

City of West Allis Meeting Minutes

Common Council

Mayor Dan Devine, Chair

Alderperson James W. Sengstock, Council President

Alderpersons: 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, November 3, 2009

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

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Lajsic.

D. PUBLIC HEARINGS

1. Resolution relative to determination of Special Use Permit for proposed New

Number One Restaurant, to be located within the River Bend Shopping Center at

7536 W. Oklahoma Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

2. Resolution relative to determination of Special Use Permit for proposed candy store,

to be located within the existing multi-tenant commercial building at 7911 W. Becher

St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

3. R-2009-0245

Resolution relative to the determination of Special Use Permit to establish auto repair at Romero's Auto Sale, an existing business located at 5600 W. Burnham St.

Sponsors:

Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

4. 2009-0636

2010 City of West Allis Mayor's Recommended Budget.

Attachments:

Budget Blue Pages.2010 Rec.pdf

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

Appearances:

Philip LaSpisa, 2128 S. Livingston Terrace, West Allis Police Officer and resident, addressed the financial shortfall of the city and the most recent contract that was presented without negotiations. He said that the police department cannot afford any reduction in their staff. He commented on the 2002 contract, and said that other units were given additional monies instead of setting that money aside for the police department after an arbitrator ruled in favor of the police department. Mr. LaSpisa stated that the police will continue to protect and serve the community.

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 announced the Community Alliance Against Drugs movie night at Horace Mann School scheduled for November 7th. He addressed the murder of Damon Adams, and asked the community to contribute towards the reward fund in order to help find who was responsible for the crime.

Alderpersons Comments

Ald. Weigel congratulated Crawdaddy's for being named the Best Seafood Restaurant according to a reader poll from On Milwaukee.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of October 20, 2009

J. ITEMS NOT REFERRED TO COMMITTEE

5.	<u>2009-0693</u>	Notice of Claim submitted on behalf of Michael R. & Shelly M. Rawski regarding damages allegedly sustained at 3150 S. 48 St. on June 26, 2009.
6.	2009-0700	Word of Grace Bible Church communication regarding property damage allegedly sustained on June 19, 2009 at 2660 S. 88 St.
7.	2009-0717	Notice of Injury submitted on behalf of William M. Melloch regarding injuries and damages allegedly sustained on W. Beloit Rd. at or near the intersection of S. 66 St. on August 13, 2009.

K. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE				
8.	2009-0667	2009-2010 Tavern Operator License application no. 10-395 of Ronald D. Quartullo.		
		Denied based on the police report.		
9.	2009-0668	2009-2011 Tavern Operator License application no. 11-389 of Benjamin W. Evenson.		
10.	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.		
	Attachments:	<u>2009-0571.pdf</u>		
		to Issue a Findings and Recommendations		
11.	<u>2009-0677</u>	2009-2011 Tavern Operator License application no. 11-396 of Kelley J. DeLisle.		
12.	2009-0389	2009-2010 Class B Tavern License application no. 1546 of Jason J. Dakins, d/b/a Bugsys, premises located at 6851 W. Beloit Rd. (new-existing location).		
13.	2009-0594	Police Department Report involving GW's Jaws, 9033 W. National Avenue, (2009-2010 Class B Tavern License no. 629, Dance Hall License no. 633 and Instrumental Music License no. 634 of GW's Jaws LLC, Eunice A. Weber, Agent, Incident Date: August 2, 2009).		
14.	2009-0595	Police Department Reporting involving Barneks, 7411 W. Becher St., (2009-2010 Class B Tavern License no. 1060, and Dance Hall license no. 1062 of Dale J. Zbieranek, Incident Date: August 8, 2009).		
18.	2009-0659	Police Department Report regarding September 16, 2009 Alcohol Compliance Check involving ten (10) West Allis businesses, resulting with two (2) selling alcohol to an underage person without requesting identification (2009-2010 Combination Class A Liquor License no. 935 and Cigarette License no. 1030 of Mohinder S. Dhillon, d/b/a Dhillon Beer & Liquor, 5832 W. Burnham St.).		
19.	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).		

