



City of West Allis

Meeting Agenda

Common Council

Mayor Dan Devine, Chair
Aldersperson Thomas G. Lajsic, Council President
Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Kevin Haass,
Michael P. May, Cathleen M. Probst, Rosalie L. Reinke,
Daniel J. Roadt, Vincent Vitale, and Martin J. Weigel

Tuesday, February 20, 2018

7:00 PM

City Hall Common Council Chambers

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. INTRODUCTION OF STEVEN A. BRAATZ, JR., CITY CLERK

E. PUBLIC HEARINGS

1. [R-2018-0130](#) Resolution to confirm and adopt the report of the Interim City Engineer containing the schedule of proposed assessments for improvement of S. 124 Street from W. Lincoln Avenue to W. Oklahoma Avenue and portions of intersecting streets by widening with a rural section asphalt pavement.

Sponsors: Public Works Committee

F. CITIZEN PARTICIPATION

G. 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 123 (Mayor's conference room)
Advisory, Public Works, Safety & Development

Room 128
License & Health, Administration & Finance

The general public may contact the Committee Chair relative to an agenda item of interest that could be discussed or acted on during the recess meetings simultaneously occurring in different conference rooms. Additionally, if a member has interest in multiple agenda items which are scheduled for discussion or action during the recess meetings simultaneously occurring, s/he

should contact the chair of the committee to inform of such interest.

H. MAYOR'S REPORT

1. Recent events attended
2. Awards/commendations
3. Upcoming events

I. ALDERPERSON'S REPORT

1. Recent events attended
2. Awards/commendations
3. Upcoming events

J. APPROVAL OF MINUTES

2. [2018-0146](#) Minutes (draft) of the Common Council Regular meeting of February 6, 2018.

Attachments: [020618 CC Minutes.draft](#)

K. ITEMS NOT REFERRED TO COMMITTEE

3. [2018-0145](#) Robert C. Braun Summons and Complaint Small Claims 18SC005278 relative to an incident allegedly sustained at West Allis Central High School on April 4, 2017.

Attachments: [Claim - Robert C. Braun](#)

L. STANDING COMMITTEE REPORTS

None.

M. COMMON COUNCIL RECESS

N. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

New Matters for Introduction

4. [R-2018-0127](#) Resolution approving the terms & conditions for an Economic Development Loan to LA Says Invest, LLC d/b/a The Public Table under the National Avenue Commercial Corridor InStore Forgivable Loan Program in the amount up to \$50,000.

Sponsors: Administration & Finance Committee

Attachments: [Commitment Letter \(2-14-18\)](#)

5. [R-2018-0128](#) Resolution to approve a Demonstration Commercial Facade Improvement Project Contract by and between the City of West Allis and MJOB Properties, LLC, property owner for the property located at 5300 W. Lincoln Ave. in an amount up to \$45,000.

Sponsors: Administration & Finance Committee

Attachments: [Facade Contract](#)
 [Exhibit A - Federal Provisions](#)
 [Exhibit B - General Wage Decision](#)
 [Exhibit C - General Contract Proposal](#)
 [Exhibit D - Architectural Plans](#)

6. [R-2018-0129](#) Resolution relative to amending City of West Allis Policies & Procedures Manual Policy No. 1432, Vacations.

Sponsors: Administration & Finance Committee

Attachments: [Policy No. 1432, Vacations - Marked Copy](#)

7. [2018-0125](#) Communication from City Administrator requesting approval to fill the vacant position of Maintenance Repairer in the Department of Public Works, Sanitation and Street Division.

Attachments: [Request to fill Maintenance Repairer position](#)

8. [2018-0126](#) Communication from City Administrator requesting approval to fill the vacant position of Truck Driver in the Department of Public Works, Sanitation and Street Division.

Attachments: [Request to fill Truck Driver position](#)

9. [2018-0124](#) Finance Director/Comptroller submitting report for January 2018 indicating City of West Allis checks issued in the amount of \$2,508,238.90.

Attachments: [January 2018 Monthly Claims Report to CC](#)

City Attorney Claim Report

10. [2017-0694](#) Viviana Crespo Notice of Claim relative to vehicle damages allegedly sustained at the 1122 S. 63 St. on October 12, 2017.

Attachments: [Claim-Viviana Crespo](#)
 [Ltr to cc-Comments-Crespo](#)

City Attorney recommended to be placed on file.

