



MINUTES OF A REGULAR MEETING OF THE **LEGISLATIVE & LICENSING COMMITTEE** HELD ON TUESDAY, **AUGUST 20, 2019** AT **7:00 P.M.** IN THE SELIGENSTADT (MAIN) CONFERENCE ROOM, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

ALDERMAN GARY MAHKORN PRESIDING

MEMBERS PRESENT: Alderman Bill Carnell, Alderman Buck Jurken, Alderman Gary Mahkorn, Alderman Jeff McCarthy

MEMBERS ABSENT & EXCUSED: Alderman Brad Blumer

OTHERS PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych

1. Chairman Mahkorn noted a quorum was present and called the Legislative & Licensing Committee to order at 7:00 p.m.
2. Announcements:
 - a. The next regularly scheduled meeting is Tuesday, September 3, 2019.
 - b. Report: As instructed by the L&L Committee, a 6 month background check was conducted by the Police Department and City Clerk's office for Shannon M. Miller, who was approved an Original Bartender License by the committee on February 19, 2019. There were no further violations on her record.

3. Minutes

- a. Minutes of the July 16, 2019 meeting.

Motion by Alderman Carnell, second by Alderman McCarthy to approve the July 16, 2019 meeting minutes as presented. Motion carried 4-0.

4. New Business

- a. Resolution regarding an Original Bartender/Operator's License for an applicant with a record less than 18 months: *Peter Bergland*.

Peter Bergland appeared before the committee and introductions were made. He explained the circumstances of the evening he was stopped. He thought of calling an Uber but he didn't make the call. He had 3-4 shots and 2-3 mixed doubles. He was riding the center line and was deviating from it. He was completely compliant with the officers. He blew a .12 when he was given the breathalyzer, then blew a .09 at the police department. He explained that he failed to pay a seat belt violation but he has now paid it off. He also was given six months to pay the forfeiture for the OWI which he still has time to pay off. Mr. Bergland stated he went to assessment classes. The assessment personnel didn't think he was an alcoholic risk.

Alderman Jurken stated that the applicant also received a violation for operating a vehicle while his license was revoked. Mr. Bergland replied that he was moving and nobody could help him when he needed.

Alderman Jurken stated that these convictions are awfully fresh. He can't support this because of the short length of time he received two violations in three months. Alderman Carnell agreed and stated he can't support this either.

Mr. Bergland stated the officers said he was most cooperative and nice. He was a bartender at Miller Park and knows the potential of overserving. He further added that he didn't know he was driving with a revoked license and didn't get the letter to that fact as he was living with his parents.

Alderman Mahkorn replied that is hard to believe that he didn't get a letter or know of this. He felt the applicant had a disregard for other things as well. He could not support this and would like more of a track record.

- Alderman Carnell moved to deny a bartender license for Peter Bergland. The motion was seconded by Alderman Jurken and carried unanimously.

b. Resolution regarding an Original Bartender/Operator's License for an applicant with a record less than 18 months: *Elizabeth Paynter*.

Elizabeth Paynter appeared before the Committee and introductions were made. Her co-worker Matt also appeared on her behalf. She stated that she went out with a girlfriend and had 2 beers – 12 oz. each. She had nothing to eat. She was stopped because she did not completely stop at a sign.

Alderman Mahkorn stated in his professional experience, no one gets to .12 with two beers. Miss Paynter stated she had one PBR beer and one IPA beer. Alderman Mahkorn felt that the applicant wasn't being very candid. However, even if she was being candid, he probably wouldn't have granted her the license.

Miss Paynter added that she successfully completed the course and purchased a personal breathalyzer to carry with her at all times. Co-worker Matt has known her for three years and has shown tremendous growth as an employee. She knows the mistakes she has made.

Alderman Mahkorn stated it is nice to see a character witness, and realizes she made a mistake and is moving forward. However, he felt the rendition of her story was not good.

- Alderman Carnell moved to deny a bartender license for Elizabeth Paynter. The motion was seconded by Alderman McCarthy and carried unanimously.

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c. Resolution regarding an Original Bartender/Operator's License for an applicant with a record between 19 months and 5 years: *Emily Wyman*.

Emily Wyman appeared before the Committee and introductions were made. Emily's mother also was present.

Alderman Mahkorn stated that the 2014 incident was for a narcotic, Schedule 1 and 2. He asked what it was. Miss Wyman emotionally replied heroin. She was dating a guy that was doing that and she was a party to a crime. She never did it. Her boyfriend was very involved with it. Her record got expunged and she completed probation. She also has a recommendation from her boss. She is now a host and has worked there for 2-1/2 years.

The applicant's mom stated that her daughter has lost thousands because of this. She is working two jobs currently.

Alderman Mahkorn stated it is very rare that a record such as this gets expunged. She must have done something right.

- Alderman McCarthy moved approval of granting Emily Wyman a bartender's license. The motion was seconded by Alderman Carnell and carried unanimously.

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Items 4d through 4f were taken together.

d. Resolution regarding applicants for Original Bartender/Operator's Licenses.

Aures, Elizabeth E.	Hozeska, Erica L.	Rember, Daniel J.
Barnum, Samantha L.	Kaminski, Robert M.	Schrader, Jennifer N.
Bartczak, Yolanda A.	Kang, Jasmeet S.	Soni, Paresh B.
Bottleberghe, Cynthia M.	Khinot, Jeetendra S.	Spitzmueller, Sarah A.
Bridges, Brenda L.	Lor, Goaia	Staeben, Jennifer
Caylor, Jennifer L.	Lukasik, Jason M.	Steger, Ross
Dhanoa, Navjeet S.	Merriwether, Anesestentilia	Swiggum, Sheila
Doud, Stephan A.	Mora Jr., Wenceslao	Trudell, Ronald J.
Faller, Mandy K.	Morris, Joseph C.	Vootkur, Ramalakshmi
Fischer, Brianna M.	Parker, Nicole L.	Wendorf, Georgiana L.
Godwin, Jonathan C.	Persik, Kerry L.	Westmoreland, Paige A.
Hinzpeter, Tracey L.	Pettigrew, Angelique M.	Widup, Anna R.

e. Resolution regarding an applicant for an Original Class B Beer & Liquor license – *new owner*.

1005 Elm Grove Road LLC; d/b/a: The Red Mill Inn
1005 S. Elm Grove Road; Agent: Mark A. Zierath

f. Resolution considering a Class B Beer and Liquor License in the PEDD (Premier Economic Development District) for an applicant with a premise under construction that will take more than 90 days.

Whirly Brookfield LLC; d/b/a: Whirlyball
185 N. Moorland Road; Agent: Greg L. Pyburn

- Alderman McCarthy moved approval of Items 4d, 4e, 4f – Original Bartender/Operator’s licenses; Original Class B Beer & Liquor License for The Red Mill; and Class B Beer and Liquor license in the PEDD for an applicant with a premise under construction that will take more than 90 days for Whirlyball. The motion was seconded by Alderman Jurken and carried unanimously.

Motion by Alderman McCarthy, second by Alderman Jurken to adjourn the Legislative & Licensing Committee meeting. Motion carried 4-0. Meeting adjourned at 7:46 p.m.

Minutes respectfully submitted by Renee Tadych, Deputy City Clerk