

City of West Allis Meeting Minutes

7525 W. Greenfield Ave. West Allis, WI 53214

License & Health Committee

Alderperson Michael J. Czaplewski, Chair Alderperson James W. Sengstock, Vice-Chair Alderpersons: Gary T. Barczak, Daniel J. Roadt, Martin J. Weigel

Tuesday, May 31, 2011

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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel Excused: 0

Others present: Gregory J. Steffek, and Attorney Howitz., Katelyn S. Haas, Kris K. McKillop, Thomas C. Jarmuz, Pamela E. Weaver, Christine M. Correll, Rita A. Privette, Samantha L. Sawdy, Scott K. Baldwin, Peter W. Grubor, Narinder K. Dhillon, Jane S. Keehn-Radke, Michele L. King, Jimmie J. Jancoski., Alan J. Arcuri, Susan M. Morgese, Desiree A. Dickey, Mark E. Lau, Amy Jo Lemense, Jann L. Martinez, Timothy A. Czarnecki, Pamela Ann Yanny and John E. Meddaugh, Joshua J. Johnson, Daniel R. Seiy, Christopher J. Bitz, Dale J. Zbieranek, Andrew M. Lomax, Dominic T. LaLicata, Cayetano Antonio-Rivera, Thomas J. Beckmann, Scott W. Moline, Lt. Ed Benish, West Allis Police Dept., Scott Post, City Attorney, 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. Barczak, to approve the minutes of the regular meeting of April 26, 2011 and recess meetings of May 3, 2011 and May 17, 2011. The motion carried unanimously.

D. HEARING

A hearing was not held.

E. CLOSED SESSION

A closed session was not held.

F. NEW AND PREVIOUS MATTERS

1. 2011-0296

Summons and Complaint in the matter of the complaint against Mugshotz, Inc., Gregory J. Steffek, Agent for the premises located at 1902 S. 68 St., d/b/a Mugshotz (2010-2011 Class B Tavern License no. 1380, Dance Hall License no. 1382 and Instrumental Music License no. 1383).

Appearance by Gregory J. Steffek and Attorney Howitz. Discussion ensued regarding a voluntary closure for 10 consecutive days.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak, to Recommended To issue a Findings and Recommendation. The motion carried by the following vote:

2. <u>2011-0125</u>

Police Department Report involving Mugshotz, 1902 S. 68 St. (2010-2011 Class B Tavern License no. 1380, Dance Hall License no. 1382 and Instrumental Music License no. 1383 of Mugshotz, Inc., Gregory J. Steffek, Agent, Incident Date: February 10, 2011).

Appearance by Gregory J. Steffek and Attorney Howitz.

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

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

All in attendance were informed of the City's Compliance Check Program, reminded to check identification, accept only State of Wisconsin identification, the responsibility of the establishment's employees to call 911 and the importance of being helpful when the police arrive.

21. <u>2011-0330</u>

2011-2013 Tavern Operator License renewal application no. 13-154 of Mark E. Lau.

Appearance by Mark E. Lau. Discussion ensued regarding Mr. Lau's police background report and question number 4 on the bartender application being incomplete.

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

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

Ald. Barczak excused himself from the discussion of Agenda Item no. 3.

Present: 4 - Ald. Czaplewski, Ald. Sengstock, Ald. Roadt and Ald. Weigel Excused: 1 - Ald. Barczak

3. 2011-0257

2011-2013 Tavern Operator License application no. 13-32 of Katelyn S. Haas.

Appearance by Katelyn S. Haas.

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

Votes: Aye: 4 - Ald. Sengstock, Ald. Weigel, Ald. Czaplewski and Ald. Roadt No: 0

Ald. Barczak was now present for the remaining portion of the Agenda

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel Excused: 0

4. <u>2011-0139</u>

2010-2011 Tavern Operator License application no. 11-612 of Emmanuel Duncan.

