



City of West Allis

Meeting Minutes

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

Wednesday, November 3, 2010

7:00 PM

City Hall Common Council Chambers

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 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

Excused 1 - Barczak

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Reinke.

D. PUBLIC HEARINGS

1. [R-2010-0242](#) Resolution relative to determination of Special Use Permit for proposed addition to sell private passenger vehicles at Heiser Chevrolet, an existing business located at 10200 W. Arthur Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

2. [R-2010-0241](#) Resolution relative to determination of Special Use Permit for proposed commercial truck sales and repair to take place at 11139 W. Becher St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

Elmer and Margaret Nicholl, 2161 S. 111 St., commented on the amount of dust in the area, and to first finish what was started.

3. [R-2010-0236](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of W. Lapham St. from S. 73 St. to S. 76 St. and portions of intersecting streets by concrete reconstruction with miscellaneous sidewalk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main, water main relay, building services and utility adjustments.

Sponsors: Public Works Committee

Explanation by Peter Daniels, Principal Engineer.

Appearances:

Richard Romans and Cyndi Johnstone, 1607 S. 73 St., described the history of the projects in their area, and addressed their financial concerns due to the economy.

4. [R-2010-0243](#) Resolution approving an amendment to the Community Development Block Grant (CDBG) Program for the creation of S. 70 St. Development Project.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

5. [2010-0590](#) 2011 City of West Allis Mayor's Recommended Budget.

Explanation by Paul M. Ziehler, City Administrative Officer, Clerk/Treasurer.

Appearances: None.

E. CITIZEN PARTICIPATION

James Fendry, 5725 Clover Ln., Greendale, on behalf of the Wisconsin Pro Gun Movement addressed the proposed ordinance regarding gun stores. He described 1995 WI Act 72 that takes away home rule authority and prohibits municipal zoning that regulates firearms. He said that local rules would be unenforceable and have no legal standing.

Michelle Diament, commented on the location of a gun store on S. 60 St. and the City's zoning code. She stated her concerns relative to the safety of the children.

Kurt Wachholz, WAWM School District Superintendent, stated his concerns with regard to the location of a gun store near Longfellow School. He commented on the spirit of the law relative to gun free school zones. He also commented on the ordinance for banning synthetic marijuana, and requested support for the ordinance. In addition, he addressed the school district's partnership with the West Allis Police Department and the COPS grant used for safety and security in schools.

Brooke Tadyak, 5840 W. Kinnickinnic Pkwy., addressed the petition opposed to the location of a gun store on S. 60 St.

Mike Govas, 2192 S. 60 St., said that he wants to open a firearms store on S. 60 St. He plans to run the store safely, and that the guns will be properly cared for. He promised that it will be a

good business.

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. MISCELLANEOUS BUSINESS

Mayor's Report

*Mayor Devine announced the following events:
the job fair at the Tommy Thompson Youth Center;
Veteran's Day Celebration at Vet's Park; and
Community Breakfast of Thanks and Giving.*

Alderspersons Comments

*Ald. Reinke announced the Christmas Giving Tree for Veterans sponsored by the Celebrations
Committee.*

Ald. Vitale commented on the proposed ordinance regarding synthetic marijuana.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of October 19, 2010

J. ITEMS NOT REFERRED TO COMMITTEE

6. [2010-0640](#) Amended Summons and Complaint in the matter of Eagle Mortgage & Loan, LLC, vs. Joseph Hoffman, et al, regarding foreclosure of mortgage, Case No. 09CV013554.
7. [2010-0641](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P., vs. Willie Anderson, et al, regarding foreclosure of mortgage, Case No. 10CV017658.
8. [2010-0646](#) Hupy & Abraham, S.C. communication on behalf of Donald D. Marshall regarding injuries and/or property damages allegedly sustained at S. 98 St. and W. Schlinger Ave. on October 15, 2010.

9. [2010-0647](#) Slavica Brankov communication regarding vehicle damages allegedly sustained at 3154 S. 124 St. on September 1, 2010.
10. [2010-0648](#) Nenad Simic communication regarding vehicle damages allegedly sustained at the intersection of S. 76 St. and W. Becher St. on October 14, 2010.
11. [2010-0650](#) Oliver F. Gardipee communication regarding vehicle damages allegedly sustained at 601 S. 12 St. on October 13, 2010.

