



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, March 24, 2015

6:00 PM

City Hall Room 128

REGULAR MEETING (draft minutes)

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. Roadt, Ald. Haass, and Ald. Weigel

Excused 1 - Ald. Barczak

Others present: Kevin F. Bagurdes, Sukdeep Randhawa, Sandra Perez, Carolyn Wardius & Melody Carlson, Mary Jo Burbach, Daniel Koralewski, Health Department, Laura Temke, Health Department, Sally Nusslock, West Allis Health Commissioner, Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

- 2015-0123** Minutes (Draft) of the License & Health regular meeting of February 24, 2015 and recess meetings of March 3, 2015 and March 17, 2015.

Attachments: [022415 LH Minutes - draft](#)
[030315 LH recess Minutes - draft](#)
[031715 LH recess Minutes - draft](#)

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

E. NEW AND PREVIOUS MATTERS

- 2015-0182** Police Department Report involving Jimmy B's Trail's End, 7216 W. Lincoln Ave. (2014-2015 Class B Tavern License no. 745 and Dance Hall License no. 746) of Jimmy B's Trail's End, Inc., Kevin F. Bagurdes, Agent, Incident Date: February 8, 2015.

Appearance by Kevin F. Bagurdes. Discussion ensued regarding the police reports stating that the individuals were highly intoxicated. The Committee commended Mr. Bagurdes on the small number of incidents he has had in the past.

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

4. **2015-0183** Police Department Report involving Jimmy B's Trail's End, 7216 W. Lincoln Ave. (2014-2015 Class B Tavern License no. 745 and Dance Hall License no. 746) of Jimmy B's Trail's End, Inc., Kevin F. Bagurdes, Agent, Incident Date: February 12, 2015.

See legislative file no. 2015-0182.

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

Passed The Block Vote

A motion was made by Ald. Roadt, seconded by Ald. Weigel, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

5. **2015-0188** Police Department Report involving West Allis Liquor & Tobacco, 7218 W. Greenfield Avenue (2014-2015 Combination Class A Liquor License application no. 2091) of Dilmil, Inc., Sukhdeep Randhawa, Agent, Incident Date: February 11, 2015.

Appearance by Sukdeep Randhawa. Discussion ensued regarding the police report. Ms. Randhawa was reminded that a licensed bartender/sales clerk must be on premise at all times the store is open. She was told that with the history of the store the neighbors and police are watching. Attorney Merten confirmed that when the police do a premise check and there is not a licensed clerk on duty, the store will be closed until a licensed clerk is on premise.

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

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

6. **2015-0148** 2014-2015 Operator's License (bartender/sales clerk) application no. 15-568 for Rachel M. Krutsch.

Nonappearance by Rachel M. Krutsch. Ms. Krutsch did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

This matter was Held.

7. **2015-0145** 2014-2015 Operator's License (bartender/sales clerk) application no. 15-450 for Alaa A. Mahmoud.

Nonappearance of Alaa A. Mahoud. Ms. Mahoud did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

This matter was Held.

8. **2015-0191** 2014-2016 Operator's License (bartender/sales clerk) application no. 16-274 for Shane E. Ragland.

Nonappearance of Shane E. Ragland. Mr. Ragland did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.

This matter was Held.

9. **2015-0147** 2014-2016 Operator's License (bartender/sales clerk) application no. 16-268 for Sandra M. Perez.

Appearance by Sandra M. Perez. Discussion ensued regarding Ms. Perez's police report. She was reminded to check identification, call 911, be cooperative with the police when they arrive, not to over serve and of the City's Compliance Check Program.

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

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

10. **2014-0751** Communication from Assistant City Attorney regarding Outstanding Municipal Court Judgment issued against Golden Chicken, 8901 W. Greenfield Ave., James Foti, (2014-2015 Food Permit/License).

Attachments: [CA com dated 11-21-14](#)

Nonappearance by James Foti. Attorney Merten informed the Committee that Mr. Foti had satisfied his Outstanding Municipal Court Judgment.

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

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

- 11. 2015-0116** Summons and Complaint in the matter of the complaint against Carolyn Wardius, for the premises located at 7911 W. Becher St., d/b/a New Life Cat Rescue (Animal-Related Permit).

