



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Meeting Agenda

### Common Council

*Mayor Dan Devine, Chair*

*Aldersperson Thomas G. Lajsic, Council President*

*Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Michael P. May,*

*Cathleen M. Probst, Rosalie L. Reinke, Daniel J. Roadt,*

*James W. Sengstock, Vincent Vitale, and Martin J. Weigel*

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Tuesday, June 18, 2013

7:00 PM

City Hall Common Council Chambers

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### REGULAR MEETING

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#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PLEDGE OF ALLEGIANCE

#### D. PUBLIC HEARINGS

1. [R-2013-0147](#) Resolution authorizing the Director of Development to negotiate the sale of public lands located in the City of West Allis at 9\*\* S. 90 St. (Tax Key No. 442-0225-000), to Rusel Lugo, d/b/a Clear Choice Homes.

**Sponsors:** Safety & Development Committee

#### E. CITIZEN PARTICIPATION

#### F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

*New and Previous Matters referred to Committees may be considered and acted upon by Committees during the Common Council recess. Unless otherwise announced during the meeting, the standing Committees of the Common Council will meet during recess in the following rooms and in the following order:*

*Room 118*

*Administration & Finance, Safety & Development, Advisory*

*Room 128*

*Public Works, License & Health*

#### G. MAYOR'S REPORT

**1. Recent events attended**

**2. Awards/commendations**

**3. Upcoming events**

**H. ALDERPERSON'S REPORT**

**1. Recent events attended**

**2. Awards/commendations**

**3. Upcoming events**

**I. APPROVAL OF MINUTES**

*Minutes of the Common Council regular meeting of June 4, 2013.*

**J. ITEMS NOT REFERRED TO COMMITTEE**

- 2. [2013-0372](#) Report of the Municipal Judge for the month of May 2013, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$144,262.24.
- 3. [2013-0369](#) Amended Summons and Complaint in the matter of Wells Fargo Bank, N.A., vs Louis D. Kern, Sr., et al, regarding foreclosure of mortgage, Case No.13-CV-002999.
- 4. [2013-0370](#) Amended Summons and Complaint in the matter of Wells Fargo Bank, N.A., vs Joseph J. Garcia, et al, regarding foreclosure of mortgage, Case No.13-CV-00877.
- 5. [2013-0373](#) Hector Sanchez communication requesting reimbursement for personal belongings allegedly removed at 2238 S. 80 Street on May 29, 2013.

**K. STANDING COMMITTEE REPORTS**

*None.*

**L. COMMON COUNCIL RECESS**

**M. NEW AND PREVIOUS MATTERS****ADMINISTRATION & FINANCE COMMITTEE****New Matters for Introduction**

6. [O-2013-0030](#) An Ordinance to Create Subsection 2.76(28) of the West Allis Revised Municipal Code Relating to Appeals of Civil Service Commission Determinations.  
**Sponsors:** Administration & Finance Committee
7. [2013-0352](#) Tri City Bankshares Corporation 2012 Annual Report Audited Consolidated Financial Statements.
8. [2013-0389](#) West Allis Memorial Hospital, Inc.'s financial statements for the years ended December 31, 2012 and 2011, and Independent Auditors' report.
9. [2013-0391](#) Communication from City Administrative Officer regarding request to fill one .5 Part-time Librarian I position at the Public Library.
10. [2013-0392](#) Communication from City Administrative Officer regarding request to fill a vacant Librarian I position at the Public Library.

**City Attorney Claim Report**

11. [2008-0098](#) Communication submitted by Michael Best & Friedrich LLP on behalf of their client Michael J. Serwin regarding an application for Temporary Restraining Order, Hearing and Permanent Injunction against the City of West Allis.  
*City Attorney recommended to be placed on file.*
12. [2008-0476](#) Notice of Claim on Payment Bond for Public Project submitted by Stack Grading Co. in the amount of \$9,930.00 relative to Champion Environmental Services, Inc.  
*City Attorney recommended to be placed on file.*
13. [2008-0477](#) Claim for Public Improvement Lien submitted by Smithstonian Materials in the amount of \$22,223.00 relative to Champion Environmental Services, Inc.  
*City Attorney recommended to be placed on file.*

