



City of West Allis

Meeting Minutes

Common Council

Mayor Dan Devine, Chair

Alderman James W. Sengstock, Council President

Aldermen: 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, March 2, 2010

7:00 PM

City Hall - 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 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Roadt, Sengstock, Vitale, and Weigel

Excused 1 - Reinke

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Czaplewski.

D. PUBLIC HEARINGS

1. [R-2010-0066](#) 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. Beloit Rd. from S. 84 St. to W. Oklahoma Ave. and portions of intersecting streets by major asphalt resurfacing with miscellaneous walk, miscellaneous driveway repairs, sanitary sewer relay and utility adjustments.

Sponsors: Public Works Committee

Explanation by Joseph Burtch, Assistant City Engineer.

Appearances:

Gary Cunico, 8800 W. Beloit Rd., commented on the \$60,000 for lighting and continuation of service to his home.

Madria Brockmeyer, 8612 W. Beloit Rd., asked what her property taxes pay for, and asked if the estimate will increase.

Mark Witte, Village at Manor Park, 3023 S. 84 St., addressed the impact on five of their driveways. He asked about the S. 84 St. assessment, and requested that areas be open as much as possible. He stated his concerns relative to safety, and commented on the review of road signage.

David Bickelhaupt, 8806 W. Beloit Rd., had questions about the sanitary sewer relay and contractor, and asked about the timeframe for the project.

2. [R-2010-0072](#) Resolution relative to determination of Special Use Permit for Midwest Gold Buyers, a proposed gold-buying business to be located at 1234 S. 108 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

None.

Item nos. 3-8 were taken together.

3. [R-2010-0074](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing lattice tower located at 2701 S. 92 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

Conrad LeBeau, 2003 S. 96 St., commented on the regulation by the FCC and FDA. He addressed scientific research, provided a detailed analysis, and referenced his journal and newsletter. He commented on free radical reduction, disease effects, exposure levels, associated danger, and unintended consequences. He said that the long term loss of health does not justify the revenue generated. Mr. LeBeau provided statistics, and addressed his research with regard to sleep interruption. He suggested an opt out clause for the Common Council to cancel a contract.

Mark Russert, Clear Wireless representative, offered his availability to answer any specific questions for any of the sites.

Howard LaPine, 1000 S. 108 St., Lot A11, commented on research and radiation. He agreed with Conrad LeBeau, and addressed the effects on the brain.

4. [R-2010-0073](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing monopole located at 2550 S. 108 St. & 10607 W. Arthur Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

See legislative file no. R-2010-0074.

5. [R-2010-0077](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing building located at 6600 W. Washington St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

See legislative file no. R-2010-0074.

6. [R-2010-0071](#) Resolution relative to determination of Special Use Permit for proposed collocation of high-speed wireless equipment to be attached to the Aurora West Allis Medical Center building located at 8901 W. Lincoln Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

See legislative file no. R-2010-0074.

7. [R-2010-0052](#) Resolution relative to determination of Special Use Permit for proposed collocation of high-speed wireless equipment to be attached to the existing water tower located at 11515 W. Rogers St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

See legislative file no. R-2010-0074.

8. [R-2010-0080](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing water tower located at 1981 S. 84 St. & 8435-37 W. National Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

See legislative file no. R-2010-0074.

E. CITIZEN PARTICIPATION

None.

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 commented on the 2010 Census, and said that every resident that goes
unaccounted results in a \$1200 per year loss of federal funds. He asked that residents reach out
to their neighbors and friends regarding the Census.*

*Mayor Devine announced an upcoming fundraiser to benefit St. Baldick's foundation which
supports childhood cancer research.*

Alderspersons Comments

None.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of February 16, 2010

J. ITEMS NOT REFERRED TO COMMITTEE

None.

K. STANDING COMMITTEE REPORTS

None.

