



## MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, May 18, 2021 at 6:45 pm

Location: Council Chambers, City Hall, 2000 N. Calhoun Road, Brookfield WI 53005

4 Members Present: Alderman Gary Mahkorn (Chair), Alderman Brad Blumer, Alderman Bill Carnell, Alderman Jenna Meza, Alderman Mark Nelson

Members Excused: N/A

Others Present: City Attorney Jenna Merten, City Clerk Kelly Michaels, Police Chief Jim Adlam, Alderman Christopher Blackburn, Zoning & Building Administrator Larry Goudy, Economic Development Coordinator Todd Willis,

### 1) ROLL CALL

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee to order at 6:46 p.m.

### 2) ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, June 1, 2021.

### 3) MINUTES

**Motion by Alderman Blumer, seconded by Alderman Meza to approve the minutes of the May 4, 2021 Legislative & Licensing Committee meeting. Motion carried 5-0.**

### 4) NEW BUSINESS

a. Resolution regarding an applicant for a Temporary Premise Extension Renewal – *Bonefish Grill, 18355 W. Bluemound Road.*

Todd Willis explained this item is being renewed for the current year, from July 1, 2021 to November 30, 2021 and is unchanged from the prior approval.

**Motion by Alderman Blumer, seconded by Alderman Meza to approve a Temporary Premise Extension Renewal to Bonefish Grill, 18355 W. Bluemound Road. Motion carried 5-0.**

b. Resolution regarding an applicant for a Temporary Premise Extension Renewal – *Saloon on Calhoun, 17700 W. Capitol Drive.*

Todd Willis noted this request does not include the grass area, just the patio and five parking spaces that was detailed on the prior approval. This is a renewal for the current year, from July 1, 2021 to November 30, 2021.

**Motion by Alderman Blumer, seconded by Alderman Meza to approve a Temporary Premise Extension Renewal to Saloon on Calhoun, 17700 W. Capitol Drive. Motion carried 5-0.**

c. Consideration of an applicant for a Temporary Use Event with Alcohol – *Saloon on Calhoun, 17700 W. Capitol Drive.*

Todd Willis noted this is the extension of the premise for the Saloonfest 2 event, which will appear before the Council as a Whole tonight as well. Alderman Mahkorn asked if the serving of alcohol time frame co-insides with the event hours. Mr. Willis replied yes, the Plan Commission approved the permitted hours and use.

Alderman Carnell stated he is uncertain on how to vote on this item tonight as he would like to hear the debate at the Council. Therefore he announce he will abstain from voting at the L&L meeting. Alderman Blumer agreed and noted he too would like to hear the debate but would be fine with the Council approving or denying the item. Alderman Mahkorn stated the L&L Committee is responsible for the alcohol approval and it would be bad precedence for the committee to waive their responsibilities. He suggested the committee discuss the item as it related to the committee's responsibilities. Alderman Blumer noted that he had no concerns with alcohol control or security for the event. Alderman Carnell stated he was concerned with who would be deciding to terminate the event if there are problems. He also indicated he was not happy with the length of time the event would be held, which is 10 days long. He was generally unhappy with the process for this event and felt it could be improved to ask more appropriate questions of the event itself. He felt it was not well reviewed at the Plan Review Board or the Plan Commission.

Alderman Mahkorn appreciated Alderman Carnell's comments, but noted their duty is for consideration of the alcohol at the event. Alderman Blumer noted his constituents were concerned less with the alcohol than they were with other aspects of the event.

**Motion by Alderman Blumer, seconded by Alderman Meza to approve the alcohol for the temporary use event – Saloonfest 2 at Saloon on Calhoun, 17700 W. Capitol Drive. Motion carried 4-0-1, with Alderman Carnell abstaining from the vote.**

d. Ordinance amending Subsection 2.16.030.1 of the Brookfield Municipal Code as it relates to Polling Places.

City Clerk Michaels noted Mayor Ponto, Attorney Merten and herself met with staff from the Elmbrook School District regarding the District 1 poll site, which is currently Immanuel Baptist Church. She indicated this particular site has received a number of complaints and concerns as detailed in her memo. When the poll site was changed from Immanuel Baptist Church to Brookfield East High School for the November 2020 election, the city received a lot of positive feedback from voters that would like to see the District 1 poll site moved out of Immanuel Baptist Church. The Elmbrook School District agreed with this; therefore, this ordinance would make the poll site change effective with the 2022 elections.

Alderman Blumer questioned if classes could be in session on Election Day. Clerk Michaels replied 'yes, they have a large gymnasium that would be sectioned off for elections. Additionally, there is a parking lot located just outside the entrance to the gymnasium that would be closed to student parking on Election Day thereby preserving it for voter parking. Additionally, they have quite a few students who showed interest is working at the elections as a student poll worker.

