



City of West Allis

Meeting Minutes

Common Council

7525 W. Greenfield Ave.
West Allis, WI 53214

Mayor Dan Devine, Chair

Aldersperson Thomas G. Lajsic, Council President

*Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Kevin Haass,
Michael P. May, Cathleen M. Probst, Rosalie L. Reinke,
Daniel J. Roadt, Vincent Vitale, and Martin J. Weigel*

Tuesday, October 7, 2014

7:00 PM

City Hall Common Council Chambers

REGULAR MEETING-Draft Minutes

A. CALL TO ORDER

The meeting was called to order by Mayor Devine at 7:00 p.m.

B. ROLL CALL

Present 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel
Excused 2 - Ald. Lajsic, and Ald. Reinke

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Vitale.

D. PUBLIC HEARINGS

- R-2014-0296** Resolution relative to determination of a Special Use Permit for the Dog House Tavern to establish an extension of premise to utilize an existing outdoor patio located at 1641 S. 68 St.

Sponsors: Safety & Development Committee

Clerk's Office received one (1) letter opposed to the Special Use.

Explanation by John Stibal, Director of Development.

Appearances:

Lisa Wood, 1645-47 S. 68 St., addressed the close proximity of the outdoor patio to the residential building and is concerned about additional noise, smoking, vandalism, the inability to rent, and referred to the elements of the ordinance.

Joe Janz, 9606 W. Harding Pl., commented that smoking occurs without an outdoor patio extension, and that there is a noise ordinance. He spoke about the number of beer gardens in Milwaukee and stated he felt that small businesses should be given the same opportunity as larger establishments with alcohol. He supported the proposal.

Chris Kazmierski, 1204 S. 73 St., representing the Dog House, stated they have a standing order that all outside activity ends at 9:00 pm.

Public Hearing Held.

2. **R-2014-0295** Resolution relative to determination of a Special Use Permit for Lily Massage, a proposed massage therapy business, to be located at 10637 W. Oklahoma Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:
None.

Public Hearing Held.

3. **R-2014-0305** Resolution relative to determination of a Special Use Permit for Big Ebe's, a proposed new restaurant, to be located at 1325-1329 S. 70 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:
None.

Public Hearing Held.

Item nos. 4 & 5 were taken together.

4. **R-2014-0301** Resolution relative to determination of a Special Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:
None.

Public Hearing Held.

5. **R-2014-0300** Resolution relative to Transitional Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:
None.

Public Hearing Held.

E. CITIZEN PARTICIPATION

Characters from the Village Playhouse invited everyone to attend The Strange Case of Dr. Jekyll & Mr. Hyde on October 17, at 1500 S. 73 St., for further information and tickets go to Villageplayhouse.org.

Mary McCue Adams, 1040 S. 75 St., commented on Transitional Living Services Apartments located at S. 74th and Washington St., and wanted to know if the City or State had any plans for the location. She would like to see it torn down and a park like area put in. She commented on the incidents that have occurred there.

F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

Mayor Devine announced that the following Committees would meet during recess: Administration & Finance, Public Works, Safety & Development, License & Health, and Advisory.

G. MAYOR'S REPORT

Mayor Devine announced the following events:

Fire Prevention Safety Week this week is a good reminder to check smoke detector batteries;

Saturday, October 11, from 9:00 am to Noon, there will be the City Wide Clean Up.; Forks & Corks is Sunday, November 2, from 3:00 pm to 6:00 pm at the Summit Place Office Complex, and that there is a savings on the price of the tickets if they are purchased by October 15th;

Saturday, October 11, from 1:00 pm to 5:00 pm, will be West Allis Little League sign up;

and Ferguson Plumbing will be breaking ground in West Allis on October 14th to build a new facility.

Mayor Devine thanked the West Allis Woman's Club for providing purple ribbons in the courtyard to recognize October as Domestic Violence Awareness Month.

H. ALDERPERSON'S REPORT

Ald. Haass wanted to give recognition to the Building & Sign Department at the Department of Public Works for the improved green street signs along Hwy 100.

