



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes License & Health Committee

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

Tuesday, February 28, 2012

6:00 PM

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

Others present: Gary Janocik, Nicholas W. Trucks, Jill M. Linski, Brandon M. Atwood, Connie L. Kelly, Jennifer L. McGwire, Stuart J. Dadtka, Shawna M. Fischer, Said Sami Nassar and Ahmed Addalla, Abraham J. Guitierrez, Joseph A. Jeffords, Hans T. Anderson, Susan C. Jesion and Katie DesRocher, Dominic T. LaLicata and Attorney Roger Pyzyk, Lt. Ed Benish, 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. Weigel, seconded by Ald. Roadt, to approve the minutes of the special meeting of November 1, 2011, and recess meetings of November 1, 2011, November 15, 2011, December 6, 2011, December 20, 2011, January 3, 2012, January 17, 2012, February 7, 2012 and February 21, 2012. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

An explanation was given to all in attendance regarding the procedure for licenses acted on at this meeting. The Committee would give their recommendations to the Common Council on March 6, 2012. Licenses granted on March 6, 2012 could be picked up at the Clerk's office Wednesday, March 7, between the hours of 10:00 am and 3:00 pm pending Mayoral approval. After 3:00 pm the licenses would be mailed.

All in attendance were informed of the City's Compliance Check Programs and to check identification.

They were informed to be helpful and cooperative with the police and the importance of calling 911 for any signs of trouble.

16. [2012-0026](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of December 2011 involving one (1) West Allis business (2011-2012 Class B Tavern License no. 1605 of Jan-Rat, LLC, Gary Janocik, Agent, d/b/a Studz Pub, 6833 W. National Ave., Incident Date: December 23, 2011, 1st Offense).
- Appearance by Gary Janocik. Discussion ensued regarding the Wisconsin Indoor Clean Air Act Smoking Ban, the license holder's responsibility and the bartender putting their license in jeopardy.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
1. [2012-0032](#) 2011-2013 Tavern Operator License application no. 13-434 of Samantha J. Knutson.
- Nonappearance of Samantha J. Knutson. Ms. Knutson did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.*
- Held**
2. [2012-0039](#) 2011-2013 Tavern Operator License application no. 13-438 of Ben W. Hart.
- Nonappearance of Ben W. Hart. Mr. Hart contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*
- Held**
3. [2012-0044](#) 2011-2012 Tavern Operator License application no. 12-354 of Nicholas W. Trucks.
- Appearance by Nicholas W. Trucks. Discussion ensued regarding Mr. Trucks police background check. Recommend for denial based on the police report.*
- 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: 1 - Ald. Barczak
4. [2012-0052](#) 2011-2013 Tavern Operator License application no. 13-443 of Jill M. Linski.
- Appearance by Jill M. Linski. Discussion ensued regarding Ms. Linski's police background check and the Committee's responsibility to the public. Recommend for denial based on the police report.*
- A motion was made by Ald. Roadt, seconded by Ald. Barczak, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
5. [2012-0053](#) 2011-2013 Tavern Operator License application no. 13-444 of Brandon M. Atwood.
- Appearance by Brandon M. Atwood. Discussion ensued regarding Mr. Atwood's police background check.*
- A motion was made by Ald. Barczak, seconded by Ald. Czaplewski, that this matter be Recommended For Approval. The motion failed by the following vote:**
- Votes:** Aye: 2 - Ald. Czaplewski and Ald. Barczak
No: 2 - Ald. Roadt and Ald. Weigel

6. [2012-0083](#) 2011-2013 Tavern Operator License application no. 13-450 of Connie L. Kelly.
- Appearance by Connie L. Kelly. Discussion ensued regarding Ms. Kelly's police background check. Recommend for denial based on the police report.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
7. [2012-0084](#) 2011-2013 Tavern Operator License application no. 13-451 of Jennifer L. McGwire.
- Appearance by Jennifer L. McGwire. Discussion ensued regarding Ms. McGwire's police background check and the importance of following rules and regulations. Recommend for denial based on the police report.*
- A motion was made by Ald. Weigel, seconded by Ald. Barczak, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
8. [2012-0086](#) 2011-2013 Tavern Operator License application no. 13-454 of Stuart J. Dadtka.
- Appearance by Stuart J. Dadtka. Discussion ensued regarding an incident on Mr. Dadtka's police background check.*
- 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: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
9. [2012-0087](#) 2011-2013 Tavern Operator License application no. 13-452 of Shawna M. Fischer.
- Appearance by Shawna M. Fischer. Ms. Fischer told the Committee she did not have information on the Outstanding Municipal Judgment on the police report. Attorney Merten suggested Ms. Fischer contact the Municipal Court Clerk and the Department of Building Inspections and Neighborhood Services for that information. Ms. Fischer was advised to contact Attorney Merten to arrange a payment plan for the Committee's approval. The Committee requested copies of all violations and records regarding the business' of Shawna's Pub and The Drum for Ms. Fischer's next appearance..*
- Held**
10. [2012-0081](#) 2011-2012 Class B Tavern License application of Jesus Atilano and Elva E. Martinez, partners, d/b/a Studio 59 LLC for premises located at 5801 W. Beloit Rd. (new-existing location).
- Nonappearance of Jesus Atilano & Elva E. Martinez. Jesus Atilano or Elva E. Martinez did not contact the Clerk's Office. Recommended denial based on nonappearance and information from the Department of Building Inspections and Neighborhood Services.*
- 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:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