**Motion by Alderman Carnell, seconded by Alderman Blumer to approve an ordinance amending Subsection 2.16.030.1 of the Brookfield Municipal Code as it relates to Polling Places. Motion carried 5-0.**

e. Resolution regarding applicants for Renewal Alcohol Licenses.

**CLASS A BEER**

124<sup>th</sup> Street Inc.; D/b/a: Brookfield Place BP  
3075 N. 124<sup>th</sup> Street; Agent: Didar Singh

**CLASS A BEER & LIQUOR**

Wisconsin CVS Pharmacy, LLC; D/b/a: CVS Pharmacy #6855  
17165 Bluemound Road; Agent: Patrick McGrath

Lakes Venture, LLC; D/b/a: Fresh Thyme Market #702  
17300 W. Bluemound Road; Agent: Tracy L. Staff

Sendik's Market Elmbrook Inc; D/b/a: Piggly Wiggly #118  
2315 N. 124<sup>th</sup> Street; Agent: Anthony J. Balistreri-Sendik

Sendik's Fine Foods, Inc; D/b/a: Sendik's Fine Foods  
18985 W. Capitol Drive; Agent: Thomas Balistreri III

**CLASS B BEER**

GSBR Milwaukee LLC; D/b/a: Game Show Battle Rooms  
12565 W. Feerick St, Suite B; Agent: Donald M. Castine Jr

Metro-Cigars Brookfield, LLC; D/b/a: Metro Cigars  
13640 W. Capitol Drive; Agent: Jennifer L. Groh

The Ponds of Brookfield LLC; D/b/a: The Ponds of Brookfield  
2810 N. Calhoun Road; Agent: Robert R. Perry

**CLASS B BEER & C WINE**

Café Manna, LLC; D/b/a: Café Manna  
3815 N. Brookfield Rd, Suite 100; Agent: Robin S. Kasch

Portillo's Hot Dogs, LLC; D/b/a: Portillo's Hot Dogs  
17585 W. Bluemound Road; Agent: Edward J. Janikowski

**CLASS B BEER & LIQUOR**

Cudworth-Stenz-Griesell-Smith American Legion 449  
D/b/a: American Legion Post 449  
3245 N. 124<sup>th</sup> Street; Agent: Michael L. Cannon

Bluemound Bowl Entertainment Center LLC  
D/b/a: Bluemound Bowl  
12935 W. Bluemound Road; Agent: Henry T. Posnanski

Brookfield Hills Golf Course, Inc; D/b/a: Brookfield Hills Golf Course  
16075 Pinehurst Drive; Agent: Linda A. Stiloski

Brunch BKD LLC; D/b/a: Brunch  
18895 W. Capitol Drive, Suite 103; Agent: Morgan K. Schnabl

George D Incorporated; D/b/a: Capitol Café/Grecian Inn Restaurant  
14375 West Capitol Drive; Agent: George I. Dimitropoulos

Bluemound Restaurant Corporation; D/b/a: Champps Americana  
1240 S. Moorland Road; Agent: Anthony W. Lewanovich

Devines Lariat LLC; D/b/a: Devines Lariat  
4165 N. 124<sup>th</sup> Street; Agent: Diane L. Townsend

New Fujiyama Brookfield LLC; D/b/a: Fujiyama  
17395D W. Bluemound Road; Agent: Xue Long Zhang

Jake's Restaurant, Inc; D/b/a: Jake's Restaurant  
21445 W. Gumina Road; Agent: Karen B. Replogle

LTF Club Operations Company, Inc; D/b/a: Life Time Athletic  
17585 Golf Parkway; Agent: John T. Dahman

O'Sullivan's Public House, Inc; D/b/a: O'Sullivan's Public House  
12525 W. North Avenue; Agent: Rebecca M. Sullivan

Outback Steakhouse of Florida, LLC; D/b/a: Outback Steakhouse  
295 S. Moorland Road; Agent: Bridget M. Dahm

Andy Rad Inc.; D/b/a: Saloon on Calhoun  
17000 W. Capitol Drive; Agent: Jennine M. Dayler

Real Hospitality Group LLC; D/b/a: Sheraton Brookfield/Milwaukee  
375 S. Moorland Road; Agent: Lisa A. Sheets

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

#### **RESERVE CLASS B BEER & LIQUOR**

Bonefish Grill, LLC; D/b/a: Bonefish Grill  
18355 West Bluemound Road; Agent: Catherine R. Sharkey

Carrabba's Italian Grill, LLC; D/b/a: Carrabba's Italian Grill  
18375 West Bluemound Road; Agent: Darren J. Mackenzie

