



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Meeting Minutes

### Common Council

*Mayor Dan Devine, Chair*

*Alderson Thomas G. Lajsic, Council President*

*Aldersons: Gary T. Barczak, Michael J. Czaplowski, 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

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

##### B. ROLL CALL

**Present** 9 - Ald. Barczak, Ald. Czaplowski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**Excused** 1 - Ald. Haass

##### C. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was led by Ald. Roadt.*

##### D. PUBLIC HEARINGS

*None.*

##### E. CITIZEN PARTICIPATION

*Linda Gatton, 2264 S. 80 St., commented on being a block watch captain and her past employment with the City. Ms. Gatton commented on the cost and the providers of the new health insurance.*

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

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

##### G. MAYOR'S REPORT

*Mayor Devine announced Winterfest, Crawdaddy's pending opening, and the ice rinks in the community. Mayor Devine acknowledged those who work outdoors in the cold weather.*

## H. ALDERPERSON'S REPORT

*Ald. Probst praised the churches who opened their door to those less fortunate residents during the cold weather.*

*Ald. Weigel thanked everyone who attended the blood drive and thanked Double B's for their donation of gift cards; and reminded everyone that January is blood donor month.*

*Ald. May commented on the ice rinks and thanked the volunteers along with the West Allis Fire Department for their assistance.*

## I. APPROVAL OF MINUTES

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

**A motion was made by Ald. Lajsic, seconded by Ald. Reinke, that this matter be Approved. The motion carried unanimously.**

## 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](#)

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

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

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

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

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](#)

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

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](#)

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. Probst, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

**Aye:** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**No:** 0

**K. STANDING COMMITTEE REPORTS**

**ADMINISTRATION & FINANCE COMMITTEE**

*Reported out after recess.*

**L. COMMON COUNCIL RECESS**

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

*Thereupon, the Council took a recess at 7:15 p.m. Upon returning from recess at 8:24 p.m., and the roll call being taken, there were:*

**Present** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**Excused** 1 - Ald. Haass

**M. NEW AND PREVIOUS MATTERS**

**ADMINISTRATION & FINANCE COMMITTEE**

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](#)

This matter was Placed on File on a Block Vote.

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](#)
- This matter was Adopted on a Block Vote.**
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.](#)
- This matter was Adopted on a Block Vote.**
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](#)  
[Health/Dental nsurance Rates 2016 - 2017](#)
- This matter was Adopted on a Block Vote.**
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
- Attachments:* [Draft--West Allis Strategic Plan Process with UW-Extension](#)
- This matter was Adopted on a Block Vote.**
11. [2016-0051](#) Communication from City Administrator transmitting the List of Interim Successors to Elected and Appointed City Officials.
- Attachments:* [Interim Successors List](#)
- This matter was Placed on File on a Block Vote.**
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 Heath Nurse position](#)
- This matter was Approved and Placed on File on a Block Vote.**

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.

**This matter was Placed on File on a Block Vote.**

14. [2013-0006](#) Communication from Sharon McKenzie relative to a towing incident on or about December 1, 2012 located at 5607 W. National Ave.

**This matter was Placed on File on a Block Vote.**

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.

**This matter was Placed on File on a Block Vote.**

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](#)

**This matter was Placed on File on a Block Vote.**

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](#)

**This matter was Placed on File on a Block Vote.**

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](#)

**This matter was Denied on a Block Vote.**

**Passed The Block Vote**

A motion was made by Ald. Vitale, 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:** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**No:** 0

**PUBLIC WORKS COMMITTEE**

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

**This matter was Adopted on a Block Vote.**

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](#)

*Held in Public Works Committee during recess.*

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

**This matter was Adopted on a Block Vote.**

**Passed The Block Vote**

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

**Aye:** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**No:** 0

**SAFETY & DEVELOPMENT COMMITTEE**

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](#)

**This matter was Passed on a Block Vote.**

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](#)

**This matter was Placed on File on a Block Vote.**

24. [2016-0031](#) Special Use Permit to establish a radio antenna tower at 2241 S. 116 St.  
*Held in Safety & Development Committee during recess.*
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.  
*Held in Safety & Development Committee during recess.*
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

**This matter was Passed as Amended on a Block Vote.**

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

**This matter was Adopted on a Block Vote.**

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).

**This matter was Placed on File on a Block Vote.**

#### **Passed The Block Vote**

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

**Aye:** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**No:** 0



**LICENSE & HEALTH COMMITTEE**

29. [O-2016-0002](#) An Ordinance to Create Subsections 7.032(1)(f)-(j), (3)(b)-(c), and (11) of the West Allis Revised Municipal Code Relating to the Usage of Electronic Smoking Devices 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 \(A\)](#)

*Held in License & Health Committee during recess.*

30. [2016-0035](#) 2015-2016 Secondhand Article Dealer License application(s).

*License application no. 2286 granted.*

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

31. [2016-0036](#) Operator's License (bartender/sales clerk) applications.

*2015-2016 License application nos. 377 & 378 granted.*

*2015-2017 License application nos. 403-404, & 406-409 granted.*

**This matter was Approved on a Block Vote.**

32. [2016-0027](#) 2015-2017 Operator's License (bartender/sales clerk) application no. 17-397 of Lorissa Fuentes.

*Held in License & Health Committee during recess.*

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](#)

**This matter was Placed on File on a Block Vote.**

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.  
*Held in License & Health Committee during recess.*
35. [2016-0039](#) Police Department Report involving Rockstars Saloon, 5826 W. Burnham Street, of Sharon L. Butterfield, Incident Date: December 18, 2015.  
*Held in License & Health Committee during recess.*
36. [2016-0040](#) Police Department Report involving Heart Breakers, 9440 W. National Avenue, of Milwaukee Entertainment, LLC, Steven N. Pohlbel, II, Agent, Incident Date: January 1, 2016.  
*Held in License & Health Committee during recess.*
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).  
*Held in License & Health Committee during recess.*
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).  
*Held in License & Health Committee during recess.*
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).  
*Held in License & Health Committee during recess.*
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 10711 W. Oklahoma Avenue).  
*Held in License & Health Committee during recess.*
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).  
*Held in License & Health Committee during recess.*

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).

*Held in License & Health Committee during recess.*

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).

*Held in License & Health Committee during recess.*

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).

*Held in License & Health Committee during recess.*

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).

*Held in License & Health Committee during recess.*

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. Burnham St.).

*Held in License & Health Committee during recess.*

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

**This matter was Approved on a Block Vote**

**Passed The Block Vote**

**A motion was made by Ald. Czaplewski, 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:** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**No:** 0

**ADVISORY COMMITTEE**

*None.*

**N. ADJOURNMENT**

**A motion was made by Ald. Lajsic, seconded by Ald. Vitale, to adjourn at 8:29 p.m., with the next regularly scheduled meeting to be held on February 2, 2016, at 7:00 p.m. The motion carried unanimously.**

*Respectfully submitted,*

*Monica Schultz, City Clerk*