



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Agenda

Common Council

Mayor Dan Devine, Chair

Aldersperson James W. Sengstock, Council President

*Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Kurt E. Kopplin, Thomas G. Lajsic,
Richard F. Narlock, Rosalie L. Reinke, Daniel J. Roadt, Vincent Vitale, and Martin J. Weigel*

Tuesday, May 5, 2009

7:00 PM

City Hall - Council Chambers

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PUBLIC HEARINGS

1. [R-2009-0120](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for Interim Street Resurfacing on various streets, and W. Dakota St. from S. 72 St. to 135 feet east of S. 72 St. (portions in West Allis, combined project with City of Milwaukee).

Sponsors: Public Works Committee

S. 65 St.: W. Revere Pl. to W. Beloit Rd.

S. 66 St.: W. Revere Pl. to W. Beloit Rd.

S. Livingston Terr.: S. 67 Pl. to W. Beloit Rd.

W. Grant St.: S. 68 St. to S. Livingston Terr.

W. Revere Pl.: W. McGeoch Ave. to S. Livingston Terr.

W. Oconto Pl.: W. McGeoch Ave. to S. 65 St. and

Portions of intersection streets

be improved by interim asphalt resurfacing and utility adjustments, and

W. Dakota St.: S. 72 St. to 135 feet east of S. 72 St. (portions in West Allis, combined project with City of Milwaukee)

be improved by minor asphalt resurfacing with miscellaneous walk.

2. [R-2009-0127](#) Resolution relative to determination of Special Use Permit for Rockstar Tattoo & Co., a proposed tattoo, piercing and jewelry, and clothing sales operation to be located at 2707 S. 108 St., within the Shoppes on 100 retail center. (Tax Key No. 520-0003-000)

Sponsors: Safety & Development Committee

3. [R-2009-0129](#) Resolution relative to determination of Special Use Permit for proposed interior addition to Margarita Paradise, located at 11112 W. National Ave., within the National Plaza Shopping Center. (Tax Key No. 520-9999-003)
Sponsors: Safety & Development Committee and License & Health Committee
4. [R-2009-0122](#) Resolution relative to determination of Special Use Permit for proposed internal expansion of West Allis Children's Center, an existing day care facility located within the office building at 1126 S. 70 St. (Tax Key No. 439-0001-026)
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. MISCELLANEOUS BUSINESS

Mayor's Report

Alderpersons Comments

H. AGENDA APPROVAL

I. APPROVAL OF MINUTES

Minutes of the Common Council regular meeting of April 21, 2009.

J. ITEMS NOT REFERRED TO COMMITTEE

5. [2009-0276](#) Report of the Municipal Judge for the month of March 2009, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$186,600.62.

6. [2009-0246](#) Summons and Complaint in the matter of JPMorgan Chase Bank vs. City of West Allis, et al.
7. [2009-0247](#) Paul D. Krueger communication regarding injury allegedly sustained at 10253 W. Cleveland Ave., Apt. 30 on December 20-21, 2008.

K. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE

Regular meeting held on April 28, 2009. (Ald. Barczak and Sengstock excused).

8. [2009-0213](#) 2008-2009 Tavern Operator License application no. 09-652 of Katie R. Desrocher.
Unanimously recommended to be approved.
9. [2009-0229](#) 2008-2009 Class B Tavern Special Event Permit application no. 10 of DNA of Sheboygan Falls, Inc., Demetri Itsines, Agent, d/b/a Koozy's Bar & Grille, 1657 S. 108 St. (2008-2009 Class B Tavern License no. 1421, Dance Hall License no. 1422; Instrumental Music License no. 1489; and Cigarette and Tobacco License no. 1423) for a Make A Wish Fundraiser/Bike Contest to be held May 30, 2009 from 8:00 a.m. - 8:00 p.m. (Tents in front of building).
Unanimously recommended to be placed on file.
10. [2009-0148](#) 2008-2009 Class A Beer License application no. 1501 of JSO Enterprises, LLC, Kuldeep Oberoi, Agent, d/b/a Bobby Food & Liquor Mart for premises located at 2079 S. 69 St. (new-existing location).
Unanimously recommended to approve subject to necessary requirements.
11. [2009-0149](#) 2008-2009 Combination Class A Liquor License application no. 1502 of Bryan SRA, LLC, Ram S. Joseph, Agent, d/b/a Kwik Pantry, for premises at 6716 W. Lincoln Ave. (new-nonexisting location).
Unanimously recommended to approve subject to necessary requirements.
12. [2009-0170](#) Police Department Report regarding February 15, 2009 Tobacco Compliance Check involving twenty-four (24) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification (2008-2009 Cigarette License no. 480 of Speedway Superamerica, LLC, Lee R. Sattler, Agent, d/b/a Speedway #4152 at 5712 W. Burnham St.).
Unanimously recommended to be placed on file.