Attachments: 2009-0559.pdf

Passed The Block Vote

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

No: 0

15. 2009-0600 Police Department Report involving Painted Parrot, 8028 W. National Ave.

(2009-2010 Class B Tavern License no. 454, Dance Hall License no. 504, and Instrumental Music License no. 1068 of LTL PNK HSZ, LLC, Gregory S. Barczak,

Agent, Incident Date: August 30, 2009).

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

No: 0

Present: 1 - Barczak

16. 2009-0656 Police Department Report involving Jim's Oval Bar, 9141 W. National Ave.

(2009-2010 Class B Tavern License no. 717, and Dance Hall License no. 719 of

Henry Enterprises Ltd., James F. Henry, Agent, Incident Date: September 27, 2009.)

17. 2009-0657 Police Department Report involving Jim's Oval Bar, 9141 W. National Avenue (Janel

A. Deprey, 2009-2011 Tavern Operator License no. 11-107, Incident Date:

September 27, 2009).

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

No: 0

Present: 1 - Sengstock

20. 2009-2010 Instrumental Music License application no. 1597 (2009-2010 Class B

Tavern License no. 1500), of Susan C. Jesion, d/b/a 6500 Bar & Grill for premises

located at 6500 W. Greenfield Ave.

Aye: 8 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, and Vitale

No: 2 - Barczak, and Weigel

L. COMMON COUNCIL RECESS

that the Council recess until completion of Committee meetings

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

No:

Thereupon, the Council took a recess at 7:47 p.m. Upon returning from recess at 8:43 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

21. Resolution relative to accepting the proposal of Utility Sales & Service, Inc. for

furnishing and delivering one (1) aerial truck for a total net sum of \$68,000.00.

Sponsors: Administration & Finance Committee and Public Works Committee

<u>Attachments:</u> 1056 Aerial Truck Sole Source letter.pdf

22. Resolution to approve the Memorandum of Understanding to pay the City's share of

fees associated with the cooperative hiring of Short Elliott Hendrickson Inc. to advance joint concerns and protect common interests in regard to the City of Milwaukee Water Works application to the Wisconsin Public Service Commission to

increase its water rates.

Sponsors: Administration & Finance Committee

<u>Attachments:</u> water rate increase request proposal.pdf

water rate increase request mou.pdf

23. $\underline{O-2009-0031}$ Ordinance to repeal and recreate Sections 5.03(7)(a) and 5.03(7)(b) of the City of

West Allis Revised Municipal Code regarding Ambulance Fees.

Sponsors: Administration & Finance Committee

Attachments: ADMO266.Attachment.pdf

Held in Administration & Finance Committee during recess.

24. O-2009-0034 Ordinance to amend Section 2.19(3) of the City of West Allis Revised Municipal

Code relative to the addition of the method of changing the salary of the Municipal

Judge.

Sponsors: Administration & Finance Committee

25. O-2009-0035 Ordinance to amend Section 2.15 of the City of West Allis Revised Municipal Code

relative to the addition of Section 2.15(5) regarding the method of changing the salary

of the City Attorney.

Sponsors: Administration & Finance Committee

26. Resolution relative to the contribution of \$1,000 to the West Allis Charities as

contributing sponsorship of the 2009 Christmas Parade.

Sponsors: Administration & Finance Committee

27. Resolution regarding 2010 Budget and the use of \$1.3 million of City reserves as it

relates to the 2011 City Budget.

Sponsors: Administration & Finance Committee

Held in Administration & Finance Committee during recess.

28. Resolution Amending an Investment Policy and Designating Public Depositories.

Sponsors: Administration & Finance Committee

Attachments: MCC.Investment Policy Ltr 110309.pdf

29. Resolution to approve a Demonstration Commercial Facade Improvement Project

Contract by and between the City of West Allis and Michael R. and Carolyn Hottinger, property owners for the property located at 7730-32 W. National Ave. in

an amount up to \$21,000.

