



City of West Allis

Meeting Minutes

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

The meeting was called to order by Mayor Devine at 7:00 p.m.

B. ROLL CALL

Present 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke,
Ald. Roadt, Ald. Vitale, and Ald. Weigel

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. May.

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

Attachments: [R-2018-0130 signed](#)

Explanation by Peter Daniels, Interim City Engineer.

Appearances:

Kurt Traeder, 2512 S. Seymour Place, commented on the width of the road, the bike lane; S. 124 Street has become a major thru street; taxes; and questioned if any of the residents on S. 124 Street requested a new road.

Fred Gunther, 2526 S. 124 Street, commented on the amount of traffic on S. 124 Street and compared it with Highway 100; noise from traffic and trucks; speed limit; and his driveway and culvert.

Keith Steinbrecher, 2490 S. 124 Street, is opposed to the bike lane on S. 124

Street; commented on increase in property taxes; and timing of the assessment.

Steve Bane, 2910 S. 124 Street, supports the bike lane and the street improvement; questioned parking restrictions.

Margaret Piekarski, 2523 S. Seymour Place, commented on the street improvement, assessment, and that S. 124 Street is a major thoroughfare. Ms. Piekarski stated that this project is not for the residents.

Brad Gustaveson, 2700 S. 124 Street, commented that his property doesn't have gravel shoulders how will the widening of the road be addressed; and questioned how the project was decided.

Mary Steinbrecher, 2490 S. 124 Street, questioned the scheduling of the remainder of S. 124 Street and the removal of shrubs and/or trees.

Public Hearing Held

F. CITIZEN PARTICIPATION

Robert Braun, 2160 S. 86 Street, commented on his lawsuit.

Violet Braun, 2160 S. 86 Street, commented on the lawsuit and the school referendum.

Eric Anderson, represents Victory Garden Initiative, a non-profit business that enables communities to build their own food to create a more nutritious community-based sustainable food system. Victory Gardens Initiative is working with the Zoological Society and will be building three garden beds at West Allis elementary schools and will be available for anyone in Milwaukee County.

Jennifer Rios, 2251 S. 72 St., thanked all alderpersons for their hard work and expressed appreciation for Ald. Probst who encouraged constituents to become more involved in community; Alderperson Probst will be missed.

Noah Lee, 7026 W. Rogers Street, commented on the polling place locations, the proposed cigarette and tobacco ordinance, and thanked Ald. Probst for her service and she will be missed.

G. 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.

H. MAYOR'S REPORT

Mayor Devine congratulated the West Allis Nathan Hale High School Girls Basketball Team on their Greater Metro Conference Championship.

I. ALDERPERSON'S REPORT

Ald. Probst congratulated the Nathan Hale Girls Basketball team; and commented that the issue of removing polling locations away from the school for the safety of the children has been reviewed and at this time there are not the facilities needed in West Allis to hold elections.

Ald. May commented on the success of Friends of LaFollette Park Empty Bowls event.

J. APPROVAL OF MINUTES

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

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

A motion was made by Ald. Lajsic, seconded by Ald. May, that this matter be Approved. The motion carried unanimously.

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](#)
[Ltr to CC-Braun](#)

A motion was made by Ald. May, seconded by Ald. Barczak, that this matter was Referred for Legal Action to the City Attorney. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

L. STANDING COMMITTEE REPORTS

None.

M. COMMON COUNCIL RECESS

A motion was made by Ald. Lajsic, seconded by Ald. Reinke, that the Council recess until completion of Committee meetings. The motion carried unanimously.

Thereupon, the Council took a recess at 8:08 p.m. Upon returning from recess at 8:55 p.m., and the roll call being taken, there were:

Present 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

N. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

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: [R-2018-0127 signed](#)
[Commitment Letter - Signed \(2-23-18\)](#)

This matter was Adopted on a Block Vote

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](#)
[R-2018-0128.signed](#)

This matter was Adopted on a Block Vote

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](#)
[R-2018-0129 signed](#)

This matter was Adopted on a Block Vote

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](#)

This matter was Approved on a Block Vote

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](#)

This matter was Approved on a Block Vote

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](#)

This matter was Placed on File on a Block Vote

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](#)

This matter was Placed on File on a Block Vote

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](#)

This matter was Denied on a Block Vote

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](#)

This matter was Denied on a Block Vote

Passed The Block Vote

A motion was made by Ald. Haass, seconded by Ald. May, to approve all the actions on the preceeding items on a Block Vote. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

PUBLIC WORKS COMMITTEE

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](#)
[R-2018-0077 signed](#)

This matter was Adopted on a Block Vote

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

Attachments: [R-2018-0087 signed](#)

This matter was Adopted on a Block Vote

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](#)

This matter was Approved on a Block Vote

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

Attachments: [R-2018-0130 signed](#)

This matter was Adopted on a Block Vote

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

Attachments: [R-2018-0131 signed](#)

This matter was Adopted on a Block Vote**Passed The Block Vote**

A motion was made by Ald. Barczak, seconded by Ald. Probst, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

SAFETY & DEVELOPMENT COMMITTEE

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 \(Wis.Ct.App. 2011\)](#)

Held in Safety & Development Committee during recess.

