



# City of West Allis

## Meeting Minutes

### License & Health Committee

*Aldersperson Michael J. Czaplewski, Chair*

*Aldersperson Daniel J. Roadt, Vice-Chair*

*Alderspersons: Kevin Haass, Michael P. May, Martin J. Weigel*

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Tuesday, November 28, 2017

6:00 PM

City Hall Room 128

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#### REGULAR MEETING (draft minutes)

#### A. CALL TO ORDER

*The meeting was called to order by Chair Czaplewski at 6:00 p.m.*

#### B. ROLL CALL

**Present** 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

**Excused** 1 - Ald. May

*Others present: Justin A. Fernandez, Jason J. Powelski, Kevin M. Nugent, Justin Paul Troy Mayer, Christopher D. Fifarek, Michael A. Wolski, II, Marcia Thekan, Joseph Kempen, Sally Nusslock, Health Commissioner, Nicholas Cerwin, Assistant City Attorney, John Stibal, Director of Development, and Ann Marie Neff, Secretary to the Committee.*

#### C. APPROVAL OF MINUTES

1. [2017-0760](#) Minutes (draft) of the License & Health regular meeting of October 24, 2017, and recess meeting of November 7, 2017.

**Attachments:** [102417 LH Minutes \(draft\)](#)  
[110717 LH recess Minutes \(draft\)](#)

**A motion was made by Ald. Roadt, seconded by Ald. Haass, that this matter be Approved. The motion carried unanimously.**

*The order of the agenda was changed at the call of the Chair.*

**E. Public Hearing Item**

- 15. [2017-0705](#) Request from Joseph Kempen, President, Motor Castings Company located at 1323 S. 65 St. for a five year extension of the Noise Variance.

*Attachments:* [Motor Castings Co. request](#)

*Appearance by Joseph Kempen. Discussion ensued regarding the request being a five year variance rather than a three year, the equipment noise, the cost to upgrade, and that there have been no objections to this request. Attorney Cerwin stated he would write up the findings for a five year extension on the noise variance based on there being no complaints or objections.*

**A motion was made by Ald. Haass, seconded by Ald. Weigel, that this matter was Recommended For Approval. The motion carried by the following vote:**

**Aye:** 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

**No:** 0

**D. NEW AND PREVIOUS MATTERS**

- 2. [2017-0767](#) Police Department Report involving Mama Mia Italian Cuisine, 8531 W. Greenfield Ave., of MAPA, Inc., Justin A. Fernandez, Agent, Incident Date: October 27, 2017.

*Appearance by Justin A. Fernandez. Discussion ensued regarding the police report. Mr. Fernandez stated he is aware that a licensed bartender needs to be on premise at all times, and that he has several more employees applying for their license.*

**A motion was made by Ald. Haass, seconded by Ald. Roadt, that this matter was Recommended to be Placed on File. The motion carried by the following vote:**

**Aye:** 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

**No:** 0

- 3. [2017-0769](#) Police Department Report involving Just J's, 9033 W. National Ave., of Jayders, LLC, Jason J. Powelski, Agent, Incident Date: October 28, 2017.

*Appearance by Jason J. Powelski. Discussion ensued regarding the police report. Mr. Powelski said the bartender had let their license expire and has since applied for a new license.*

**A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter was Recommended to be Placed on File. The motion carried by the following vote:**

**Aye:** 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

**No:** 0

4. [2017-0764](#) Police Department Report involving One More, 7534 W. Beloit Rd., of The 5 Spot, LLC, Christina I. Lopez, Agent, Incident Date: October 3, 2017.
- Nonappearance of Christina I. Lopez. Ms. Lopez contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.*
- This matter was Held.**
5. [2017-0774](#) 2017-2018 Secondhand Article Dealer License application no. 2485 of Uncle Ned's Consignment Liquidation & Estate Sales, LLC, Steven P. Swetlik, Agent, d/b/a Uncle Ned's Consignment Liquidation & Estate Sales, for premises located at 1412 S. 73 St.
- Nonappearance of Steven P. Swetlik. Mr. Swetlik met all the necessary requirements and the license was issued.*
- A motion was made by Ald. Weigel, seconded by Ald. Haass, that this matter was Recommended for the appearance letter to be Placed on File based on requirements being met. The motion carried by the following vote:**
- Aye:** 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel
- No:** 0
6. [2017-0724](#) 2017 Gun Range License appl. no. 29 of The Shooters Shop, Inc., 2465 S. 84 St., Kevin M. Nugent, Agent.
- Appearance by Kevin M. Nugent. Discussion ensued regarding Building Inspections and Neighborhood Services not approving the current year's license for the reasons stated in the Building Inspections and Neighborhood Services Director's letter, and because it is unclear whether the current license would cover the new shooting range building or if a second license would be needed. Mr. Nugent explained to the Committee the issues he has been having with the contractor which has delayed the finishing of the new shooting range. Attorney Cerwin said that there needs to be clarification on the application as to which range is being licensed.*
- This matter was Held.**
7. [2017-0753](#) Communication from The Building Inspections and Neighborhood Services Department regarding an update on inspections for the Gun Range License renewal application for the premise located at 2465 S. 84 Street.

