



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Draft

Ordinance & License Committee

Monday, October 25, 2021

6:00 PM

City Hall, Council Chambers

1. Call to Order

Ald. Johnson called the meeting to order at 6:02PM.

Ald. D. Lemke appeared by Zoom.

Present 5 - Cummings, Miller, Johnson, D. Lemke, and Rodriguez

2. Public Comment

None

3. Approval of Minutes

A. [ID#21-2976](#) O&L Minutes 10-11-21

Attachments: [O&L Minutes 10-11-21.pdf](#)

The O&L Minutes for 10-11-21 were approved by consent.

4. Licenses

A. [ID#21-3046](#) Invited Bartenders

Attachments: [Invited Bartenders OL 10-25-21](#)

Chanel Anderson did not appear in front of the committee, she will be re-invited for a third invite to appear at O&L on 11/8/21.

Meagan Bailey appeared with agent, Larynn Ferree, Michael's Italian Restaurant, to discuss Bailey's record. Ferree was aware of the reasons for the appearance. Ald. Johnson asked Bailey if she is currently on probation, Bailey stated she has completed the terms of her Probation. Ald. Johnson asked Bailey about the pending charges from this month. Ald. Johnson informed Bailey of the responsibility that comes with a bartender's license. Ald. Rodriguez stated she is understanding of past incidents, however, she has not seen a situation where an application is filled out, but the applicant gets a citation that mirrors past events on the record check. Ald. Rodriguez stated she does not believe Bailey took the application seriously or tried to prevent a similar incident from occurring again. Ald. Rodriguez stated because the charges are the same as past charges and the fact the charges came after the application was originally filled out are red flags.

Ald. Cummings asked Ferree and Bailey their side. Ferree stated she has worked with Bailey for about a month. Ferree stated there are no issues with her personally. Ferree stated Bailey is a hard worker and she shows up on time. Ferree stated she understands the trouble she has been in, however, she does not have any issues with her in the work place. Bailey stated she currently waits tables and serves alcohol to her customers. Bailey acknowledged her pending charges from this month, but does not believe it would affect her job performance. Bailey would like to build her resume and believes it is a good step to try and get her bartender's license. Ferree stated Bailey would be able to continue to wait tables if the bartender license was not granted. Ald. Cummings asked Bailey if she understands the committee's concerns, Bailey stated yes. Ald. Cummings asked about probation. Bailey stated, "when I was on probation and stuff, and had my initial felony, I got that when I was a teenager, but I was also using a lot of Opiates then, and have been clean since then and I have taken drug classes, controlled substance I was caught with was marijuana and I understand that I should not do that." Ald. Cummings asked Bailey how many years ago was she a teenager, Bailey stated she is 23 years old now, she was 19 years old when she got her Felony for Manufacturing/Delivering THC. Bailey stated, "I went through a drug class which helped me get clean off Opiates and for the most part I stayed out of trouble for a few years, but I have gotten in trouble with Possession of Weed twice and a Disorderly Conduct since."

Ald. Cummings asked Bailey what she has learned from the class. Bailey stated she has learned to stay away from and monitor who she is around. Bailey stated, "weed, I definitely should stay away from that." Bailey stated she was using weed for her cravings. Bailey said she has been trying to do better, she has been going to work and going home. Bailey stated when she got her Disorderly Conduct, it was a night out and she got a little stupid and buzzed, but that does not happen very often. Ald. Cummings stated it was important to hear and recognize that Bailey is not out of the woods yet, Bailey acknowledged that she can do better and recognize who she hangs around with may be triggers. Bailey stated she is working to build her resume and have more job opportunities.

Ald. Johnson state he thinks it is great that Ferree came in with Bailey and it shows a lot. Ald. Johnson stated a bartender's license is a lot different than serving as a waitress. Ald. Johnson stated if Bailey was issued a bartender's license, Bailey could leave and go

work down the road. Ald. Johnson stated Bailey has several charges pending and a long record/history. Ald. Rodriguez stated the clincher for her was Bailey knew she was already invited in front of the committee, but that did not deter her from making the same choice.

Attorney Running stated state law prohibits the municipality from issuing a license to anyone that has a felony conviction for behavior that relates to the licensed activity and in this case it does relate, it was the illegal use of an intoxicant/controlled substance, and the connection can be seen in the Conditions of Bailey's Probation, which included the Prohibition of the Possession of Alcohol. The Department of Corrections thought there was connection. Attorney Running stated in compliance with state law, he does not think we can issue this license and recommends denial.

Ald. Cummings asked if someone has proving themselves and cleans up their act, if Bailey could reapply. Attorney Running stated she cannot under state law; if it is a felony and if it relates to the licensed activity, there is no expiration of that, it is one of the consequences of having a felony conviction.

A motion was made by Johnson, seconded by Rodriguez, to deny the Bartender Application for Meagan Bailey. The motion carried by the following vote:

Aye: 5 - Cummings, Miller, Johnson, D. Lemke and Rodriguez

A motion was made by Johnson, seconded by Rodriguez, to deny the Bartender Application for Jessica Clavette due to three invites and failure to appear before the committee. The motion carried by the following vote:

Aye: 5 - Cummings, Miller, Johnson, D. Lemke and Rodriguez

Tristan DeBow appeared with agent, Jason Tofte, Tofte's Table, to discuss DeBow's record. Tofte was aware of the reason for the appearance. Ald. Johnson asked how long DeBow has worked there, he has worked there for five and a half months, he currently is a bartender. Tofte stated all front of the house employee's currently have a bartender's license, including Tofte and his wife. Tofte stated DeBow has never worked without a licensed bartender. Tofte stated he is an exemplary employee and there have been no issues. Tofte stated their policy is no employees are allowed to drink on the clock and employees, even when off the clock, are not allowed to sit at the bar.

Deputy Chief Angle, City of Waukesha Police Department, stated he had a chance to review DeBow's record. DC Angle stated DeBow has 18 months Probation with Conditions which include: AODA Assessment, No use or Possession of alcohol, No use or Possession of prescription drug without a prescription, and follow through components.

Ald. Rodriguez asked Attorney Running about the possession of alcohol. Attorney Running stated the distinction in this case is the Probation and Parole Agent has submitted a letter, saying in his view, it would not be a violation of DeBow's Probation or Parole terms to engage in this occupation. Attorney Running stated he would not recommend a denial on that basis because the Probation and Parole Agent, the person who is charged by the state with monitoring that, has said in his opinion would not be a violation of the terms. Attorney Running stated the charges are not directly related to matters of handling alcohol. DC Angle stated from the Police Department side, they would recommend approval based on the supervision the employer provides and the letter from the Probation Agent.

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

Aye: 5 - Cummings, Miller, Johnson, D. Lemke and Rodriguez

B. [ID#21-3047](#) Other Applications

Attachments: [Other Applications OL 10-25-21](#)

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

Aye: 5 - Cummings, Miller, Johnson, D. Lemke and Rodriguez

5. Communications

Ald. Cummings asked Ald. Rodriguez about the Chapter 9 revisions. Ald. Rodriguez stated she will be getting a draft copy and it should be coming to committee soon.

6. Adjournment

Ald. Johnson adjourned the meeting at 6:25PM.

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 the Public Works department, 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.