



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, February 23, 2016

6:00 PM

City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

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

B. ROLL CALL

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

Others present: Dale J. Kristbaum, Scott A. Giesege, Jeffrey J. Krueger, Antonio Escobedo, Sukhdeep K. Randhawa, Wendy L. Castro, Richard R. Comp, II, Kimberly S. Beach, Melissa K. Rumsey, Tammela Jo Maddox, Jeffrey K. Lau, Edward A. Brown, Jr., Vigneshwar R. Bhadharla, Steven N. Pohlabel, II & Attorney John Fuchs, Sally Nusslock, Health Commissioner, Sue Marten, Jim Cottrill, Catherine Styza, & Attorney Mark Hazelberger, Lt. Jessica Johnson, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

1. [2016-0122](#) Minutes (draft) of the License & Health meeting of January 26, 2016, and recess meeting of February 2, 2016.

Attachments: [012616 LH Minutes \(draft\)](#)
[020216 LH recess Minutes \(draft\)](#)

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

D. PRESENTATION

Appearance by Sally Nusslock, Health Commissioner, Sue Marten, BSW, LSW, Coalition Coordinator, Tobacco-Free Suburban Milwaukee & Ozaukee Counties, WI Tobacco Prevention and Control Program, Jim Cottrill and Ald. Reinke.

Ms. Marten gave a presentation on the dangers of electronic smoking devices and provided examples of such devices and the liquid that goes in them.

Jim Cottrill, owner of Vape 108, 1475 S. 108 St., spoke about his positive personal health experience with electronic smoking devices, how his business provides instructions on the use, and counseling to the customers in his shop. Mr. Cottrill is against the Ordinances regarding limiting the sales and locations of electronic smoking devices.

2. [O-2016-0002](#) Ordinance to Create Subsections 7.032(1)(f)-(j), (3)(b)-(c), (4)(f), (5)(b) and (11) of the West Allis Revised Municipal Code Relating to Smoking Prohibition in Certain Areas.

Sponsors: Ald. Reinke

Attachments: [Assoc Mortality Long-Term Exposures Fine & Ultrafine Particles. Species & Sources](#)
[California EPA Chemicals Known Cause Cancer-Reproductive Toxicity E-Cigarettes & Smoke-free Laws](#)
[E-Cigarettes Threaten Public Health Advances-Article](#)
[E-Cigarettes-An Overview](#)
[E-Cigs Damage DNA in Lab Study-Article](#)
[Flavoring Chemicals in E-Cigarettes](#)
[Harmful Chemicals Electronic Cigarettes](#)
[State Health Officer's Report on E-Cigarettes](#)
[WMA Statement E-Cigarettes & Other Electronic Nicotine Delivery Systems](#)
[Use E-Cigarettes Impairs Indoor Air Quality \(A\)](#)
[Nicotine in E-Cigarettes. Tobacco Linked to Heart Disease \(A\)](#)
[E-Cigarettes in the Indoor Environment \(A\)](#)
[E-Cigarette Factsheet_ A Growing Concern](#)
[Vaporizers E-Cig & ENDS](#)
[Retailer Overview of FDA](#)
[ATTO-Create SubSec 7.032\(1\)\(f\)-\(j\) \(3\)\(b\)-\(c\) \(11\) SmokeProhibAreas Update 6-7-16 Mark Up](#)
[ATTO-Create SubSec 7.032\(1\)\(f\)-\(j\) \(3\)\(b\)-\(c\) \(11\) SmokeProhibAreas Update July 5-Marked](#)

Discussion ensued regarding municipalities limiting the locations that electronic smoking devices could be used and why the state is not passing a ban on them in public spaces. The Committee suggested that certain vape shops with on premises smoking areas, and establishments providing a service, such as Mr. Cottrill's, could be grandfathered in if the ordinance passes.

Ald. Reinke spoke on the vulnerability of young people, the Public Health aspect, dangerous chemicals contained in the vape solution, and shops opening within close proximity of the high schools.

This matter was Held.

3. [O-2016-0011](#) Ordinance to Create Section 9.36 of the West Allis Revised Municipal Code Relating to Electronic Smoking Device Sales.