13. [2008-0505](#) Police Department Report involving Mario's, 1900 S. 60 St. (2007-2008 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: May 20, 2008).
- Unanimously recommended to be placed on file.*
14. [2009-0216](#) Police Department Report involving Mario's, 1900 S. 60 St. (2008-2009 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: March 7, 2009).
- Unanimously recommended to be placed on file.*
15. [2009-0218](#) Police Department Report involving Larry Michael's Club & Cafe, 8900 W. Greenfield Ave. (2008-2009 Class B Tavern License no. 472, Dance Hall License no. 1040, Instrumental Music License no. 1039 and Cigarette License no. 475, Larry M. Beilfuss, Agent, Incident Date: March 14, 2009).
- Unanimously recommended to be placed on file.*
16. [2008-0306](#) 2008-2009 Class B Tavern License application no. 1389 of Jacqueline A. George, d/b/a Gyro Grill & Pub for premises located at 10722 W. Oklahoma Ave. (new-nonexisting).
- Unanimously recommended to be placed on file.*
17. [2009-0168](#) Police Department Report involving Top Gun Saloon, 1100 S. 60 St. (2008-2009 Class B Tavern License no. 1424, Dance Hall License no. 1425 and Instrumental Music License no. 1426, Susan M. Domena, Agent, Incident Date: January 16, 2009).
- Unanimously recommended to be placed on file.*
18. [2009-0169](#) Police Department Report involving Top Gun Saloon, 1100 S. 60 St. (2008-2009 Class B Tavern License no. 1424, Dance Hall License no. 1425 and Instrumental Music License no. 1426, Susan M. Domena, Agent, Incident Date: February 17, 2009).
- Unanimously recommended to be placed on file.*
19. [O-2008-0054](#) An Ordinance to Repeal Subsections 7.121(3), (4) and (5), Repeal and Recreate Section 7.16 and Create Section 7.126 of the Revised Municipal Code Relating to Dangerous Dogs.
- Sponsors:** Michael J. Czaplewski
- Unanimously recommended for passage as amended, to ten (10) foot leash.*

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS**ADMINISTRATION & FINANCE COMMITTEE**

20. [R-2009-0125](#) Resolution approving a Substantial Amendment to the Fiscal Year 2008 Consolidated Action Plan of the Community Development Block Grant Program (CDBG).
Sponsors: Administration & Finance Committee
21. [R-2009-0126](#) Resolution on the Spending of Federal Economic Recovery Funds.
Sponsors: Richard F. Narlock
22. [R-2009-0123](#) Resolution Relative to Revising the Workplace Violence Policy for Inclusion in the City of West Allis Policies & Procedures Manual.
Sponsors: Administration & Finance Committee
23. [2009-0279](#) Comptroller/Manager of Finance submitting the City of West Allis Unaudited Internal Financial Reports as of 4/30/09.
24. [2009-0278](#) Agreement between City of West Allis and Motorsports LLC for Paramedic Ambulance/Fire Engine Stand-By services for Milwaukee Mile Events for 2009.

City Attorney Claim Report

25. [2003-0225](#) Alan D. Eisenberg communication submitted on behalf of Eric D. Ede regarding damages allegedly sustained on March 19, 2003.
26. [2008-0058](#) Amended Summons and Complaint in the matter of Franklin J. Perko vs. City of West Allis, et al.
27. [2009-0182](#) Gil & Tina Maronek communication regarding vehicle damage allegedly sustained near the intersection of S. 70 St. and W. Main St., on March 9, 2009.