Attachments: [Summons New Life Cat Rescue 03-24-15](#)
[Complaint New Life Cat Rescue 03-24-15](#)
[Affidavit of Service New Life Cat rescue](#)

Appearance by Carolyn Wardius, owner, Melody Carlson, volunteer, Dan Koralewski, West Allis Health Department and Sally Nusslock, West Allis Health Commissioner. Ms. Wardius admitted to item nos. 1-9, 11 and 13 as listed in the complaint. She disputed items 10 and 12 in the complaint. A discussion ensued regarding if kittens were included in the total number of cats Ms. Wardius is allowed on premise. Mr. Koralewski told the Committee he did not discuss with Ms. Wardius whether kittens were included in the count. He said he just told her the maximum number of cats allowed was forty (40). Ms. Wardius was previously asked to remove the carpeting to help with the odors. She stated she did not want to invest the money to remove the carpeting if she was losing the license. A hearing was scheduled for Tuesday, May 26, 2015 at 6:00 p.m.

This matter was Held.

- 12. 2015-0075** Summons and Complaint in the matter of the complaint against Morgan Murphy Enterprises, LLC, Mary Jo Burback, Registered Agent, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License).

Attachments: [Summons Morgan Murphy Enterprises 03-24-15](#)
[Complaint Morgan M urphy Enterprises, LLC 03-24-15](#)
[Affivadit of Service Morgan Murphy Enterprises, LLC](#)

Appearance by Mary Jo Burback. Ms. Burback denied the allegations in the complaint. She informed the committee she had retained an attorney. A hearing was scheduled for Tuesday, April 28, 2015 at approximately 6:00 p.m. or shortly thereafter.

This matter was Held.

- 13. 2015-0034** Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: December 18, 2014).

See legislative file no. 2015-0075.

This matter was Held.

14. **2015-0103** Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: January 10, 2015).

See legislative file no. 2015-0075.

This matter was Held.

15. **2015-0104** Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083 of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: January 18, 2015).

See legislative file no. 2015-0075.

This matter was Held.

16. **2015-0185** Police Department Report involving Tap 58, 5732 W. Mitchell St. (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005 and Instrumental Music License no. 2083) of Morgan Murphy Enterprises, LLC, Sarah M. Reimer, Agent, Incident Date: February 12, 2015.

See legislative file no. 2015-0075.

This matter was Held.

17. **2015-0081** Communication from Health Commissioner providing an update on Morgan Murphy Enterprises, LLC, Mary Jo Burbach, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License) dated January 29, 2015.

Attachments: [MEMORANDUM-Tap58, January 29, 2015](#)

See legislative file no. 2015-0075.

This matter was Held.

D. MATTERS FOR DISCUSSION/ACTION

2. **2015-0151** Discussion relative to Assistant City Attorney's list of licensed/permitted businesses with delinquent 2014 personal property taxes for West Allis locations: dated March 19, 2015.

Attachments: [comm. nonpayment 2014 PPTs](#)

[Delq. 2014 PPT letters](#)

Attorney Merten informed the Committee of the outstanding businesses on the delinquent personal property list. The Committee advised a certified letter be sent to those still outstanding that had not responded.

This matter was Held.

F. CLOSED SESSION

At 7:05 p.m., Chair Czaplewski stated it was the intention of the Committee to convene in closed session at said time and place to deliberate on the Summons and Complaint regarding the following matters:

1. Carolyn Wardius, for the premises located at 7911 W. Becher St., d/b/a New Life Cat Rescue (Animal-Related Permit).

2. Morgan Murphy Enterprises, LLC, Mary Jo Burbach, Registered Agent, for the premises located at 5732 W. Mitchell St., d/b/a Tap 58 (2014-2015 Class B Tavern License no. 2004, Dance Hall License no. 2005, Instrumental Music License no. 2083 and Food-Related Permit/License).

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. Haass, seconded by Ald. Weigel, to convene in closed session. The motion carried by the following vote:

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

Others present: Ann Marie Neff, Secretary to the Committee.

Upon conclusion of the closed session at 7:16 p.m., the License and Health Committee reconvened in open session at said time and place to consider its public agenda, including motions to recommend approval or rejection of above-listed deliberations.

Present 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

Excused 1 - Ald. Barczak

G. ADJOURNMENT

A motion was made by Ald. Weigel, seconded by Ald. Haass, to adjourn at 7:16 p.m. The motion carried unanimously.

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. Weigel

No: 0

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*