OSI/Fleming's, LLC; D/b/a: Fleming's Prime Steakhouse & Wine Bar  
15665 West Bluemound Road; Agent: Crystal C. Fritsch

Krause Properties LLC; D/b/a: Krause Food Service  
21600 W. Capitol Drive; Agent: Mark J. Krause

#### **PEDD CLASS B BEER & LIQUOR**

Whirly Brookfield, LLC; D/b/a: Whirlyball  
185 S. Moorland Road; Agent: Greg L. Pyburn

**Motion by Alderman Carnell, seconded by Alderman Blumer to approve Renewal Alcohol Licenses to the above applicants. Motion carried 5-0.**

f. Resolution regarding an applicant for an Original Class B Beer/Liquor License.

17915 Bluemound Co.; D/b/a: Honey Berry Pancakes & Café  
17915 W. Bluemound Road; Agent: Elizabeth V. Aldrich

**Motion by Alderman Carnell, seconded by Alderman Meza to approve an Original Class B Beer/Liquor License to Honey Berry Pancakes & Café, 17915 W. Bluemound Road. Motion carried 5-0.**

g. Resolution regarding applicants for Renewal Bartender/Operator Licenses.

Jatczak, Anna J.  
Smeltzer, Richard C.

**Motion by Alderman Carnell, seconded by Alderman Blumer to approve Renewal Bartender/Operator Licenses to the above applicants. Motion carried 5-0.**

h. Resolution regarding an applicant for an Original Bartender/Operator License with violations – *Robert S. Kenney*.

Robert Kenney appeared before the committee and introductions were made. Alderman Mahkorn explained why Mr. Kenney had been invited to appear at the Legislative & Licensing Committee meeting. He noted that Mr. Kenney did not indicate any violations on his application and questioned the reason. Mr. Kenney said he did not understand the question. He thought the question related to violations specific to alcohol. Alderman Mahkorn noted Mr. Kenney has a lengthy record as it relates to traffic violations. Alderman Mahkorn summarized Mr. Kenney's violations and commented that he felt Mr. Kenney could have avoided many of the violations by paying attention, especially as it relates to paying fines.

Alderman Mahkorn asked Mr. Kenney to explain the violations and why the committee should think you are a good risk as it relates to using good judgement in the serving alcohol. Mr. Kenney stated he lost his job in 2016. He was dropping his kids off at school, missed a stop sign, and was pulled over and given a ticket. This was the first time he dropped his kids off at this location. He could not pay his ticket as he lost his job, which resulted in the loss of his license. He explained that he went out to apply for jobs and was pulled over for driving without a license. However, once he gained employment, he was able to pay all his fines and get his license back.

Mr. Kenney said the more recent violations happened when he bought a car at a Milwaukee dealership. He explained he had paid for the license plate registration through the dealership and never received a license plate sticker. He contacted them several times and went to the DMV, however they told him to contact Madison. When he contact Madison, he was told to handle this on his own; that they could not help him.

Alderman Mahkorn appreciated Mr. Kenney's honesty in explaining his violations. Mr. Kenney shared that he is still only working part-time, however the owner of Bluemound Bowl is trying to give him more hours so he can get back on his feet.

Alderman Mahkorn asked Mr. Kenney to explain the operations of Bluemound Bowl. Mr. Kenney replied it is a bowling center and has been in the city for approximately 40 years. The clientele is mainly league bowlers during the week and a younger crowd on the weekends. He said they only card people when they order an alcoholic drink. He stated he cards anyone who looks under the age of thirty. Alderman Mahkorn asked what the policy is as it relates to overserving. Mr. Kenney said it can be difficult if there are several bartenders working and you're not sure who did the serving or whether the person had been drinking in the bathroom or out in the parking lot. He indicated the staff has to monitor to watch behaviors in order to catch that kind of stuff.

Alderman Mahkorn stated he would be in support of a license for Mr. Kenney, but wanted other members to 'weigh in'. Alderman Meza wondered about the establishment as a whole, asking how many bartenders are on

duty on a Friday or Saturday night. Mr. Kenney replied usually there are 2 to 3 bartenders. Alderman Meza asked if each person has certain roles when working. Mr. Kenney stated 'yes, normally a licensed bartender will be behind the bar while the others normally handle the bowling lanes and that activity.

Alderman Blumer noted Mr. Kenney had an unfortunate period in 2019. He asked if his vehicle is currently registered and whether he has insurance and a driver's license now. Mr. Kenney replied yes, he has his driver's license and his vehicle is registered.

**Motion by Alderman Nelson, seconded by Alderman Meza to approve an Original Bartender / Operator License to Robert S. Kenney. Motion carried 5-0.**

i. Resolution regarding an applicant for an Original Bartender/Operator License with violations – *Jennifer L. Modesto*.

