



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, April 23, 2018

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Ald. Lemke appeared at 6:30 pm.

Present 5 - Perry, Manion, Johnson, Rodriguez, and Lemke

2. Public Comment

None

3. Approval of Minutes

[ID#18-0589](#) Minutes - April 9, 2018

A motion was made by Chairperson Johnson, seconded by Manion, to approve the Minutes for April 9, 2018. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Johnson and Rodriguez

Absent: 1 - Lemke

4. Licenses

[ID#18-0610](#) INVITED Bartender Applications - April 23, 2018

Diane Raabe appeared with the store director from Meijer, Phillip Kelly. Raabe has an OWI from December 2017. Kelly says she is a good employee. Her case is still pending in Circuit Court. Manion said in the past the committee has not approved licenses with pending OWI cases, he would not support doing so in this case. Her next court date is 5-20-18. Rodriguez said this is the only item on her record for 20+ years; she said the committee has never denied a bartender license for one OWI, so she would be in support of approving this license.

Johnson said her record has been clean for 20+ years other than her pending OWI. Johnson doesn't want to jeopardize her job due to this pending charge. Kelly said she works in an enclosed area for alcohol sales so she needs the license for employment.

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

Aye: 4 - Perry, Manion, Johnson and Rodriguez

Absent: 1 - Lemke

[ID#18-0611](#) Bartender Applications - April 23, 2018

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

Aye: 4 - Perry, Manion, Johnson and Rodriguez

Absent: 1 - Lemke

[ID#18-0612](#) INVITED Other Applications - April 23, 2018 (With the exception of Albanese's, Cigarette Depot, Sunset Bowl)

Atty Robert Moodie appeared with Joseph Albanese, owner of Albanese's Roadhouse. Expansion of Premise for bocce ball areas and patio enclosure. They had an expansion of premise in approx. 2001, however, this area has not been included in their license for at least several years. Atty Moodie said there has been no issues in 24 years of the bocce ball operation.

Johnson said in all of his years he has never heard of an issue with the bocce ball area; he has participated in the past. He said the area is monitored by employees. Johnson said his concern is patrons walking through the parking lot with a beverage. Atty Moodie said Albanese will have a meeting and make clear with all participants to exit the building and head to the right and walk along the grass in order to avoid the parking lot. He also made clear that there would be 4 staff members monitoring the area.

Manion questioned the expansion area and whether or not it included a walkway from the building to the bocce ball courts. He also questioned fencing of the area.

Johnson made clear that anything that would happen in the expansion area would affect his entire license, not just the expansion portion. Albanese and his attorney are aware of this; Moodie said he has taken that approach since the bocce ball areas have been operational.

Lemke appeared at 6:30 pm.

Rodriguez would like to see the area blocked off and security personnel designated.

Johnson and Perry agreed that fencing the area would be required. Moodie said fencing and designated personnel would be accomplished.

Manion asked that this be put on hold for more information from an access and a staffing standpoint and that the committee get a more accurate map of areas included in the expansion.

Moodie said a staff person would be put at the patio area to make sure patrons use a designated walkway to the bocce ball courts; there will then be 4 employees to monitor the expansion area; he said leagues start May 7th and this would not make it through council approval before that date if this is on hold for the next O&L meeting.

Lt. Habanek spoke in favor of this application. He said it never came to light that this area wasn't included in the license because there has never been an issue; he said the players know and respect the rules; it's a family environment; he said the Police Department does not object to this.

Atty Moodie said this is in Ald. Thieme's district and he met with Albanese and walked the area and is in support of this application.

Johnson said if fencing were put up, he doesn't see why this would need to be held.

Manion said he is uncomfortable going forward with this without it going to the attorney's office.

Johnson said the Elk's Lodge doesn't have any fencing at all with a similar bocce ball

area. He said this is not a radical idea; there are no neighbors; every situation is different.

Perry said he will comment and vote after the city attorney has seen this.

It was decided by the committee that a special meeting will be held prior to the Council meeting on May 1, 2018 at 6 pm for this item.

A motion was made by Manion, seconded by Perry, to put this item on hold. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Rodriguez and Lemke

Nay: 1 - Johnson

Karen Hollis appeared for Chartwells. Request is for an expansion of premise to the roof of the new Halstad Hall building at Carroll University. They always work with public safety with their events. The Police Department has no concerns with this application. This would be for alumni events.