L. COMMON COUNCIL RECESS

that the Council recess until completion of Committee meetings

*Thereupon, the Council took a recess at 7:45 p.m. Upon returning from recess at 8:42 p.m.,
and the roll call being taken, there were:*

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

Excused 1 - Reinke

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

9. [R-2010-0078](#) Resolution relative to the transfer of \$12,000 from the Contingency Fund to the General Promotional budget account for implementation of a new method of City Newsletter distribution (Publisher's Mail Services).
- Sponsors:* Administration & Finance Committee
10. [R-2010-0068](#) Resolution Relative to Adopting a HIPAA Notification of Breach of Unsecured Protected Health Information Policy.
- Sponsors:* Administration & Finance Committee
11. [2010-0129](#) Fire Chief communication relative to consideration of Advanced Life Support billing rate modifications.
- Attachments:* [ALS BillingRate Ltr 2010.pdf](#)
12. [2010-0128](#) Communication from City Administrative Officer regarding request to fill a vacant Engineering Technician position in the Engineering Department.
- Attachments:* [VACPOSREQ.EngTech 030210.pdf](#)
13. [R-2010-0039](#) Resolution Relative to Approving 2009 - Transfers, Carryovers, Open Purchase Orders, Capital Accumulation Charges and Negative Department Balances.
- Sponsors:* Administration & Finance Committee
- Attachments:* [2009 Carryovers.pdf](#)

City Attorney Claim Report

14. [2009-0045](#) Notice of Circumstances of Claim submitted by Habush Habush & Rottier S. C., on behalf of Thomas A. Pecard regarding injuries allegedly sustained at the intersection of South 70 Street and West Washington Street on December 6, 2008.
- and Placed on File**
15. [2009-0120](#) Summons and Complaint in the matter of Citizens Bank of Mukwonago vs. City of West Allis, et al.
16. [2010-0032](#) Mike Veon communication regarding vehicle damage allegedly sustained on November 21, 2009 between South 55 and 56 Streets on Lincoln Avenue.

Passed The Block Vote

Aye: 9 - Barczak, Czaplowski, Kopplin, Lajsic, Narlock, Roadt, Sengstock, Vitale, and Weigel

No: 0

PUBLIC WORKS COMMITTEE

17. [R-2010-0053](#) Resolution accepting work of Capitol Pavers, Inc. for concrete reconstruction of the pavement, including miscellaneous walk repair, miscellaneous driveway repair, storm sewer, storm sewer relay, sanitary sewer relay, building services and utility adjustments in S. 119 St. from W. Ohio Avenue to W. Morgan Avenue and S. 123 St. from 395' south of W. Euclid Ave. to W. Ohio Ave. in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2005 Project No. 12.

Sponsors: Public Works Committee

18. [R-2010-0059](#) Resolution accepting work of Capitol Pavers, Inc. for street construction, sanitary sewer relay, sanitary sewer, storm sewer relay, storm sewer, water main, water main relay, building services and utility adjustments in W. Grant St. from S. 68th St. to S. 76th St. in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 5.

Sponsors: Public Works Committee

19. [R-2010-0060](#) Resolution accepting work of Capitol Pavers, Inc. for the removal and reconstruction of the concrete alley pavement, storm sewer, storm spot relay, utility adjustments and storm underdrain in various alleys in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 7.

Sponsors: Public Works Committee

20. [R-2010-0054](#) Resolution accepting work of LaLonde Contractors, Inc. for concrete reconstruction of the pavement, including miscellaneous walk repair, driveway replacement, storm sewer, storm sewer relay, sanitary sewer relay, water main, building services and utility adjustments in W. Grant St. from S. 55 St.-S. 60 St.; S. 57 St. from W. Mobile St.-W. Grant St.; W. Rogers St. from S. 53 St.-S. 56 St.; W. Washington St. from S. 96 St. to S. 97 St. in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2007 Project No. 5.

Sponsors: Public Works Committee

21. [R-2010-0057](#) Resolution accepting work of Milwaukee General Construction, Inc. for the removal and reconstruction of the concrete alley pavement, storm sewer, storm spot relay, utility adjustments and storm underdrain in various alleys in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 1.

Sponsors: Public Works Committee

22. [R-2010-0058](#) Resolution accepting work of Reesman's Excavating & Grading, Inc. for street reconstruction, sanitary sewer relay, storm sewer relay, storm sewer, water main relay, building services and utility adjustments in S. 73rd Street from W. Walker St. to NCL; S. 74th St. from N/O W. Walker St. to W. Washington St.; S. 78th St. from W. Greenfield Ave. to W. National Ave. in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 3.

Sponsors: Public Works Committee

23. [R-2010-0061](#) Resolution accepting work of Payne & Dolan, Inc. for asphalt resurfacing of the pavement including the cracking and seating of the pavement with miscellaneous driveway and sidewalk repair, water main relay, sanitary spot relay, storm sewer relay and utility adjustments in various locations in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 6.