Passed The Block Vote

K. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE

12. [2010-0584](#) 2010-2011 Tavern Operator License application no. 11-552 of Cory R. Fitzpatrick.
13. [2010-0612](#) 2010-2011 Tavern Operator License application no. 11-560 of Jessica L. LaRocque.
14. [2010-0613](#) 2010-2011 Tavern Operator License application no. 11-559 of Lettitia M. Kujawa.
15. [2010-0615](#) 2010-2012 Tavern Operator License application no. 12-245 of Timothy E. Wergin.
16. [2010-0562](#) 2010-2012 Package Goods Operator License application no. 1718 of Jeanene M. Harrell.
17. [2010-0524](#) 2010-2011 Adult-Oriented Establishment Operator Permit application no. 1710 of Carlos Santos.
18. [2010-0608](#) 2010-2011 Class B Tavern License application no. 1722 of Madington, LLC, Greg M. Hansuld, Agent, d/b/a Bulldog 60, premises located at 1101 S. 60 Street. (new-existing location).
19. [2010-0619](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2010-2011 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: August 21, 2010).

20. [2010-0620](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2010-2011 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: September 4, 2010).
21. [2010-0622](#) Police Department Report involving Havana Lounge & Cigar, 9505 W. Greenfield Ave. (2010-2011 Class B Tavern License no. 1210 and Instrumental Music License no. 1508 of Havana Lounge LLC, Brian L. Blocher, Agent, Incident Date: September 11, 2010).
22. [2010-0618](#) Police Department Report involving Paulie's Pub & Eatery, LLC, 8031 W. Greenfield Ave. (2010-2011 Class B Tavern License no. 1403, Dance Hall License no. 1405 and Instrumental Music License no. 1406 of Paulie's Pub & Eatery, LLC, Kristine M. Budiac, Agent, Incident Date: August 20, 2010).
23. [2010-0625](#) Police Department Report involving Magoo's Sports Pub & Grill, 8911 W. National Ave. (2010-2011 Class B Tavern License no. 637 and Instrumental Music License no. 644 of Magoo's of West Allis, Ltd., Thomas J. Beckmann, Agent, Incident Date: September 26, 2010).

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

L. COMMON COUNCIL RECESS

that the Council recess until completion of Committee meetings

Thereupon, the Council took a recess at 8:12 p.m. Upon returning from recess at 9:02 p.m., and the roll call being taken, there were:

Present 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

Excused 1 - Barczak

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

26. [2010-0653](#) Comptroller/Manager of Finance submitting the City of West Allis Final Unaudited Financial Reports for April, May, June, July, and August 2010 and Preliminary Unaudited Financial Reports for September 2010.

Attachments: [April 2010 Final.pdf](#)
[May 2010 Final.pdf](#)
[June 2010 Final.pdf](#)
[July 2010 Final.pdf](#)
[Aug 2010 Final.pdf](#)
[Sept 2010 Prelim.pdf](#)

27. [2004-0529](#) Attorney Peter M. Donohue communication on behalf of Antonio Rodriguez and Martha Hilda Becerra regarding injury allegedly sustained in their home on July 29, 2004.
28. [2008-0108](#) Second Amended Complaint in the matter of Rickey Nelson Swift vs. Detective Carlo Danila, et al.
29. [2010-0052](#) Summons and Complaint in the matter of Metro Capital Funding, LLC vs. Joseph Hoffman, et al., regarding foreclosure of mortgage, Case No. 10CV000158.
30. [2010-0254](#) Sheila Rooney communication regarding vehicle damage allegedly sustained westbound on W. Lincoln Ave. and S. 84 St. on December 18, 2009.
and Placed on File
31. [2010-0528](#) Cindy Radtke communication regarding damages allegedly sustained on July 22 and 23, 2010 at 8519 W. Becher St.
and Placed on File
32. [2010-0585](#) Janet Tierney communication regarding vehicle damage allegedly sustained at 6918 W. Becher St. on September 19, 2010.
and Placed on File

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

Public Hearing Items (Administration & Finance Committee)

33. [2010-0590](#) 2011 City of West Allis Mayor's Recommended Budget.
Held in Administration & Finance Committee during recess.
34. [O-2010-0046](#) Ordinance appropriating the necessary funds for the operation and administration of the City of West Allis for calendar year 2011.

