



MINUTES OF A REGULAR MEETING OF THE **LEGISLATIVE & LICENSING COMMITTEE** HELD ON TUESDAY, **DECEMBER 17, 2019** AT **7:00 P.M.** IN THE SELIGENSTADT (MAIN) CONFERENCE ROOM, 2000 NORTH CALHOUN ROAD, BROOKFIELD, WISCONSIN

ALDERMAN GARY MAHKORN PRESIDING

5 MEMBERS PRESENT: Alderman Brad Blumer, Alderman Buck Jurken, Alderman Gary Mahkorn, Alderman Jeff McCarthy

OTHERS PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Genavie and Jeff Grzesiak

MEMBERS ABSENT & EXCUSED: Alderman Bill Carnell

1. Chairman Mahkorn noted a quorum was present and called the Legislative & Licensing Committee to order at 7:02 p.m.
2. Announcements:
  - a. The next regularly scheduled meeting is Tuesday, January 21, 2020.
3. Minutes
  - a. Minutes of the December 3, 2019 meeting.

**Motion by Alderman Jurken, second by Alderman McCarthy to approve the December 3, 2019 meeting minutes as presented. Motion carried 4-0.**

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4. New Business
  - a. Resolution regarding an applicant for Original Bartender/Operator License with a record – Genavie R. Grzesiak.

Genavie Grzesiak appeared before the committee and introductions were made.

Alderman Mahkorn explained the committee's responsibility as it relates to granting bartender/operator's licenses. He asked Attorney Merten if the

Child Abuse-Intentional Cause Great Harm and Resisting/Obstructing an Officer charges were expunged from the official court record. Attorney Merten stated 'yes'. Ms. Grzesiak stated her boyfriend was younger than her. He was a minor at the time and the courts considered him a child.

Ms. Grzesiak questioned if she had to indicate the Child Abuse charge on the application, as it had been expunged. Attorney Merten said she would still have to indicate it on the application as one of the questions 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).*" Alderman Mahkorn added that it would depend on what charge was expunged.

Alderman Mahkorn noted that Ms. Grzesiak had other charges that raises some concerns. The accumulative issues concern him. He asked her to explain some of those violations.

Ms. Grzesiak stated the Open Intoxicant was a stupid mistake. It was July 3<sup>rd</sup> or 4<sup>th</sup> of 2018 and she been in Milwaukee with family. They were grilling out and had alcohol in a cooler. They watched the fireworks and walked back to the car. They had an open can of Mike's Hard Lemonade/Wine Cooler. While they were packing the car, she meant to throw away the wine cooler but put the open can in the side door of the car. They were pulled over about a mile from her home in Waukesha. She was given a breathalyzer test and did not get a DUI.

Alderman Mahkorn indicated it is a state law to have car insurance and Ms. Grzesiak did not have car insurance. He added that most communities would drop the charge if an individual comes in shortly after the violation and shows proof of insurance. The citation then never develops. Ms. Grzesiak stated she was under her father's insurance and was in the process of changing insurance companies. She did not have the physical insurance on her person at the time she was stopped. She did not go to court on the 'no insurance' charge because she was working and couldn't afford to take off, therefore, it was not dropped from her record.

Alderman Mahkorn noted that her driver's license was suspended due to some violations occurring earlier. Ms. Grzesiak stated she was unaware that her driver's license had been suspended. Once she found out it was suspended, she took care of it right away by paying the ticket.

Alderman Mahkorn asked why the committee should consider her a good risk for having good judgement in dispensing alcohol in the City of Brookfield.

Ms. Grzesiak responded she has had a license through the Town of Brookfield through 2017 and had no violations with bartending. She has learned from her mistakes. She now has two small children and tries to be a good role model; she wants to be someone they can look up to. She noted she worked at Jose's Blue Sombrero in the Town of Brookfield for many years.

Ms. Grzesiak produced two letters of reference, one from her stepfather, Jerry Luedke and one from Catey Seitz, General Manager at Jake's Restaurant. The committee reviewed the two letters.

Alderman Jurken noted there were two separate violations regarding 'no proof of insurance' on August 2018 and December 2018. Attorney Merten confirmed that both violations were separate. Alderman McCarthy asked if there was no violation of Intoxicant in Vehicle, would we be seeing this applicant. Attorney Merten said 'yes, the record shows a habitual pattern'. The committee can deny someone who is a habitual law violator. She added that all violations within a certain time-period, are reviewed.

Alderman Jurken questioned if the driver's license suspension for 129 days was automatic or only if Ms. Grzesiak did not pay her fines. Attorney Merten stated normally a driver's license is suspended if a fine is not paid. Ms. Grzesiak said her license was suspended, she paid her fine, and then the remaining days of the suspension were lifted.