Sponsors: Public Works Committee

24. [R-2010-0063](#) Resolution accepting work of Payne & Dolan, Inc. for interim and minor street resurfacing, storm sewer relay, storm sewer spot relay, sanitary sewer relay, sanitary sewer spot relay, water main relay, building services and utility adjustments in various locations in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 12.

Sponsors: Public Works Committee

25. [R-2010-0062](#) Resolution accepting work of MJ Construction, Inc. for installation of sanitary sewer relays, sanitary spot relays, sanitary spot lining, sanitary sewer lining and storm sewer lining in S. 68th St. from W. Beloit Rd. to SCL; S. 76th St. from W. Cleveland Ave. to 400' N. of W. Oklahoma Ave.; W. National Ave. from Union Pacific Railroad to S. 70th St.; and Easement 175' W. of S. 96th St. from W. Washington St. to 45' N. of W. Washington St. in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 13.

Sponsors: Public Works Committee

26. [R-2010-0055](#) Resolution accepting work of Cornerstone Pavers, LLC for concrete patching, asphalt patching, manhole adjustments, and catch basin repairs at various locations in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2009 Project No. 15.

Sponsors: Public Works Committee

27. [R-2010-0065](#) Resolution relative to accepting the proposal of Neenah Foundry Co. for furnishing and delivering cast iron manholes and catchbasins for a total sum of \$92,101.00.

Sponsors: Public Works Committee

28. [R-2010-0069](#) Resolution relative to accepting the proposal of various suppliers for furnishing and delivering chimney seals, valves, water boxes and extensions for a total sum of \$175,231.50.

Sponsors: Public Works Committee

Attachments: [1071 Bid tabulation.pdf](#)

29. [R-2010-0070](#) Resolution to approve bid of Veolia ES Industrial Services, Inc., for closed circuit TV inspection of sanitary and storm sewers in various locations within the City of West Allis, in the amount of \$71,637.60.

Sponsors: Public Works Committee

Attachments: [2010-1 Bid Results.pdf](#)

Public Hearing Items (Public Works Committee)

30. [R-2010-0066](#) 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. Beloit Rd. from S. 84 St. to W. Oklahoma Ave. and portions of intersecting streets by major asphalt resurfacing with miscellaneous walk, miscellaneous driveway repairs, sanitary sewer relay and utility adjustments.

Sponsors: Public Works Committee

31. [R-2010-0067](#) Final Resolution authorizing public improvement by major asphalt resurfacing with miscellaneous walk, miscellaneous driveway repairs, sanitary sewer relay and utility adjustments in W. Beloit Rd. from S. 84 St. to W. Oklahoma Ave. and portions of intersecting streets and levying special assessments against benefited properties.

Sponsors: Public Works Committee

Passed The Block Vote

Aye: 9 - Barczak, Czaplowski, Kopplin, Lajsic, Narlock, Roadt, Sengstock, Vitale, and Weigel

No: 0

SAFETY & DEVELOPMENT COMMITTEE

32. [R-2010-0075](#) Resolution authorizing the awarding of Neighborhood Stabilization Program (NSP) funds to the City of West Allis from the Wisconsin Department of Commerce.

Sponsors: Safety & Development Committee

33. [R-2010-0076](#) Resolution approving a Sole Source professional services contract with Arcadis for the preparation of demolition specifications, oversight and asbestos assessment for the former Chalet Restaurant located at 6215 W. National Ave., in an amount not to exceed \$19,400.

Sponsors: Safety & Development Committee

34. [R-2010-0064](#) Resolution approving a Certified Survey Map for the re-division of land for Phase 2 of Toldt's Six Points/Farmers Market Development, submitted by Helmut Toldt, d/b/a Toldt Development, Inc.

Sponsors: Safety & Development Committee

35. [2010-0124](#) Certified Survey Map for the re-division of land for Phase 2 of Toldt's Six Points/Farmers Market Development, submitted by Helmut Toldt, d/b/a Toldt Development, Inc.

Public Hearing Items (Safety & Development Committee)

36. [R-2010-0072](#) Resolution relative to determination of Special Use Permit for Midwest Gold Buyers, a proposed gold-buying business to be located at 1234 S. 108 St.

Sponsors: Safety & Development Committee

37. [2010-0097](#) Special Use Permit for Midwest Gold Buyers, a proposed gold-buying business to be located at 1234 S. 108 St.

38. [R-2010-0074](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing lattice tower located at 2701 S. 92 St.

Sponsors: Safety & Development Committee

39. [2010-0092](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing lattice tower located at 2701 S. 92 St.

