



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: Legislative & Licensing Committee
Date and Time: Tuesday, March 3, 2020 @ 7:00 pm
Location: Main Conference Room at City Hall, 2000 N Calhoun Road, Brookfield

Members Present: Alderman Gary Mahkorn*, Alderman Brad Blumer, Alderman Bill Carnell, Alderman Buck Jurken, Alderman Jeff McCarthy (*denotes Chairman)
Members Excused: None
Others Present: Attorney Jenna Merten, City Clerk Kelly Michaels, Alderman Scott Berg, Jan Jackson, Andrea Gracyalny, Heather Bosanac

1. Roll Call

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee meeting to order at 7:00 pm.

2. Announcements

The next regularly scheduled meeting is March 17, 2020 at 7:15 pm.

3. Minutes of the February 18, 2020 meeting

Motion by Alderman McCarthy, second by Alderman Blumer to approve the minutes of the February 18, 2020 meeting. Motion carried 5-0.

4. Unfinished Business

a) Amending Chapter 15, with regard to the Special Needs Fence requirements for medical substantiation.

Attorney Merten indicated this item was before the committee in late 2019 and at that time the committee requested the chapter be updated to include a covenant on the property. The city would record the covenant and the purchaser of the property would receive a title report, including that the fence must be removed if a child does not have special needs or give a reason why the fence should remain on the property. Alderman Mahkorn noted that this is just the finishing touches to the Chapter 15 ordinance.

Alderman McCarthy questioned how this effects a property that currently has a special needs fence currently on the market. Attorney Merten replied once the property is sold, the seller must make provisions for fence removal unless they are selling it to someone who also has special needs. The purchaser would have to apply for a special needs fence under the code. Alderman Blumer questioned how many special needs fence permits have been applied for already. Attorney Merten noted it was an insignificant number.

Motion by Alderman McCarthy, second by Alderman Jurken to approve amending Chapter 15 with regard to the Special Needs Fence requirements for medical substantiation. Motion carried 5-0.

5. New Business

a) Resolution regarding an applicant for an Original Bartender/Operator License with a record – *Jan S. Jackson.*

Applicant Jan Jackson and her friend, Andrea Gracyalny, appeared before the committee. Alderman Mahkorn explained the responsibility of the committee regarding the granting of Bartender/Operator licenses. He asked Ms. Jackson to explain the circumstances surrounding her record.

Ms. Jackson explained that she had forgotten about the charge due to the age of the violation which is why she had answered 'no' to question 5 on the application. She stated she was stopped at a stop light and when the light turned green she was struck by the driver behind her. She pulled over and asked the other driver if he was ok and if she should call the police. The driver said 'there was no reason to call the police' or exchange personal or insurance information as there was no damage to his vehicle. Ms. Jackson explained that since everything was fine, she continued on her way to work. When she arrived at the Pick N Save where she worked, there were three police squad cars waiting there to arrest her. She noted that initially, she was arrested and taken to the Menomonee Falls Police Department. However, then she was transported to the Menomonee Falls Hospital where she had her blood drawn. She explained that she takes Tramadol for pain which is what would be found in her blood, however she was charged with OWI. Alderman Mahkorn questioned whether there was any alcohol involved. Ms. Jackson replied 'no, just the Tramadol'. She stated the results of the blood work confirmed no alcohol was involved. She stated she hired an Attorney and her OWI violation was amended to Reckless Driving. Alderman Mahkorn asked how long she has worked for Pick N Save. Ms. Jackson indicated she has worked at various Pick N Save's locations for approximately 20 years. She added that the store manager was supposed to come to the meeting to speak on her behalf but had a family emergency come up. Alderman Blumer asked if the medication she takes is a prescription. Ms. Jackson replied 'yes'. Alderman Mahkorn felt that Ms. Jackson's explanation was creditable and her situation is certainly not typical of what the committee normally sees. He indicated he would support a license for Ms. Jackson.

Motion by Alderman McCarthy, second by Alderman Carnell to approve an Original Bartender/Operator License for Jan S. Jackson. Motion carried 5-0.

b) Resolution regarding an applicant for an Original Bartender/Operators License – *Heather G. Bosanac.*

Applicant, Heather Bosanac appeared before the committee and introductions were made. Alderman Mahkorn explained the responsibility of the committee regarding the granting of Bartender/Operator licenses. He asked Ms. Jackson to explain the circumstances surrounding her record starting with the 2012 'Misappropriation of Personal Identification' charge. Ms. Bosanac indicated it was a misunderstanding by her former employer, Guaranty Bank. She noted the bank actually paid her for her time off because it was the bank's mistake.

Alderman Mahkorn asked Ms. Bosanac to explain the retail theft incidents. Ms. Bosanac stated she was with someone who had a cart full of items that the person stole. However, since she was with this person, she was charged and found guilty as well.