Sponsors: Administration & Finance Committee

Attachments: [ADMO.AppropOrd.Atchmt1.pdf](#)
[ADMO.AppropOrd.Atchmt2.pdf](#)
[ADMO.AppropOrd.Atchmt3.pdf](#)
[ADMO.AppropOrd.Atchmt4.pdf](#)

Held in Administration & Finance Committee during recess.

PUBLIC WORKS COMMITTEE

24. [R-2010-0239](#) Resolution authorizing the Director of Public Works/City Engineer to enter into an agreement with Ring & Duchateau for engineering services related to replacing the chiller units at City Hall and the Police Station in the amount of \$18,500.

Sponsors: Public Works Committee

25. [R-2010-0240](#) Resolution authorizing the Director of Public Works/City Engineer to contract with The Garland Company, Inc. for emergency roof repairs at Fire Station No. 2 in the amount of \$12,425.

Sponsors: Public Works Committee

36. [R-2010-0238](#) Resolution Granting a Privilege for Encroachment (Major) to New Owner Jolinos Properties, LLC (d/b/a Mis Suenos Mexican Restaurant) for property located at 7335 West Greenfield Avenue.

Sponsors: Public Works Committee

Public Hearing Items (Public Works Committee)

38. [R-2010-0236](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of W. Lapham St. from S. 73 St. to S. 76 St. and portions of intersecting streets by concrete reconstruction with miscellaneous sidewalk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main, water main relay, building services and utility adjustments.

Sponsors: Public Works Committee

39. [R-2010-0237](#) Final Resolution authorizing public improvement by concrete reconstruction with miscellaneous sidewalk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main, water main relay, building services and utility adjustments in W. Lapham St. from S. 73 St. to S. 76 St. and portions of intersecting streets and levying special assessments against benefited properties.

Sponsors: Public Works Committee

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

SAFETY & DEVELOPMENT COMMITTEE

35. [2010-0631](#) Communication from Director of Public Works/City Engineer regarding a request from Dicken's Grill, 9646 W. Greenfield Avenue, to place part of a concrete deck with wood rails for outdoor dining into the right-of-way of S. 97th St.

40. [O-2010-0047](#) An Ordinance to amend Subsection 2.38(3) and Subsection 12.13(12) of the West Allis Revised Municipal Code relating to appeals of Plan Commission decisions being considered by the Common Council and to amend Subsection 2.39(2) relative to the function and duties of the Board of Appeals.

Sponsors: Safety & Development Committee

Held in Safety & Development Committee during recess.

41. [O-2010-0048](#) Ordinance to amend Subsection 12.40(1)(ii) and 12.41(1)(dd) relative to sporting good stores. To repeal Subsection 12.41(1)(q) relative to indoor gun ranges in the C-2, Neighborhood Commercial District. To repeal and recreate Subsection 12.48(3)(a) relative to firearm ranges in Park Districts and to amend Subsection 12.43(2)(m) of the Revised Municipal Code to permit gun, firearm and/or ammunition sales; sporting good stores with gun, firearm and/or ammunition sales; and, indoor ranges as a permitted use within the C-4 Regional Commercial District.

Sponsors: Safety & Development Committee

Held in Safety & Development Committee during recess.

42. [R-2010-0244](#) Resolution authorizing staff to negotiate, on behalf of the City of West Allis, the possible acquisition of the property located at 9** S. 70 St.

Sponsors: Safety & Development Committee

43. [R-2010-0245](#) Resolution Granting an Ingress/Egress Easement between the City of West Allis, WAWI Development, LLC and the School District of West Allis-West Milwaukee.

Sponsors: Safety & Development Committee

44. [2010-0645](#) Communication from Trapp & Hartman, S.C., regarding WAWI Development, LLC, easement on vacated Walker Street.

Public Hearing Items (Safety & Development Committee)

45. [R-2010-0242](#) Resolution relative to determination of Special Use Permit for proposed addition to sell private passenger vehicles at Heiser Chevrolet, an existing business located at 10200 W. Arthur Ave.

Sponsors: Safety & Development Committee

46. [2010-0596](#) Special Use Permit for proposed addition to sell and lease private passenger vehicles at Heiser Chevrolet, an existing business located at 10200 W. Arthur Ave.