11. [2017-0947](#) Lizzette Martinez Notice of Claim relative to an incident allegedly sustained on August 14, 2017 at S. 102 Street.

Attachments: [Letter.CC.Martinez](#)

City Attorney recommended denial.

12. [2018-0086](#) Reinhart Boerner Van Deuren, S.C. communication on behalf of Felker Family, LP

regarding alleged excessive assessment of property for 2017 at 333 S. 108 St., parcel number 414-9990-001.

Attachments: [Felker Family LP 440-9990-001](#)
[Ltr to cc-Comments-FelkerFamilyLP](#)

City Attorney recommended denial.

PUBLIC WORKS COMMITTEE

New Matters for Introduction

13. [R-2018-0077](#) Resolution authorizing and directing the Interim City Engineer to Amend an Existing Agreement with Corre, Inc. for Engineering Consulting Bridge Inspection Services for a Total Sum Not to Exceed \$4,620.00.

Sponsors: Public Works Committee

Attachments: [Proposal - 2018 Bridge Inspections](#)

14. [R-2018-0087](#) Resolution accepting work of D.C. Burbach, Inc. for the installation of concrete curb and gutter, concrete pavement, concrete sidewalk, and utility adjustments in West Burnham Street from Alley East of South 68th Street to Dead End and South 67th Place - Sidewalk at West Rogers Street in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms for final payment of 2017 Project No. 19 in the amount of \$1,000.00 of the \$70,534.10 total project cost.

Sponsors: Public Works Committee

15. [2018-0120](#) Request from Downtown West Allis Business Improvement District to close S. 72 south of Greenfield and 74 Streets south of Greenfield Avenue starting at 2:00 p.m., Saturday, June 2, 2018 through 8:00 p.m. on Sunday, June 3, 2018; and requesting barricades with flashing lights for set-up for West Allis A la Carte.

Attachments: [DWABID Letter](#)
[2018 A La Carte Tent layout](#)

Public Hearing Items (Public Works Committee)

16. [R-2018-0130](#) Resolution to confirm and adopt the report of the Interim City Engineer containing the schedule of proposed assessments for improvement of S. 124 Street from W. Lincoln Avenue to W. Oklahoma Avenue and portions of intersecting streets by widening with a rural section asphalt pavement.

Sponsors: Public Works Committee

17. [R-2018-0131](#) Final Resolution authorizing public improvement by widening with a rural section asphalt pavement in S. 124 Street from W. Lincoln Avenue to W. Oklahoma Avenue and portions of intersecting streets and levying special assessments against benefited properties.

Sponsors: Public Works Committee

SAFETY & DEVELOPMENT COMMITTEE**New Matters for Introduction**

18. [O-2018-0007](#) Ordinance to Amend Section 6.027 of the West Allis Revised Municipal Code Relating to Sex Offender Residing Within Seven Hundred Fifty (750) Feet of Schools, Child-Care Centers, Parks, and Other Specified Facilities and Uses Prohibited
- Sponsors:** Safety & Development Committee
- Attachments:** [City of S. Milwaukee v. Kester, 347 Wis. 2d 334 \(Wis.Ct.App. 2013\)](#)
[Doe v. Miller, 405 F.3d 700 \(8th Cir. 2005\)](#)
[Hoffman v. Vill. of Pleasant Prairie, 249 F. Supp. 3d 951 \(E.D. Wis. 2017\)](#)
[McKune v. Lile, 122 S. Ct. 2017 \(2002\)](#)
[Vasquez v. Foxx, No. 16-CV-8854, 2016 U.S. Dist. LEXIS 170354 \(N.D. Ill. Dec. 9, 2016\)](#)
[Vill. of Menomonee Falls v. Ferguson, 334 Wis. 2d 131 \(Wis.Ct.App. 2011\)](#)
19. [O-2018-0008](#) An Ordinance to Establish Traffic Control for the westbound traffic of W. Hayes Ave. at S. 88th St.
- Sponsors:** Ald. Lajsic and Ald. Roadt
20. [R-2018-0106](#) Resolution declaring West Allis Ala Carte scheduled for June 3, 2018 between Noon and 6:00 p.m. as a Community Event.
- Sponsors:** Safety & Development Committee

