



# City of West Allis

## Meeting Agenda

### 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*

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Tuesday, January 19, 2016

7:00 PM

City Hall Common Council Chambers

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#### REGULAR MEETING

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PLEDGE OF ALLEGIANCE

#### D. PUBLIC HEARINGS

*None.*

#### 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 210 (Development conference room)*  
*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

1. [2016-0054](#) Minutes (Draft) of the Common Council regular meeting of January 5, 2016.

## J. ITEMS NOT REFERRED TO COMMITTEE

2. [2016-0029](#) Summons and Complaint in the matter of The Bank of New York Mellon vs. Ricky A. Nelson, regarding foreclosure of mortgage, Case No. 15CV010517.

*Attachments:* [Summons and Complaint - Ricky A. Nelson](#)

3. [2016-0033](#) Just Like Mommy Child Care Center communication regarding 2015 Personal Property taxes.

*Attachments:* [Claim - Just Like Mommy CCC ppt](#)

4. [2016-0034](#) Summons and Complaint in the matter of Residential Credit Solutions, Inc. vs. Carol A. Johnson, et al regarding foreclosure of mortgage, Case No. 15CV010406.

*Attachments:* [Summons and Complaint - Carol A. Johnson](#)

5. [2016-0053](#) Anthony and Katie Zilli communication relative to vehicle damages allegedly sustained at approximately S. 57 Street and W. Mobile St. on December 30, 2015.

*Attachments:* [Claim - Anthony and Katie Zilli](#)

## K. STANDING COMMITTEE REPORTS

### ADMINISTRATION & FINANCE COMMITTEE

*(Regular meeting held on January 11, 2016.)*

6. [R-2015-0218](#) Resolution relative to accepting proposal of Creative Business Interiors for furnishing Knoll office furniture for a total net sum of \$41,948.71.

*Sponsors:* Administration & Finance Committee

*Attachments:* [1292 Office Furniture-CAO](#)

*Unanimously recommended to be placed on file.*

## L. COMMON COUNCIL RECESS

## M. NEW AND PREVIOUS MATTERS

### ADMINISTRATION & FINANCE COMMITTEE

#### New Matters for Introduction

7. [R-2016-0012](#) Resolution relative to acquiring sole source Revised Municipal Code supplements and services from General Code for a total sum not to exceed \$10,000.
- Sponsors:* Administration & Finance Committee
- Attachments:* [General Code sole source letter](#)
8. [R-2016-0014](#) Resolution relative to renewal of the agreement with the Village of West Milwaukee for Public Health Services for 2016-2017.
- Sponsors:* Administration & Finance Committee
- Attachments:* [2016-17 Agreement for Public Health Services with Village of West Milw.](#)
9. [R-2016-0015](#) Resolution establishing health and dental insurance funding levels for the plan year March 1, 2016 through February 28, 2017.
- Sponsors:* Administration & Finance Committee
- Attachments:* [Willis Recommended Premium Rates](#)
10. [R-2016-0016](#) Resolution authorizing the City Administrator to enter into a contract with Milwaukee County UW-Extension and Waukesha County UW-Extension for a five-year strategic plan process facilitation and development services for the City of West Allis for an estimated cost not to exceed \$57,108.
- Sponsors:* Administration & Finance Committee
11. [2016-0051](#) Communication from City Administrator transmitting the List of Interim Successors to Elected and Appointed City Officials.
- Attachments:* [Interim Successors Listing](#)
12. [2016-0052](#) Communication from City Administrator regarding request to fill upcoming vacant position of Public Health Nurse at the West Allis Health Department.
- Attachments:* [Request to fill upcoming vacant Public Health Nurse position](#)

#### City Attorney Claim Report

13. [2010-0010](#) Notice of Claim for Damages submitted on behalf of Torsten Guba and Alamo Car Rental regarding vehicle damage and injuries allegedly sustained near the intersection of W. National Ave. and W. Cleveland Ave. on August 24, 2009.
- City Attorney recommended to be placed on file.*
14. [2013-0006](#) Communication from Sharon McKenzie relative to a towing incident on or about December 1, 2012 located at 5607 W. National Ave.
- City Attorney recommended to be placed on file.*