Sponsors: Ald. Reinke

Attachments: [New CDC Study Calls to Poison Centers](#)
[E-Cigarette Use Among Middle & High School Students](#)
[Smokers use E-Cigarettes to get high](#)
[Undercover-Dangerous synthetic drugs sold to teens](#)
[Police Warn New Way to Use Drugs Plain Sight](#)
[Vaping Latest Scourge in Drug Abuse](#)
[E-Cigarettes in the Indoor Environment \(A\)](#)
[Harmful Chemicals Electronic Cigarettes \(A\)](#)
[WMA Statement E-Cigarettes & Other Electronic Nicotine Delivery Systems \(A\)](#)
[E-Cigarettes-An Overview \(A\)](#)
[Flavoring Chemicals in E-Cigarettes \(A\)](#)
[State Health Officer's Report on E-Cigarettes \(A\)](#)
[E-Cigarettes Threaten Public Health Advances-Article \(A\)](#)
[E-Cigs Damage DNA in Lab Study-Article \(A\)](#)
[Summary Results-Lab Analysis E-Cigarettes Conducted by FDA \(A\)](#)
[E-Cigarettes & Smoke-free Laws \(A\)](#)
[Use E-Cigarettes Impairs Indoor Air Quality \(A\)](#)
[Assoc Mortality Long-Term Exposures Fine & Ultrafine Particles, Species & Sources \(A\)](#)
[E-Cigarette Factsheet A Growing Concern](#)
[ATTO-Create Sec 9 36 E Smoke Sales Update 6-7-16 Mark Up](#)
[Vaporizers E-Cig & ENDS](#)
[Retailer Overview of FDA](#)
[ATTO-Create Sec 9 36 E Smoke Sales Update July 5](#)

See legislative file no. 2016-0002.

This matter was Held.

E. NEW AND PREVIOUS MATTERS

4. [O-2016-0008](#) An Ordinance to Repeal and Recreate Section 9.21 of the West Allis Revised Municipal Code Relating to Manufactured and Mobile Home Community Licenses.

Sponsors: License & Health Committee

Appearance by Catherine Styza, & Attorney Mark Hazelberger. Discussion ensued regarding clarification of the updates to the Ordinance and suggested amendments.

This matter was Held.

5. [2016-0105](#) Police Department Report involving Papa's Pub, 1101 S. 60 St., of Papa's Pub, LLC, Dale J. Kristbaum, Agent, Incident Date: December 15, 2015.
- Appearance by Dale J. Kristbaum. Discussion ensued regarding the police report.*
- A motion was made by Ald. Barczak, seconded by Ald. Haass, that this matter was Placed on File. The motion carried by the following vote:**
- Aye:** 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel
- No:** 0
6. [2016-0106](#) Police Department Report involving Capt'n Nicks, 1503 S. 81 St., of Cygent Enterprises, Ltd., Scott A. Giesegeh, Agent, Incident Date: January 26, 2016.
- Appearance by Scott A. Giesegeh. Discussion ensued regarding the police report.*
- A motion was made by Ald. Barczak, seconded by Ald. Haass, that this matter was Recommended to be Placed on File. The motion carried by the following vote:**
- Aye:** 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Haass, and Ald. Weigel
- No:** 0
7. [2016-0108](#) Police Department Report regarding December 30, 2015 Alcohol Compliance Check involving twelve (12) West Allis businesses, resulting with four (4) selling alcohol to an underage person without requesting identification (Jeffrey J. Krueger, Agent, of R&D Krueger Enterprise, Inc., d/b/a Dickens Grille & Spirits, premises located at 9646 W. Greenfield Avenue).
- Appearance by Jeffrey J. Krueger.*
- Discussion ensued regarding the Compliance Check Program and the consequences.*
- This matter was Recommended to be Placed on File on a Block Vote.**
8. [2016-0110](#) Police Department Report regarding December 30, 2015 Alcohol Compliance Check involving twelve (12) West Allis businesses, resulting with four (4) selling alcohol to an underage person without requesting identification (Antonio Escobedo, Agent, of Senor Sol, LLC, d/b/a Senor Sol Mexican Restaurant, premises located at 8129 W. Greenfield Avenue).
- Appearance by Antonio Escobedo.*
- See legislative file no. 2016-0108.*
- This matter was Recommended to be Placed on File on a Block Vote.**
9. [2016-0047](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Sukhdeep K. Randhawa, Agent, of Dilmil, Inc., d/b/a West Allis Liquor & Tobacco, premises located at 7218 W. Greenfield Avenue).
- Appearance by Sukhdeep K. Randhawa.*
- See legislative file no. 2016-0108.*
- This matter was Recommended to be Placed on File on a Block Vote.**

Passed The Block Vote

A motion was made by Ald. Weigel, seconded by Ald. Barczak, 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

10. [2016-0100](#) 2015-2017 Operator’s License (bartender/sales clerk) application no. 17-412 of Wendy L. Castro.

Appearance by Wendy L. Castro. Discussion ensued regarding Ms. Castro’s police report.

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

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

No: 0

11. [2016-0102](#) 2015-2017 Operator’s License (bartender/sales clerk) application no. 17-413 of Richard R. Comp, II.

Appearance by Richard R. Comp, II. Discussion ensued regarding Mr. Comp’s police report. Mr. Comp was reminded to make good choices for his customers, not over serve, and that multiple OWI’s on his police record could result in revocation of his bartender’s license.

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

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

No: 0

12. [2016-0104](#) 2015-2017 Operator’s License (bartender/sales clerk) application no. 17-416 of Kimberly S. Beach.

