



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, September 1, 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-2009-0183](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of general area bounded by S. 100 St. to S. 124 St., W. Fairview Ave. to Union Pacific Railroad by replacement or repair of concrete sidewalk at random locations.
Sponsors: Public Works Committee

2. [R-2009-0169](#) Resolution relative to determination of Resolution relative to determination of Special Use Permit to establish outdoor dining at Hanke's, an existing tavern located at 6101 W. Lincoln Ave. (Tax Key No. 490-0004-000)
Sponsors: Safety & Development Committee

3. [R-2009-0193](#) Resolution relative to determination of Special Use Permit for proposed restaurant to be located within the existing gas station building located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000).
Sponsors: Safety & Development Committee

4. [R-2009-0194](#) Resolution relative to determination of Special Use Permit to establish a processing and production facility for alcohol/spirits (no on site sales) located at 2078 S. 56 St. (Tax Key No. 474-0264-003)
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 August 4, 2009.

J. ITEMS NOT REFERRED TO COMMITTEE

5. [2009-0574](#) List of individuals, businesses, and locations in West Allis selected by the West Allis Beautification Committee to receive Proclamation of Commendation.
6. [2009-0557](#) Report of the Municipal Judge for the month of July 2009, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$100,736.23.
7. [2009-0556](#) Third Party Summons & Complaint in the matter of Deborah K. Hausch and Kemper Indendence Insurance Company vs. City of West Allis, et al.
8. [2009-0560](#) American Family Insurance Group communication on behalf of their insured James T. & Concet Handlos, regarding damages allegedly sustained on August 21, 2009.
9. [2009-0561](#) Amended Summons and Complaint in the matter of Deutsche Bank National Trust Company vs. City of West Allis, et al.

10. [2009-0562](#) Mark A. Berginz communication submitted on behalf of Christine M. Spallato regarding vehicle damage allegedly sustained on the east side of S. 95 St. on August 13, 2009.
11. [2009-0563](#) Miriam Lezama communication regarding property damage allegedly sustained at 1908-1910 S. 76 St. on August 13, 2009.
12. [2009-0564](#) Aurelia R. Cotter communication regarding tree removal reimbursement at 1237 S. 102 St. on August 8, 2009.
13. [2009-0568](#) Joseph Macisak communication regarding property damage allegedly sustained at 922 S. 92 St. on June 19, 2009.

K. STANDING COMMITTEE REPORTS

ADMINISTRATION & FINANCE COMMITTEE

Regular meeting held on August 10, 2009. (Ald. Narlock excused.)

14. [2009-0508](#) Comptroller/Manager of Finance submitting the City of West Allis Comprehensive Annual Financial Report for the year ended December 31, 2008 for review and approval.
Unanimously recommended approval and to be placed on file.
15. [2009-0524](#) Communication from City Administrative Officer relative to the 2010-2019 Ten Year Capital Improvement Program.
Unanimously recommended approval and to be placed on file.

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

New Matters for Introduction

16. [O-2009-0026](#) Ordinance amending Sections 7.121(1)(f) and 7.122(1)(f) of the City of West Allis Revised Municipal Code relative to late fees for dog and cat licenses.
Sponsors: Administration & Finance Committee

