



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

Tuesday, December 7, 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 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Sengstock.

D. PUBLIC HEARINGS

1. [R-2010-0260](#)

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. Grant St. from S. 84 St. to S. 90 St., S. 85 St. from W. Grant St. to W. Becher St., S. 86 St. from W. Grant St. to W. Becher St., and portions of intersecting streets by concrete reconstruction with miscellaneous walk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments.

Sponsors: Public Works Committee

Explanation by Peter Daniels, Principal Engineer.

Appearances:

Robert Braun, 2160 S. 86 St., addressed the petition and commented on the project's support and opposition. He commented on speeding in the area and the refusal to put in speed bumps. He said that the price is too high, and requested to defer the project since the taxpayers don't want it.

Violet Braun, 2160 S. 86 St., commented on traffic and speed and requested speed bumps. She requested the use of asphalt, and addressed the poor economy and that taxpayers are getting hit hard in West Allis.

Tim Kant, 2177 S. 85 St., supported the project. He said that the street has been in poor shape for many years. He commented on speeding on W. Grant St. and asked that the stop sign be made permanent.

Nancy Stengel, 2176 S. 86 St., supported the project. She said that the street has had enough patching, and it needs to be reconstructed. She mentioned that a payment plan is available.

Gordon Gunderson, 2183 S. 86 St., supported the plan to reconstruct the street. He said that the street has deteriorated to potholes, and that the street is used for traffic to various facilities. He stated that it is not safe to ride a bicycle or motorcycle, and that money is being wasted by continuously filling potholes. He commented that patches get ripped up, and said that those who signed the petition may have been misled into signing it. He stated that asphalt is cheaper, but the concrete has deteriorated too much and it is time to redo the street. He said that kids will drive fast no matter what and speed bumps are not proper for city streets. He addressed that everybody will benefit by higher property values and resale values, and it is the City's responsibility to maintain the infrastructure.

Maureen Gunderson, 2133 S. 86 St., supported the project, does not want to pay a higher price in the future, and said that the streets should be beautified.

Jeff Vogt, 2169 S. 86 St., supported the project, and said that the street is in poor condition. He said that some petitioners have alley access, and speed bumps are not a practical solution. He stated the street needs to be done so costs don't increase more over time.

2. [R-2010-0266](#) Resolution relative to Special Use Permit to establish administrative facilities and classrooms for the West Allis/ West Milwaukee School District, as well as first-floor retail occupancy to be located at 1205 S. 70 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

3. [R-2010-0267](#) Resolution relative to determination of Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

4. [R-2010-0265](#) Resolution relative to determination of Special Use Permit to establish Empower Credit Union, a financial institution with drive-thru facilities to be located at 10635 W. Greenfield Ave. (former Harry's True Value).

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

5. [O-2010-0052](#) Ordinance to amend the official West Allis Zoning Map by rezoning two properties located at 1341-43 and 43A S. 63 St. and 13** S. 63 St. from RB-2 Residence District to C-3 Community Commercial District and to create a PDD-1 overlay over the 2 properties.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

E. CITIZEN PARTICIPATION

Jim Fendry, Greendale, representing Wisconsin Pro-Gun Movement, said that firearms hold a unique place in our society, and commented on the right to keep and bear arms. He addressed various legal decisions, and asked that the bullet points be reviewed in the document he provided. He said that municipalities are prohibited from regulating firearms by ordinance, and requested that the matter be discharged. He commented that the City could ask for the state law to address this type of situation.

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 thanked Don Falk and the Christmas Parade Committee for the outstanding Parade and thanked the Celebrations Committee for their work.

Alderspersons Comments

Ald. Vitale said the Common Council has the power to pass ordinances including where to place gun shops.

Ald. Kopplin commented on Pearl Harbor Day and thanked the World War II veterans for their service.

Ald. Reinke thanked all those who supported the veterans' Christmas tree project.

