



MINUTES OF A REGULAR MEETING OF THE **LEGISLATIVE & LICENSING COMMITTEE** HELD ON TUESDAY, **MAY 21, 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 Brad Blumer, Alderman Bill Carnell, Alderman Buck Jurken, Alderman Gary Mahkorn, Alderman Jeff McCarthy

OTHERS PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, 6<sup>th</sup> District Alderman Christopher Blackburn, Fire Chief Charlie Myers, 6<sup>th</sup> District Alderman Jerry Mellone (arrived at 7:15 pm), Economic Development Coordinator Todd Willis, President of Brookfield Village LTD Jeff Hansen

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, June 4, 2019.
3. Minutes
  - a. Minutes of the May 7, 2019 meeting.

**Motion by Alderman Jurken, second by Alderman Carnell to approve the May 7, 2019 meeting minutes as presented. Motion carried unanimously.**

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5. New Business
  - a. Ordinance amending 10.24.010, 10.24.020, and 10.24.080; Subsections 10.24.060.A, 10.24.060.B, 10.24.070.B, 10.24.070.C, and 10.24.070.D; Repealing and Recreating Section 10.24.050; and Creating Section 10.24.090 of the Brookfield Municipal Code regarding Junked or Abandoned Vehicles.

City Attorney Jenna Merten referred to her memo explaining the reasons for the amendments. She also presented a new amended ordinance and distributed them to the committee. Alderman Carnell stated he didn't have the "track changes" version of the ordinance and wanted an explanation of a section that was being repealed.

**Motion by Alderman McCarthy, second by Alderman Jurken, to approve an Ordinance amending 10.24.010, 10.24.020, and 10.24.080; Subsections 10.24.060.A, 10.24.060.B, 10.24.070.B, 10.24.070.C, and 10.24.070.D; Repealing and Recreating Section 10.24.050; and Creating Section 10.24.090 of the Brookfield Municipal Code regarding Junked or Abandoned Vehicles as amended and presented this evening. Motion carried unanimously.**

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- b. Ordinance repealing and recreating Chapter 8.36 of the Brookfield Municipal Code regarding Open Burning and Recreational Fires.

Alderman McCarthy stated he spoke with the Mayor and he wants more time for review and discussion. Alderman Jurken felt the legislative referral was directed to review the ordinance and not to change everything in it. This must be done cautiously and will certainly get everyone's attention. Alderman McCarthy stated the Board of Public Works wasn't interested in providing a new service such as leaf pickup. He felt this was in the purview of the Board of Public Works. Alderman Mahkorn stated this meeting is an entry level start on the agenda. He felt maybe a special meeting of the Legislative & Licensing Committee was needed or to meet earlier before a regular Common Council meeting. He was glad to see the Fire Chief in attendance at this meeting.

Fire Chief Charlie Myers stated if it was up to him, he wouldn't want any burning to be allowed. He stated that he and Chief Tushaus would want more changes to the ordinance. He also commented that the enforcement of this shouldn't be with one department. Alderman Mahkorn stated this warrants detailed discussion. He suggested the committee consider to postpone to a different date.

Alderman Jurken stated again the referral was to review the ordinance and not to make a major change. It was asked does it need to be fixed or is it okay as it is.

Alderman Mahkorn asked which committee does this discussion begin. He felt it was premature to be before the Legislative & Licensing Committee right now. The City Attorney did a lot of work. The referral was broad and all encompassing. Alderman Mahkorn asked should this go back to the Board of Public Works and then back to Legislative & Licensing or possibly a joint session of both.

Alderman Jurken stated the referral began when a neighbor of Alderman Nelson's spoke to him about a lot of burning from a homeowner burning a lot construction and building debris. He felt it wasn't the intention of the referral to review every section. Alderman Mahkorn felt this should go back to the Board of Public Works. Alderman Jurken stated the legislative referral just wanted it reviewed. It was stated in the past, there was a Task Force assigned to review the ordinance.

