



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes

License & Health Committee

Aldersperson Michael J. Czaplewski, Chair

Aldersperson Daniel J. Roadt, Vice-Chair

Alderspersons: Gary T. Barczak, Kevin Haass, Martin J. Weigel

Tuesday, April 28, 2015

4:00 PM

City Hall Room 128

REGULAR MEETING (draft)

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 4:00 p.m.

B. ROLL CALL

Present 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

Others present: Mary Jo Burback, Kevin Schmidt, West Allis Police Department, Laura Temke, West Allis Heath Department, Joseph Mathy, West Allis Police Department, Michael Kucan, neighborhood resident, Sharif Said, West Allis Police Department, Scott Post, City Attorney, Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. HEARINGS

1. No Hearing was held regarding 3M Management, LLC, Melissa M. Martin. Agent, for the premises located at 1900 S. 60 St., d/b/a M&M's Sports Bar (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063, Instrumental Music License no. 2064 and Local Food Permit).

Ms. Martin had surrendered all of her licenses to the Clerk's Office on April 28, 2015.

2. Hearing on the Complaint regarding Morgan Murphy Enterprises, LLC, Mary Jo Burback, Registered Agent, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License).

The following were sworn in by Chair Czaplewski as they were called upon to testify: Patrol Officer Kevin Schmidt, West Allis Environmental Health Inspector Laura Temke, Patrol Officer Joseph Mathy, neighborhood resident Michael Kucan, Patrol Officer Sharif Said, and Mary Jo Burback. They were questioned by Assistant City Attorney Jenna Merten, Mary Jo Burback, Committee members and City Attorney Scott Post.

Exhibits A and B were submitted into evidence by Attorney Merten after being reviewed by the Committee and Ms. Burback.

Ms. Burback presented her case and spoke on her own behalf.

Closing statements were made by Attorney Merten and Ms. Burback.

D. CLOSED SESSION

At 5:27 p.m., Chair Czaplewski stated it was the intention of the Committee to convene in closed session at said time and place to deliberate and confer with the City Attorney on the Summons and Complaints regarding:

1. 3M Management, LLC, Melissa M. Martin. Agent, (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063, Instrumental Music License no. 2064 and Local Food Permit, d/b/a M&M's Sports Bar for the premises located at 1900 S. 60 St.) and

2. Morgan Murphy Enterprises, LLC, Mary Jo Burbach, Registered Agent, (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License, d/b/a Tap 58 for the premises located at 5732 W. Mitchell St.).

A closed session for the above purpose is authorized pursuant to the provisions of Wis. Stats. Section 19.85(1)(a) and (g), which authorizes a governmental body, upon motion duly made and carried, to meet in closed session to deliberate concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

A motion was made by Ald. Barczak, seconded by Ald. Weigel to convene in closed session at 5:30 p.m. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

No: 0

Others present: Scott Post, City Attorney and Ann Marie Neff, Secretary to the Committee.

Upon conclusion of the closed session at 6:02 p.m., the License & Health Committee convened in open session at said time and place to consider its public agenda, including motions to recommend approval or rejection of above listed deliberations.

Present 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

E. NEW AND PREVIOUS MATTERS

3. [2015-0132](#) Summons and Complaint in the matter of the complaint against 3M Management, LLC, Melissa M. Martin, Agent, for the premises located at 1900 S. 60 St., d/b/a M&M's Sports Bar (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063, Instrumental Music License no. 2064 and Local Food Permit).

Attachments: [M&M's Summons 3-3-15](#)
[M&M's Complaint 3-3-15](#)
[M&M's Affidavit of Service 2-24-15](#)

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter was Recommended for Revocation based on admission to the material allegations in the complaint, nonappearance and surrender of licenses. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

No: 0

2. [2015-0176](#) Findings and Recommendations in the Matter of the complaint against 3M Management, LLC, 1900 S. 60 Street (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063 and Instrumental Music License no. 2064).

Attachments: [Findings of Fact - 3M Mgmt LLC](#)
[3M amended F&R 04-30-15](#)

This matter was Recommended to be Placed on File on a Block Vote.

4. [2015-0203](#) Response of 3M Management LLC, d/b/a M&M's Sports Bar, to the Findings and Recommendation of the License & Health Committee and Motion to Modify the Recommendation.

Attachments: [Response of 3M Management LLC](#)

This matter was Recommended to be Placed on File on a Block Vote.

5. [2015-0096](#) Department of Revenue Field Report from January 23, 2015 regarding 3M Management, LLC, (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063 and Instrumental Music License no. 2064, Melissa M. Martin, Agent, d/b/a M&M's Sports Bar, 1900 S. 60 St.).

Attachments: [DOR Field Report 3M Mngmnt 1-23-15](#)
[DOR 3M Mngmnt photograph 1-23-15](#)
[DOR 3M Mngmnt photographs 1-23-15](#)
[DOR Property Receipts 3M Mngmnt 1-23-15](#)

This matter was Recommended to be Placed on File on a Block Vote.

6. [2015-0106](#) Police Department Report involving M & M's Sports Bar, 1900 S. 60 St. (2014-2015 Class B Tavern License no. 1931, Dance Hall License no. 2063, and Instrumental Music License no. 2064) of 3M Management, LLC, Melissa M. Martin, Agent, Incident Date: January 23, 2015).

This matter was Recommended to be Placed on File on a Block Vote.

7. [2015-0071](#) Request from Melissa Martin, to amend the Plan of Operation for M&M's Sports Bar, to allow a Tavern Entertainment License and a DJ and karaoke for the current Instrumental Music License.

This matter was Recommended to be Placed on File on a Block Vote.

Passed The Block Vote

A motion was made by Ald. Roadt, seconded by Ald. Weigel, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

No: 0

8. [2015-0075](#) Summons and Complaint in the matter of the complaint against Morgan Murphy Enterprises, LLC, Mary Jo Burback, Registered Agent, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License).

Attachments: [Summons Morgan Murphy Enterprises 03-24-15](#)
[Complaint Morgan Murphy Enterprises, LLC 03-24-15](#)
[Affivadit of Service Morgan Murphy Enterprises, LLC](#)

A motion was made by Ald. Haass, seconded by Ald. Barczak, that this matter was Recommended to Prepare a Stipulation for a fifteen (15) day closure beginning May 8, 2015 at 6:00 a.m., reopen on May 23, 2015 at 6:00 a.m., a midnight closing time through December 31, 2015, before reopening to have a dumpster in place and a signed waste disposal contract to be drafted by the City Attorney consistent with this motion. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel

No: 0

9. [2015-0034](#) Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: December 18, 2014).

This matter was Held.

10. [2015-0103](#) Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: January 10, 2015).

This matter was Held.

11. [2015-0104](#) Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: January 18, 2015).

This matter was Held.

12. [2015-0185](#) Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083) of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: February 12, 2015.

This matter was Held.

13. [2015-0081](#) Communication from Health Commissioner providing an update on Morgan Murphy Enterprises, LLC, Mary Jo Burbach, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License) dated January 29, 2015.

Attachments: [MEMORANDUM-Tap58, January 29, 2015](#)

This matter was Held.

F. ADJOURNMENT

A motion was made by Ald. Haass, seconded by Ald. Weigel, to adjourn at 6:05 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*