14. [2009-0173](#) Summons and Complaint in the matter of The Equitable Bank, S.S.B. vs. City of West Allis, et al.  
*City Attorney recommended to be placed on file.*
15. [2009-0361](#) Amended Summons and Complaint in the matter of First Business Bank-Milwaukee vs. City of West Allis, et al.  
*City Attorney recommended to be placed on file.*
16. [2010-0678](#) Summons and Complaint in the matter of Waterstone Bank, SSB, f/k/a Wauwatosa Savings Bank vs. Kenneth F. Plame, et al, regarding foreclosure of mortgage, Case No. 10CV019387.  
*City Attorney recommended to be placed on file.*
17. [2010-0691](#) Summons and Complaint in the matter of Waterstone Bank, SSB, f/k/a Wauwatosa Savings Bank vs. Kenneth F. Plame, et al, regarding foreclosure of mortgage, Case No. 10CV019248.  
*City Attorney recommended to be placed on file.*
18. [2011-0476](#) Summons and Complaint in the matter of Wells Fargo Bank Wisconsin vs. Expert Realty & Investments, LLC, et al, regarding foreclosure of mortgage, Case No. 11CV011471.  
*City Attorney recommended to be placed on file.*
19. [2012-0240](#) Summons & Complaint, in the matter of Deutsche Bank National Trust Company vs. Tammy L. Dennis et al., regarding Foreclosure of Mortgage, Case No. 30404.  
*City Attorney recommended to be placed on file.*
20. [2013-0153](#) Eric Reed communication regarding vehicle damages allegedly sustained at S. 54 Street and W. Rogers Street on February 26, 2013  
*City Attorney recommended to be placed on file.*
21. [2013-0157](#) Patricia G. Nefstead communication regarding damages allegedly sustained at 2549 S. 88 St. on February 2, 2013.  
*City Attorney recommended to be placed on file.*
22. [2013-0207](#) Karl Stubbe communication regarding vehicle damages allegedly sustained at 8702 W. Arthur Place on April 5, 2013.  
*City Attorney recommended denial.*

23. [2013-0221](#) David Walensa communication regarding vehicle damages allegedly sustained on W. National Ave. about W. Cleveland Ave. on December 21, 2012.  
*City Attorney recommended denial.*
24. [2013-0307](#) Lynnette Vollmer communication regarding vehicle damages allegedly sustained eastbound on W. Lincoln Ave. about S. 99 St. on April 13, 2013.  
*City Attorney recommended denial.*

## **PUBLIC WORKS COMMITTEE**

### **New Matters for Introduction**

25. [R-2013-0143](#) Resolution relative to accepting the proposal of Sherwin Industries, Inc. for furnishing one (1) demo Road Marking Machine for a total sum of \$33,746.00.  
**Sponsors:** Public Works Committee
26. [R-2013-0136](#) Resolution acknowledging the Common Council's support of the efficient financial management and operation of the City's Sanitary Sewer Utility and authorizing the Assistant City Engineer to submit the Compliance Maintenance Annual Report (CMAR) to the Wisconsin Department of Natural Resources.  
**Sponsors:** Public Works Committee
27. [R-2013-0144](#) Resolution opposing the Milwaukee Water Works transferring excessive funds to the City of Milwaukee.  
**Sponsors:** Public Works Committee
28. [R-2013-0145](#) Resolution relative to accepting the proposal of Purple Cow Organics, LLC, for providing yard waste management services for a five year period (mutual agreement to renew contract up to four additional one year periods after December 31, 2014) for an estimated sum of \$484,375.00 and optional services for logs 10" or greater at \$35/ton and soil screen of stump grindings to separate wood fiber from soil at \$6.65/ton.  
**Sponsors:** Public Works Committee
29. [2013-0375](#) Petition to stop cruisers from using S. 109 Street with the installation of permanent barricades on S. 109 Street at the end of Theo Trecker between the months of May to September plus a sign stating "No Outlet" to be put at the Walker Street end.