Ald. Weigel thanked the West Allis Business Improvement District Car Show volunteers and staff for a record turn out for registration of vehicles on Sunday, October 5th. He commented that the skate park located at S. 84 St. and W. National Ave. is nearing completion, and he commented on the activity at 8200 W. Greenfield Ave. for the Hampton Inn & Suites. Ald. Weigel stated that Anchor Bank has completed their building and that the parking lot is getting ready to be poured.

Ald. Probst commented on the completion of the road construction on Hicks St., the No Trucking signs and thanked the Department of Public Works for the landscaping they did in the area.

Ald. May said October 9th is walk to school day, and that there would be training on pedestrian safety provided by representatives from the Bicycle Federation Group at Wilson School.

I. APPROVAL OF MINUTES

6. 2014-0613 Minutes (draft) September 16, 2014.

Attachments: [091614 CC Minutes.draft](#)

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

J. ITEMS NOT REFERRED TO COMMITTEE

7. 2014-0650 Report of the Municipal Judge for the month of September 2014, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$139,406.90.

Attachments: [Municipal Judge Report Sept. 2014](#)

This matter was Placed on File on a Block Vote.

8. 2014-0632 Summons and Complaint in the matter of Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Mortgage Loan Trust 2005-4 c/o Wells Fargo Bank, N.A. vs. Jason Spritzer, et al, regarding foreclosure of mortgage. Case No. 14CV007840.

Attachments: [Jason Spitzer, Foreclosure](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

9. 2014-0634 Kenneth G. Schmittlein communication regarding property damage allegedly sustained at 7930 W. Grant St. in 2014.

Attachments: [Kenneth Schmittlein Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

10. 2014-0635 Elgie L. Grant communication regarding vehicle damages allegedly sustained at 2095 S. 116 St. on July 18, 2014.

Attachments: [Elgie L. Grant Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

11. 2014-0636 WE Energies Notice of Claim for Damages allegedly sustained at 6500 W. Beloit Rd. on or about July 18, 2014.

Attachments: [WE Energies Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

12. 2014-0637 Notice of Circumstances of Claim on behalf of Gina Estrada relative to injuries and vehicle damages allegedly sustained while traveling eastbound on W. Oklahoma Ave. at the intersection of S. 106 St. on July 23, 2014.

Attachments: [Gina Estrada Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

13. 2014-0638 Sandra Brick communication regarding vehicle damages allegedly sustained traveling eastbound on W. Lincoln Ave. around S. 102 St. on September 11, 2014.

Attachments: [Sandra Brick Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

14. 2014-0639 Angel Soriano communication regarding vehicle damages allegedly sustained at 2030 S. 116 St. on July 18, 2014.

Attachments: [Angel Soriano Claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote.

Passed The Block Vote

A motion was made by Ald. May, seconded by Ald. Vitale, to approve all the actions on the preceding items on a Block Vote. The motion carried unanimously.

K. STANDING COMMITTEE REPORTS

ADMINISTRATION & FINANCE COMMITTEE

15. 2014-0496 Comptroller/Director of Finance submitting the City of West Allis Comprehensive Annual Financial Report and Management Communication for the year ended December 31, 2013 for review and approval.

Attachments: [2013 Annual Financial Report with Links.pdf](#)

[2013 MANAGEMENT COMMUNICATION.Part of 2013 CAFR.pdf](#)

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

L. COMMON COUNCIL RECESS

A motion was made by Ald. Vitale, seconded by Ald. Weigel, that the Council recess until completion of Committee meetings. The motion carried unanimously.

Thereupon, the Council took a recess at 7:45 p.m. Upon returning from recess at 8:46 p.m., and the roll call being taken, there were:

Present 8 - Ald. Barczak, Ald. Czaplowski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

Excused 2 - Ald. Lajsic, and Ald. Reinke

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

20. 2014-0647 Communication from the Director of Building Inspections and Neighborhood Services regarding retirement of Ted Atkinson.

Attachments: [Retirement Letter](#)

This matter was Placed on File on a Block Vote.

19. 2014-0644 Director of Finance/City Comptroller submitting reports for the 2nd quarter of 2014 indicating City of West Allis checks issued in the amounts of \$1,718,536.49 for April, \$2,469,777.13 for May and \$3,310,659.28 for June.