Ms. Bosanac was asked to explain the arrest in 2014 in the City of Greenfield regarding retail theft, possession of drug paraphernalia, possession of drugs and bail jumping. Ms. Bosanac admitted she was at a store and stole cough medicine. She explained she was using drugs at the time which led to her bad decision. She explained she had prescription drugs on her person at the time and was charged with a felony because of the amount she had in her possession. She explained it was a wake up call for her and since that time, she has changed her life around. She noted she has been in her current job for four years.

Alderman Mahkorn noted the most recent violation was for speeding and failure to pay the forfeiture. He explained his concern at the totality of Ms. Bosanac's record noting some of the violations were quite a while ago but there seemed to be a pattern. There is also gaps where she has had no violations. He asked her to explain to the committee why they should trust her to dispense alcohol in the City of Brookfield.

Ms. Bosanac indicated she has completely changed her life around. She explained that she had been incarcerated for 1 year and lost everything but gained perspective. She explained she lost custody of her oldest daughter for a period of time. She is working two jobs and trying to move forward with her live. She lives with her boyfriend and their kids. Members questioned her driver's license noting the record indicated it was suspended on February 7, 2020 indefinitely. Ms Bosanac stated she has her driver's license. She indicated it was never taken away. Ms. Bosanac indicated she was just at the DVM on February 7th so she did not think there was an issue with her license. Alderman Mahkorn noted the DOT sends out a notice when a fine is not paid and he expressed concern with how recent this is. There was confusion regarding why she did not have her driver's license as the action was taken on the very day she was there. Ms. Bosanac said she went to the DMV because she lost her driver's license. Attorney Merten looked at her ID and indicated it was a Wisconsin ID. She explained you can either have a driver's license or an identification card, but not both.

Alderman McCarthy asked whether Ms. Bosanac had all of her fines paid. She responded 'yes'. Alderman Mahkorn questioned her job at the Ground Round. Ms. Bosanac replied she is a server and has been an employee since January 2016.

Alderman Mahkorn noted Ms. Bosanac answered 'no' to question 5 on the application, which states: 'Have you been charged, ticketed, cited, or arrested for any violation of state, federal or local laws within the past five (5) years (including crimes, forfeitures, military violations, traffic violations and all tickets, except parking tickets?)'. Ms. Bosanac replied she answered no because her violations were over 5 years old. She did not mean to be untruthful on the application.

Alderman Mahkorn questioned Ground Round's policy on serving alcohol and how over-serving of patrons is handled. Ms. Bosanac indicated everyone who looks young is carded. She explained the Ground Round is attached to the Best Western Hotel, therefore, if they drink too much that can go back to their rooms on the property so typically they are not driving. However, if she encounters patrons who have had too much to drink, she will not serve them.

Alderman Blumer asked what prompted Ms. Bosanac to get a bartender license. Ms. Bosanac replied she has done some training with a licensed bartender and her employer asked her to get a license. Alderman Blumer questioned how the violation on March 5, 2014 'Possession with Intent to Deliver Narcotics' was determined. Ms. Bosanac said it was determined by the amount of medication she had in her possession; however, it was 'dropped down' to a possession charge only. Alderman Blumer felt uncomfortable with granting a bartender license to Ms. Bosanac as she currently has no driver's license.

Alderman McCarthy stated he believed Ms. Bosanac because she went to the DMV on February 7, 2020 and applied with the city on February 7, 2020. He believes there is some mistake or misunderstanding with the DMV between losing her license, in that it was misplaced not revoked. She should have been issued a replacement driver's license not a Wisconsin ID. He believed the applicant was getting her life in order and she is resolving her issues.

Motion by Alderman McCarthy, second by Alderman Carnell to approve an applicant for an Original Bartender/Operators license for Heather G. Bosanac with the condition that Ms. Bosanac returns to the DMV to straighten out the misunderstanding and obtain a driver's license. She was instructed to drop off a copy of her reinstated driver's license to the City Clerk when she receives it. Further, the City Clerk was instructed to hold the application until Ms. Bosanac resolves the issue; perform another background check after it is resolved; and then forward it on to the Council for action when complete. Motion carried 5-0.

Clerk Note: Ms. Bosanac resolved the issue with the DMV on March 7, 2020. Ms. Bosanac has a valid Wisconsin driver's license.

c) Resolution regarding applicants for Original Bartender/Operators Licenses.

Benatti, Chandler P.

Lundskow, Chris W.

Pokharel, Lika Ram

Hanson, Bryan C.

Minor, Alexis B.

Lechmaier, Rebecca M.

Olson, Jessica N.

Motion by Alderman McCarthy, second by Alderman Carnell to approve Original Bartender/Operator Licenses for the above named applicants. Motion carried 5-0.

6. Adjournment

Motion by Alderman McCarthy, second by Alderman Blumer to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:43 pm.

Respectfully Submitted:

Kelly Michaels, MMC, WCPC
City Clerk