



City of West Allis

Meeting Minutes

License and Health Committee

Aldersperson Gary T. Barczak, Chair

Aldersperson James W. Sengstock, Vice-Chair

Alderspersons: Paul M. Murphy, Lester Trudell, Jr., Vincent Vitale

Tuesday, February 25, 2003

6:00 PM

West Allis City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

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

B. ROLL CALL

Present 5 - Barczak, Sengstock, Murphy, Trudell, and Vitale

Others Present:

Paul M. Ziehler, Acting City Clerk/Treasurer

Janilyn Knorr, Assistant City Attorney

Hermine Couturier, Secretary

C. APPROVAL OF MINUTES

to approve the minutes of the recess meetings of January 21, February 4, and February 18, 2003 and the regular meeting of January 28, 2003

A motion was made by Ald. Sengstock, seconded by Ald. Vitale, to approve the minutes of the recess meetings of January 21, February 4, and February 18, 2003 and the regular meeting of January 28, 2003. The motion carried.

D. NEW AND PREVIOUS MATTERS

Held Items

1. [2003-0065](#) Police Department Report involving Metropolis, 6330 W. Greenfield Ave. (2002-2003 Class B Tavern License no. 19, Dance Hall License no. 17 and Cigarette License no. 47 of B Corp., Ian J. Pesch, Agent, Incident Date: January 18, 2003).
See discussion under Legislative File No. 2003-0098.
2. [2003-0066](#) Police Department Report involving Metropolis, 6330 W. Greenfield Ave. (2002-2003 Class B Tavern License no. 19, Dance Hall License no. 17 and Cigarette License no. 47 of B Corp., Ian J. Pesch, Agent, Incident Date: January 17, 2003).
See discussion under Legislative File No. 2003-0098.

3. [2003-0098](#)

Police Department Report involving Metropolis, 6330 W. Greenfield Ave. (2002-2003 Class B Tavern License no. 19, Dance Hall License no. 17 and Cigarette License no. 47 of B Corp., Ian J. Pesch, Agent, Incident date: January 31, 2003).

Chair Barczak asked Mr. Pesch what are we going to do. He said there are seven previous incidents and now there are three additional incidents for the month of January 2003.

Mr. Pesch said that we could talk about it. Chair Barczak stated that there are problems of graffiti and disorderly conduct at his bar and there are many bars in West Allis that do not have any incidents. He said his clientele and crowds are getting out of control.

Mr. Pesch stated that some of the incidents did not originate in his bar and that he doesn't have control of the circumstances. He said that he has a larger crowd than most of the other taverns and there will be more incidents. Chair Barczak stated that Rumors had the same type of crowd. He said this type of activity needs to stop and maybe he should shut down for a month. Mr. Pesch said that there are alot of good kids at his bar.

Chair Barczak stated that maybe he should change his music to Country Western. Alderperson Sengstock asked if the Alderpersons from Mr. Pesch's district had many complaints. Alderperson Vitale stated that he has received many calls and they are ongoing regarding Metropolis.

Attorney Knorr explained the procedure to Mr. Pesch regarding the Summons & Complaint. She said that Mr. Pesch would be summoned to appear within a three to ten day notice. The Committee would hold hearings, police officers and witnesses would be summoned. The Committee could recommend that the bar close down for a period of time or revoke the license.

Chair Barczak stated that Mr. Pesch should contact Attorney Knorr and they could maybe work something out before picking hearing dates and times.

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

Aye: 4 - Barczak, Sengstock, Trudell, and Vitale

No: 0

Present: 1 - Murphy

7. [2003-0113](#)

2002-2003 Tavern Operator License appl. no. 845 of Jennifer L. Spangenberg.

Chair Barczak questioned Ms. Spangenberg's police report. Ms. Spangenberg stated that she made a mistake and learned her lesson. Alderperson Sengstock asked Ms. Spangenberg where she would be working. Ms. Spangenberg said that she would be working at Heartbreaker's.