Attachments: [April-June Checks Issued](#)

[April 2014 Bank 0](#)

[April 2014 Bank 4](#)

[April 2014 Bank 05](#)

[May 2014 Bank 0](#)

[May 2014 Bank 04](#)

[May 2014 Bank 05](#)

[May 2014 Bank 07](#)

[June 2014 Bank 0](#)

[June 2014 Bank 04](#)

[June 2014 Bank 05](#)

[June 2014 Bank 07](#)

This matter was Placed on File on a Block Vote.

18. R-2014-0297 Resolution to approve the Year 2015 Operating Plan for the Downtown West Allis Business Improvement District and to adopt the Special Assessment Method as stated therein (Preliminary).

Sponsors: Administration & Finance Committee

Attachments: [BID 2015 Operating Plan-Signed\(10-2-14\)](#)

This matter was Placed on File on a Block Vote.

Passed The Block Vote

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

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

PUBLIC WORKS COMMITTEE

- 21. **R-2014-0303** Resolution regarding restricting baseball playing at Rogers Park at S. 56th Street and W. Rogers.

Sponsors: Public Works Committee

Held in Public Works Committee during recess.

- 16. **2014-0037** City Attorney communication relative to Opinion Regarding Legal Issues Involved in Proposed Ordinance Creating a User Fee for the Purpose of Establishing a Fund to Deal with Collapsed Laterals on Private Residential Property.

Attachments: [City Attorney Communication.pdf](#)

This matter was Placed on File on a Block Vote

- 17. **2014-0220** Communication from the Assistant City Engineer regarding the status of the proposal to establish a Private Property Inflow/Infiltration Reduction Fund and request for public hearing. (dated 4-15-14).

Attachments: [COMM-2014-0220.pdf](#)

This matter was Placed on File on a Block Vote

- 23. **R-2013-0250** Resolution to approve the Memorandum of Understanding by and between the County of Milwaukee and the City of West Allis relative to stormwater.

Sponsors: Public Works Committee

This matter was Adopted on a Block Vote.

Passed The Block Vote

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

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

22. **2014-0625** Communication from Principal Engineer regarding the deteriorated Root River Parkway pedestrian path.

Attachments: [COMM-2014-0625](#)

A motion was made Ald. Barczak, seconded by Ald. Vitale to Approve and Place on File. No vote was taken.

A motion was made by Ald. May, seconded by Ald. Weigel to amend with no permit fees paid to Milwaukee County.

Passed by the following vote:

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale and Ald. Weigel

No: 0

Ald. Barczak withdrew his motion and Ald. Vitale withdrew his second to approve and place on file.

A motion was made by Ald. Weigel, seconded by Ald. May, that this matter be Referred back to Committee. The motion carried unanimously.

SAFETY & DEVELOPMENT COMMITTEE

24. **O-2014-0070** An Ordinance to Repeal Parking Restrictions on the West Side of the south 106 Feet of the 2200 Block of South 83 Street.

Sponsors: Ald. Roadt

This matter was Passed on a Block Vote

25. **R-2014-0290** Resolution approving a Certified Survey Map to combine the properties located at 2210 S. 89 St. and 22** S. 88 St., submitted by John Harrits (Tax Key No. 478-0376-000 & 478-0375-000).

Sponsors: Safety & Development Committee

This matter was Adopted on a Block Vote

26. **2014-0646** Certified Survey Map to combine the properties located at 2210 S. 89 St. and 22** S. 88 St., submitted by John Harrits. (Tax Key No. 478-0376-000 & 478-0375-000).

This matter was Placed on File on a Block Vote

27. **2014-0631** Petition requesting stop signs on the northeast corner of S. 77 St. and W. Hicks St. and on the southwest corner of S. 77 St and W. Hicks St.

Attachments: [Petition Stop Signs](#)

This matter was Placed on File and referred to the Engineering Department on a Block Vote.

