ald. Johnson asked if this is something that every municipality has or just municipalities with issues that need to be cleaned up. Harenda said this is an ongoing issue with the state. Other communities have required that outdoor spigots be segregated from water softeners, which may be something that they look at with new construction, rather than requiring people to renovate their homes. Attorney Eastman said salt is used to make water soft, salt is sodium chloride which contains chloride. Chloride is bad in large amounts according to the DNR. Eastman said there are two types of water softeners. Some have a timer that initiates regeneration and some are demand initiated regeneration, which this ordinance would require persons from this point forward to install for residential, commercial or industrial use, it doesn't apply to public users, but the other types of users from now on if they replace their softener it will have to be one that regenerates based on use. Timer regeneration units regenerate whether you need to or not. Demand initiated units only regenerate when they need to, which could be less often than a timer unit. This could put less chloride in the system, which is what the DNR is trying to get at with this regulation. The other condition that the DNR has required us to add to the regulation is that "significant users" evaluate their systems and upgrade their softeners by brine reclamation systems if feasible. Eastman said both of these changes are requirements of conditions in our existing code, so if we don't do it, we will be prosecuted by the State of Wisconsin.

An alderman asked as a City how we go about enforcing this; what is the ramification if someone violates this? How do we publicize this so people are aware of it? Harenda said Public Works started a newsletter campaign so this is something that can be used to reach the public. He said if someone goes to get a plumbing permit, they will then be aware of it. Harenda said the three softener companies in the City have been made aware of the change to the ordinance. Eastman

said if a plumbing inspector goes out to inspect a unit that has been installed, they would determine if it was a unit that regenerated by a timer; if so, somehow a citation would probably be issued. At present, he believes the violation amount would be \$172, it could be increased depending upon if the Judge thinks it makes sense based on a conversation with the enforcement agents. But right now citations would be issued for \$172 for each day that the water softener remains installed in violation of the ordinance.

Ald. Cummings said while this will affect new construction, are current homeowners grandfathered in, or is there a certain year that they must comply by? Eastman said the change only requires new water softeners to be demand initiated, so if you have a timed unit, you can have that unit forever, as long as you never need to replace it. So yes, they are grandfathered in.

Ald. Patton made a motion to approve; motion seconded by Ald. Johnson and unanimously approved.

Ald. Johnson made a motion to waive the second and third readings for this ordinance; motion seconded and unanimously approved.

6. Communications

There were no communications. The Committee was given an update on the Kicker's Pub matter.

7. Adjournment

Ald. Johnson made a motion to adjourn; motion seconded and unanimously approved. Meeting adjourned at 6:53 p.m.