17. [R-2009-0185](#) Resolution approving an Action Plan for Fiscal Year 2010 and the Five-Year Consolidated Plan for 2010-2014 relative to the Community Development Block Grant (CDBG) Program.
Sponsors: Administration & Finance Committee
18. [R-2009-0195](#) Resolution Relative to Revising the Family Medical Leave Act Policy for Inclusion in the City of West Allis Policies & Procedures Manual.
Sponsors: Administration & Finance Committee
19. [R-2009-0186](#) Resolution to approve Summary of Negotiated Settlement with Local 80 (Clerical Unit), AFSCME, AFL-CIO, for 2011.
Sponsors: Administration & Finance Committee
20. [R-2009-0187](#) Resolution to approve Summary of Negotiated Settlement with Local 80 (DPW Unit), AFSCME, AFL-CIO, for 2011.
Sponsors: Administration & Finance Committee
21. [R-2009-0188](#) Resolution to approve Summary of Negotiated Settlement with Local 5038 (West Allis Federation of Nurses), for 2011.
Sponsors: Administration & Finance Committee
22. [R-2009-0189](#) Resolution approving the Summary of Negotiated Settlement with the West Allis Engineering Technician and Aides Association (ET&AA), for 2011.
Sponsors: Administration & Finance Committee
23. [R-2009-0190](#) Resolution approving the Summary of Negotiated Settlement between the City of West Allis and the West Allis Professional Fire Fighters' Association, Local 1004, for 2011.
Sponsors: Administration & Finance Committee
24. [2009-0578](#) Fire Chief Hook communications requesting to approve use of 2008 Assistance to Firefighters Grant (AFG) excess funds and 2009 Federal Emergency Management Agency (FEMA) Grant and City Match.

City Attorney Claim Report

25. [2005-0519](#) Amended Summons and Complaint in the matter of GMAC MORTGAGE CORPORATION v. CITY OF WEST ALLIS DEPARTMENT OF DEVELOPMENT, HOUSING DIVISION, ET AL.
City Attorney recommended to be placed on file.

26. [2006-0395](#) Lisa R. Yancey communication regarding injuries allegedly sustained at 7036 W. Greenfield Ave. on May 25, 2006.
City Attorney recommended denial.
27. [2009-0431](#) Donald Wiedmann communication regarding vehicle damage allegedly sustained at South 105 and West Walker Streets on June 5, 2009.
City Attorney recommended to be placed on file.
28. [2009-0460](#) Scott and Sandra Blaha communication regarding property damage allegedly sustained on June 19, 2009 at 1943 S. 94 Street.
City Attorney recommended denial.
29. [2009-0479](#) Steve McComb communication regarding property damage allegedly sustained on June 19, 2009 at 10408 W. Schlinger Ave.
City Attorney recommended denial.
30. [2009-0502](#) American Family Mutual Insurance Company communication submitted on behalf of Laverne D. Plopper regarding vehicle damage allegedly sustained on June 26, 2009.
City Attorney recommended denial.

PUBLIC WORKS COMMITTEE

New Matters for Introduction

31. [R-2009-0191](#) Resolution granting a Storm Sewer Drainage Easement by Debra J. Beining and Lorraine M. Shawley, tenants in common, and Janet C. Leary, Life Estate ("Grantors"), to the City of West Allis ("Grantee") for the property shown and described on Engineering Drawing File No. Y-1170, dated July 22, 2009, which is attached hereto as Exhibit "A" and made a part hereof.
Sponsors: Public Works Committee
32. [R-2009-0192](#) Resolution to approve the West Allis Water Utility's September 1, 2009 PWAC Rate Adjustment.
Sponsors: Public Works Committee
33. [R-2009-0196](#) Resolution to approve bid of MJ Construction, Inc. for installation of sanitary sewer relays, sanitary spot relays, sanitary spot lining, sanitary sewer lining and storm sewer lining in various locations within the City of West Allis, in the amount of \$533,851.00.
Sponsors: Public Works Committee

34. [R-2009-0198](#) Resolution Authorizing and Directing the Appropriate City Officials to Acquire Temporary Limited Easements, Permanent Easements and Property for the Reconstruction of 60th Street from Lincoln Avenue to the North City Limits.
Sponsors: Public Works Committee
35. [R-2009-0199](#) Resolution to approve bid of Capitol Pavers, Inc. for sidewalk repair in the general area bounded by S. 70 St., S. 84 St., North Corporate Limits and the Union Pacific Railroad in the amount of \$101,961.80.
Sponsors: Public Works Committee
36. [2009-0576](#) Communication from the City Engineer Regarding 2010 Special Assessment Rates.
37. [2009-0553](#) Petition submitted by landowners of Ermenc Park Estates requesting No Trucking signs on the south end of east side of S. 117th St. (2700 block for northbound trucking traffic), stricter enforcement of the No Trucking Ordinance for S. 117 St., and objection to the pending assessment for road repair of S. 117 St.

