



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, May 13, 2019

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Present 4 - Johnson, Manion, Rodriguez, and R. Lemke

Absent 1 - D. Lemke

2. Public Comment

None

3. Approval of Minutes

[ID#19-0671](#) O&L Minutes - April 22, 2019

Attachments: [O&L Minutes 4-22-19.pdf](#)

A motion was made by Johnson, seconded by Manion, to approve the Minutes for April 22, 2019. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

4. Licenses

[ID#19-0667](#) INVITED Bartender Applications - May 13, 2019

Attachments: [Bartenders 2019.05.13](#)

Danielle Anderson appeared with Phil Santiago, Fuzzy's Southside Pub, she has worked for him for 3.5 - 4 years. Anderson was convicted in November 2018 of Manufacture/Deliver THC. She is on probation, served 2 months in Huber, she is subject to drug testing; she is employed primarily in the kitchen and is on the floor 1 day per week for serving. Santiago vouches for her. She continues to be a full time college student and is eligible to have her conviction expunged upon successful completion of her probation. She provided a letter from her PO to the committee.

A motion was made by Rodriguez, seconded by R. Lemke, to approve the bartender license for Danielle C. Anderson. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

[ID#19-0668](#) Bartender Applications - May 13, 2019

Attachments: [Bartenders 2019.05.13](#)

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

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

[ID#19-0669](#) INVITED Other Applications - May 13, 2019

Attachments: [Other Licenses 2018.05.13](#)

Establishments that failed to appear at this meeting and will be invited to the next: Chicken Palace, Grand Ave. Hometown, Mr. Wok Pan Asian, Price Point Inn.

Phil Santiago appeared for Fuzzy's Pub & Grill. The committee reiterated the importance of carding patrons.

A motion was made by Johnson, seconded by Manion, to approve the liquor license for Fuzzy's Pub & Grill. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Jadish Patel appeared for DT Bottle Stop - failed compliance check in 2018. Since their appearance before the committee, they have met with the Police Department. Habanak said he has not personally spoken with anyone from the establishment. Marcus Tarson is present and was the employee that sold to an underage - he explained that 2 people came in - 1 person didn't have ID and the person behind them said I have an ID and will vouch for them. Tarson said the police then came in. Habanek said they do sometimes use 2 people, however, they do not try to trick the establishment into making a sale. Chairperson Johnson warned Patel that from his perspective, this is his last opportunity, as they have had their license suspended for 10 days in 2017.

A motion was made by Johnson, seconded by Rodriguez, to approve the liquor license for D-T Bottle Stop Liquors. The motion carried by the following vote:

Aye: 3 - Johnson, Rodriguez and R. Lemke

Nay: 1 - Manion

Absent: 1 - D. Lemke

Hannon's appeared by Mark Hannon - The importance of carding was reiterated - Hannon said after one mistake employees are put on probation - if a second mistake occurs they are terminated.

A motion was made by Chairpeson Johnson and seconded by Manion, to approve the liquor license for Hannon's Fine Foods & Cocktails. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Keith Kucharski appeared for House of Guinness. The importance of carding was reiterated; they have had staff meetings to review carding and that mistakes will result in termination.

A motion was made by Chairperson Johnson and seconded by Manion, to approve the liquor license for House of Guinness. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Miranda and Paul Cotton appeared for JR's Tap - The importance of carding was reiterated.

A motion was made by Chairperson Johnson and seconded by Rodriguez, to approve the liquor license for JR's Tap. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Kwik Trip #436 - appearance by Brad Janny. They have a carding policy in place. They also have 3 day and 5 day suspensions for violations, followed by termination.

Chairperson Johnson made a motion to approve the liquor license for Kwik Trip #436, motion seconded by Manion. The motion passed by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Mainstream Bar & Grill - appearance by Jonathan Dufek - The importance of carding was reiterated. Dufek said he has informed his employees that if someone looks under 40 years of age, they are to be carded no matter what - if they don't, they will be terminated.

Chairperson Johnson made a motion to approve the liquor license for Mainstram Bar & Grill, seconded by Manion. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Meadowbrook Corner Pump - appearance by Edward McMahon. The importance of carding was reiterated. He said his employees are very aware of the need to card.

A motion was made by Johnson, seconded by Manion, to approve the liquor license for Meadowbrook Corner Pump. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Sandy Cianciolo appeared for Mia's - Extension of Premise - this is an extension of premise into the parking stalls in conjunction with the FNL events. The Police Dept. had a strong request to abide by the time allotted to set up prior to the event and not early.