Appearance by Kimberly S. Beach. Discussion ensued regarding Ms. Beach’s police report.

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

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

No: 0

13. [2016-0107](#) 2015-2016 Operator's License (bartender/sales clerk) application no. 16-380 of Melissa K. Rumsey.

Appearance by Melissa K. Rumsey. Discussion ensued regarding Ms. Rumsey's police report.

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

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

No: 0

14. [2016-0055](#) 2015-2017 Operator's License (bartender/sales clerk) application no. 17-405 of Tammela Jo Maddox.

Appearance by Tammela Jo Maddox. Discussion ensued regarding Ms. Maddox's police report. Ms. Maddox was reminded to always be cooperative with the Police Officers.

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

No: 0

15. [2016-0011](#) Communication from Assistant City Attorney regarding failure to follow the terms of the payment agreement for delinquent 2014 personal property taxes signed on February 24, 2015, for 5632 W. Burnham St., 57 Bar, Jeffrey K. Lau, Agent, dated December 14, 2015.

Attachments: [Atty. comm. re:delq ppt](#)

Second nonappearance of Jeffrey K. Lau. Mr. Lau did not contact the Clerk's Office. Attorney Merten informed the Committee that Mr. Lau has an unpaid judgment and delinquent personal property taxes.

A motion was made by Ald. Roadt, seconded by Ald. Haass, that this matter was Referred for Summons and Complaint to the City Attorney. The motion carried by the following vote:

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

No: 0

16. [2015-0622](#) Communication from Assistant City Attorney regarding failure to follow the terms of the payment agreement for delinquent 2014 personal property taxes signed on February 24, 2015, for 5632 W. Burnham St., 57 Bar, Jeffrey K. Lau, Agent, dated August 14, 2015.

Attachments: [Atty. comm. 57 Bar nonpayment of PPTs](#)

See legislative file no. 2016-0011.

This matter was Held.

- 17. [2016-0119](#) Summons and Complaint in the matter of the complaint against Wisconsin Beverage and Entertainment Partners, LLC, Ana Brown, registered agent, Edward A. Brown, Jr., Agent, for the premises located at 7211 W. Greenfield Ave., d/b/a 7-West Bistro & Ultra Lounge (2015-2016 Class B Tavern License no. 2139, Dance Hall License no. 2140, Tavern Entertainment (Other) License no. 2198 and Restaurant License).

Attachments: [7-West Bistro Summons 2-23-16](#)
[7-West Bistro Complaint 2-23-16](#)

Nonappearance by Edward Brown. Mr. Brown contacted the Clerk's Office. Attorney Merten stated the Summons & Complaint still needed to be served to Mr. Brown, that she would send it by certified mail, and that Mr. Brown could surrender the licenses.

This matter was Held.

- 18. [2016-0038](#) Police Department Report involving 7-West Bistro & Ultra Lounge, 7211 W. Greenfield Avenue, of Wisconsin Beverage & Entertainment Partners, LLC, Edward A. Brown, Jr., Agent, Incident: 2015.

See legislative file no. 2016-0119.

This matter was Held.

F. MATTERS FOR DISCUSSION/ACTION

- 19. [2015-0744](#) Discussion regarding 2015-2016 Class B Beer and Class C Wine Licenses not yet issued as of October 2015.

Attachments: [Appear for 11-17-15](#)

Second nonappearance of Vigneshwar R. Bhadharla. Mr. Bhadharla did not contact the Clerk's Office.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter was Referred for Summons and Complaint to the City Attorney. The motion carried by the following vote:

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

No: 0

20. [2016-0121](#) Discussion relative to Heart Breakers Adult Entertainment Club Security Plan.

Appearance by Steven N. Pohlabel & Attorney John Fuchs. Discussion ensued regarding the security plan submitted.

A motion was made by Ald. Weigel, seconded by Ald. Roadt, to Recommend to Place on File. No vote was taken.

Upon further discussion regarding technology available to lighten up the video because it is very dark, and a requirement to make video available to the Police Department within 48 hours of being requested, Attorney Merten inquired if the Committee wanted an Operating Plan Agreement to include the security plan.

A motion to amend was made by Ald. Roadt, to make the security plan part of the operating plan, seconded by Ald. Weigel. The motion carried unanimously.

Ald. Weigel withdrew his motion, Ald. Roadt withdrew his second to Recommend to Place on File.

This matter was Held.

21. [2016-0120](#) Discussion relative to bond amounts on underage alcohol violations.

Discussion ensued regarding the different bond amounts for cigarette and alcohol violations. The Committee asked Attorney Merten to research bond amounts in other communities.

This matter was Held.

G. CLOSED SESSION

A closed session was not held.

H. ADJOURNMENT

A motion was made by Ald. Weigel, seconded by Ald. Haass, to adjourn at 8:00 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*