30. [2013-0380](#) Southeastern Wisconsin Regional Planning Commission communication providing a copy of SEWRPC Planning Report No. 54, A Regional Housing Plan for Southeastern Wisconsin: 2035, a copy of Commission Resolution No. 2013-04 adopting this plan as a guide for the physical development of the Region.
31. [2013-0390](#) Communication from Director of Public Works/City Engineer regarding a driveway permit for 2636 South 76th Street.

## **SAFETY & DEVELOPMENT COMMITTEE**

### **Previous Matters for Consideration**

32. [R-2013-0058](#) Resolution relative to determination of Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.  
**Sponsors:** Safety & Development Committee
33. [O-2013-0027](#) Ordinance to amend the official West Allis Zoning Map by creating a Planned Development District - Residential (PDD-1) Zoning Overlay upon existing property zoned RB-2 Residence District and located at 1803 and 1807 S. 92 St.  
**Sponsors:** Safety & Development Committee
34. [R-2013-0101](#) Resolution approving a Certified Survey Map to consolidate two existing residential properties located at 1803 and 1807 S. 92 St. into one lot of record, to establish a Planned Development for a high density residential use, submitted by Chris Miller, 92 Street Commons, LLC. (Tax Key No. 451-0282-001 and 451-0283-001).  
**Sponsors:** Safety & Development Committee
35. [R-2013-0142](#) Resolution relative to determination of a Planned Development Agreement by and between the City of West Allis and Chris Miller d/b/a 92 Street Commons, LLC for new construction of a proposed Residential Planned Development of 38 apartment homes and other site and architectural improvements on properties located at 1803 and 1807 S. 92 St. pursuant to Sec. 12.60 of the Revised Municipal Code.  
**Sponsors:** Safety & Development Committee
36. [2013-0255](#) Certified Survey Map to consolidate two existing residential properties located at 1803 and 1807 S. 92 St. into one lot of record, to establish a Planned Development for a high density residential use, submitted by Chris Miller, 92 Street Commons, LLC. (Tax Key No. 451-0282-001 and 451-0283-001)

37. [2013-0257](#) Communication from Stephen Perry Smith Architects, Inc. on behalf of 92 Street Commons, LLC., requesting an ordinance to amend the official West Allis Zoning Map by creating a Residential Planned Development District overlay zoning (PDD-1) for residentially zoned land located at 1803 and 1807 S. 92 St.

#### **Public Hearing Items (Safety & Development Committee)**

38. [R-2013-0147](#) Resolution authorizing the Director of Development to negotiate the sale of public lands located in the City of West Allis at 9\*\* S. 90 St. (Tax Key No. 442-0225-000), to Rusel Lugo, d/b/a Clear Choice Homes.  
**Sponsors:** Safety & Development Committee
39. [2013-0337](#) Request by Rusel Lugo, of Clear Choice Homes, to purchase City-owned property located in the 900 block of S. 90 St. (Tax Key No. 442-0225-000).

#### **LICENSE & HEALTH COMMITTEE**

##### **New Matters for Introduction**

40. [2013-0362](#) 2013-2014 Class B Tavern license renewal application no. 857, Dance Hall license renewal application no. 859 and Instrumental Music license renewal application no. 860 of Weigel's Hillcrest, Inc., Martin J. Weigel, Agent, d/b/a Benno's Genuine Bar & Grill, for premises located at 7413 W. Greenfield Ave.
41. [2013-0387](#) 2013-2014 Amusement Distributor's License application(s).
42. [2013-0388](#) 2013-2014 Phonograph Distributor's License application(s).
43. [2013-0379](#) 2013-2014 Secondhand Article Dealer License application(s).
44. [2013-0367](#) 2013-2014 Secondhand Jewelry Dealer License application(s).
45. [2013-0354](#) Tavern Operator License applications.
46. [2013-0297](#) Carnival Permit application no. 4 of St. Rita Parish for the St. Rita Festival at 2318 S. 61 Street from July 19 - 21, 2013.
47. [2013-0386](#) Carnival Permit application no. 5 of the West Allis Police Department for National Night Out to be held at the West Allis Farmer's Market, 6501 W. National Ave., on July 22, 2013.

