



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, James W. Sengstock, Martin J. Weigel

Tuesday, March 26, 2013

6:00 PM

City Hall Common Council Chambers

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. Sengstock and Ald. Weigel
Excused: 0

Others present: Vicente Lozano, Brianna R. Pitterle, John J. Biwer, Noudeum Pophannoung, Lt. Jessica Johnson, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, to approve the minutes of the regular meeting of February 26, 2013, special recess meeting of March 5, 2013, recess meetings of March 5, 2013 and March 19, 2013. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

1. [2013-0155](#)

2012-2013 Tavern Operator License application no. 13-605 of Vicente Lozano.

Appearance by Vicente Lozano. Discussion ensued regarding Mr. Lozano's police report and his current transportation arrangement.

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

Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0

2. [2013-0129](#)

2012-2014 Tavern Operator License application no. 14-246 of Brianna R. Pitterle.

Appearance by Brianna R. Pitterle. Discussion ensued regarding Ms. Pitterle's police report. She was reminded to be helpful and cooperative with the police.

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

Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0

3. [2013-0062](#)

2012-2014 Tavern Operator License application no. 14-237 of Kelly A. Theoharis.

Second nonappearance of Kelly A. Theoharis. Ms. Theoharis did not contact the Clerk's Office. Recommended denial based on two (2) nonappearances.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended for Denial. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0

4. [2013-0016](#) 2012-2014 Tavern Operator License application no. 14-232 of Jessica M. Rojo.
Appearance by Jessica M. Rojo.
A motion was made by Ald. Weigel, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:
Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0
5. [2013-0130](#) 2012-2014 Tavern Operator License application no. 14-248 of Rachael C. Tovar.
Nonappearance of Rachael C. Tovar. Ms. Tovar contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.
Held
6. [2013-0148](#) Police Department Report involving Jilly Beans, 9524 W. Greenfield Ave. (2012-2013 Class B Tavern License no. 1701, Dance Hall License no. 1702, and Instrumental Music License no. 1700 of Sportz Medicine, LLC, John J. Biwer, Agent, Incident Date: February 20, 2013).
Appearance by John J. Biwer. Discussion ensued regarding the police report.
A motion was made by Ald. Weigel, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:
Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0
7. [2013-0147](#) Police Department Report involving Las Palmas, 1901 S. 60 St. (2012-2013 Class B Tavern License no. 1541, Dance Hall License no. 1543 and Instrumental Music License no. 1544 of ARH Enterprises, LLC, Hugo J. Juarez, Agent, Incident Date: February 4, 2013).
Nonappearance of Hugo J. Juarez. Mr. Juarez did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.
Held
8. [2013-0037](#) Communication from Assistant City Attorney regarding Municipal Judgments on Noudeum Pophannouvong, d/b/a Hong Thai Restaurant, premises located at 6425 W. Greenfield Ave.
Appearance by Noudeum Pophannouvong. Discussion ensued regarding the completion of the Building Inspections and the outstanding Municipal Judgments.
Held
9. [2013-0056](#) Communication from Assistant City Attorney regarding building code violations at 5501 W. Burnham St., Ubie's Double Vision, LLC, Robert A. Uebelacker, Agent, d/b/a Ubie's Double Vision, (2012-2013 Class B Tavern License no. 853, Instrumental Music License no. 854 and Dance Hall License no. 855).
Nonappearance of Robert A. Uebelacker. Mr. Uebelacker contacted the Clerk's Office.
Held

10. [O-2013-0014](#) Ordinance to Repeal and Recreate Subsection 9.02(4) of the City of West Allis Revised Municipal Code Relating to Description of Premises and Plan of Operation; to Create Subsection 9.02(4m) of the Revised Municipal Code Relating to the Truth of Statements Made in Alcohol Beverage License Applications; to Amend Subsection 9.02(10) of the Revised Municipal Code Relating to the Numbering, Expiration, and Posting of Licenses; to Repeal and Recreate Subsection 9.02(16) of the Revised Municipal Code Relating to Operator's Licenses; and to Repeal and Recreate Subsection 9.02(20) of the Revised Municipal Code Relating to the Suspension, Revocation, and Nonrenewal of Alcohol Beverage Licenses.

Sponsor(s): License & Health Committee

Discussion ensued regarding amending Ordinance O-2013-0014, to repeal and recreate Subsection 9.02(16) of the Revised Municipal Code relating to Operator's Licenses.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Passage As Amended. The motion carried by the following vote:

Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0

11. [R-2013-0063](#) Resolution Creating a Detailed Table of Contents for Section 9.02 of the City of West Allis Revised Municipal Code Relating to Alcoholic Beverages.

Sponsor(s): License & Health Committee

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

Votes: Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Barczak, Ald. Sengstock and Ald. Weigel
No: 0

E. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

12. [2013-0158](#) Discussion regarding requirements for Carnival Permits.

Discussion ensued regarding noise, live animals, inflatable attractions, the distance requirement to residential and the definition of carnival. Concerns with Church Festivals, Community Events, Business Improvement District Events and City sponsored events were discussed. The Committee requested Ms. Merten to repeal Carnival Permits from the Municipal Code.

Discussed and Consensus Given

14. [2013-0159](#) Discussion regarding revised Alcohol Beverage Operator License application.

Discussion ensued regarding changes to the application for the Alcohol Beverage Operator License.

Discussed and Consensus Given

13. [2013-0161](#) Discussion relative to a Waiting List for retail alcohol beverage licenses.

Discussion ensued relative to a waiting list for retail alcohol beverage licenses. The Committee agreed all applications would be considered and the best candidate would be approved for the license. No waiting list would be created.

Discussed and Consensus Given

15. [2013-0160](#) Discussion regarding question relative to arrest and/or conviction record on license applications.

Discussion ensued relative to removing the section on the Operator's License application relative to the police background check, adding extra language, or asking only for the past 3-5 years of violations. The Committee requested to see other communitie's applications.

Discussed

F. ADJOURNMENT

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, to adjourn at 7:00 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*