PUBLIC WORKS COMMITTEE

28. [2009-0208](#) Communication from City Engineer Regarding Painting of Bike Lanes Along 116th Street.

29. [2009-0281](#) Communication from American Sewer Service, Inc. appealing their disqualification from bidding.

Public Hearing Items (Public Works Committee)

30. [R-2009-0120](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for Interim Street Resurfacing on various streets, and W. Dakota St. from S. 72 St. to 135 feet east of S. 72 St. (portions in West Allis, combined project with City of Milwaukee).

Sponsors: Public Works Committee

S. 65 St.: W. Revere Pl. to W. Beloit Rd.

S. 66 St.: W. Revere Pl. to W. Beloit Rd.

S. Livingston Terr.: S. 67 Pl. to W. Beloit Rd.

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Portions of intersection streets

be improved by interim asphalt resurfacing and utility adjustments, and

W. Dakota St.: S. 72 St. to 135 feet east of S. 72 St. (portions in West Allis, combined project with City of Milwaukee)

be improved by minor asphalt resurfacing with miscellaneous walk.

31. [R-2009-0121](#) Final Resolution authorizing public improvement by interim asphalt resurfacing and utility adjustments in various streets, and minor asphalt resurfacing with miscellaneous walk in W. Dakota St. from S. 72 St. to 135 feet east of S. 72 St. (portions in West Allis, combined project with City of Milwaukee), and levying special assessments against benefited properties.

Sponsors: Public Works Committee

SAFETY & DEVELOPMENT COMMITTEE

32. [R-2009-0106](#) Resolution relative to determination of Special Use Permit to extend Havana Lounge and Cigar into the abutting commercial space east of their existing location at 9505 W. Greenfield Ave. (Tax Key No. 450-0042-001)

Sponsors: Safety & Development Committee

33. [R-2009-0128](#) Resolution authorizing the execution of a Professional Services Contract for the Energy Efficiency Conservation Block Grant Program in an amount not to exceed \$20,000.

Sponsors: Safety & Development Committee

34. [R-2007-0237](#) Resolution Requiring the Routing of All Geo-Referenced Subdivision Plats and Certified Survey Maps to the County Land Information Office Upon Approval.
Sponsors: Martin J. Weigel
35. [2009-0248](#) Communication from the City of Greenfield informing the City of West Allis of their public hearing on May 5, 2009 for the purpose of changing or adding to the Official Map of the City so as to establish the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds or to widen, narrow, extend or close existing streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds.
36. [R-2006-0010](#) Resolution authorizing financial participation in New Market Tax Credits regarding Pressed Steel Tank Company.
37. [R-2006-0264](#) Resolution authorizing staff to negotiate, on behalf of the City of West Allis, the possible acquisition of the property owned by Joseph P. Zablocki, located at 1200 S. 63 St. (Tax Key No. 439-0228-000)
38. [R-2008-0239](#) Resolution authorizing the Community Development Authority of the City of West Allis an additional \$268,900 for street lighting for W. Greenfield Ave. and W. National Ave. from S. 60 St. to S. 62 St.
Sponsors: Safety & Development Committee
39. [2000-0003](#) Request from Chairman of the West Allis Commission on Aging to begin planning efforts to meet current and future parking needs at the West Allis Senior Center.
40. [2005-0161](#) Menards, Inc. communication requesting to purchase additional vacated right-of-way of W. Arthur Ave. and an additional ten (10) foot strip of property directly north of the vacated right-of way.
41. [2006-0220](#) Special Use Permit for proposed outdoor sales and display for the existing Menards building located at 2535 S. 108 St. (Tax Key No. 484-9986-009)
42. [2007-0055](#) Southeastern Wisconsin Regional Planning Commission communication providing a certified copy of SEWRPC Planning Report No. 51, A Wireless Antenna Siting and Related Infrastructure Plan for Southeastern Wisconsin, and a copy of Commission Resolution No. 2006-19 adopting the plan as a guide for the physical development of the Region.
43. [2007-0145](#) Southeastern Wisconsin Regional Planning Commission communication providing a certified copy of SEWRPC Planning Report No. 49, A Regional Transportation System Plan for Southeastern Wisconsin: 2035, and a copy of Commission Resolution No. 2006-11 adopting the plan as a guide for the physical development of the Region.