48. [2013-0374](#) 2013-2014 Special Class B Beer and Wine License application(s).
49. [2013-0376](#) 2013-2014 Class B Tavern Special Event Permit application no. 1 of Tap City, Inc., Mary M. Pakula, Agent, d/b/a Tap City USA, 7207 W. National Ave. (2013-2014 Class B Tavern License application no. 650, Instrumental Music License application no. 1510 and Dance Hall License application no. 652) for the 2nd Annual Hawaiian Luau from 2:00 p.m. to 11:00 p.m. to be held on July 13, 2013. (Food, Tent, and Outdoor Music). 1st application for 2013-2014 license year.
50. [2013-0368](#) 2013-2014 Class B Tavern Special Event Permit application no. 2 of D & N Lynch, Inc., Joseph Lynch, Agent, d/b/a Lynch's, 2300 S. 108 St., (2013-2014 Class B Tavern License application no. 489, Instrumental Music License application no. 617 and Dance Hall License application no. 616) for a Benefit for Breast Cancer, July 13, 2013 from 12:00 p.m. to 6:00 p.m. (Tent in fence in area). 1st application for 2013-2014 license year.
51. [2013-0377](#) 2013-2014 Class B Tavern Special Event Permit application no. 3 of AMF Bowling Centers, Inc., Jason A. Kaiser, Agent, d/b/a AMF West Allis Lane, 10901 W. Lapham St. (2013-2014 Class B Tavern License application no. 663, Instrumental Music License application no. 664 and Dance Hall License application no. 665) for the Wounded Warriors Fundraiser from 11:00 a.m. to 7:00 p.m. to be held on July 27, 2013. (Food and Tent). 1st application for 2013-2014 license year.
52. [2013-0378](#) 2013-2014 Class B Tavern Special Event Permit application no. 4 of Guy M. Robb, LLC, Guy M. Robb, Agent, d/b/a GR's National Pub, 6827 W. National Ave. (2013-2014 Class B Tavern License application no. 1613, Instrumental Music License application no. 1614 and Dance Hall License application no. 1615) for Matty's Birthday party from 4:00 p.m. to 10:00 p.m. to be held on July 27, 2013. (Food, Tent, and Outdoor Music). 1st application for 2013-2014 license year.
53. [2013-0359](#) 2013-2014 Class A Beer License renewal application(s).
54. [2013-0360](#) 2013-2014 Class B Beer License renewal application(s).
55. [2013-0361](#) 2013-2014 Class B Tavern, Dance Hall, Instrumental Music and Bowling Alleys renewal applications.
56. [2013-0356](#) 2013-2014 Class C Wine License renewal application(s).
57. [2013-0357](#) 2013-2014 Class C Wine License application no. 1985 of Vani's Kitchen, Inc., Vigneshwar Bhadharria, Agent, d/b/a Vani's Kitchen located at 10535 W. Greenfield Ave. (new-existing premises).



58. [2013-0358](#) 2013-2014 Class B Beer License application no. 1984 of Vani's Kitchen, Inc., Vigneshwar Bhadharua, Agent, d/b/a Vani's Kitchen located at 10535 W. Greenfield Ave. (new-existing premises).
59. [2013-0363](#) 2013-2014 Class B Tavern License application no. 1965, Dance Hall License application no. 1966, and Instrumental Music License application no. 1967, of The Buzzard's Nest, LLC, Lawrence Pryor, Agent, d/b/a The Buzzard's Nest, for premises located at 6000 W. Mitchell St. (new agent)
60. [2013-0371](#) Appointment of new agent, Sandra Piotrowski, by Fiddler's Green, Inc., d/b/a Fiddler's Green located at 6108 W. Burnham St. (2013-2014 Class B Tavern License application no. 680 and Dance Hall License application no. 1101).
61. [2013-0383](#) Police Department report regarding tavern violations/call for service for May 2013.
62. [2013-0381](#) Police Department Report involving Brooklyn's, 9440 W. National Ave., (2012-2013 Class B Tavern License no. 1301, Dance Hall License no. 1303 and Tavern Entertainment-Special License no. 1303 of Cugino's Entertainment, LLC, Dominic Lalicata, Agent, Incident Date: May 5, 2013)
63. [2013-0382](#) 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: May 25, 2013).
64. [2013-0384](#) Police Department Report involving O'Connors Perfect Pint, 8423 W. Greenfield Ave. (2012-2013 Class B Tavern License no. 838, Dance Hall License no. 840, and Instrumental Music License no. 841 of OAR, LLC, Michael O'Connor, Agent, Incident Date: May 26, 2013).
65. [2013-0353](#) 2013-2015 Tavern Operator License renewal application no. 15-220 of Beth Ann Selky.
66. [2013-0355](#) 2013-2014 Combination Class A License application no. 1988, of Big Boss Liquor, Inc., Raj K. Sehdev, Agent, d/b/a Aryan's Liquor Store for premises located at 1568 S. 81 St. (new-existing location).
67. [2013-0366](#) 2013-2014 Class B Tavern License appl. no. 1980, Dance Hall License appl. no. 1981 and Instrumental Music License appl. no. 1982 of Field Trip LLC, LLC, Kristine M. Budiach, Agent, d/b/a Paulie's Field Trip premises located at 1430 S. 81 St. (new-existing location).
68. [2013-0365](#) 2013-2014 Class B Tavern License application no. 1983 of Craig F. Bushberger, d/b/a Craig's, for premises located at 7100 W. National Ave. (new-existing location).