This was the third committee meeting where Jennifer Modesto had not appeared as scheduled, to answer to the members' questions related to her background record.

**Motion by Alderman Blumer, seconded by Alderman Carnell to deny an Original Bartender/Operator License to Jennifer L. Modesto. Motion carried 5-0.**

j. Resolution regarding an applicant for a Renewal Bartender/Operator License with violations – *Noelle C. Baranowski*.

Noelle Baranowski appeared before the committee. Alderman Mahkorn explained why Ms. Baranowski was invited to appear before the committee and asked her to explain her OWI violation. Ms. Baranowski said she had worked a 14-hour day and went to dinner with a friend afterwards. She noted they shared a bottle of wine with dinner noting she did not think she would be over the limit by drinking two or three glasses of wine. She explained she was a block from home when she was pulled over in Greendale. The Officer had indicated she made a wide turn and crossed over the fire lane. When the officer asked her if she had anything to drink. She admitted she had shared a bottle of wine over dinner with a friend. The officer asked her to perform some field sobriety tests, however she declined as she had torn three ligaments in her foot and felt it would affect the test. However, she volunteered for a breathalyzer test as she felt she was not impaired. She indicated she was surprised when she blew a .085 and then later was given a second breathalyzer at the police station and blew a .09. She reported she had taken the alcohol assessment class as required. She also noted the whole incident was embarrassing as she teaches ServeSafe classes and should have known better than to drive after drinking. She admitted her mistake.

Alderman Mahkorn asked what Buffalo Wild Wing's policy is in serving alcohol. Ms. Baranowski replied they card everyone who looks under the age of forty and they require a ServeSafe alcohol compliance test within three days of being hired. Everyone is trained to identify issues or problems with difficult or intoxicated patrons. She reported they have at least one person a month that has to be cut off drinking alcohol as they have a zero tolerance policy.

Alderman Nelson asked what Ms. Baranowski's position is at Buffalo Wild Wings. She is the Assistant General Manager, direct supervisor of the Shift Manager and kitchen staff, and indirectly supervises everyone except the General Manager, which is around forty to forty-five workers.

Alderman Blumer stated normally the committee looks at the period of time for OWI violations. He indicated he felt Ms. Baranowski made a mistake and noted he was willing to support a license for her. Alderman Mahkorn noted with a renewal license the applicant has property rights so the standard of denial is higher in that case. He agreed and indicated he was also willing to support a license due to the higher standard and how Ms. Baranowski presented herself to the committee.

**Motion by Alderman Carnell, seconded by Alderman Blumer to approve a Renewal Bartender / Operator License to Noelle C. Baranowski. Motion carried 5-0.**

k. Resolution regarding an applicant for a Renewal Class B Beer/Liquor License with a violation.

Franklynn Development LLC; D/b/a: Brookfield Indoor Soccer Complex  
19485 W. Lisbon Road; Agent: Frank G. O'Connor

Patrick O'Connor, son of the agent, appeared before the committee. Alderman Mahkorn asked Mr. O'Connor to explain the violation of having no licensed bartender on the premise during a compliance check. Mr. O'Connor replied that the individual working that night had a Milwaukee bartender's license and they did not realize he was not licensed for the City of Brookfield. This year they hired a café/bar manager who is responsible for hiring and he felt there was miscommunication on staff's part which resulted in there not being a licensed bartender working the night of the violation. Alderman Mahkorn questioned their hiring policies. He noted that many leagues are adult leagues. However, in the past, most of the staff were high school or college kids. He noted they are now hiring people who are a little bit older.

Alderman Nelson asked how many individuals are licensed bartenders at the Brookfield Indoor Soccer Complex. Mr. O'Connor stated they have six to eight licensed bartenders, however there was only one employee working the night of the violation. When the officer came in and asked for the employee's bartender license, he did not have one so they shut down the café for the night. After the violation, that employee applied for a bartender's license with the City of Brookfield so he is now licensed.

Alderman Mahkorn stated the Brookfield Indoor Soccer Complex has a great reputation and this appears to be an isolated incident; however, he noted the committee does not take violations lightly. He stated that at this time he is prepared to support a license.

**Motion by Alderman Carnell, seconded by Alderman Meza to approve a Renewal Class B Beer/Liquor License to Brookfield Indoor Soccer Complex, 19485 W. Lisbon Road. Motion carried 5-0.**

6. ADJOURNMENT

**Motion by Alderman Carnell, second by Alderman Meza to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:38 p.m.**

RESPECTFULLY SUBMITTED:  
KELLY MICHAELS, MMC, WMPC  
BROOKFIELD CITY CLERK