28. **2014-0649** Communication from Mayor Dan Devine regarding the guide entitled “West Allis Business First - A Guide to Starting Your Business in the City of West Allis”.
- Attachments:* [Business First - Ltr Common Council \(10-7-14\)](#)
[Open for Business 10.2.14](#)
- This matter was Placed on File on a Block Vote.**
29. **R-2014-0296** Resolution relative to determination of a Special Use Permit for the Dog House Tavern to establish an extension of premise to utilize an existing outdoor patio located at 1641 S. 68 St.
- Sponsors:* Safety & Development Committee
- Held in Safety & Development Committee during recess.*
30. **2014-0583** Special Use Permit for the Dog House Tavern to establish an extension of premise to utilize an existing outdoor patio located at 1641 S. 68 St.
- Held in Safety & Development Committee during recess.*
31. **R-2014-0295** Resolution relative to determination of a Special Use Permit for Lily Massage, a proposed massage therapy business, to be located at 10637 W. Oklahoma Ave.
- Sponsors:* Safety & Development Committee
- This matter was Adopted on a Block Vote.**
32. **2014-0584** Special Use Permit for Lily Massage a proposed massage therapy business to be located at 10637 W. Oklahoma Ave.
- This matter was Placed on File on a Block Vote.**
33. **R-2014-0305** Resolution relative to determination of a Special Use Permit for Big Ebe’s, a proposed new restaurant, to be located at 1325-1329 S. 70 St.
- Sponsors:* Safety & Development Committee
- This matter was Adopted on a Block Vote.**
34. **2014-0556** Special Use Permit to establish a restaurant for Big Ebe's Pizza, located at 1329 S. 70 St.
- This matter was Placed on File on a Block Vote.**
35. **2014-0581** Special Use Permit for Big Ebe's, a proposed new restaurant, to be located at 1325-1329 S. 70 St.
- This matter was Placed on File on a Block Vote.**

- 36. R-2014-0301** Resolution relative to determination of a Special Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

Sponsors: Safety & Development Committee

This matter was Adopted as amended on a Block Vote.

- 37. 2014-0582** Special Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

This matter was Placed on File on a Block Vote.

- 38. R-2014-0300** Resolution relative to Transitional Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

Sponsors: Safety & Development Committee

This matter was Adopted as amended on a Block Vote.

- 39. 2014-0589** Transitional Use Permit to establish Expert Car Care, a proposed auto repair facility, to be located at 7030 W. National Ave. and 15** S. 71 St.

This matter was Placed on File on a Block Vote.

Passed The Block Vote

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

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

LICENSE & HEALTH COMMITTEE

- 40. 2014-0628** 2014-2015 Class B Tavern License application no. 2144, Dance Hall License application no. 2145, and Instrumental Music License application no. 2146 of Guzzler's Sports Lounge, LLC, Eric G. Millard, Agent, d/b/a Guzzler's Sports Lounge, for premises located at 7408 W. Walker St. (new-existing location).

This matter was Approved subject to the necessary requirement(s) on a Block Vote.

- 41. 2014-0630** Communication from William Savage, Wild Bill's Saloons, LLC, 2014-2015 Class B Tavern License no. 789, premises located at 1454 S. 92 St., regarding d/b/a name change from Game Day Sports Pub to The RYE Bar.

Attachments: [Game Day Sports Pub d/ba Communication](#)

This matter was Placed on File on a Block Vote.