Ald. Vitale commented on a Milwaukee Journal Sentinel editorial, the decisions made by Congress and the Senate, and the Bush tax cuts.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

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

J. ITEMS NOT REFERRED TO COMMITTEE

6. [2010-0678](#) Summons and Complaint in the matter of Waterstone Bank, SSB, f/k/a Wauwatosa Savings Bank vs. Kenneth F. Plame, et al, regarding foreclosure of mortgage, Case No. 10CV019387.
7. [2010-0685](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P., f/k/a Countrywide Home Loans Servicing, L.P., c/o BAC Home Loans Servicing L.P. vs. Willie Anderson, et al, regarding foreclosure of mortgage, Case No. 10CV019529.
8. [2010-0686](#) Summons and Complaint in the matter of Anchorbank, FSB vs. Beth Krumnow, et al, regarding foreclosure of mortgage, Case No. 10CV019650.
9. [2010-0691](#) Summons and Complaint in the matter of Waterstone Bank, SSB, f/k/a Wauwatosa Savings Bank vs. Kenneth F. Plame, et al, regarding foreclosure of mortgage, Case No. 10CV019248.
10. [2010-0696](#) Notice of Injury submitted by Diane M. Shtaida regarding injuries allegedly sustained at 11301 W. Lincoln Ave. on October 18, 2010.

Passed The Block Vote

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 7:54 p.m. Upon returning from recess at 8:44 p.m., and the roll call being taken, there were:

Present 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

11. [R-2010-0262](#) Resolution relative to accepting the proposal of Industrial Marketing & Consulting as a sole sourced vendor to provide an articulating tractor for a total net sum of \$115,893.00, which will need to be borrowed from the Contingency Fund and repaid from the 2011 Fleet Services Capital Equipment budget.

Sponsors: Administration & Finance Committee and Public Works Committee

Attachments: [1107 Articulating Tractor sole source letter.pdf](#)

12. [R-2010-0264](#) Resolution relative to accepting the proposal of Thermo Scientific Corporation for furnishing one (1) X-Ray Fluorescence Analyzer for a total net sum of \$16,410.00.

Sponsors: Administration & Finance Committee

Attachments: [1110 X-Ray Fluorescence Analyzer sole source letter.pdf](#)

13. [R-2010-0268](#) Resolution relative to approving the Renewal Agreement between the City of West Allis and the Aurora Employee Assistance Program for Employee Assistance Services for 2010 through 2012.

Sponsors: Administration & Finance Committee

14. [2010-0689](#) Communication from the City Attorney and the Director of Public Works/City Engineer regarding changes in the insurance requirements for City contracts.

Attachments: [Microsoft Word - Mayor&Aldp-Insur Changes-Contracts.pdf](#)

City Attorney Claim Report

15. [2004-0716](#) Lanier, Pleas & Hopkins Law Offices, Ltd. communication on behalf of their client, Enetrea Newell, regarding an incident with the West Allis Police Department on September 23, 2004.
16. [2010-0515](#) Julieann Matson communication regarding damages allegedly sustained on August 9, 2010 at 2116 S. 108 St.

Passed The Block Vote

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

PUBLIC WORKS COMMITTEE

17. [2010-0692](#) Communication from Downtown West Allis Business Improvement District requesting to close Greenfield Avenue, and assistance with parking restrictions and signs for West Allis Ala Carte on Sunday, June 5, 2011.

Attachments: [2010-0692.pdf](#)

Public Hearing Items (Public Works Committee)

18. [R-2010-0260](#) 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. Grant St. from S. 84 St. to S. 90 St., S. 85 St. from W. Grant St. to W. Becher St., S. 86 St. from W. Grant St. to W. Becher St., and portions of intersecting streets by concrete reconstruction with miscellaneous walk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments.

Sponsors: Public Works Committee

19. [R-2010-0261](#) Final Resolution authorizing public improvement by concrete reconstruction with miscellaneous walk repair, new driveway approaches, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments in W. Grant St. from S. 84 St. to S. 90 St., S. 85 St. from W. Grant St. to W. Becher St., S. 86 St. from W. Grant St. to W. Becher St., and portions of intersecting streets and levying special assessments against benefited properties.