47. [R-2010-0241](#) Resolution relative to determination of Special Use Permit for proposed commercial truck sales and repair to take place at 11139 W. Becher St.

Sponsors: Safety & Development Committee

48. [2010-0616](#) Special Use Permit for proposed commercial truck sales and repair to take place at 11139 W. Becher St.

49. [R-2010-0243](#) Resolution approving an amendment to the Community Development Block Grant (CDBG) Program for the creation of S. 70 St. Development Project.

Sponsors: Safety & Development Committee

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

37. [2010-0644](#) Communication from the Director of Public Works/City Engineer relative to the Department's Policies and Procedures related to Bulk Collections and associated charges.

Attachments: [bulk collection change.ltr.pdf](#)
[bulk collections.3a.pdf](#)

A Motion was made by Ald. Weigel, seconded by Ald. Narlock, to Approve as Amended. No vote was taken.

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

LICENSE & HEALTH COMMITTEE

50. [2010-0638](#) 2010-2011 Class B Beer License application no. 1731 of Gulzar, Inc., Gulbaz Gill, Agent, d/b/a Mr. Gyros Grill & Cafe located at 10535 W. Greenfield Ave. (new-nonexisting premises).

Held in License & Health Committee during recess.

51. [2010-0639](#) 2010-2011 Class C Wine License application no. 1732 of Gulzar, Inc., Gulbaz Gill, Agent, d/b/a Mr. Gyros Grill & Cafe located at 10535 W. Greenfield Ave. (new-nonexisting premises).

Held in License & Health Committee during recess.

52. [2010-0655](#) Summons and Complaint in the matter of the complaint against M & W Hospitality, Inc., Mario P. Morgese, Agent for the premises located at 1900 S. 60 St., d/b/a Mario's (2010-2011 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093).

Attachments: [2010-0655 Summons.pdf](#)
[2010-0655 Complaint.pdf](#)
[2010-0655 Summons 11-16-10.pdf](#)

Held in License & Health Committee during recess.

53. [2010-0549](#) Police Department Report involving Mario's, 1900 S. 60 St. (2010-2011 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: August 1, 2010).

Held in License & Health Committee during recess.

54. [2010-0624](#) Police Department Report involving Mario's, 1900 S. 60 St. (2010-2011 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: September 24, 2010).
Held in License & Health Committee during recess.
55. [2010-0643](#) 2010-2011 Tavern Operator License application no. 11-561 of Dawn M. Buss.
Held in License & Health Committee during recess.
57. [2010-0652](#) Thomas Dexter, International Autos at 2400 S. 108 St. communication regarding the addition of address 10606 W. Arthur Ave. to the current Used Vehicle Dealer License no. 10-32.
58. [2010-0611](#) 2010-2011 Secondhand Jewelry Dealer License application.
License no. 1730 approved subject to necessary requirements including termination of moratorium.
59. [2010-0656](#) 2010-2011 Dance Hall License application no. 1728 and Instrumental Music License application no. 1727 of International Development LLC, Joshua J. Johnson, Agent, d/b/a Hero's located at 9105 W. Lincoln Ave.
60. [2010-0642](#) Tavern Operator License applications.

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

56. [O-2010-0045](#) An Ordinance to Create 6.07 Banning Synthetic Marijuana.

Sponsors: Ald. Vitale

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

ADVISORY COMMITTEE

- 61. [2010-0651](#) Communications from Wisconsin Historical Society regarding Notice of Entry in the National Register and/or State Register of Historic Places for Alexander Herschel and Pauline G. McMicken House at 1508 S. 80 St., Kegel's Inn at 5901-5905 W. National Ave., and Koelsch Funeral Home at 7622 W. Greenfield Ave.

Attachments: [2010-0651 Historical Society.pdf](#)

- 62. [2010-0654](#) Appointments by Mayor Devine of youth members to the West Allis Youth Commission.
- 63. [2010-0657](#) Notification of appointment of Mr. Gerry Matter to the West Allis Community Improvement Foundation, Inc.

Passed The Block Vote

Aye: 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

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

None.

O. ADJOURNMENT

to adjourn at 9:19 p.m., with the next regularly scheduled meeting to be held on November 19, 2010, at 7:00 p.m

*/s/ Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer*



All meetings of the {bdName} 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.