15. [2013-0040](#) Notice of Injury submitted on behalf of Robert W. Maurina and Amy Jo Maurina relative to injury allegedly sustained at 8901 W. Lincoln Ave. on November 28, 2012.  
*City Attorney recommended to be placed on file.*
16. [2015-0154](#) Summons and Complaint in the matter of Anchorbank, FSB vs. Beth A. Krumnow, et al. regarding foreclosure of mortgage, Case No. 15CV002620.  
*Attachments:* [Anchorbank foreclosure](#)  
*City Attorney recommended to be placed on file.*
17. [2015-0501](#) Time Warner Cable requesting a correction of the 2015 assessed value of exempt equipment and a refund of 2014 personal property taxes paid in error.  
*Attachments:* [TWC ppt Claim](#)  
*City Attorney recommended to be placed on file.*
18. [2015-0644](#) Gene Homan communication relative to property damages allegedly sustained at 1016 S. 57 St. on June 12, 2015.  
*Attachments:* [Claim Homan 9-1-15](#)  
*City Attorney recommended to be denied.*

## PUBLIC WORKS COMMITTEE

### New Matters for Introduction

19. [R-2016-0006](#) Resolution relative to the Notice of Hearing for the Vacation and Discontinuance of a t-shaped alley between S. 90 St. and S. 91 St. south of W. Lincoln Ave., as well as the remaining approximately 291' of S. 90 St. south of W. Lincoln Ave., which leads into the Aurora West Allis Medical Center.  
*Sponsors:* Public Works Committee
20. [R-2016-0007](#) Resolution relative to the Vacation and Discontinuance of a t-shaped alley between S. 90 St. and S. 91 St. south of W. Lincoln Ave., as well as the remaining approximately 291' of S. 90 St. south of W. Lincoln Ave., which leads into the Aurora West Allis Medical Center.  
*Sponsors:* Public Works Committee  
*Attachments:* [Exhibit A](#)
21. [R-2016-0013](#) Resolution relative to accepting the sole source proposal of Badger Meter for providing water meters and radio read transmitters for a total sum of \$464,110.08.  
*Sponsors:* Public Works Committee

**SAFETY & DEVELOPMENT COMMITTEE****New Matters for Introduction**

22. [O-2016-0003](#) Ordinance to Repeal and Recreate Subsection 6.02(21) of the West Allis Revised Municipal Code Relating to Public Nudity.
- Sponsors:* Safety & Development Committee
- Attachments:* [Adams County, CO, 91](#)  
[Barnes v. Glen Theatre, Inc.](#)  
[Ben's Bar, Inc. v. Village of Somerset](#)  
[City of Erie v. Pap's](#)  
[Foxxxy Ladyz Adult World, Inc. v. Dix](#)  
[Kev, Inc. v. Kitsap County](#)  
[McCord and Tewksbury, 2013](#)  
[Report, Executive Summary - Palm Beach](#)  
[Rochester, NY, 2000](#)  
[Schultz v. City of Cumberland](#)  
[Testimony, Illinois SB 3348](#)  
[TX\\_Dallas](#)  
[TX El Paso](#)  
[Urmanski v. Town of Bradley](#)
23. [2016-0030](#) Southeastern Wisconsin Regional Planning Commission communication providing a copy of the Comprehensive Economic Development Strategy for Southeastern Wisconsin 2015-2020.
- Attachments:* [SEWRPC letter](#)  
[CEDS for SE WI Executive Summary 2015-2020](#)  
[Comprehensive Economic Development Strategy for SE WI 2015-2020](#)
24. [2016-0031](#) Special Use Permit to establish a radio antenna tower at 2241 S. 116 St.
25. [2016-0032](#) Special Use Permit for Chick-fil-A, Inc., a proposed restaurant with drive-thru facilities, to be located at 2677 S. 108 St.

**Previous Matters for Consideration**

26. [O-2016-0001](#) An Ordinance to Establish Parking Restrictions on the West Side of the 1400 Block of S. 94 St.
- Sponsors:* Ald. May

27. [R-2016-0003](#) Resolution approving a Certified Survey Map to consolidate two properties located at 2093-2095 and 2121 S. 116 St. into one lot, submitted by Steve Sowinski of Ridgeline Builders on behalf of Tee Time Property LLC the property owner. (Tax Key No. 482-9999-022 and 482-9999-023).

**Sponsors:** Safety & Development Committee

28. [2016-0013](#) Certified Survey Map to consolidate two properties located at 2093-2095 and 2121 S. 116 St. into one lot, submitted by Steve Sowinski of Ridgeline Builders on behalf of Tee Time Property LLC the property owner. (Tax Key No. 482-9999-022 and 482-9999-023).

## LICENSE & HEALTH COMMITTEE

### New Matters for Introduction

29. [O-2016-0002](#) Ordinance to Create Subsections 7.032(1)(f)-(j), (3)(b)-(c), and (11) of the West Allis Revised Municipal Code Relating to Smoking Prohibition in Certain Areas.