Sponsors: Public Works Committee

20. [2010-0687](#) Petition submitted by property owners opposed to the concrete reconstruction project for S. 85 St. and S. 86 St. between Grant St. and Becher St., and W. Grant St. between S. 84 St. and S. 90 St.

Attachments: [2010-0687 petition.pdf](#)

Passed The Block Vote

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

SAFETY & DEVELOPMENT COMMITTEE

21. [O-2010-0051](#) An Ordinance to create Subsection 12.43(2)(n) and to amend Subsection 12.45(2) relative to permitting pawn shop businesses as a special use within the C-4, Regional Commercial District and to amend Subsection 12.41(2)(ee) relative to second hand jewelry and/or second hand article and/or junk shop establishments in the C-2, Neighborhood Commercial District.

Sponsors: Safety & Development Committee

Held in Safety & Development Committee during recess.

22. [R-2010-0263](#) Resolution declaring West Allis Ala Carte scheduled for June 5, 2011 between Noon and 6:00 p.m. as a Community Event.

Sponsors: Safety & Development Committee

23. [2010-0694](#) Special Use Permit to establish Panda Express, a fast-food restaurant with drive-through facilities, to be located at 2575 S. 108 St.
- Held in Safety & Development Committee during recess.*
24. [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.

Public Hearing Items (Safety & Development Committee)

25. [R-2010-0266](#) Resolution relative to Special Use Permit to establish administrative facilities and classrooms for the West Allis/ West Milwaukee School District, as well as first-floor retail occupancy to be located at 1205 S. 70 St.
- Sponsors:** Safety & Development Committee
26. [2010-0693](#) Special Use Permit to establish administrative facilities and classrooms for the West Allis / West Milwaukee School District, as well as first-floor retail occupancy to be located at 1205 S. 70 St.
27. [R-2010-0267](#) Resolution relative to determination of Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.
- Sponsors:** Safety & Development Committee
28. [2010-0674](#) Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.
29. [R-2010-0265](#) Resolution relative to determination of Special Use Permit to establish Empower Credit Union, a financial institution with drive-thru facilities to be located at 10635 W. Greenfield Ave. (former Harry's True Value).

Sponsors: Safety & Development Committee

30. [O-2010-0052](#) Ordinance to amend the official West Allis Zoning Map by rezoning two properties located at 1341-43 and 43A S. 63 St. and 13** S. 63 St. from RB-2 Residence District to C-3 Community Commercial District and to create a PDD-1 overlay over the 2 properties.

Sponsors: Safety & Development Committee

Passed The Block Vote

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

LICENSE & HEALTH COMMITTEE

31. [2010-0697](#) Video/Cable Communications Coordinator communication regarding recommendations for Third quarter operating funding to the West Allis Community Communications Corporation (WACCC) for the Public Access operations.

Attachments: [2010-0697.pdf](#)

32. [2010-0698](#) Video/Cable Communications Coordinator communication regarding Third quarter operating funding for the Educational Access Channel.

Attachments: [2010-0698.pdf](#)

33. [2010-0688](#) Tavern Operator License applications.

2010-2011 License application nos. 569-572, 574-575, 577-580 & 582 granted and 2010-2012 License application nos. 254 & 256 granted.

34. [2010-0690](#) 2010-2011 Used Vehicle Dealer License application(s).

License application no. 1237 granted.

35. [2010-0695](#) 2010-2011 Special Class B Beer and Wine License application(s).

License application no. 17 granted.

36. [2010-0684](#) 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: October 31, 2010).

Held in License & Health Committee during recess.

37. [2010-0666](#) 2010-2011 Adult-Oriented Establishment Operator Permit application no. 1729 of Kelsey E. Zilles.

Passed The Block Vote

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

No: 0

ADVISORY COMMITTEE

None.

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 December 21, 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.