Second nonappearance of Emmanuel Duncan. Mr. Duncan did not contact the Clerk's Office. Recommended for denial based on two (2) nonappearances

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

5. 2011-0328 2010-2011 Tavern Operator License application no. 11-630 of Kris K. McKillop.

Appearance by Kris K. McKillop. Discussion ensued regarding Mr. McKillop's police background report and changes he has made in his life.

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

Votes: Aye: 4 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak and Ald. Roadt

No: 1 - Ald. Weigel

6. 2011-0256 2011-2013 Tavern Operator License application no. 13-31 of Thomas C. Jarmuz.

Appearance by Thomas C. Jarmuz. Discussion ensued regarding Mr. Jarmuz's police background report.

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

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

7. 2011-0321 2011-2012 Tayern Operator License application no. 12-289 of Pamela E. Weaver.

Appearance by Pamela E. Weaver. Discussion ensued regarding Ms. Weaver's police background report and the importance of applications being filled out completely.

A motion was made by Ald. Sengstock, seconded by Ald. Barczak to approve. The motion failed by the following vote:

Ayes: 2 - Alderpersons Barczak and Sengstock

Noes: 3 - Alderpersons Czaplewski, Roadt and Weigel

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

Votes: Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel

No: 2 - Ald. Sengstock and Ald. Barczak

8. 2011-0322 2011-2013 Tayern Operator License application no. 13-18 of Christine M. Correll.

Appearance by Christine M. Correll. The Committee commented on the accuracy of Ms. Correll's application.

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

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

9. 2011-0332 2011-2012 Tavern Operator License application no. 12-299 of Rita A. Privette.

Appearance by Rita A. Privette. Discussion ensued regarding the circumstances of the incident on Ms. Privette's police background report.

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

10.	<u>2011-0345</u>		2011-2012 Tavern Operator License application no. 12-304 of Samantha L. Sawdy.
			Appearance by Samantha L. Sawdy. The Committee commented on Ms. Sawdy being candid on her application.
			A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
11.	<u>2011-0346</u>		2011-2013 Tavern Operator License application no. 13-245 of Scott K. Baldwin.
			Appearance by Scott K. Baldwin.
			A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
12.	2011-0258		2011-2013 Tavern Operator License renewal application no. 13-29 of Peter W. Grubor.
			Appearance by Peter W. Grubor. Discussion ensued regarding Mr. Grubor's responsibilities at the establishment he is currently working at.
			A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
13.	2011-0259		2011-2013 Tavern Operator License renewal application no. 13-34 of Narinder K. Dhillon.
			Appearance by Narinder K. Dhillon. The Committee commented on Ms. Dhillon being candid on her application.
			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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
14.	2011-0260		2011-2013 Tavern Operator License renewal application no. 13-74 of Jane S. Keehn-Radke.
			Appearance by Jane S. Keehn-Radke. Discussion ensued regarding Ms. Radke's police background report
			A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
15.	2011-0268		2011-2013 Tavern Operator License renewal application no. 13-35 of Michele L. King.
			Appearance by Michele L. King. The Committee held this item pending clarification from Lt. Benish on an item on Ms. King's police background report.

Held

16.	<u>2011-0269</u>		2011-2013 Tavern Operator License renewal application no. 13-70 of Jimmie J. Jancoski.
			Appearance by Jimmie J. Jancoski.
			A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
17.	<u>2011-0323</u>		2011-2013 Tavern Operator License renewal application no. 13-156 of Trish M. Beatty.
			Nonappearance of Trish M. Beatty. Ms. Beatty contacted the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting. Held
18.	2011-0324		2011-2013 Tavern Operator License renewal application no. 13-157 of Alan J. Arcuri.
			Appearance by Alan J. Arcuri. Discussion ensued regarding Mr. Arcuri's police background report.
			A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
19.	<u>2011-0325</u>		2011-2013 Tavern Operator License renewal application no. 13-160 of Susan M. Morgese.
			Appearance by Susan M. Morgese. Discussion ensued regarding Ms. Morgese's police background report.
			A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Referred for Summons and Complaint to the City Attorney. The motion carried by the following vote:
		Votes:	Aye: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
20.	<u>2011-0326</u>		2011-2013 Tavern Operator License renewal application no. 13-206 of Desiree A. Dickey.
			Appearance by Desiree A. Dickey.
			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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0
22.	<u>2011-0334</u>		2011-2013 Tavern Operator License renewal application no. 13-250 of Amy Jo Lemense.
			Appearance by Amy Jo Lemense. Discussion ensued regarding Ms. Lemense's police background report.
			A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended For Approval. The motion carried by the following vote:
		Votes:	Aye: 4 - Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel

No: 1 - Ald. Czaplewski

23. 2011-0280

2011-2012 Class B Beer License application no. 1770 of La Cena LLC, Jann L. Martinez, Agent, d/b/a Get Them While They're Hot Tamales, at premises located at 8223 W. Becher St. (new-nonexisting location).

Appearance by Jann L. Martinez. The Committee stated there were two (2) Class B Beer Licenses available and informed Ms. Martinez that the license would be for dine in service only.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:

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

Chair Czaplewski excused himself from the discussion of Agenda Item no. 24.

Present: 4 - Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel Excused: 1 - Ald. Czaplewski

24. 2011-0274

2011-2012 Class B Tavern License renewal application no. 1440, Instrumental Music License renewal application no. 1441, Dance Hall License renewal application no. 1442 of Czar's LLC, Timothy A. Czarnecki, Agent, d/b/a Czar's, premises located at 6901 W. Beloit Road.

Appearance by Timothy A. Czarnecki. Discussion ensued regarding smoking ban violations, the responsibity of the establishment and the liabilty of the bartender.

Attorney Merten informed Mr. Czarnecki he has building code violations and suggested he contact the Building Inspection and Neighborhood Services Department

A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:

Votes: Aye: 4 - Ald. Sengstock, Ald. Weigel, Ald. Barczak and Ald. Roadt

Chair Czaplewski was now present for the remaining portion of the Agenda

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel Excused: 0

25. 2011-0333

2011-2012 Class B Tavern License renewal application no. 1223 of J.P.'s Hat Trix, LLC, Pamela Ann Yanny, Agent, d/b/a J.P.'s Hat Trix, premises located at 5826 W. Burnham St.

Appearance by Pamela Ann Yanny and John E. Meddaugh. Mr. Meddaugh informed the Committee he had already appeared on the item in question on his police background report.

A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:

26. 2011-0302

Police Department Reports involving Hero's Sports Pub & Grill, 9105 W. Lincoln Ave. (2010-2011 Class B Tavern License no. 1705, Dance Hall License no. 1728, and Instrumental Music License no. 1727, of International Development, LLC, Joshua J. Johnson, Agent, Incident Dates: April 9 & April 30, 2011).

Appearance by Joshua J. Johnson. Discussion ensued regarding the incidents in the police report and disturbance calls the Aldermen have been receiving.

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

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

27. 2011-0272

2011-2012 Class B Tavern License renewal application no. 1705, Dance Hall renewal application no. 1728 and Instrumental Music renewal application no. 1727 of International Development LLC, Joshua Jay Johnson, Agent, d/b/a Hero's Sports Pub & Grill, premises located at 9105 W. Lincoln Avenue.

Appearance by Joshua J. Johnson. Discussion ensued regarding lack of parking.

A motion was made by Ald. Sengstock, seconded by Ald. Weigel, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:

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

28. <u>2011-0306</u>

Police Department Reports involving Wild Bill's Saloon, 1454 S. 92 St. (2010-2011 Class B Tavern License no. 789 of Wild Bill's Saloon, LLC, William P. Savage, Agent, Incident Dates: April 17 and April 18, 2011).

