



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, May 22, 2017

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Present 4 - Manion, Johnson, Jankowski, and Rodriguez

Absent 1 - Perry

2. Approval of Minutes

[ID#17-0779](#) Minutes - May 8, 2017

A motion was made by Manion, seconded by Jankowski, to approve the Minutes for May 8, 2017. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

3. Licenses

[ID#17-0840](#) INVITED Bartender Applications- May 22, 2017

Keith Kotlarek appeared before the Committee at its request. He appeared with Jim Girmscheid, agent for Walgreens. Kotlarek was cited for open intoxicants in 2016. He said he was walking home with a beer in his hand - he said it was a stupid choice on his part. Kotlarek has been with Walgreens for almost 2 years. Walgreens' policy is that they card customers under 40 years old. Girmscheid said Kotlarek is a good employee and confident in that he won't sell to minors.

A motion was made by Manion, seconded by Rodriguez, to approve the bartender license for Keith Kotlarek. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

Valerie Schermer appeared before the Committee at its request. She appeared with Julie Franke, General Manager for Chili's. Schermer has a manufacture/deliver THC-felony on her record from Nov. 2013. Schermer has been with Chili's for 3 years; she transferred to the Waukesha location from Brookfield in November. She obtained a bartender license in 2015 from Brookfield. Schermer is a server, they hope to make her a bartender as well.

A motion was made by Chairperson Johnson, seconded by Rodriguez, to approve the bartender license for Valerie Schermer. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

[ID#17-0841](#) Bartender Applications- May 22, 2017

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

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

[ID#17-0842](#) INVITED Other Applications- May 22, 2017

Raymond Preuss, Lincoln Pub, appeared for an extension of premise for a customer appreciation party. They have held this event in the past. The only entrance to the outdoor area is through the bar.

A motion was made by Manion, seconded by Rodriguez, to approve the extension of premise application for Lincoln Pub. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

Christopher Verhoff appeared for Wisconsin Indoor Golf Center. This is an application for a Class "B" Beer license. Verhoff has an OWI from December 2016. He has 3 employees that all have bartender licenses.

A motion was made by Manion, seconded by Rodriguez, to approve the Class "B" beer license for Wisconsin Indoor Golf. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

[ID#17-0843](#) Other Applications- May 22, 2017

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

Aye: 3 - Manion, Johnson and Rodriguez

Absent: 2 - Perry and Jankowski

4. Review & Act On

[ID#17-0650](#) Consider amendment of Municipal Code sec. 11.24 concerning the keeping of pigs and goats, to remove the 200-yard distance requirement from residences, streets and highways and to treat the keeping of pigs and goats similarly to horses and cattle; and make recommendation to Common Council.

This is a referral from Ald. Jankowski, who has requested that it be put on hold.

[ID#17-0844](#) To discuss and amend Ordinance 2.015 to include language, in the event the Council President and the Human Resources Committee Chairperson are one in the same individual; that the previous Council President shall become part of the three person "Annual Review Committee" of the City Administrator.

The Committee agreed that a draft of the ordinance amendment can go straight to Council and not be presented first to the Committee.

A motion was made by Chairperson Johnson, seconded by Manion, to approve the ordinance amendment as proposed. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

[ID#17-0753](#) Discussion and recommendation to Common Council on revisions to Mun. Code sec. 11.41, regarding Residence Restrictions for Sex Offenders, to comply with a recent holding of the US District Court.

A motion may be made to convene in closed session pursuant to Wis. Stats. sec. 19.85(1)(g) to confer with legal counsel concerning the ramifications of revisions to sec. 11.41 to the recently-filed lawsuit, Cox v. City of Waukesha. Upon conclusion of the closed session, a motion may be made pursuant to Wis. Stats. sec. 19.85(2) to re-convene in open session to act upon matters discussed in closed session.

The draft ordinance recommends going back to a 750' distance from the current 1500' to define a child safety zone. This would reduce the child safety zone areas to 59% of the city. The current 1500' has led to many more homeless sex offenders. With the increase to 1500' the Department of Corrections lost their temporary housing residence. The proposed amendment changes "park" to "park having a children's playground or athletic facilities used by persons younger than 18 years of age". This would open up some areas currently designated as park land, which are conservancy areas and not areas where children congregate. The recent court decision made clear there needs to be a basis for a restriction. The original domicile provision has been removed. Atty Running said the DOC has the opinion that homelessness increases the recidivism rate. A revised grandfather clause allows for an interruption in residency for specific reasons.

Running is recommending removing the original domicile provision, based on Pleasant Prairie case. The loitering provision will be discussed in closed session as it relates to the pending lawsuit.

Running said the current ordinance provides that if any part of the property is in a child safety zone, that the entire property is viewed as being in a child safety zone - a decision needs to be made regarding this.

A motion was made by Chairperson Johnson, seconded by Manion, to convene in closed session pursuant to sec. 19.85(1)(g) Wis. Stats. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

A motion was made by Chairperson Johnson, seconded by Manion, to re-convene in open session pursuant to sec. 19.85(2) Wis. Stats. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

A motion was made by Chairperson Johnson, seconded by Manion, to approve the proposed amendments to sec. 11.41 of the Municipal Code. The motion carried by the following vote:

Aye: 4 - Manion, Johnson, Jankowski and Rodriguez

Absent: 1 - Perry

5. Communications

There were no communications.

6. Adjournment

Adj. at 7:36 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.