Sponsors: Administration & Finance Committee

Attachments: 7730-32 W National Ave -Hottinger(11-3-09).doc

30. 2009-0701 Comptroller/Manager of Finance submitting the report for the month of July, 2009

indicating City of West Allis checks issued in the amount of \$2,651,986.87.

31. 2009-0702 Comptroller/Manager of Finance submitting the report for the month of August, 2009

indicating City of West Allis checks issued in the amount of \$3,092,384.34.

32. 2009-0703 Comptroller/Manager of Finance submitting the report for the month of September, 2009 indicating city of West Allis checks issued in the amount of \$3,587,135.58

33. 2009-0704 Comptroller/Manager of Finance submitting the City of West Allis Unaudited Internal

Financial Reports as of October 30, 2009.

Attachments: Prelim Oct 2009.pdf

34. 2009-0705 2011 Salary/Benefit Adjustments Report for Non-Represented City Employees.

Attachments: NUSLRY.pdf

City Attorney Claim Report

35. 2003-0579 Communication submitted by Dawn Goldsmith regarding an alleged incident at 9501

W. Cleveland Ave. on May 8, 2003.

and Placed on File

36. 2006-0546 Lola M. Boyle communication regarding personal injury allegedly sustained at 90th

Street and Lincoln Avenue on August 3, 2006.

and Placed on File

Passed The Block Vote

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

No: 0

Public Hearing Items (Administration & Finance Committee)

37. 2009-0636 2010 City of West Allis Mayor's Recommended Budget.

Attachments: Budget Blue Pages.2010 Rec.pdf

Held in Administration & Finance Committee during recess.

38. O-2009-0030 Ordinance appropriating the necessary funds for the operation and administration of

the City of West Allis for calendar year 2010.

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

39. Resolution relative to accepting the proposals of Neher Electric Supply Co and All

Lighting Inc. for furnishing and delivering Street Lamps for a total sum of \$31,591.92.

Sponsors: Public Works Committee

Attachments: 1055 Street Lamps.pdf

40. 2009-0726 Communication from City Engineer regarding the Zoo Interchange Project and

Potential Impact on 76th Street.

Attachments: COMM-Zoo Interchange Impact on 76 St..pdf

41. 2009-0698 Communication from George Brucker, 937 S. 91 St. regarding concerns about the

catch basin, upheaval of the ground, pipe fractures and water leakage, on an adjoining

lot owned by the City of West Allis.

42. 2009-0697 Kerry J. Gudlin, 2184 S. 90 St., communication requesting a two-hour parking

restriction on the north side of W. Grant St., east of S. 90 St.

Attachments: 2009-0697.pdf

Held in Public Works Committee during recess.

43. 2009-0699 Communication from Downtown West Allis BID thanking the Mayor and Common

Council for their support of the 19th Annual Downtown West Allis Classic Car Show

which was held on Sunday, October 4, 2009.

Attachments: 2009-0699.pdf

Passed The Block Vote

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

No: 0

SAFETY & DEVELOPMENT COMMITTEE

47. Resolution to create Tax Incremental District Number Eleven, City of West Allis,

Wisconsin, and describe the boundaries thereof, pursuant to Section 66.1105(4)(gm)

of the Wisconsin Statutes.

Sponsors: Safety & Development Committee

48. Resolution approving the Project Plan for Tax Incremental District Number Eleven,

City of West Allis, Wisconsin.

Sponsors: Safety & Development Committee

49. 2009-0602 Communication from the Planning Manager relative to the Plan Commission's

favorable recommendation of the Project Plan for Tax Incremental District Number

Eleven.

Attachments: SSchaer comm #11.pdf

50. 2009-0603 Communication from the Director of Development relative to the Community

Development Authority's favorable recommendation of the Project Plan for Tax

Incremental District Number Eleven.