Jeff Grzesiak, father of Genavie Grzesiak, appeared before the committee.

Mr. Grzesiak noted Genavie is a single mother and has been in the service business most of her adult life. She has a very good job as a bar manager at Jake's Restaurant. She tries to maintain a good household for her two daughters. He knows she is not a big drinker. Her children are very important to her and she would not jeopardize their relationship. He added that he has gone through some rough times in his life and does not want to see her make the same mistakes. Genavie sees her father as a role model in her life and feels she deserves a chance at a great job.

Alderman Blumer was in support of approving a license. He stressed it is important that Ms. Grzesiak did not receive a citation when she was given a breathalyzer test when pulled over with an open intoxicant in the vehicle. It is also important that she was not pulled over for drunk driving. It was nice to see letters from character witnesses showing support. Aldermen McCarthy and Jurken agreed with Alderman Blumer.

Alderman Mahkorn appreciated the comments of the other members of the committee. In regards to the insurance issue, he is concerned with the follow through after going through the court system, then driving around and getting suspended due to having no insurance. He said he is a 'fence sitter' on whether to deny or approve a license. As a former state prosecutor, he has seen it all. In the whole scheme of things, the seriousness of having no insurance is at the bottom of this, however, I want to see people having respect for the law. The committee wants to make sure an applicant has respect for the law, order and safety of the community. It is important to have support from family and friends.

Alderman Mahkorn asked what the procedures for serving alcohol to patrons. Ms. Grzesiak stated people are coming to Jake's with big parties during the holiday season. One instance, which happened the previous night, was a large party at the bar who had been drinking quite a bit, either at Jake's or somewhere else. They were starting to get rowdy. They were making her nervous as they were shouting their orders as she was trying to help other quests. She was making drinks for some guests and the rowdy party had been seated in the dining room. She informed her manager that if the party continued drinking she would not be serving them and would tell them so. The manager is relatively new and has not had to deal with cutting people off. Ms. Grzesiak added that she has been a bartender since the age of 19 or 20. She has had to cut people off or called taxis, so she is comfortable with these procedures. She checks ids for patrons that look under age. Alderman Mahkorn appreciated Ms. Grzesiak's candid answer. This is a creditable response the committee likes to see from an applicant. He noted he was willing to support the license.

**Motion by Alderman Jurken, second by Alderman McCarthy to approve an Original Bartender/Operator License for Genavie Grzesiak. Motion carried 4-0.**

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- b. Legislative Referral: Consider amending Sections 2.08.020 of the Brookfield Municipal Code regarding the Composition, Duties, and Terms of the Board of Review and Renumbering Subsection 2.08.020.B to Subsection 2.08.020.C.

Attorney Merten explained the reasons for the amendment to this section of the Municipal Code.

**a. Motion by Alderman Blumer, second by Alderman Jurken to approve amending Sections 2.08.020 of the Brookfield**

**Municipal Code regarding the Composition, Duties, and Terms of the Board of Review and Renumbering Subsection 2.08.020.B to Subsection 2.08.020.C. Motion carried 4-0.**

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- b. Legislative Referral: Consider amending Sections 15.08.040, 15.08.050, 15.08.220, and 15.08.250; Subsections 15.08.070.B and 15.08.130.G, and repealing Section 15.08.140 of the Brookfield Municipal Code regarding the adoption of Chapter SPS 316 of the Wisconsin Administrative Code, correcting the Electrical Reinspection Fee and Penalty language, and changing the identity of the Hearing Board to comply with Wisconsin Law.

Attorney Merten stated the city must amend this section of the Electrical Code; otherwise, the city cannot administer the city's code, the state will take over. It is a simple change.

- c. **Motion by Alderman McCarthy, second by Alderman Jurken to amending Sections 15.08.040, 15.08.050, 15.08.220, and 15.08.250; Subsections 15.08.070.B and 15.08.130.G, and repealing Section 15.08.140 of the Brookfield Municipal Code regarding the adoption of Chapter SPS 316 of the Wisconsin Administrative Code, correcting the Electrical Reinspection Fee and Penalty language, and changing the identity of the Hearing Board to comply with Wisconsin Law. Motion carried 4-0.**

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

Downs, Isabel M.  
Dressel, Emily R.

Simmons III, Charles R.  
Spychalla, Gabriel J.

**Motion by Alderman McCarthy, second by Alderman Blumer to approve Original Bartender/Operator Licenses for the above applicants. Motion carried 4-0.**

**Motion by Alderman McCarthy, second by Alderman Jurken to adjourn the Legislative & Licensing Committee meeting. Motion carried 4-0. Meeting adjourned at 7:35 p.m.**

Minutes respectfully submitted by Kelly Michaels, City Clerk