**Sponsors:** Ald. Reinke

**Attachments:** [Assoc Mortality Long-Term Exposures Fine & Ultrafine Particles, Species & Sources](#)

[California EPA Chemicals Known Cause Cancer-Reproductive Toxicity](#)

[E-Cigarettes & Smoke-fee Laws](#)

[E-Cigarettes Threaten Public Health Advances-Article](#)

[E-Cigarettes-An Overview](#)

[E-Cigs Damage DNA in Lab Study-Article](#)

[Flavoring Chemicals in E-Cigarettes](#)

[Harmful Chemicals Electronic Cigarettes](#)

[State Health Officer's Report on E-Cigarettes](#)

[WMA Statement E-Cigarettes & Other Electronic Nicotine Delivery Systems](#)

[Use E-Cigarettes Impairs Indoor Air Quality \(A\)](#)

[Nicotine in E-Cigarettes, Tobacco Linked to Heart Disease \(A\)](#)

[E-Cigarettes in the Indoor Environment \(A\)](#)

30. [2016-0035](#) 2015-2016 Secondhand Article Dealer License application(s).
31. [2016-0036](#) Operator's License (bartender/sales clerk) applications.
32. [2016-0027](#) 2015-2017 Operator's License (bartender/sales clerk) application no. 17-397 of Lorissa Fuentes.
33. [2016-0037](#) Police Department report regarding tavern violations/calls for service for the month of December 2015.

**Attachments:** [License and Health Committee Letter January 2016](#)

34. [2016-0038](#) Police Department Report involving 7-West Bistro & Ultra Lounge, 7211 W. Greenfield Avenue, of Wisconsin Beverage & Entertainment Partners, LLC, Edward A. Brown, Jr., Agent, Incident: 2015.
35. [2016-0039](#) Police Department Report involving Rockstars Saloon, 5826 W. Burnham Street, of Sharon L. Butterfield, Incident Date: December 18, 2015.
36. [2016-0040](#) Police Department Report involving Heart Breakers, 9440 W. National Avenue, of Milwaukee Entertainment, LLC, Steven N. Pohlman, II, Agent, Incident Date: January 1, 2016.
37. [2016-0041](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving nine (9) West Allis businesses, resulting with three (3) selling alcohol to an underage person without requesting identification (Dale J. Kristbaum, Agent, of Papa's Pub, LLC, d/b/a Papa's Pub, premises located at 1101 S. 60 Street).
38. [2016-0042](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving nine (9) West Allis businesses, resulting with three (3) selling alcohol to an underage person without requesting identification (Thomas J. Lubas, Agent, of Toms Foolery, LLC, d/b/a Toms Foolery, premises located at 6922 W. Orchard Street).
39. [2016-0043](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving nine (9) West Allis businesses, resulting with three (3) selling alcohol to an underage person without requesting identification (Philip J. Lehman, Agent, of Phylo's, LLC, d/b/a Phylo's, premises located at 1501 S. 70 Street).
40. [2016-0044](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Inderjeet Singh, Agent, of Supreme Enterprises, Inc., d/b/a Oklahoma Liquor & Tobacco, premises located at 1711 W. Oklahoma Avenue).
41. [2016-0045](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Kulwinder S. Dhaliwal, Agent, of Pooja, LLC, d/b/a Walsh's Beer & Liquor, premises located at 10910 W. Greenfield Avenue).
42. [2016-0046](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Pravinkumar R. Patel, Agent, of Shivkrupa, LLC, d/b/a Express Pantry, premises located at 8530 W. Greenfield Avenue).
43. [2016-0047](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Sukhdeep K. Randhawa, Agent, of Dilmil, Inc., d/b/a West Allis Liquor & Tobacco, premises located at 7218 W. Greenfield Avenue).

44. [2016-0048](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Bhola Singh, Agent, of National Quick Food Mart LLC, d/b/a Kwik Pantry, premises located at 5631 W. National Avenue).
45. [2016-0049](#) Police Department Report regarding December 17, 2015 Alcohol Compliance Check involving eight (8) West Allis businesses, resulting with six (6) selling alcohol to an underage person without requesting identification (Talwinder Soos, Agent, of Taj & Navi Corporation, d/b/a One Stop West Allis Food & Liquor, premises located at 5909 W. Lincoln Avenue).
46. [2016-0050](#) Police Department Report regarding December 18, 2015 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification (Speedway, LLC, Anthony R. Benner, Agent, d/b/a Speedway #4152, premises located at 5712 W. National Ave.).

### Previous Matters for Consideration

47. [2016-0006](#) 2015-2017 Operator's License (bartender/sales clerk) application no. 17-390 of Dawn M. Liebe.

### ADVISORY COMMITTEE

*None.*

### 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.