Public Hearing Items (Public Works Committee)

38. [R-2009-0183](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of general area bounded by S. 100 St. to S. 124 St., W. Fairview Ave. to Union Pacific Railroad by replacement or repair of concrete sidewalk at random locations.
Sponsors: Public Works Committee
39. [R-2009-0184](#) Final Resolution authorizing public improvement by replacement or repair of concrete sidewalk at random locations in general area bounded by S. 100 St. to S. 124 St., W. Fairview Ave. to Union Pacific Railroad 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)**

40. [R-2009-0169](#) Resolution relative to determination of Resolution relative to determination of Special Use Permit to establish outdoor dining at Hanke's, an existing tavern located at 6101 W. Lincoln Ave. (Tax Key No. 490-0004-000)
Sponsors: Safety & Development Committee

41. [2009-0552](#) Special Use Permit to establish outdoor dining at Hanke's, an existing tavern located at 6101 W. Lincoln Ave. (Tax Key No. 490-0004-000)

SAFETY & DEVELOPMENT COMMITTEE

New Matters for Introduction

42. [O-2009-0025](#) An Ordinance to Amend Subsection 10.105(2)(b)3. of the Revised Municipal Code Relating to the Number of Permits for All-Night Parking.
Sponsors: Safety & Development Committee
43. [R-2009-0197](#) Resolution directing the Director of Development to execute the Offer to Purchase for the properties located at 11528 W. Rogers St. and 11406 W. Rogers St. (Tax Key Nos. 481-9993-010 and 481-9993-013).
Sponsors: Safety & Development Committee
44. [2009-0567](#) Communication from Sydnee Freeman, GHA Architecture requesting to withdraw Special Use Permit application for a proposed restaurant, Smashburger, at 2923 S. 108 St.
45. [2009-0551](#) Special Use Permit for a proposed restaurant, Smashburger, to occupy outdoor dining and a portion of the Shoppes on 100 multi-tenant commercial building located at 2923 S. 108 St. (Tax Key No. 520-1002-000)

Previous Matters for Consideration

46. [O-2009-0022](#) Ordinance to amend Section 12.45 of the Revised Municipal Code relative to permitting salvage, recycling, and/or transfer stations and other similar uses as a special use.
Sponsors: Safety & Development Committee
47. [R-2008-0265](#) Resolution approving the Cooperation Agreement by and between the Community Development Authority and the City of West Allis for Tax Incremental District Number Ten - Yellow Freight Redevelopment Project.
Sponsors: Safety & Development Committee

Public Hearing Items (Safety & Development Committee)

48. [R-2009-0193](#) Resolution relative to determination of Special Use Permit for proposed restaurant to be located within the existing gas station building located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000).
Sponsors: Safety & Development Committee
49. [2009-0550](#) Special Use Permit for proposed restaurant to be located within the existing gas station building located at 6819 W. Lincoln Ave. (Tax Key No. 489-0080-000)
50. [R-2009-0194](#) Resolution relative to determination of Special Use Permit to establish a processing and production facility for alcohol/spirits (no on site sales) located at 2078 S. 56 St. (Tax Key No. 474-0264-003)
Sponsors: Safety & Development Committee
51. [2009-0549](#) Special Use Permit to establish a processing and production facility for alcohol/spirits (no on site sales) located at 2078 S. 56 St. (Tax Key No. 474-0264-003)