A motion was made by Johnson, seconded by Manion, to approve the Extension of Premise application for Mia's. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Paz Pub - Fermin DeLaPaz appeared - extension of premise for June 1 from 4 pm - 11 pm for the 22nd anniversary celebration to be held in their parking lot. The Police Dept. has no objection.

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

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

Salty Toad - extension of premise applications. Karissa Jajtner appeared. The applications are for Fridays in conjunction with FNL and July 5th, 5 pm - 9:30 pm. This is the same application that they have had approved in prior years.

A motion was made by Johnson, seconded by Manion, to approve Salty Toad's extension of premise application for events on Fridays in conjunction with FNL. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

A motion was made by Johnson, seconded by Manion, to approve Salty Toad's extension of premise application for July 5, 2019, 5 pm - 9:30 pm. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

[ID#19-0670](#) Other Applications - May 13, 2019

Attachments: [Other Licenses 2018.05.13](#)

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

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

5. Review & Act On

[ID#19-0645](#) Amendments to Mun Code 17.09, the Outdoor Storage ordinance, to delete exclusion for properties having building permits, and technical corrections.

Attachments: [Cover Sheet-Amendments to 17.09.pdf](#)
[Memo to O&L and Council Rev 1.pdf](#)
[Ordinance 17.09-Outdoor Storage Rev 1.pdf](#)

City Attorney Brian Running stated the current ordinance provides an exemption to outdoor storage if there is an open building permit; it has come to light that some of the biggest offenders hold perpetual building permits; the deletion of this language would close this loophole.

A motion was made by Manion, seconded by R. Lemke, to amend sec. 17.09 Outdoor Storage as presented. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

[ID#19-0273](#) Please approve changing the parking restriction time in Municipal Lot 13 from No Parking, 2am – 5am, Except with Permit to No Parking, 3am – 5am, Except with Permit on Friday and Saturday nights only.

Attachments: [19-0273 Admin Cover - Change Parking in Municipal Lot 13.pdf](#)

Ald. Payne asked if the committee wanted to only address this as the original referral was written (Lot 13 only) or if they wanted to address all of the downtown lots. Johnson said it would make sense to have the change affect all of the lots.

Payne then requested that no permit be required Fri - Sun for surface lots in the central business district - permit would be required other times. Rodriguez said she didn't think that could be changed because there is an ordinance that restricts parking overnight, so there can't be an exception unless there is a change made to the ordinance. Payne said he thought that is why this item is here. He asked why this wasn't brought up the last time he was here; he would have went in that direction had he known the committee would have wanted the referral re-written.

Manion said when this was here last time he and Rodriguez stated they were not in favor of changing the parking restriction for just one lot. This was then put on hold and has come back to this committee in the original form.

Rodriguez said she suggested Payne meet with Running and that the committee did recommend that an ordinance change be made first.

Running said because this is more than just changing signs and times for parking and would require a change to the ordinance and that does not appear on the agenda, it is his opinion that the committee probably shouldn't do that tonight.

R. Lemke said he is in favor of changing the time for overnight parking in the downtown business district to 3 am - 5 am, but it just needs to be done the right way. Johnson said that has been the consensus all along - but it needs to be changed in the ordinance.

Payne will make a referral at the next council meeting to have the ordinance amended. No action taken.

[ID#19-0677](#) Review and act on an amendment to section 16.07(5) of the Municipal Code which would clarify the circumstances under which Community Development may assess reinspection fees.

Attachments: [Agenda Cover Sheet - Reinspection Fee Correction](#)
[16.07\(5\) Reinspection Fees](#)

Atty Brian Running explained this is a technical amendment to the ordinance. The reinspection fee won't be charged by the Building Dept. if the problem has been corrected. This applies to any reinspection if the problem has been corrected - not just the first one. It's Running's understanding that the department is actually following this practice now and the ordinance is being amended to be aligned with current practice.

A motion was made by Johnson, seconded by Manion, to approve the proposed amendments to sec. 16.07(5) of the Municipal Code. The motion carried by the following vote:

Aye: 4 - Johnson, Manion, Rodriguez and R. Lemke

Absent: 1 - D. Lemke

6. Communications

None

7. Adjournment

Meeting adjourned at 6:56 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.