Alderman McCarthy stated to save the time of the Board of Public Works, he would like clarification from the Aldermen who made the referral. He thought maybe it was just one specific thing that needed to be reviewed. Alderman Mahkorn agreed and felt it

was a broad referral. The Board of Public Works can interpret and also have the two alderman chime in at their Board meeting.

City Attorney Merten pointed out that there are enforcement issues in the current ordinance. The Chiefs have concerns with the end product.

**Moved by Alderman Jurken, seconded by Alderman McCarthy, to refer back to the Board of Public Works.**

Alderman Carnell stated he didn't understand why this is going back to the Board of Public Works. Alderman Mahkorn replied the Board of Public Works has to weigh in and the Mayor put the referral first at the Board of Public Works. There was discussion on what the Board of Public Works' decision was or if there was discussion at the Board of Public Works. Alderman Carnell remembered looking at other municipalities' ordinances and pointing out ideas that worked. He felt their work had a decision made. 6<sup>th</sup> District Alderman Blackburn stated he didn't feel we were ready to set hours and months like the proposed ordinance has. It was asked what the City Attorney thinks about the direction. Attorney Merten replied it could be sent to the "Council as a Whole" or to keep it here and invite the two aldermen who made the referral.

**Alderman Jurken withdrew his motion. Alderman McCarthy withdrew his second.**

**Moved by Alderman McCarthy, seconded by Alderman Jurken, to postpone this item to the June 18<sup>th</sup> Legislative & Licensing Committee to begin at an earlier start time with an invitation to Alderman Berg and Alderman Nelson who made the referral and to have input from the Fire and Police Chiefs. The motion carried unanimously.**

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- c. Resolution regarding an agreement between the City of Brookfield and Brookfield Village, LTD to hold a monthly event called the Brookfield Beer Garden.

Economic Development Coordinator Todd Willis and President of Brookfield Village Ltd, Jeff Hansen appeared before the committee. Mr. Willis stated this event is the same as last year. He referred to his staff report. Mr. Willis stated he considers all the concerns from the Inspection Services Department and Police Department. Alderman Mahkorn stated he can't remember any problems with this in the past. He considered this a "no brainer" and glad to see vitality to the village. Mr. Willis stated there are also returning sponsors to this event.

Alderman Carnell requested that all necessary licenses and permits be posted at each stall. Also, he had a concern with the \$30 fee the City is charging to pick up trash. He felt city staff was paid more than that and the city is not breaking even. The remaining Committee members felt comfortable with the amount. It was mentioned that this was a public/private partnership. Alderman Carnell stated he wasn't going to make an amendment.

**Motion by Alderman McCarthy, second by Alderman Blumer, to approve a Resolution regarding an agreement between the City of Brookfield and Brookfield Village, LTD to hold a monthly event called the Brookfield Beer Garden. Motion carried unanimously.**

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Items 5d thru 5g were taken together.

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

Hart, Kyle M.	Schisel, Devin J.
Porteous, Karen J.	Young, Joshua M.

- e. Resolution regarding applicants for Renewal Bartender/Operator Licenses.

Bruss, Bonita A.	Kussard, Jennifer	Sheaffer-Jepsen, Julie A.
Cannon, Christine P.	Peters, Mark R.	Sullivan, Laurence J.
Cannon, Michael L.	Pleuss, Erik R.	Thornton, Terri G.
Cashill, Phillip C.	Priebe, Paula A.	Trujillo, Lisa M.
Gregory, Guy C.	Randall, Lisa M.	Wallace, Sharone R.
Hansen, Jeffrey J.	Reich, Linda M.	Wiedmeyer, Bryan J.
Koester, Rachel V.	Ryan, Cheryl A.	

- f. Resolution regarding applicants for Renewal Alcohol Licenses.