LICENSE & HEALTH COMMITTEE

New Matters for Introduction

52. [2009-0570](#) Summons and Complaint in the matter of the complaint against Tri-Corp Housing, Michael S. Brever, Agent relative to Food-Related Permit.
53. [2009-0571](#) Summons and Complaint in the matter of the complaint against Mr. Gyros Café & Grill, LLC, James P. Wood, Agent, d/b/a Mr. Gyros relative to Food-Related Permit.
54. [2009-0572](#) Summons and Complaint in the matter of the complaint against Paul Ray Investments, LLC, Todd W. Hall & Paul Ray, d/b/a Papa John's Pizza relative to Food-Related Permit.
55. [2009-0518](#) Summons and Complaint in the matter of the complaint against Jeffrey Farrington, 2009-2011 Tavern Operator License renewal application no. 11-313.
56. [2009-0441](#) 2009-2011 Tavern Operator License renewal application no. 11-313 of Jeffrey T. Farrington.
57. [2009-0519](#) Summons and Complaint in the matter of the complaint against Tammy Wetzel, 2008-2010 Tavern Operator License no. 10-246.

58. [2009-0464](#) Police Department Report involving Wild Bill's Saloon, 1454 S. 92 St. (Tammy M. Wetzel, 2008-2010 Tavern Operator License no. 10-246, Incident Date: May 3, 2009).
59. [2009-0566](#) 2009-2011 Tavern Operator License application no. 11-372 of Demetris A. Johnson.
60. [2009-0547](#) Application for transfer of 2009-2010 Combination Class A Liquor License no. 1464 of SKRP Liquor, Inc., Rajendra Z. Patel, Agent, d/b/a Milwaukee Liquor Depot from 6231 W. Lincoln Ave. to 1568 S. 81 St.
61. [2009-0548](#) 2009-2010 Combination Class A Liquor License application no. 1586 of Aryan's Mart & Beer, LLC, Sandeep K. Verma, Agent, d/b/a Aryan's Beer & Liquor for premises located at 1568 S. 81 St. (new-nonexisting location).
62. [2009-0554](#) Time Warner Cable communication regarding possibly ceasing programming if agreements aren't renewed for Wisconsin Eye, NBA TV, E!, Style, Sportsman Channel, CSN Chicago, GSN, GAC, or inDemand 3, and the preview of the Tennis Channel US Open August 31 - September 13, 2009.
63. [2009-0569](#) Video/Cable Communications Coordinator communication regarding Second quarter operating funding for the Educational Access Channel.
64. [2009-0575](#) Video/Cable Communications Coordinator communication regarding recommendations for Second quarter operating funding to the West Allis Community Communications Corporation (WACCC) for the Public Access operations.
65. [2009-0559](#) Communication from Jill Huennekens regarding her termination as Bar Manager at 6500 W. Greenfield Ave., d/b/a 6500 Bar & Grill (2009-2010 Class B Tavern License no. 1500, Susan C. Jesion, licensee).
66. [2009-0555](#) 2009-2010 Used Vehicle Dealer License application no. 1589 of Cathy Marino, d/b/a Adams Motors at 5730 W. Lincoln Ave.
67. [2009-0565](#) 2009-2010 Adult-Oriented Establishment Operator Permit applications.
68. [2009-0558](#) 2009-2010 and 2009-2011 Tavern Operator License applications.
69. [2009-0577](#) 2009-2011 Tavern Operator License application no. 11-367 of Randall C. Hopf.
70. [2009-0536](#) Police Department report regarding tavern violations/calls for service for the month of July 2009.