Attachments: JStibal comm #11.pdf

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

No: 1 - Roadt

44. Resolution authorizing the Director of Development to execute an amendment to the

Community Development Block Grant- Emergency Assistance Program

(CDBG-EAP) Agreement between the City of West Allis and the State of Wisconsin

Department of Commerce for accepting an additional \$400,000 of assistance.

Sponsors: Safety & Development Committee

45. Resolution to approve an Intergovernmental Agreement by and between the City of

West Allis and a Regional Housing Consortium for the administration of Neighborhood Stabilization Program funds from Wisconsin Department of

Commerce.

Sponsors: Safety & Development Committee

46. O-2009-0027 An Ordinance to create Sections 14.34 and 14.58, to repeal Subsections 14.55(11)

and 14.57(11), and to repeal and recreate Section 14.85 of the City of West Allis Revised Municipal Code regarding electric services, contractor licensing requirements

and permit fees.

Sponsors: Safety & Development Committee

Attachments: Council RE Elect Code and Fee Changes.pdf

Ord-BIZI 09-2 Electrical LicensingFees v2 GC.pdf

Public Hearing Items (Safety & Development Committee)

51. Resolution relative to determination of Special Use Permit for proposed New

Number One Restaurant, to be located within the River Bend Shopping Center at

7536 W. Oklahoma Ave.

Sponsors: Safety & Development Committee

52. 2009-0639 Special Use Permit for proposed New Number One Restaurant to be located within

the River Bend Shopping Center, 7536 W. Oklahoma Ave.

53. Resolution relative to determination of Special Use Permit for proposed candy store,

to be located within the existing multi-tenant commercial building at 7911 W. Becher

St.

Sponsors: Safety & Development Committee

54. 2009-0665 Special Use Permit for proposed candy store, to be located within the existing

multi-tenant commercial building at 7911 W. Becher St.

55. R-2009-0245 Resolution relative to the determination of Special Use Permit to establish auto repair

at Romero's Auto Sale, an existing business located at 5600 W. Burnham St.

Sponsors: Safety & Development Committee

56. 2009-0666 Special Use Permit to establish auto repair at Romero's Auto Sale, an existing business located at 5600 W. Burnham St.

Passed The Block Vote

66.

2009-0710

2009-0711

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and WeigelNo: 0

LICENSE & HEALTH COMMITTEE

57.	<u>O-2009-0032</u>	An Ordinance to Amend Subsection 9.01(2)(b) of the West Allis Revised Municipal
		Code Relating to Number of Alcohol Licenses.
	Sponsors:	License & Health Committee
58.	O-2009-0033	Ordinance to create Section 9.33 relative to record check fees for license applicants and to amend various license fees of Chapter 9 of the West Allis Revised Municipal Code.
	Sponsors:	License & Health Committee
59.	2009-0719	Findings and Recommendations in the Matter of the Complaint Against Mr. Gyros Cafe & Grill, LLC, James Wood relative to Food-Related Permit.
		Held in License & Health Committee during recess.
60.	2009-0694	Mega Marts, LLC communication regarding notice of change of liquor agent at the Pick 'n Save #6883 located at 11111 W. Greenfield Ave. (2009-2010 Combination Class A Liquor License no. 1205).
61.	2009-0695	Appointment of new agent, Thomas Kramer, by Mega Marts, LLC, d/b/a Pick 'n Save #6847 located at 6760 W. National Ave. (2009-2010 Combination Class A Liquor License no. 1089).
62.	2009-0207	2009-2010 Special Class B Beer and Wine License application(s).
		License application nos. 5-6 granted.
63.	<u>2009-0707</u>	2009-2010 and 2009-2011 Tavern Operator License applications.
		2009-2010 license application nos. 401, 403-404 and 2009-2011 license application no. 400 granted.
64.	<u>2009-0708</u>	2009-2010 Tavern Operator License application no. 10-402 of Dylan F. Roloff.
		Held in License & Health Committee during recess.
65.	2009-0709	2009-2010 Tavern Operator License application no. 10-407 of Barbara J. Davison.