CLASS B BEER

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

Chipotle Mexican Grill of Colorado LLC; d/b/a: Chipotle Mexican Grill  
15375 W. Bluemound Road; Agent: Brian J. Bushaw

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 Road, Suite 100; Agent: Robin S. Kasch

CLASS A BEER & LIQUOR

Brook-Falls Discount Wine & Spirits LLC;  
d/b/a: Brook-Falls Discount Wine & Spirits  
14835 W. Lisbon Road; Agent: Kulwinder K. Khera

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

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

Sukh Corporation; d/b/a: Westbrook Beverage Center  
13430 W. Greenfield Avenue; Agent: Sukhpreet Kaur

Cost Plus Inc.; d/b/a: World Market  
625 Main Street; Agent: Cynthia Sayles-Albers

CLASS B BEER & LIQUOR

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

Bougey's Bar & Grill LLC; d/b/a: Bougey's Bar & Grill  
16760 W. Greenfield Avenue; Agent: Gareth E. Trinko

Boulder Junction Inc.; d/b/a: Boulder Junction  
12550 W. Burleigh Road; Agent: Josephine Militello

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

Butch's Co. Inc.; d/b/a: Butch's Red Mill  
1005 S. Elm Grove Road; Agent: Bernard E. Schettle

Aimbridge Concessions Inc.; d/b/a: Doubletree Milwaukee/Brookfield  
18155 W. Bluemound Road; Agent: Brittany Stockfish

Elite Sports Club-Brookfield Inc.; d/b/a: Elite Sports Club-Brookfield  
13825 W. Burleigh Road; Agent: Kay E. Yuspeh

Brookfield Hotel Limited Partnership  
d/b/a: Embassy Suites Milwaukee Brookfield  
1200 S. Moorland Road; Agent: Mike D. Haddad

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

Marty's Brookfield Inc.; d/b/a: Marty's Pizza  
16680 W. Bluemound Road; Agent: Edward H. Bautz

McZars IV LLC; d/b/a: Slim McGinn's Irish Pub  
14735 W. Lisbon Road; Agent: Julie L. Baker

New Taste of India II LLC; d/b/a: Taste of India  
17115 W. Bluemound Road; Agent: Manjit Singh

Crepelove LLC; d/b/a: Vino Cappuccino  
2848 N. Brookfield Road; Agent: Andreas Protopapas

RESERVE CLASS B BEER & LIQUOR

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

g. Temporary Class B Retailer's Licenses.

Brookfield Village Ltd  
2848 N Brookfield Road, Suite 4  
Brookfield Beer Garden  
June 20, 2019 – 4 pm to 9 pm  
July 18, 2019 – 4 pm to 9 pm  
August 29, 2019 – 4 pm to 9 pm  
September 21, 2019 – 4 pm to 9 pm  
Beer sold/served from parking lot (18725 Hoffman Avenue)  
Bartender: Jeffrey Hansen

**Motion by Alderman McCarthy, second by Alderman Blumer, to approve Original Bartender/Operator Licenses, Renewal Bartender/Operator Licenses, Renewal Alcohol Licenses and Temporary Class B Beer Retailer's Licenses to the above named applicants, respectively (Items 5d-5g). Motion carried unanimously.**

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4. Old Business – Taken out of Order
- a. Resolution regarding an Original Bartender License for an Applicant with a record less than 18 months: Jacqueline Flood.

Neither Jacqueline Flood nor her managers appeared before the Committee.

**Motion by Alderman McCarthy, second by Alderman Jurken to postpone an Original Bartender/Operator's License for Jacqueline Flood to the June 4<sup>th</sup> Legislative & Licensing Committee meeting and to send another letter to Jacqueline Flood along with her managers to allow her a final chance to appear. The Board will take action then. Motion carried unanimously.**

**Motion by Alderman McCarthy, second by Alderman Blumer to adjourn the Legislative & Licensing Committee meeting. Motion carried unanimously. Meeting adjourned at 7:47 p.m.**

Minutes respectfully submitted by Renee Tadych, Deputy City Clerk