A motion was made by Chairperson Johnson, seconded by Manion, to approve the Expansion of Premise request by Chartwells (Hastad Hall-rooftop). The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

Cigarette Depot, no appearance; they will be invited to the next meeting.

Club 400 - James Lindenberg appeared before the committee. Club 400 failed a compliance check in 2017. This occurred on the day that Lindenberg became agent (he purchased the business in 2017). Since that time he has trained his staff and he has security personnel 3 nights per week. He said it was a lesson learned. Perry asked what training he has provided. He said the employee that failed the check no longer works for him; they left on their own, but further infractions would result in termination. Manion suggested that a written policy be put in place.

A motion was made by Manion, seconded by Perry, to approve the "Class B" Beer & Liquor Combo license for Club 400. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

Paz Pub - Extension of Premise for June 2, 2018 for their 21st anniversary. Fermin DeLaPaz appeared. This is an annual event. The Police Department had no concern with this event.

A motion was made by Manion, seconded by Perry, to approve the Extension of Premise for Paz Pub for June 2, 2018. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

Sendik's appeared by James Clemens. They failed a compliance check in 2017. The employee was written up and given a 1 day suspension; she is no longer with Sendik's. They provide their employees with 3 days of training and 2 weeks of follow up working with a trainer. Clemens assured the committee that they have stressed to their employees the importance of carding.

A motion was made by Chairperson Johnson, seconded by Manion, to approve the "Class A" Beer & Liquor Combo license for Sendik's. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

Speedway #4119 appeared by Sherri Knuth and Niyja Gill. Knuth is the agent and Niyja is the GM. Johnson said failed compliance checks seems to be a trend with the Speedways. Knuth said that they card everyone now and the employee that failed the compliance check was terminated. She said they take this seriously. Knuth said during the compliance check the first employee refused the sale and the second one made the sale. Niyja said this occurred at a time when a manager was not on this shift - this has been rectified.

Manion said he is comfortable with this application due to the steps that have been taken to help prevent another failed compliance check.

Patrick Ganswindt, Speedway #4120 and Kevin Knight, Speedway #4301 also appeared. Knight said there was a once a year training module that employees watched, this is now viewed every 3 months. Knight said he has been the agent for 6 - 7 years and hasn't failed a compliance check previously. They have secret shoppers that monitor cashiers. Knight said the managers now interview the new hires, previously corporate would hire and just send them to the store. Knight said a sale to underage results in termination.

Manion asked about the corporate structure of Speedway. Knight said the stores are all corporate owned with a daily manager; they don't pay the bills or direct building maintenance. The general managers report to a district manager. The GM's with failed compliance checks received write ups.

A motion was made by Chairperson Johnson, seconded by Manion, to approve the Class "A" Beer & Cider license for Speedway #4119. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

A motion was made by Chairperson Johnson, seconded by Manion, to approve the Class "A" Beer & Cider license for Speedway #4120. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

A motion was made by Chairperson Johnson, seconded by Manion, to approve the Class "A" Beer & Cider license for Speedway #4301. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

Sunset Bowl will appear before the Committee on May 7, 2018.

Cai Long Huong, agent for Meiji appeared with the manager of the restaurant. A new hire on her first day made the sale for the compliance check. She received a warning; she is still employed. They have continuous training. They are conducting formal training next week through a company.

A motion was made by Manion, seconded by Chairperson Johnson, to approve the "Class B" Beer & Liquor Combo license for Meiji Restaurant. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

[ID#18-0613](#) Other Applications - April 23, 2018

A motion was made by Chairperson Johnson, seconded by Perry, to approve the remaining Other Applications - April 23, 2018. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Johnson, Rodriguez and Lemke

5. Communications

Charlie Betker, PFC commissioner appeared and applauded the committee for inviting the establishments with failed compliance checks. He said bartenders that don't feel fully comfortable serving someone after carding them could sign a book. Betker said we never had these problems in the past because we never sold beer at the gas stations. Betker suggested that multiple infractions in a year should result in a loss of license.

Lt. Habanek appreciated how the committee handled the establishments with failed compliance checks.

6. Adjournment

Adjourned at 7:42 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.