42. **2014-0629** 2014-2016 Operator's License (bartender/sales clerk) application no. 16-225 for James D. Schumacher.
Held in License & Health Committee during recess.
43. **2014-0640** 2014-2016 Operator's License (bartender/sales clerk) application no. 16-228 for Dillon T. Vojvodich.
Held in License & Health Committee during recess.
44. **2014-0641** 2014-2015 Operator's License (bartender/sales clerk) application no. 15-507 for Terry E. McKee.
Held in License & Health Committee during recess.
45. **2014-0642** 2014-2015 Operator's License (bartender/sales clerk) application no. 15-509 for Kristen Elena Abbrederis.
Held in License & Health Committee during recess.
46. **2014-0633** Operator's License (bartender/sales clerk) applications.
2014-2015 License application nos. 506 & 508 approved.
2014-2016 License application nos. 226-227 & 229-230 approved.
This matter was Approved on a Block Vote.
47. **2014-0626** 2014-2015 Adult-Oriented Establishment Operator Permit application(s).
Permit application nos. 2143 & 2148 approved.
This matter was Approved on a Block Vote.
48. **2014-0627** 2014-2015 Instrumental Music License application no. 2147 (2014-2015 Class B Tavern License no. 1733) of Lele's Whiskey Corner, LLC, Erwin C. Magritz, Agent, d/b/a Remedy Bar, premises located at 1309 S. 60 St.
This matter was Approved for Karaoke only on a Block Vote.
49. **2014-0651** 2014-2015 Special Class B Beer and Wine License application(s).
Application no. 9 approved.
This matter was Approved on a Block Vote.
53. **2014-0592** 2014-2015 Class B Beer application no. 2137 of JK Food Service, Inc., Timothy J. Kruschel, Agent, d/b/a Big Deal Burgers & Custard, for premises located at 1440 S. 84 Street (new-nonexisting location).
This matter was Approved subject to the necessary requirement(s) on a Block Vote.

- 54. 2014-0591** 2014-2015 Class C Wine License application no. 2138 of JK Food Service, Inc., Timothy J. Kruschel, Agent, d/b/a Big Deal Burgers & Custard, for premises located at 1440 S. 84 Street (new-nonexisting location).

This matter was Approved subject to the necessary requirement(s) on a Block Vote.

- 55. 2013-0445** 2013-2014 Class B Tavern License renewal application no. 742 of Crawdaddy's Restaurant, Inc., Jonathan M. Klug, Agent, d/b/a Crawdaddy's Restaurant located at 6414 W. Greenfield Ave.

This matter was Placed on File on a Block Vote.

Passed The Block Vote

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

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

- 50. 2014-0394** 2014-2015 Secondhand Jewelry Dealer License renewal application no. 1882 of Pawn America Wisconsin, LLC, Bradley K. Rixmann, Agent d/b/a Pawn America for premises at 7530 W. Lincoln Ave.

This matter was Approved subject to necessary requirement(s) and a Plan of Operation on a Block Vote.

- 51. 2014-0395** 2014-2015 Pawn Dealer License renewal application no. 1860 of Pawn America Wisconsin, LLC, Bradley K. Rixmann, Agent d/b/a Pawn America for premises at 7530 W. Lincoln Ave.

This matter was Approved subject to necessary requirement(s) and a Plan of Operation on a Block Vote.

- 52. 2014-0396** 2014-2015 Secondhand Article Dealer License renewal application no. 1888 of Pawn America Wisconsin, LLC, Bradley K. Rixmann, Agent d/b/a Pawn America for premises at 7530 W. Lincoln Ave.

This matter was Approved subject to necessary requirement(s) and a Plan of Operation on a Block Vote.

Passed The Block Vote

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

Aye: 7 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 1 - Ald. Probst

ADVISORY COMMITTEE

56. 2014-0653 Appointment by Mayor Devine of Jeff Thomson as a member of the West Allis Library Board, his three-year term to expire July 1, 2017.

Attachments: [THOMSON Appt Ltr.Library Board](#)

This matter was Approved on a Block Vote.

57. 2014-0654 Reappointment by Mayor Devine of Michael Pranghofer as a member of the West Allis Property Maintenance Code Appeals Board, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, his two-year term to expire September 1, 2016.

Attachments: [PRANGHOFER.ReApptLtr](#)

This matter was Approved on a Block Vote.

58. 2014-0655 Reappointments by Mayor Devine of Youth Members to the West Allis Youth Commission.

Attachments: [YouthComm ApptLtr.100714](#)

This matter was Approved on a Block Vote.

Passed The Block Vote

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

Aye: 8 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

N. ADJOURNMENT

A motion made by Ald. May, seconded by Ald. Barczak, to adjourn at 9:05 p.m., with the next regularly scheduled meeting to be held on October 21, 2014, at 7:00 p.m. The motion carried unanimously.

/s/ Monica Schultz, City Clerk