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

Aye: 5 - Barczak, Sengstock, Murphy, Trudell, and Vitale

No: 0

4. [2003-0067](#) Police Department Report involving Boz's Sports Bar, 1325 S. 70 St. (2002-2003 Class B Tavern License no. 2, Dance Hall License no. 2 and Cigarette License no. 31 of Boz's, Inc., Shawn R. Lange, Agent, Incident Date: January 18, 2003.
- Chair Barczak mentioned that the Police could not find an I.D. Mr. Lange stated that the underage patron had an I.D. Mr. Lange stated that he was getting a camera surveillance system. Chair Barczak stated that this was Mr. Lange's second incident and reminded him to check I.D.'s. Mr. Lange stated that he pleaded not guilty.*
- A motion was made by Ald. Vitale, seconded by Ald. Sengstock, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Aye:** 4 - Barczak, Sengstock, Trudell, and Vitale
- No:** 0
- Present:** 1 - Murphy
5. [2003-0099](#) Police Department Report involving Dopp's Bar & Grill, 1022 S. 60 St. (2002-2003 Class B Tavern License no. 122, Dance Hall License no. 87, Instrumental Music License no. 41 and Cigarette License no. 134 of Doppelganger's, Inc., Tammy L. Dopp, Agent, Incident date: February 7, 2003).
- Chair Barczak turned the meeting over to Vice-Chair Sengstock at this time. Ms. Dopp noted that she is challenging the citation and is waiting for the Court Date.*
6. [2003-0112](#) 2002-2003 Tavern Operator License appl. no. 843 of David J. Harvill.
- Vice-Chair Sengstock turned the meeting back over to Chair Barczak at this time. Mr. Harvill did not appear as ordered or call the Clerk's Office to let them know he could not appear. The Committee asked that he be given another chance and asked that he appear at the recess meeting on March 4, 2003.*
8. [2002-0252](#) 2001-2002 Used Vehicle Dealer License appl. no. 45 of West Allis Service, Inc., 7920 W. National Ave.
- See discussion under Legislative File No. 2002-0251.*
9. [2002-0251](#) 2002-2003 Used Vehicle Dealer License appl. no. 37 of West Allis Service, Inc., 7920 W. National Ave.
- Mark Frankowski, President of West Allis Service, Inc., was in attendance with his Attorney Roger Pyzyk.*
- Attorney Pyzyk stated that Mr. Frankowski made application and would like to proceed to obtain a special use for a Used Vehicle Dealer's license, but that it might be premature for him to appear at this time.*
- Chair Barczak stated that Mr. Frankowski needs to have the site plan approval through the Plan Commission, Safety & Development Committee and then the Common Council. Attorney Pyzyk stated that Mr. Frankowski made revisions to his site plans as to display, square footage and green space. Alderperson Murphy stated that he has one year from the date of denial before he could apply for another special use. The Special Use was denied on July 1, 2002.*

Mr. Ziehler stated that Mr. Frankowski would need to deal with the Plan Commission, John Stibal and Steve Schaer. Alderperson Murphy questioned that aren't there enough Used Car lots. Attorney Pyzyk stated that Mr. Frankowski has dressed up the property and is trying to accommodate the City.

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

10. [2003-0125](#) Discussion of Wine Tasting Rules and Regulations.

Chair Barczak stated that the discussion of wine tasting came about because Alderperson Narlock received a phone call from Jewel.

Mr. Ziehler stated that he received a letter from Jewel-Osco asking if wine tasting is allowed in West Allis and what the requirements are. He said that the State law has changed and the Class A Liquor establishments could conduct wine tasting.

Attorney Knorr stated that wine tasting can only be conducted between the hours of 10:00 a.m. and 6:00 p.m. The restrictions are two 3 fl. oz. samples per person per day. She said right now there is nothing in our ordinances that prohibit or regulate wine tasting. If other communities allow it and we don't, then these establishments could come back to us with that complaint. Alderperson Murphy stated that he doesn't have a problem with it.

Mr. Ziehler stated that the person conducting the wine tasting would need to hold a package goods or bartender's license. They would need to check identification and keep track of only two 3 fl. oz servings per person per day. Then the issue of shift changes would become a problem to keep track of the number of samples given to each person. So he said that we do need regulations and guidelines.

Alderperson Trudell stated that he is against it. He didn't know how we would police it regarding underage persons and limiting the servings.

Mr. Ziehler questioned if we can prohibit it if State law allows it. Attorney Knorr stated that we could absolutely prohibit it. Mr. Ziehler stated that the Class A Liquor license restrictions would rule and would suggest to restrict the wine tasting to the liquor department, as we wouldn't want it to be set up in too many places.

Alderperson Sengstock suggested that this item should be held and have Attorney Knorr advise the Committee as to the rules and regulations. Attorney Knorr stated that with large corporations like Jewel-Osco, they tend to be responsible. Alderperson Vitale questioned the applicant, Estate Wines. Mr. Ziehler said that Jewel has a liquor license and Estate Wines does not.

Chair Barczak stated that the wine tasting should be limited to the liquor department only. He said that in Door County, wine tasting happens all the time.

Alderperson Murphy stated that if a Class A Liquor establishment has a liquor department it should be conducted in the liquor department, and if not, to set up only one table in the store. Chair Barczak further stated that Attorney Knorr should draft an ordinance limiting the area, with only one stand and any other restrictions.

11. [2003-0126](#) special

Attorney Knorr stated that this matter was brought back to the Committee, as currently Temporary Operators are required to take the Responsible Beverage Service Course and we haven't had any problems. The church's use the same people (temporary operators) year after year. She further stated that we wouldn't need an ordinance change if we keep the current practice. Also Bartenders and Package Goods Operators are required to take the training course.

The consensus of the Committee was decided not to change the requirements of the training course for Temporary Operators, as the current procedure is working very well.

F. ADJOURNMENT

The meeting adjourned at 6:34 p.m.

Respectfully submitted,

*Hermine Couturier
Secretary to the Committee*

/hc



All meetings of the {bdName} are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

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Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

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It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.