Attachments: [Com. update on 2465 S. 84 St.](#)

*See legislative file no. 2017-0724.*

**This matter was Held.**

8. [2017-0723](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-359 of Sarah L. Groh.

*Nonappearance of Sarah Groh. Ms. Groh contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.*

**This matter was Held.**

*A second roll call was taken to reflect Ald. May present at this time.*

**Present** 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

9. [2017-0732](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-364 of Justin Paul Troy Meyer.

*Appearance by Justin Paul Troy Meyer. Discussion ensued regarding Mr. Meyer's police report and his lack of disclosure of prior incidents.*

**A motion was made by Ald. Weigel, seconded by Ald. May, that this matter was Recommended for Denial based upon the incomplete application and the subject's record of habitual criminality which substantially relates to the licensed activity, all within the past few years. The motion carried by the following vote:**

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

**No:** 0

10. [2017-0733](#) 2017-2018 Operator's License (bartender/sales clerk) application no. 18-302 of Nathan M. Zetting.

*Nonappearance of Nathan M. Zetting. Mr. Zetting did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*

**This matter was Held.**

11. [2017-0743](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-374 of Christopher D. Fifarek.

*Appearance by Christopher D. Fifarek. Discussion ensued regarding Mr. Fifarek's police report. Mr. Fifarek was reminded to make good choices for his customers by not overserving and to call 911. Mr. Fifarek told the Committee he looks out for the safety of his customers and that in a prior establishment he worked for he would call a cab for customers he did not feel should drive.*

**A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter was Recommended For Approval. The motion carried by the following vote:**

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

**No:** 0

- 12. [2017-0745](#) 2017-2018 Operator’s License (bartender/sales clerk) application no. 18-314 of Michael A. Wolski, II.

*Appearance by Michael A. Wolski, II. Discussion ensued regarding Mr. Wolski's police report and the length of time since his violation. Mr. Wolski was told to call 911 and that when the officers arrive to be helpful and informative.*

**A motion was made by Ald. Roadt, seconded by Ald. May, that this matter was Recommended For Approval. The motion carried by the following vote:**

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

**No:** 0

- 13. [2017-0748](#) 2017-2018 Operator’s License (bartender/sales clerk) application no. 18-313 of Orlin J. Root-Thalman, III.

*Nonappearance of Orlin J. Root-Thalman, III. Mr. Root-Thalman contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*

**This matter was Held.**

- 14. [2017-0665](#) 2017-2018 Class B Tavern License application no. 2510, Instrumental Music License application no. 2511 and Dance Hall License application no. 2512, of Open Tab LLC, Marcia Thekan, Agent, d/b/a Hawley House Restaurant for premises located at 1101 S. 60th Street (new-existing premises).

**Attachments:** [AFFIDAVIT OF PUBLICATION One Tab LLC for 2017-0665](#)

*Appearance by Marcia Thekan. Discussion ensued regarding Ms. Thekan's police report and that at the time the Committee approved her application subject to necessary requirements they did not have the police report. Ms. Thekan told the Committee she still plans on opening and operating as a wedding center for special events and will be using the patio. Ms. Thekan was reminded she had sixty (60) days from the original approval date to open.*

**A motion was made by Ald. Weigel, seconded by Ald. Haass, that this matter was Recommended for the record check to be Placed on File with remaining license requirements to be satisfied. The motion carried by the following vote:**

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

**No:** 0

**F. MATTERS FOR DISCUSSION/ACTION**

16. [2017-0759](#) Discussion relative to Class B Tavern license applicants without the intent to open and the Conditional Class B Liquor License Policy section 307.

*Discussion ensued regarding suggestions for updating the West Allis City Policy and the Municipal Code relative to liquor licenses being approved subject to necessary requirements and the applicant not opening the business. This update may deter licenses from being held by applicants not opening the business in a reasonable amount of time. John Stibal stated that developers need reassurance that a license will be granted to them once the project is completed without having a Public Hearing to go over quota. It was suggested that criteria should be created to allow for extenuating circumstances or good cause. Attorney Cerwin was directed to draft an Ordinance and/or update the Policy to address the Committee's concerns. Attorney Cerwin stated the criteria will have to be within the Wisconsin State Statutes Chapter 125.*

**This matter was Discussed and Consensus Given.**

**G. ADJOURNMENT**

**A motion was made by Ald. Weigel, seconded by Ald. Haass, to adjourn at 7:22 p.m. The motion carried unanimously.**

*Respectfully submitted,*

*Ann Marie Neff  
Secretary to the Committee*