Previous Matters for Consideration

21. [O-2018-0003](#) Ordinance to Enact Parking Restrictions on the East Side of the 1600 Block of S. 74th Street from 135 Feet South of W. Lapham Street to W. National Avenue so that No Parking Would Be Allowed Anytime Except for Fire Department Business Only.
- Sponsors:** Ald. Probst
22. [O-2018-0004](#) Ordinance to amend Subsection 12.42(1)(ee) of the Revised Municipal Code to limit the restrictions on Tobacco Retailers within the C-3 Community Commercial District.
- Sponsors:** Ald. Lajsic
- Attachments:** [Staff Report - Tobacco Ordinance](#)

LICENSE & HEALTH COMMITTEE**New Matters for Introduction**

23. [2018-0139](#) License Applications.
24. [2018-0138](#) Police Department report regarding tavern violations/calls for service for the month of January 2018.
- Attachments:** [January 2018 LH Report Redacted](#)

25. [2018-0127](#) Police Department Report involving Remedy Bar, 1309 S. 60 St., of LeLe's Whiskey Corner, LLC, Erwin C. Magritz, Agent, Incident Date: January 3, 2018.
26. [2018-0128](#) Police Department Report involving Braun's Power House, 7100 W. National Ave., of Brauns Pub & Eatery LLC, Joseph S. Braun, Agent, Incident Date: January 4, 2018.
27. [2018-0129](#) Police Department Report involving Rockstars Saloon, 5826 W. Burnham St., of Sharon L. Butterfield, Incident Date: January 4, 2018.
28. [2018-0130](#) Police Department Report involving Harry O's 2nd Base, 6743 W. Lincoln Ave., of Harry O's, Inc., Harry J. Strahlendorf, Agent, Incident Date: January 7, 2018.
29. [2018-0131](#) Police Department Report involving Dopp's Bar & Grill, 1753 S. 68 St. of Doppelgangers, Inc., Tammy L. Dopp, Agent, Incident Date: January 8, 2018.
30. [2018-0132](#) Police Department Report involving Brass Monkey, 11904 W. Greenfield Ave., of ZJ Square Ventures, LLC, John G. Mackowski, Agent, Incident Date: January 24, 2018.
31. [2018-0133](#) Police Department Report involving Flappers, 7527 W. Becher St., of Mark S. Silber, Incident Date: January 26, 2018.
32. [2018-0134](#) Police Department Report involving Six Points Pub & Grille, 6200 W. Greenfield Ave., of Escape Horse Inn, LLC, Douglas M. Ross, Agent, Incident Date: January 13, 2018.
33. [2018-0135](#) Police Department Report involving Bottoms Up, 7127 W. National Avenue, of BFS WI LLC, Charles Hastings, Agent, Incident Date: January 13, 2018.
34. [2018-0136](#) Police Department Report involving Uncle Festers, 5732 W. Mitchell St., of Uncle Festers LLC, Melinda F. Rooney, Agent, Incident Date: January 14, 2018.
35. [2018-0137](#) Police Department Report regarding January 2018 Alcohol Compliance Check involving twenty-nine (29) West Allis businesses, resulting with none selling alcohol to an underage person without requesting identification.
36. [2018-0122](#) 2017-2018 Class B Tavern License application no. 2528 of Top Dog Enterprise, LLC, Ronald L. Mellantine, Agent, d/b/a The Choice Pub & Eatery, for the premises located at 9638 W. National Ave. (new-nonexisting location).

ADVISORY COMMITTEE

New Matters for Introduction

37. [R-2018-0123](#) Resolution requesting the Governor and Wisconsin State Legislature to protect local businesses, apartment owners, and homeowners from tax shifts by passing legislation to close the Dark Store and Walgreens property tax loopholes.

Sponsors: Advisory Committee

38. [2018-0142](#) City Attorney's Communication Requesting Approval for Destruction of Public Records in the City Attorney's Office.

Attachments: [Ltr to CC.Destruction of Records](#)

39. [2018-0140](#) Appointment by Mayor Devine of Youth Members (Skeels) to the West Allis Youth Commission.
- Attachments: [Skeels Appointment Letter](#)
40. [2018-0141](#) Appointment by Mayor Devine of Ms. Pati Concha as the Alternate Member of the West Allis Administrative Appeals Review Board, her two-year term to expire June 30, 2020.
- Attachments: [Concha Appointment Letter](#)
41. [2018-0147](#) Appointment by Mayor Devine of Alderperson Vincent Vitale as the Board of Public Works Member on the West Allis Capital Improvement Committee, his annual term to expire January 1, 2019.
- Attachments: [Ald. Vitale Appointment Letter](#)

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.