44. [2008-0034](#) Southeastern Wisconsin Regional Planning Commission communication providing a certified copy of SEWRPC Planning Report No. 53, A Regional Broadband Telecommunications Plan for Southeastern Wisconsin.

Public Hearing Items (Safety & Development Committee)

45. [R-2009-0127](#) Resolution relative to determination of Special Use Permit for Rockstar Tattoo & Co., a proposed tattoo, piercing and jewelry, and clothing sales operation to be located at 2707 S. 108 St., within the Shoppes on 100 retail center. (Tax Key No. 520-0003-000)
Sponsors: Safety & Development Committee
46. [2009-0219](#) Special Use Permit for Rockstar Tattoo & Co., a proposed tattoo, piercing and jewelry, and clothing sales operation to be located at 2707 S. 108 St., within the Shoppes on 100 retail center. (Tax Key No. 520-0003-000)
47. [R-2009-0122](#) Resolution relative to determination of Special Use Permit for proposed internal expansion of West Allis Children's Center, an existing day care facility located within the office building at 1126 S. 70 St. (Tax Key No. 439-0001-026)
Sponsors: Safety & Development Committee
48. [2009-0221](#) Special Use Permit for proposed internal expansion of West Allis Children's Center, an existing day care facility located within the office building at 1126 S. 70 St. (Tax Key No. 439-0001-026)

Public Hearing Items (Safety & Development and License & Health Committees)

49. [R-2009-0129](#) Resolution relative to determination of Special Use Permit for proposed interior addition to Margarita Paradise, located at 11112 W. National Ave., within the National Plaza Shopping Center. (Tax Key No. 520-9999-003)
Sponsors: Safety & Development Committee and License & Health Committee
50. [2009-0220](#) Special Use Permit for proposed interior addition to Margarita Paradise, located at 11112 W. National Ave., within the National Plaza Shopping Center. (Tax Key No. 520-9999-003)

LICENSE & HEALTH COMMITTEE

51. [2009-0200](#) 2008-2010 Tavern Operator License application no. 10-313 of Sherry A. Rom.

52. [2009-0204](#) 2008-2010 Tavern Operator License application no. 10-317 of Katherine L. Van Dorf.
53. [2009-0199](#) 2008-2009 Tavern Operator License application no. 09-647 of Andrew A. Heard.
54. [2009-0270](#) Time Warner Cable communication regarding May changes, Smithsonian HD replacing HD Net, Mad TV HD replacing HD Net Movies, Playboy Channel 834 available as a Pay Per View and preview of the French Open on the Tennis Channel.
55. [2009-0249](#) Mega Marts, LLC communication regarding notice of change of liquor agent at the Pick 'n Save #6883 located at 11111 W. Greenfield Ave. (2008-2009 Combination Class A Liquor License no. 1205).
56. [2009-0253](#) 2009-2010 Class B Tavern License renewal application no. 751 of Town Beer & Liquor, Inc., Gerald M. Kovacich, Agent, d/b/a Town Beer & Liquor premises located at 907 S. 84 St. (new agent)
57. [2009-0259](#) 2009-2010 Combination Class A Liquor License renewal application no. 936 of Town Beer & Liquor, Inc., Gerald M. Kovacich, Agent, d/b/a Town Beer & Liquor premises located at 903 S. 84 St. (new agent).
58. [2009-0254](#) 2009-2010 Class B Tavern License renewal application no. 1210 and Instrumental Music License application no. 1508 of Havana Lounge, LLC, Brian J. Blocher, Agent, d/b/a Havana Lounge & Cigar premises located at 9505 W. Greenfield Ave. (new Instrumental Music License application)
59. [2009-0265](#) 2009-2010 Class B Tavern Special Event Permit application no. 1 of D&N Lynch, Inc., Joseph Lynch, Agent, d/b/a Lynch's, 2300 S. 108 St., (2009-2010 Class B Tavern License application no. 489, Instrumental Music License application no. 617) for Lynchfest Outdoor Music Festival, August 21 & 22, 2009 from 6:00 p.m. to 11:00 p.m. and August 23, 2009 from 9 a.m. to 9 p.m., (Tents in fenced secure area between house and bar).
60. [2009-0266](#) 2008-2009 Special Instrumental Music Permit application no. 6 of PM Pub & Grub, Inc., Jaeniene Garvey, Agent, d/b/a PM Pub & Grub, 6533 W. Mitchell St. (2008-2009 Class B Tavern License no. 1447 and Dance Hall License no. 1449) for an event on Saturday, May 16, 2009.
61. [2009-0267](#) 2009-2010 Special Class B Beer and Wine License application(s).
62. [2009-0260](#) 2009-2010 and 2009-2011 Tavern Operator License applications.

63. [2009-0252](#) 2009-2010 Class B Tavern, Dance Hall and Instrumental Music License renewal applications.
64. [2009-0258](#) 2009-2010 Combination Class A Liquor License renewal application(s).
65. [2009-0256](#) 2009-2010 Class B Beer License renewal application.
66. [2009-0257](#) 2009-2010 Wholesale Beer License renewal application(s).
67. [2009-0272](#) 2009-2010 Adult-Oriented Establishment Operator License renewal application(s).
68. [2009-0262](#) 2009-2010 Phonograph Distributor's License renewal application(s).
69. [2009-0261](#) 2009-2010 Amusement Distributor's License renewal application(s).
70. [2009-0250](#) 2009-2010 Second Hand Dealer License renewal application(s).
71. [2009-0264](#) 2009-2010 Precious Metal & Gem Dealer License renewal application(s).
72. [2009-0282](#) 2008-2009 Entertainment Club License application no. 1520 of Sumn Outta Nutn, LLC, Ted F. Robertson, Agent, premises located at 2213 S. 54 St.
73. [2009-0269](#) 2009-2010 Used Vehicle Dealer License application no. 1518 of National Motors, LLC, Barbara F. Rahman, Agent, d/b/a National Motors, LLC at 5610 W. National Ave.
74. [2009-0280](#) 2009-2010 Used Vehicle Dealer License application no. 1516 of ORP Fleet, LLC, Nathan E. DeBaun, Agent, d/b/a ORP Fleet Sales at 10503 W. Greenfield Ave.
75. [2009-0255](#) 2009-2010 Class B Tavern License application no. 1509 of Night Court Inc., Gregory J. Kaiser, Agent, d/b/a Night Court premises located at 7127 W. National Ave. (new existing)
76. [2009-0268](#) 2009-2010 Combination Class A Liquor License renewal appl. no. 935 of Dhillon S. Mohinder, d/b/a Dhillon Beer & Liquor, premises located at 5832 W. Burnham St.
77. [2009-0251](#) 2009-2010 Tavern Operator License application no. 10-323 of Joshua J. Barrett.
78. [2009-0263](#) 2009-2011 Tavern Operator License renewal application no. 11-029 of Samantha J. Martin.

79. [2009-0273](#) 2009-2011 Tavern Operator License renewal application no. 11-083 of Nora L. Galagan.
80. [2009-0274](#) 2009-2011 Tavern Operator License renewal application no. 11-086 of Kimberly L. Miller.

ADVISORY COMMITTEE

81. [2009-0236](#) Appointment by Mayor Devine of Rev. Susan Lockman as a member of the West Allis Ethics Board, her three-year term to expire June 1, 2012.
82. [2009-0277](#) Legislative Committee minutes for April 28, 2009.

N. OTHER MATTERS RELATING TO THE AFFAIRS AND GOVERNMENT OF THE CITY WHICH MAY PROPERLY BE BROUGHT BEFORE THE COMMON COUNCIL

O. 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.