Nonappearance of William P. Savage. Mr. Savage did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting. Held

29. 2011-0307

Police Department Reports involving Flappers, 7527 W. Becher St. (2010-2011 Class B Tavern License no. 797 and Dance Hall License no. 799 of Rodeo Grill, LLC, Mark S. Silber, Agent, Incident Dates: April 19 & April 20, 2011).

Nonappearance of Mark S. Silber. Mr. Silber contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.

Held

30. <u>2011-0305</u>

Police Department Report involving Danny's Lounge, 1900 S. 60 St. (2010-2011 Class B Tavern License no. 1738, Dance Hall License no. 1740 and Instrumental Music License no. 1739 of Danny's Entertainment, Inc, Daniel R. Seiy, Agent, Incident Date: April 17, 2011).

Appearance by Daniel R. Seiy. Discussion ensued regarding the changes Mr. Seiy is trying to make at his establishment to alleviate the number of calls for service to the police.

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

31. <u>2011-0303</u>

Police Department Report involving Jock Stop Sports Bar, 7930 W. National Ave. (2010-2011 Class B Tavern License no. 880 and Dance Hall License no. 882 of JOCII Enterprises, LLC, Christopher John Bitz, Agent, Incident Date: April 9, 2011).

Appearance by Christopher J. Bitz.

A motion was made by Ald. Barczak, 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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0

2011-0299

Police Department Reporting involving Barneks, 7411 W. Becher St., (2010-2011 Class B Tavern License no. 1060, and Dance Hall license no. 1062 of Dale J. Zbieranek, Incident Date: March 30, 2011).

Appearance by Dale J. Zbieranek. Discussion ensued regarding the police report.

A motion was made by Ald. Barczak, 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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0

33. <u>2011-0301</u>

Police Department Report involving Double Barrel Saloon, 1100 S. 60 St. (2010-2011 Class B Tavern License no. 1524, Dance Hall License no. 1526 and Instrumental Music License no. 1525, of SYRE Enterprises, LLC, Andrew M. Lomax, Agent, Incident Date: April 8, 2011)

Appearance by Andrew M. Lomax. Discussion ensued regarding the police report.

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

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

2011-0304

Police Department Report involving Crazy Horse, 9440 W. National Ave. (2010-2011 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303 of Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, Incident Date: April 10, 2011).

Appearance by Dominic T. LaLicata.

A motion was made by Ald. Barczak, 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. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel No: 0

35. 2011-0300

Police Department Report involving Las Palmas, 6007 W. Burnham St. (2010-2011 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: April 1, 2011)

Appearance by Cayetano Antonio-Rivera. Discussion ensued regarding the police report and a similar violation.

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

2011-0190

Police Department Report involving Magoo's Sports Pub, 8911 W. National Ave. (2010-2011 Class B Tavern License no. 637 and Instrumental Music License no. 644 of Magoo's of West Allis, Ltd., Thomas J. Beckmann, Agent, Incident Date: March 8, 2011).

Appearance by Thomas J. Beckmann. Discussion ensued regarding the police report, overserving patrons and prior incidents.

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

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

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

2011-0270

Discussion relative to Municipal Judgment on Scott W. Moline, d/b/a Moline Jewelers, Pawn Dealer License renewal application no. 11-967 and Secondhand Jewelry Dealer License renewal application no. 11-353, premises located at 7532 W. Lincoln Ave.

Appearance by Scott W. Moline. This item was held pending an upcoming court date regarding the Municipal Judgment.

Held

38. <u>2011-0235</u>

Discussion regarding number of Permits for Temporary Extension of Class B Tavern Licensed Premises for Special Events issued during a license year.

Discussion ensued placing a limit on the number of Permits for Temporary Extension of Class B Tavern License Premises for Special Events granted in a license year. The Committee agreed to make no changes.

Discussed and Consensus Given

39. 2011-0232

Discussion regarding Provisional Retail Licenses.

The Committee advised Attorney Merten to draft an Ordinance.

Discussed and Consensus Given

H. ADJOURNMENT

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

Respectfully submitted,

Ann Marie Neff

Secretary to the Committee