71. [2009-0537](#) Police Department Report involving 57 Bar, 5632 W. Burnham St. (2009-2010 Class B Tavern License no. 1310 and Instrumental Music License no. 1515 of JK Lau Investments, LLC, Jeffrey K. Lau, Agent, Incident Date: June 26, 2009).
72. [2009-0538](#) Police Department Report involving Flappers, 7527 W. Becher St. (2009-2010 Class B Tavern License no. 797, Dance Hall License no. 799 and Cigarette License no. 798 of Rodeo Grill, LLC, Mark S. Silber, Agent, Incident Date: June 28, 2009).
73. [2009-0539](#) Police Department Report involving Ubie's Double Vision, 5501 W. Burnham St. (2009-2010 Class B Tavern License no. 853, Dance Hall License no. 854, Instrumental Music License no. 855 and Cigarette License no. 856 of Ubie's Double Vision, LLC, Robert A. Uebelacker, Agent, Incident Date: July 3, 2009).
74. [2009-0540](#) Police Department Report involving The Spot, 6426 W. Greenfield Ave. (2009-2010 Class B Tavern License no. 956, Tavern Entertainment License no. 959, Dance Hall License no. 958 and Cigarette License no. 957, Edward D. Bomback & Lonnie D. Bald, Partners, Incident Date: July 3, 2009).
75. [2009-0541](#) Police Department Report involving Mario's, 1900 S. 60 St. (2009-2010 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: July 4, 2009).
76. [2009-0542](#) Police Department Report involving Mario's, 1900 S. 60 St. (2009-2010 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: July 17, 2009).
77. [2009-0543](#) Police Department Report involving Czar's, 6901 W. Beloit Rd. (2009-2010 Class B Tavern License no. 1440, Dance Hall License no. 1442 and Instrumental Music License no. 1441 of Czar's, LLC, Timothy A. Czernecki, Agent, Incident Date: July 5, 2009).
78. [2009-0544](#) Police Department Report involving Harry O's 2nd Base, 6743 W. Lincoln Ave. (2009-2010 Class B Tavern License no. 827, Dance Hall License no. 829 and Instrumental Music License no. 830 of Harry O's, Inc., Harry Strahlendorf, Agent, Incident Date: July 6, 2009).
79. [2009-0545](#) Police Department Report involving Happy Tap, 6801 W. Beloit Rd. (2009-2010 Class B Tavern License no. 641, Dance Hall License no. 645 and Cigarette Music License no. 643, Alan J. Bunzel, Incident Date: July 10, 2009).

80. [2009-0546](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2009-2010 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Date: July 25, 2009).

Previous Matters for Consideration

81. [2009-0457](#) 2009-2010 Class B Tavern License renewal application no. 1283 of MJJB, LLC, Brad Mark Roessger, Agent, d/b/a Buggy's for premises located at 6851 W. Beloit Rd.
82. [2009-0389](#) 2009-2010 Class B Tavern License application no. 1546 of Jason J. Dakins, d/b/a Buggsys, premises located at 6851 W. Beloit Rd. (new-existing location).
83. [2009-0461](#) 2009-2010 Class B Tavern License renewal application no. 887 of Doyle Foodservices, Inc., Thomas C. Doyle, Agent, d/b/a Tommasino Italia for premises located at 7335 W. Greenfield Ave.
84. [2009-0402](#) Police Department Report regarding May 21, 2009 Tobacco Compliance Check involving nine (9) West Allis businesses, resulting with two (2) selling tobacco to an underage person without requesting identification (2008-2009 Cigarette License no. 1222 of H.K. Petroleums, LLC, Zubair Arshad, Agent, d/b/a H.K. Petroleums, LLC at 5926 W. Beloit Rd.).
85. [2009-0488](#) 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: June 13, 2009).
86. [2009-0350](#) 2009-2010 Class B Tavern License renewal application no. 1402 of SPDB, LLC., Douglas P. Brown, Agent, d/b/a Night Court for premises located at 7127 W. National Avenue.

ADVISORY COMMITTEE

New Matters for Introduction

87. [R-2009-0159](#) Resolution to approve the Year 2010 Operating Plan for the Downtown West Allis Business Improvement District and to adopt the Special Assessment Method as stated therein (Preliminary).
- Sponsors:** Advisory Committee

88. [2009-0573](#) Legislative Committee minutes for August 11, 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.