



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE Meeting - Tuesday, September 29, 2009 Committee Room #2 – 7:20 PM

PRESENT: Aids. Birschel, Dennik, Hanson, Herzog, Nikceovich (7:43 p.m.), Organ – 5

ALSO PRESENT: A. Kesner, City Attorney; B. Weber, Chief of Police;

Ald. Birschel as chair called the meeting to order at 7:20 PM

Re-referred by council, Operator License application by Brent J. Dziondziak, 2167 N. 69th Street, Wauwatosa, for the period ending June 30, 2010

Applicant was present. Ald. Organ requested that this application be referred back to the committee for further consideration after receiving additional information from the Police Department. Chief Weber explained the dates and offenses on the report. Mr. Dziondziak stated that he is signed up for classes on October 9, 2009 to have his driver's license reinstated. He also explained that he has worked at his current job for over two years and wants to be able to work alone and be able to close. Mr. Kesner had nothing to add. Ald. Organ felt that the details and recentness of the police information was cause to deny recommendation. Ald. Birschel explained that the applicant could reapply in six months.

Moved by Ald. Organ, seconded by Ald. Hanson to recommend denial
of the Operator license –5

Re-referred by council, Operator License application by Christopher D. Nelson, 1600 N. 116th Street #1, Wauwatosa, for the period ending June 30, 2010

Applicant was present. Ald. Birschel requested that it come back to committee. Mr. Nelson is taking the classes for assessment. He is making payments to pay off all his fines. Ald. Birschel acquired the records of his outstanding fines. Ald. Birschel felt that the applicant has been truthful. Ald. Herzog asked when Mr. Nelson made the last payment and what was his payment schedule. Mr. Nelson explained that he was making them sporadically as he had the money which was acceptable to Outagamie County Courts. Ald. Herzog said that the applicant hadn't made enough payments to be considered on a regular payment plan. Mr. Nelson said that he is taking all the necessary steps to make restitution. Chief Weber stated that Mr. Nelson had recently had his driver's license reinstated. Ald. Herzog told Mr. Nelson that he didn't feel he has not been honest with the committee. Ald. Organ asked about the dates of the incidents on his police report. Ald. Organ followed her questions with the statement that even though the applicant hasn't had any recent offenses, the committee is required to only consider recommending the issuance of Operator licenses to responsible people.

Moved by Ald. Organ, seconded by Ald. Hanson to recommend denial
of the Operator license Ayes 4; Noes 1 (Birschel)

Ald. Birschel stated that he had talked to Mr. Nelson's employer and was given a high recommendation regarding Mr. Nelson's employment and work ethic. Ald. Birschel feels that this applicant deserves a second chance.

Held from previous meeting, Operator License application by Rachel L. Huberty, N8414 Pleasant Lake Road, East Troy, for the period ending June 30, 2010

Applicant was present. Ms. Huberty disclosed everything on her applications and it coincided with the police report. Chief Weber told her that she would have been arrested at the last committee meeting because she had a warrant from Waukesha, but since then has paid that fine in full. Chief Weber was able to verify that Ms. Huberty has had no other tickets or warrants. Ms. Huberty explained in detail to the committee the circumstances behind her offenses and the steps she has taken to avoid those things and making restitution. Ald. Herzog made comment to the committee that Ms. Huberty did disclose everything, but that the violations in question were very close together, but he also felt that they were two years ago and she hasn't had any violations recently. Chief Weber told Ms. Huberty that if she doesn't pay off the outstanding parking tickets there will be a warrant for those as well.

Moved by Ald. Herzog, seconded by Ald. Organ to recommend approval of the Operator license -6

Ald. Organ asked Mr. Kesner if the committee could request that the applicant provide proof of payment for all the fines prior to forwarding recommendation to council. Mr. Kesner replied that the application can be held for two weeks until the next committee meeting in which the applicant can provide satisfaction of all fines.

Moved by Ald. Dennik, seconded by Ald. Herzog to hold this application for two weeks with proof of payment to clerk's office before the next committee meeting. -6

Operator License application by Adam J. McCullough, 646 S. Hawley Road #101, Milwaukee, for the period ending June 30, 2010

Applicant was present. Mr. McCullough attempted to explain the findings on the police report. Chief Weber said that the report says the applicant voluntarily surrendered his driver's license. Mr. McCullough disputed the dates of the out of state police report. Mr. McCullough also stated that the court date has been rescheduled and he has been waiting for five months, making the status pending. Mr. Kesner explained to the committee that some states will defer first offenses. Ald. Herzog asked Mr. McCullough about the circumstances behind the violation. The applicant was unable to satisfy the committee with his response. Ald. Nikcevich agreed with Ald. Herzog that the incident is too recent.

Moved by Ald. Nikcevich, seconded by Ald. Organ to recommend denial of the Operator license - 6

Mr. McCullough asked the committee what would be considered an adequate amount of time to re-apply. Ald. Birschel told him that the ordinance states that he can reapply in six months.

Request by Andrew Zietlow for a fireworks permit for homecoming events on October 9, 2009, at Wauwatosa West High School, 11400 W. Center Street

Applicant was present. Mr. Zietlow told the committee that he has made all of the necessary arrangements with the Police Department, the Fire Department and the Certificate of Insurance has been filed with the City. Chief Weber had no concerns.

Moved by Ald. Hanson, seconded by Ald. Nikcevich to recommend approval of the fireworks permit -6

Review of proposed Operator License application form

The committee reviewed the proposed application. Mr. Kesner made some suggestions regarding the wording. The committee made several recommendations and suggestions to be applied. The City Clerk's office will submit a revised application for review at the next committee meeting.

License Applications forwarded for review

The committee reviewed the applications and requested that the following applicants appear at the next scheduled meeting.

Operator License application by Julie E. Dziekon, 911 S. 88th Street, West Allis

Operator License application by Shalin M. Miller, 10942 W. Wildwood Lane #D412, West Allis

The meeting adjourned at 8:20 PM

jp

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin