



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Meeting Agenda

### Common Council

*Mayor Dan Devine, Chair*

*Alderman James W. Sengstock, Council President*

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

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Tuesday, March 6, 2012

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-2012-0061](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of S. Wollmer Rd. from W. Oklahoma Ave. to S. 108 St. by concrete pavement repair and utility adjustments.  
**Sponsors:** Public Works Committee
  
2. [O-2012-0005](#) Ordinance to amend the official West Allis Zoning Map by rezoning a portion of the existing split-zoned property located at 2525 S. 108 St. from M-1 Manufacturing to C-4 Regional Commercial District.  
**Sponsors:** Safety & Development Committee
  
3. [R-2012-0043](#) Resolution relative to determination of Special Use Permit to establish a branch office for the UW Credit Union, a financial institution with drive-thru facilities, to be located at 2525 S. 108 St.  
**Sponsors:** Safety & Development Committee
  
4. [R-2012-0034](#) Resolution relative to determination of Special Use Permit for the proposed construction of Dunkin Donuts, a restaurant with drive-thru facilities, to be attached to the Applebee's Restaurant, to be located at 2871 S. 108 St.  
**Sponsors:** Safety & Development Committee

- 5.     [R-2012-0036](#)           Resolution relative to determination of Special Use Permit for All About Speed Collision Center, a proposed auto repair business, to be located at 6320 W. Burnham St.  
  
          **Sponsors:** Safety & Development Committee
  
- 6.     [R-2012-0037](#)           Resolution relative to determination of Special Use Permit for Free Agents Customz and Auto Wirks, a proposed auto repair business, to be located at 2074 S. 56 St.  
  
          **Sponsors:** Safety & Development Committee
  
- 7.     [R-2012-0038](#)           Resolution relative to determination of Special Use Permit to amend the existing Special Use Resolution for the CVS store located within the Riverbend Shopping Center located at 7552 W. Oklahoma Ave. to include the licensed sales of packaged beer.  
  
          **Sponsors:** Safety & Development Committee
  
- 8.     [R-2012-0035](#)           Resolution relative to determination of Special Use Permit to establish JRS Jewelry Repair Shop, a retail jewelry store including second hand sales, to be located within a portion of the existing multi-tenant retail building at 2749 S. 108 St.  
  
          **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**

**Alderspersons Comments**

**H. AGENDA APPROVAL****I. APPROVAL OF MINUTES**

*Minutes of the Common Council regular meeting of February 21, 2012.*

**J. ITEMS NOT REFERRED TO COMMITTEE**

9. [2012-0094](#) Notice of Claim submitted by WE Energies regarding damages allegedly sustained on or about November 7, 2011 at 8520 W. Montana Ave.
10. [2012-0095](#) Summons and Complaint in the matter of Bank of America, N.A., vs Debbie Gibbs, et al, regarding foreclosure of mortgage, Case No. 12CV001299.
11. [2012-0097](#) Second Amended Summons and Complaint in the matter of U.S. Bank National Association vs. Kimberly A. Burns, et al., regarding foreclosure of mortgage, Case No. 09-CV-014679.

**K. STANDING COMMITTEE REPORTS****LICENSE & HEALTH COMMITTEE**

*Regular meeting held on February 28, 2012. (Ald. Sengstock excused).*

12. [2012-0026](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of December 2011 involving one (1) West Allis business (2011-2012 Class B Tavern License no. 1605 of Jan-Rat, LLC, Gary Janocik, Agent, d/b/a Studz Pub, 6833 W. National Ave., Incident Date: December 23, 2011, 1st Offense).  
*Unanimously recommended to be placed on file.*
13. [2012-0052](#) 2011-2013 Tavern Operator License application no. 13-443 of Jill M. Linski.  
*Unanimously recommended to be denied based on the police report.*
14. [2012-0083](#) 2011-2013 Tavern Operator License application no. 13-450 of Connie L. Kelly.  
*Unanimously recommended to be denied based on the police report.*
15. [2012-0084](#) 2011-2013 Tavern Operator License application no. 13-451 of Jennifer L. McGwire.  
*Unanimously recommended to be denied based on the police report.*

16. [2012-0086](#) 2011-2013 Tavern Operator License application no. 13-454 of Stuart J. Dadtka.  
*Unanimously recommended to be approved.*
17. [2012-0081](#) 2011-2012 Class B Tavern License application of Jesus Atilano and Elva E. Martinez, partners, d/b/a Studio 59 LLC for premises located at 5801 W. Beloit Rd. (new-existing location).  
*Unanimously recommended to be placed on file.*
18. [2012-0022](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2011-2012 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. 1430 of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Date: December 4, 2011).  
*Unanimously recommended to be placed on file.*
19. [2012-0024](#) Police Department Report involving Night Court, 7127 W. National Ave. (2011-2012 Class B Tavern License no. 1594 of Parops, LLC, Hans T. Anderson, Agent, Incident Date: December 9, 2011).  
*Unanimously recommended to be placed on file.*
20. [2012-0072](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of January 2012 involving one (1) West Allis business (2011-2012 Class B Tavern License no. 1642 of 6500 Bar LLC, Susan C. Jesion, Agent, d/b/a 6500 Bar & Grill, 6500 W. Greenfield Ave., Incident Date: January 21, 2012, 1st Offense).  
*Unanimously recommended to be placed on file.*
21. [2012-0082](#) Police Department Report regarding violation of the Wisconsin Indoor Clean Air Act Smoking Ban (6500 Bar & Grill, 6500 W. Greenfield Ave., Katie R. DesRocher, Bartender License no. 13-135, Incident Date: January 21, 2012).  
*Unanimously recommended to be placed on file.*
22. [2011-0741](#) Communication from Roundy's Supermarkets, Inc. regarding the amendment to state law under 2011 Wisconsin Act 97 allowing Class "A" and "Class A" alcohol sales to begin at 6:00 a.m.  
*Unanimously recommended to be placed on file.*
23. [2012-0062](#) 2011-2012 Class B Tavern License application no. 1829, Dance Hall License application no. 1831 and Instrumental Music License application no. 1830, of 1022 S.A., LLC, Said Sami Nassar, Agent, d/b/a "Stevens"...1022 Pub & Sports Grill, premises located at 1022 S. 60 St. (new-existing location).  
*Unanimously recommended to be approved subject to necessary requirements.*

24. [2012-0063](#) 2011-2012 Class B Tavern License application no. 1832 of Abraham J. Gutierrez, d/b/a Xtreme Sports Bar, premises located at 6404 W. National Ave. (new-existing location).  
*Unanimously recommended to be approved subject to necessary requirements.*
25. [2012-0044](#) 2011-2012 Tavern Operator License application no. 12-354 of Nicholas W. Trucks.  
*Recommended to be denied the following vote:  
Ayes: 3 - Alderpersons Czaplewski, Roadt & Weigel  
Noes: 1 - Alderperson Barczak*
26. [2012-0053](#) 2011-2013 Tavern Operator License application no. 13-444 of Brandon M. Atwood.  
*License & Health returned the item with no recommendation based on the following vote by the Committee to recommend to approve:  
Ayes: 2 - Alderpersons Barczak & Czaplewski  
Noes: 2 - Alderpersons Roadt & Weigel*

## L. COMMON COUNCIL RECESS

## M. NEW AND PREVIOUS MATTERS

### ADMINISTRATION & FINANCE COMMITTEE

#### New Matters for Introduction

27. [R-2012-0064](#) Resolution relative to acquiring a sole source agreement of Acoustics By Design for providing Noise Consulting Project Services for a total sum not to exceed \$17,500.  
**Sponsors:** Administration & Finance Committee
28. [R-2012-0065](#) Resolution relative to accepting the sole source proposal of SunGard Public Sector for providing Application Services Provider (ASP) service for a total net sum of \$135,000.  
**Sponsors:** Administration & Finance Committee
29. [R-2012-0068](#) Resolution relative to approving 2011 Transfers, Carryovers, Open Purchase Orders, Capital Accumulation Charges, and Negative Department Balances.  
**Sponsors:** Administration & Finance Committee
30. [2012-0088](#) Fire Chief communication relative to notification of Fire Department Application for SAFER Grant.

31. [2012-0089](#) Fire Chief communication relative to notification of 2012 approved Advanced Life Support Billing Rates.
32. [2012-0098](#) Communication from City Administrative Officer regarding request to fill vacant Arborist position in the Public Works-Forestry Division.

### City Attorney Claim Report

33. [2009-0038](#) Karen Johnson communication regarding injuries allegedly sustained at 2837 S. 108 Street.  
*City Attorney recommended to be placed on file.*
34. [2011-0038](#) Notice of Injury submitted by Weigel, Carlson, Blay & Clemens, S.C. on behalf of Casimiro Sanchez regarding injuries and damages allegedly sustained on December 22, 2010 at South 63 Street just south of West Lapham Street.  
*City Attorney recommended to be paid and placed on file.*
35. [2011-0504](#) Allstate Insurance Company Subrogation Claim on behalf of Laurie L. Busalacchi regarding vehicle damages allegedly sustained on July 23, 2011 at S. 94 St. and W. Orchard St. Claim No. 0211392931.  
*City Attorney recommended to be paid and placed on file.*
36. [2011-0531](#) Mr. Gary R. Bergmann communication regarding injuries allegedly sustained east bound at the intersection of W. Lincoln Ave. and W. National Ave. on August 26, 2011.  
*City Attorney recommended to be paid and placed on file.*
37. [2011-0698](#) Randall and Gail Hierl communication regarding damages allegedly sustained in November 2011 at 2209-2211 S. 75 St.  
*City Attorney recommended to be paid and placed on file.*
38. [2012-0077](#) James H. Steege request for a refund of a towing charge which allegedly occurred at 96 Street and Cleveland Avenue on January 10, 2012.  
*City Attorney recommended denial.*

### PUBLIC WORKS COMMITTEE

### New Matters for Introduction

39. [R-2012-0063](#) Resolution accepting work of D.C. Burbach, Inc. for the removal and reconstruction of the concrete alley pavement, storm sewer, storm sewer relay, utility adjustments and storm underdrain in various locations within the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2010 Project No. 3.  
**Sponsors:** Public Works Committee
40. [R-2012-0066](#) Resolution accepting work of Visu-Sewer, Inc. for the installation of sanitary sewer lining, sanitary spot lining and manhole grouting and lining from S. 72nd Street to S. 76th Street and W. Beloit Road to W. Jackson Drive in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2011 Project No. 13.  
**Sponsors:** Public Works Committee
41. [R-2012-0067](#) Resolution relative to authorizing the submittal of a \$175,000 Wisconsin Department of Natural Resources Municipal Flood Control Grant application and the subsequent appropriation of the necessary 30% local matching funds of up to \$53,000 from the Storm Water Utility to acquire and demolish a property located at 11300 W. Cleveland Ave.  
**Sponsors:** Rosalie L. Reinke

#### **Public Hearing Items (Public Works Committee)**

42. [R-2012-0061](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of S. Wollmer Rd. from W. Oklahoma Ave. to S. 108 St. by concrete pavement repair and utility adjustments.  
**Sponsors:** Public Works Committee
43. [R-2012-0062](#) Final Resolution authorizing public improvement by concrete pavement repair and utility adjustments in S. Wollmer Rd. from W. Oklahoma Ave. to S. 108 St. and levying special assessments against benefited properties.  
**Sponsors:** Public Works Committee

#### **SAFETY & DEVELOPMENT AND LICENSE & HEALTH COMMITTEES**

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

44. [R-2012-0038](#) Resolution relative to determination of Special Use Permit to amend the existing Special Use Resolution for the CVS store located within the Riverbend Shopping Center located at 7552 W. Oklahoma Ave. to include the licensed sales of packaged beer.  
**Sponsors:** Safety & Development Committee
45. [2012-0067](#) Special Use Permit to amend the existing Special Use Resolution for the CVS store located within the Riverbend Shopping Center located at 7552 W. Oklahoma Ave., to include the licensed sales of packaged beer.

## **SAFETY & DEVELOPMENT COMMITTEE**

### **New Matters for Introduction**

46. [O-2012-0004](#) An Ordinance to Establish Parking Restrictions on the East Side of the 2000 Block of S. 65 St.  
**Sponsors:** Vincent Vitale
47. [2012-0090](#) Notice of rescheduled Hearing to March 13, 2012 at 10:00 a.m. in the West Allis City Hall Council Chambers relative to DOT petition for the establishment of two (2) public crossings of the Union Pacific Railroad Co. Tracks with the West Allis Cross Town Pathway.

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

48. [O-2012-0005](#) Ordinance to amend the official West Allis Zoning Map by rezoning a portion of the existing split-zoned property located at 2525 S. 108 St. from M-1 Manufacturing to C-4 Regional Commercial District.  
**Sponsors:** Safety & Development Committee
49. [R-2012-0043](#) Resolution relative to determination of Special Use Permit to establish a branch office for the UW Credit Union, a financial institution with drive-thru facilities, to be located at 2525 S. 108 St.  
**Sponsors:** Safety & Development Committee
50. [2012-0054](#) Special Use Permit to establish a branch office for the UW Credit Union, a financial institution with drive-thru facilities, to be located at 2525 S. 108 St.



51. [R-2012-0034](#) Resolution relative to determination of Special Use Permit for the proposed construction of Dunkin Donuts, a restaurant with drive-thru facilities, to be attached to the Applebee's Restaurant, to be located at 2871 S. 108 St.  
**Sponsors:** Safety & Development Committee
52. [2012-0066](#) Special Use Permit for the proposed construction of Dunkin Donuts, a restaurant with drive-thru facilities, to be attached to the Applebee's Restaurant, to be located at 2871 S. 108 St.
53. [R-2012-0036](#) Resolution relative to determination of Special Use Permit for All About Speed Collision Center, a proposed auto repair business, to be located at 6320 W. Burnham St.  
**Sponsors:** Safety & Development Committee
54. [2012-0065](#) Special Use Permit for All About Speed Collision Center, a proposed auto repair business, to be located at 6320 W. Burnham St.
55. [R-2012-0037](#) Resolution relative to determination of Special Use Permit for Free Agents Customz and Auto Wirks, a proposed auto repair business, to be located at 2074 S. 56 St.  
**Sponsors:** Safety & Development Committee
56. [2012-0055](#) Special Use Permit for Free Agents Customz and Auto Wirks, a proposed auto repair business, to be located at 2074 S. 56 St.
57. [R-2012-0035](#) Resolution relative to determination of Special Use Permit to establish JRS Jewelry Repair Shop, a retail jewelry store including second hand sales, to be located within a portion of the existing multi-tenant retail building at 2749 S. 108 St.  
**Sponsors:** Safety & Development Committee
58. [2012-0064](#) Special Use Permit to establish JRS Jewelry Repair Shop, a retail jewelry store including second hand sales, to be located within a portion of the existing multi-tenant retail building at 2749 S. 108 St.

## LICENSE & HEALTH COMMITTEE

### New Matters for Introduction

59. [2012-0092](#) 2012-2013 Used Vehicle Dealer License application(s).
60. [2012-0093](#) 2012-2013 Mobile Home Park License application(s).

61. [2012-0100](#) 2011-2012 Special Instrumental Music Permit application no. 6 of Lele's Whiskey Corner, LLC, Erwin C. Magritz, Agent, d/b/a Remedy Bar, 1309 S. 60 St. (2011-2012 Class B Tavern License no. 1733) for an event on Saturday, April 14, 2012.
62. [2012-0091](#) Tavern Operator License applications.
63. [2012-0101](#) 2011-2013 Tavern Operator License application no. 13-456 of April L. Fox.
64. [2012-0102](#) 2011-2013 Tavern Operator License application no. 13-457 of Mark W. Fetter, Jr.
65. [2012-0103](#) 2011-2012 Tavern Operator License application no. 12-359 of Jason M. Wedner.
66. [2012-0104](#) 2011-2012 Tavern Operator License application no. 12-361 of Krystina M. Nienow.
67. [2012-0096](#) Police Department Report involving Luna Jewelry and Repair, LLC, 5835 W. National Ave., (2011-2012 Secondhand Jewelry Dealer License no. 1662 of Luna Jewelry and Repair, LLC, Merari Rodriguez, Agent, Incident Dates: December 10, 2011 thru December 16, 2011).

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

68. [2012-0032](#) 2011-2013 Tavern Operator License application no. 13-434 of Samantha J. Knutson.
69. [2012-0039](#) 2011-2013 Tavern Operator License application no. 13-438 of Ben W. Hart.
70. [2012-0023](#) Police Department Report involving Wild Bill's Saloon, 1454 S. 92 St. (2011-2012 Class B Tavern License no. 789 of Wild Bill's Saloon, LLC, William P. Savage, Agent, Incident Date: December 7, 2011).

#### **ADVISORY COMMITTEE**

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

71. [2012-0099](#) Reappointment by Mayor Devine of Linda Grulke as a member of the West Allis Board of Health, her two-year term to expire January 1, 2014.
72. [2012-0105](#) Reappointments by Mayor Devine to the West Allis Community Celebrations Committee of Dianne Eineichner, Mark Ellington, Mary Cay Freiberg, and Jim Mejchar, their three-year terms to expire December 31, 2014.

**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.