2009-2011 Tavern Operator License application no. 11-398 of Erin B. Hennessy.

2009-2011 Tavern Operator License application no. 11-401 of Jeanette R. Lemieux.

Held in License & Health Committee during recess.

Held in License & Health Committee during recess.

Held in License & Health Committee during recess.

68.	2009-0712	2009-2010 Tavern Operator License application no. 10-405 of Ruben E. Sanchez.
		Held in License & Health Committee during recess.
69.	2009-0713	2009-2011 Tavern Operator License application no. 11-402 of Michelle Marie Monty.
		Held in License & Health Committee during recess.
70.	2009-0714	2009-2010 Package Goods Operator License application no. 1603 of Walter G. Schneider, IV.
		Held in License & Health Committee during recess.
71.	2009-0715	2009-2010 Package Goods Operator License application no. 1601 of Nicole M. Bartlett.
		Held in License & Health Committee during recess.
72.	<u>2009-0716</u>	2009-2010 Package Goods Operator License application no. 1602 of Kayla E. Anderson.
		Held in License & Health Committee during recess.
73.	2009-0599	Police Department Report involving Flappers, 7527 W. Becher St. (2009-2010 Class B Tavern License no. 797, and Dance Hall License no. 799 of Rodeo Grill, LLC, Mark S. Silber, Agent, Incident Date: August 15, 2009).

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

No: 0

ADVISORY COMMITTEE

74. O-2009-0029

An Ordinance to repeal and recreate Section 2.08 of the West Allis Revised

Municipal Code relative to elections, ballots and voting systems, electors, election

officials, selection and duties, canvassing, nominations, primaries, post-election
actions, direct legislation, election dates and notices, campaign financing, and
prohibited election practices.

Sponsors: Ald. Reinke

75. Resolution Relative to Amending the City of West Allis Policies & Procedures Manual No. 901 Relative to Agenda for Council Meetings.

Sponsors: Ald. Reinke

Attachments: Policy 901.pdf

Policy 901 final.pdf

76. 2009-0696 Petition submitted by residents of Ermenc Park Estates in support of the use of

Nathan Hale High School as a venue for various community events, school district

events and other sanctioned events.

Attachments: 2009-0696.pdf

77. 2009-0720 Reappointment by Mayor Devine of Paule Kolff as a member of the West Allis

Commission on Aging, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, her three-year term to

expire November 1, 2012.

78. 2009-0721 Reappointments by Mayor Devine to the West Allis Commission on Aging of Patricia

Wikenhauser and LeAnn Launstein, their three-year terms to expire November 1,

2012.

79. 2009-0722 Appointment by Mayor Devine of Mary Johnson as a member of the West Allis

Beautification Committee, her two-year term to expire December 31, 2011.

80. 2009-0723 Appointment by Mayor Devine of Tami James as a member of the West Allis

Community Celebrations Committee, her three-year term to expire December 31,

2012.

81. 2009-0724 Reappointments by Mayor Devine to the West Allis Property Maintenance Code

Appeals Board of Steve Feuling, Carol Garrison, and Charles Unger, their two-year

terms to expire September 1, 2011.

82. 2009-0725 Notification by Mayor Devine of reappointments to the Downtown West Allis

Business Improvement District of Gloria Hawkins, Brent Holmes, James Mejchar,

and Douglas Persich, their three-year terms to expire October 10, 2012.

83. 2009-0706 Legislative Committee minutes for October 27, 2009.

Attachments: LEG CMTE MINS 102709.pdf

Passed The Block Vote

Aye: 10 - Barczak, 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

Ald. Reinke and Ald. Sengstock welcomed the Youth Commissioners to the meeting. Ald. Sengstock commented on the Christmas Tree lighting ceremony and the Christmas Parade being in two weeks.

O. ADJOURNMENT

to adjourn at 8:50 p.m., with the next regularly scheduled meeting to be held on November 17, 2009 at 5:00 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.