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

Attachments: [O-2018-0008 signed](#)

This matter was Passed on a Block Vote

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

Attachments: [R-2018-0106 signed](#)

This matter was Adopted on a Block Vote

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

Attachments: [O-2018-0003 signed](#)

This matter was Passed as Amended on a Block Vote

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](#)

Held in Safety & Development Committee during recess.

Passed The Block Vote

A motion was made by Ald. Lajsic, seconded by Ald. Barczak, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

LICENSE & HEALTH COMMITTEE

23. [2018-0139](#) License Applications.

Operator's License (bartender/sales clerk) applications 2017-2018

*Noel, Genevieve, M.; Patel, Rakeshkumar M.; and
Stewart, Jessica M..*

Operator's License (bartender/sales clerk) applications 2017-2019

*Aquirre-Morales, Mary Lou; Carter, Shauna B.; Day, Laurence E.;
Domenech, Slina M.; Duchow, Drzewiecki, Julie M.; Fisher, Kayla J.;
Mark, Emily J.; Mercer, Kristina M.; and Murphy, Shawn M.;*

Special Class B Beer & Wine License applications 2018-2019

- *Mary Queen of Heaven, 2322 S. 106 St., Mary Queen of Heaven Trivia Night,
February 24, 2018 (6:00 p.m. - 10:00 p.m.). (2nd application, beer only).*

Used Vehicle Dealer License Applications 2018-2019

- *Car King, Car King, Inc., 10124 W. Greenfield Avenue*
- *Don's Auto Body, Eichelberger, Inc., 2201 S. 116 Street*
- *Fairview Motors, John Buchkowski, 1965 S. 60 Street*
- *Fairview Sales & Service, Gerald Buchkowski, 8400 W. Becher Street*
- *Gordie Boucher Lincoln, Gordie Boucher Lincoln, Inc., 3161 S. 108 Street*
- *Greenfield Motors, K-S Mechanics, Inc., 9410 W. Greenfield Avenue*
- *M & M Motors, M & M Motors, Inc., 911 S. 108 Street*
- *Shamrock Motorcars, Quinn & Sons Auto Body Inc., 5720 W. National Avenue*

This matter was Approved subject to the necessary requirement(s) on a Block Vote

24. [2018-0138](#) Police Department report regarding tavern violations/calls for service for the month of January 2018.

Attachments: [January 2018 LH Report Redacted](#)

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

27. [2018-0129](#) Police Department Report involving Rockstars Saloon, 5826 W. Burnham St., of Sharon L. Butterfield, Incident Date: January 4, 2018.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

31. [2018-0133](#) Police Department Report involving Flappers, 7527 W. Becher St., of Mark S. Silber, Incident Date: January 26, 2018.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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.

This matter was Placed on File on a Block Vote

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).

Attachments: [AFFIDAVIT OF PUBLICATIONS - Top Dog Enterprises LLC](#)

Held in License & Health Committee during recess.

Passed The Block Vote

A motion was made by Ald. Czaplewski, seconded by Ald. Reinke, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajszic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

ADVISORY COMMITTEE

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

Attachments: [R-2018-0123 signed](#)
[Dark Store. R-2018-0123](#)

This matter was Adopted on a Block Vote

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](#)

This matter was Placed on File on a Block Vote

39. [2018-0140](#) Appointment by Mayor Devine of Youth Members (Skeels) to the West Allis Youth Commission.

Attachments: [Skeels Appointment Letter](#)

This matter was Approved on a Block Vote

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](#)

This matter was Approved on a Block Vote

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](#)

This matter was Approved on a Block Vote

Passed The Block Vote

A motion was made by Ald. Reinke, seconded by Ald. Barczak, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

Aye: 10 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 0

O. ADJOURNMENT

A motion was made by Ald. Lajsic, seconded by Ald. Vitale, to adjourn at 8:50 p.m., with the next regularly scheduled meeting to be held on March 6, 2018, at 7:00 p.m.

A second motion was made by Ald. Probst to call for a Committee of the Whole meeting under Section 3.05 of the Revised Municipal Code 3.05 (2) to commence before March 31, 2018, seconded by Ald. Barczak.

Ald Vitale questioned the reason for the meeting. Ald. Probst explained the basis of this meeting is to hear the outcome of the complaint that Ald. Probst had filed against the City of West Allis.

The second motion carried by the following vote:

Aye: 9 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. May, Ald. Probst, Ald. Reinke, Ald, Roadt, Ald. Vitale, and Ald. Weigel.

No: 1 - Ald. Lajsic.

The original motion carried unanimously.

Ann Marie Neff, Secretary