11. [2012-0062](#) 2011-2012 Class B Tavern License application no. 1829, Dance Hall License application no. 1831 and Instrumental Music License application no. 1830, of 1022 S.A., LLC, Said Sami Nassar, Agent, d/b/a "Stevens"...1022 Pub & Sports Grill, premises located at 1022 S. 60 St. (new-existing location).
- Appearance by Said Sami Nassar and Ahmed Addalla. Discussion ensued regarding Mr. Nassar's experience and business plan.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
12. [2012-0063](#) 2011-2012 Class B Tavern License application no. 1832 of Abraham J. Gutierrez, d/b/a Xtreme Sports Bar, premises located at 6404 W. National Ave. (new-existing location).
- Appearance by Abraham J. Gutierrez. Discussion ensued regarding the location and history of this location.*
- 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. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
13. [2012-0022](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2011-2012 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. 1430 of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Date: December 4, 2011).
- Appearance by Joseph A. Jeffords. Discussion ensued regarding the incident on December 4, 2011 and the amount of prior police calls for service. Assistant City Attorney Merten informed Mr. Jeffords to contact the Municipal Clerk of Courts regarding a check that did not clear for landscaping and site violations.*
- 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:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
14. [2012-0023](#) Police Department Report involving Wild Bill's Saloon, 1454 S. 92 St. (2011-2012 Class B Tavern License no. 789 of Wild Bill's Saloon, LLC, William P. Savage, Agent, Incident Date: December 7, 2011).
- Nonappearance by William P. Savage. Mr. Savage contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*
- Held**
15. [2012-0024](#) Police Department Report involving Night Court, 7127 W. National Ave. (2011-2012 Class B Tavern License no. 1594 of Parops, LLC, Hans T. Anderson, Agent, Incident Date: December 9, 2011).
- Appearance by Hans T. Anderson. Discussion ensued regarding the incident on December 9, 2011 and the benefits of installing a video surveillance system.*
- A motion was made by Ald. Weigel, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

17. [2012-0072](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of January 2012 involving one (1) West Allis business (2011-2012 Class B Tavern License no. 1642 of 6500 Bar LLC, Susan C. Jesion, Agent, d/b/a 6500 Bar & Grill, 6500 W. Greenfield Ave., Incident Date: January 21, 2012, 1st Offense).

Appearance by Susan C. Jesion. Discussion ensued regarding the Wisconsin Indoor Clean Air Act Smoking Ban and not allowing any ashtrays to remain on premise.

This Matter was Recommended to be Placed on File on a Block Vote.

18. [2012-0082](#) Police Department Report regarding violation of the Wisconsin Indoor Clean Air Act Smoking Ban (6500 Bar & Grill, 6500 W. Greenfield Ave., Katie R. DesRocher, Bartender License no. 13-135, Incident Date: January 21, 2012).

Appearance by Katie R. DesRocher. Discussion ensued regarding the Wisconsin Indoor Clean Air Act Smoking Ban, not being allowed to hand out matches or ashtrays and the bartender putting their license in jeopardy.

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. Roadt, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

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

19. [2011-0741](#) Communication from Roundy's Supermarkets, Inc. regarding the amendment to state law under 2011 Wisconsin Act 97 allowing Class "A" and "Class A" alcohol sales to begin at 6:00 a.m.

The Committee recommended that no changes be made to the existing Ordinance regarding the time for when alcohol sales can begin for Class A Liquor Licenses.

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

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

E. CLOSED SESSION

At 7:23 p.m., Chair Czaplewski stated it was the intention of the Committee to convene in closed session at said time and in Room 128 to deliberate and confer with the City Attorney on the Summons and Complaint regarding Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, for the premises located at 9440 W. National Ave., d/b/a Crazy Horse (2011-2012 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303).

A closed session for the above purpose is authorized pursuant to the provisions of Wis. Stats. Section 19.85(1)(a) and (g), which authorizes a governmental body, upon motion duly made and carried, to meet in closed session to deliberate concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body; and to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, to convene in Closed Session at 7:25 p.m. The motion carried by the following vote:

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

Others present: Lt. Ed Benish, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

Upon conclusion of the closed session at 7:40 p.m., the License and Health Committee reconvened in open session in the Common Council Chambers to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations or any of the public agenda items that have not been acted upon.

20. [2012-0085](#)

Summons and Complaint in the matter of the complaint against Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, for the premises located at 9440 W. National Ave., d/b/a Crazy Horse (2011-2012 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303).

Appearance by Attorney Roger Pyzyck and Dominic T. LaLicata. Discussion ensued regarding the denial and admission of the allegations in the Complaint. After a Closed Session was held, a Hearing date of March 27, 2012 was set. The Committee directed Attorney Pyzyck to contact Attorney Merten and finalize the date.

Held

21. [2011-0719](#)

Police Department Report involving Crazy Horse, 9440 W. National Ave. (2011-2012 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: Between June 1, 2010 and June 2, 2010).

See legislative file no. 2012-0085.

Held

22. [2011-0720](#)

Police Department Report involving Crazy Horse, 9440 W. National Ave. (2011-2012 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: November 18, 2011.)

See legislative file no. 2012-0085.

Held

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

None.

G. ADJOURNMENT

A motion was made by Ald. Barczak, seconded by Ald. Roadt, to adjourn at 7:50 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*