69. [2013-0364](#) 2013-2014 Class B Tavern License renewal application no. 789 of Wild Bill's Saloon, LLC, William P. Savage, Agent, d/b/a Game Day Sports Club for the premises located at 1454 S. 92 St.
70. [2013-0385](#) 2013-2015 Tavern Operator License application no. 15-233 of Adam D. Kirchner.

#### **Previous Matters for Consideration**

71. [2013-0313](#) 2013-2015 Tavern Operator License application no. 15-196 of Jennifer S. Hauglie.
72. [2013-0282](#) 2013-2014 Class B Tavern License renewal application no. 853 and Dance Hall License renewal application no. 854 of Ubie's Double Vision, LLC, Robert A. Uebelacker, Agent, d/b/a Ubie's Double Vision, premises location at 5501 W. Burnham St.
73. [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).
74. [2013-0311](#) 2012-2013 Direct Sellers/Solicitors Permit application no. 16 of Ace Tilson.

#### **ADVISORY COMMITTEE**

#### **New Matters for Introduction**

75. [O-2013-0029](#) An Ordinance to Amend Subsections 3.05(1)(a)1 and 2 of the West Allis Revised Municipal Code Relating to Areas of Responsibility of the Public Works and Safety and Development Committees.  
**Sponsors:** Safety & Development Committee and Public Works Committee
76. [R-2013-0146](#) Resolution relative to a request to the State Legislature to change State Levy Limits for Municipalities for the Purpose of Cash Financing for Road Construction.  
**Sponsors:** Michael P. May and Daniel J. Roadt
77. [2013-0393](#) Appointment by Mayor Devine of Jill Hansen as a member of the West Allis Block Grant Committee, her two-year term to expire September 1, 2015.

78. [2013-0394](#) Reappointment by Mayor Devine of Mary Pat Morris as a member of the West Allis Ethics Board, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, her three-year term to expire June 1, 2016.
79. [2013-0395](#) Reappointment by Mayor Devine of Donald Nehmer as a member of the West Allis Ethics Board, his three-year term to expire June 1, 2016.
80. [2013-0396](#) Reappointment by Mayor Devine of Bree Johns-Konkol as a member of the West Allis Library Board, her three-year term to expire July 1, 2016.
81. [2013-0397](#) Reappointment by Mayor Devine of Donna Olson as a member of the West Allis Library Board, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, her three-year term to expire July 1, 2016.
82. [2013-0398](#) Reappointment by Mayor Devine of Ted Fischer-Toerpe as a member of the West Allis Library Board, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, his three-year term to expire July 1, 2016.
83. [2013-0399](#) Appointment by Mayor Devine of Chad Larson as a member of the West Allis Property Maintenance Code Appeals Board, his two-year term to expire September 1, 2015.

## **N. ADJOURNMENT**

All meetings of the Common Council 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.

### **NON-DISCRIMINATION STATEMENT**

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

### **AMERICANS WITH DISABILITIES ACT NOTICE**

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.

### **LIMITED ENGLISH PROFICIENCY STATEMENT**

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.