40. [R-2010-0073](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing monopole located at 2550 S. 108 St. & 10607 W. Arthur Ave.

Sponsors: Safety & Development Committee

41. [2010-0091](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing monopole located at 2550 S. 108 St. & 10607 W. Arthur Ave.

42. [R-2010-0077](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing building located at 6600 W. Washington St.

Sponsors: Safety & Development Committee

43. [2010-0094](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing building located at 6600 W. Washington St.

44. [R-2010-0071](#) Resolution relative to determination of Special Use Permit for proposed collocation of high-speed wireless equipment to be attached to the Aurora West Allis Medical Center building located at 8901 W. Lincoln Ave.

Sponsors: Safety & Development Committee

45. [2010-0093](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the Aurora West Allis Medical Center building located at 8901 W. Lincoln Ave.

46. [R-2010-0052](#) Resolution relative to determination of Special Use Permit for proposed collocation of high-speed wireless equipment to be attached to the existing water tower located at 11515 W. Rogers St.

Sponsors: Safety & Development Committee

47. [2010-0096](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing water tower located at 11515 W. Rogers St.

48. [R-2010-0080](#) Resolution relative to determination of Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing water tower located at 1981 S. 84 St. & 8435-37 W. National Ave.

Sponsors: Safety & Development Committee

49. [2010-0095](#) Special Use Permit for proposed collocation of high speed wireless equipment to be attached to the existing water tower located at 1981 S. 84 St. & 8435-37 W. National Ave.

50. [2010-0020](#) Communication from Conrad LeBeau, 2003 S. 96 St., opposing the Special Use Permits for collocation of high speed wireless equipment to be located at various locations.

Attachments: [2010-0020.pdf](#)

Passed The Block Vote

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

No: 0

LICENSE & HEALTH COMMITTEE

51. [2010-0126](#) Video/Cable Communications Coordinator communication regarding recommendations for 4th Quarter Operating Funds to the West Allis Community Communications Corporation (WACCC) for the Public Access Channel.

Attachments: [2010-0126.pdf](#)

52. [2010-0127](#) Video/Cable Communications Coordinator communication regarding 4th quarter funding recommendations for the WA/WM School District educational access operations.

Attachments: [2010-0127.pdf](#)

53. [2010-0118](#) 2010-2011 Used Vehicle Dealer License renewal application(s).

License application nos. 29, 41, 187, 205, 210, 231-233, 256, 267, 1046, 1516, 1556 & 1585 granted.

54. [2010-0119](#) 2010-2011 Mobile Home Park License renewal application(s).

License application nos. 287-289 granted.

55. [2010-0123](#) Appointment of new agent, Dale F. Sosinski, by Mega Marts, LLC, d/b/a Pick 'n Save #6846 located at 2625 S. 108 St. (2009-2010 Combination Class A Liquor License no. 1087).

56. [2010-0122](#) 2009-2010 and 2009-2011 Tavern Operator License applications.

*2009-2010 License application nos. 425-426 granted and
2009-2011 License application nos. 437-439 granted.*

57. [2010-0120](#) 2009-2010 Special Class B Beer and Wine License application(s).

License application no. 12 granted.

58. [2010-0125](#) Communication from Assistant City Attorney regarding non-payment of personal property taxes, for Children's Creative Corner and Mr. Gyros, and outstanding judgement for Mr. Gyros.

Held in License & Health Committee during recess.

59. [2010-0105](#) 2009-2010 Tavern Operator License application no. 10-424 of Manjit S. Shergill.

60. [2009-0782](#) 2009-2010 Tavern Operator License application no. 10-413 of Cortney A. Oettinger.

Held in License & Health Committee during recess.

Passed The Block Vote

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

No: 0

ADVISORY COMMITTEE

61. [R-2010-0079](#) Resolution relative to the City of West Allis adopting the legislative position stating that the State Legislature be prohibited from passing any unfunded state mandates, but if the State Legislature does pass any unfunded State Mandates on wages, compensation, and any and all related benefits, that the legislation allow the City to pass on the new, added total cost to employees.

Sponsors: Ald. Czaplewski

Aye: 8 - Barczak, Czaplewski, Kopplin, Lajsic, Roadt, Sengstock, Vitale, and Weigel

No: 1 - Narlock

62. [2010-0121](#) City Administrative Officer, Clerk/Treasurer communication requesting permission to destroy certain records.

Aye: 9 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, 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 8:48 p.m., with the next regularly scheduled meeting to be held on March 16, 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.