



# 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*

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Tuesday, June 21, 2011

7:00 PM

City Hall Common Council Chambers

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#### REGULAR MEETING

##### A. CALL TO ORDER

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

##### B. ROLL CALL

**Present** 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**Excused** 1 - Barczak

##### C. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was led by Ald. Czaplewski.*

##### D. PUBLIC HEARINGS

1. [O-2011-0019](#) Ordinance to amend Section 12.41(2) of the Revised Municipal Code to permit clinics, medical or dental, as a special use within the C-2 Neighborhood Commercial District.

**Sponsors:** Safety & Development Committee

*One (1) Petition in opposition received in the Clerk/Treasurer's Office.*

*Explanation by John Stibal, Director of Development.*

*Appearances:*

*Duke Swan, 1962 S. 59 St., attended neighborhood meeting where it was unanimous against expansion of mental health clinic and special use permit. Expanding the C-2 Neighborhood Commercial District would open door for any other clinic within this residential neighborhood.*

*Gary Schmutzer, 1918 S. 58 St., attended neighborhood meeting. He expressed his concern about expanding C-2 areas and the potential for other clinics to locate within those areas while adding no value to the citizens nor homeowners. Opposed.*

*Catherine Becker, 5625 W. Beloit Rd., opposed to C-2 zoning changes.*

*Mike Stephens, 1732 S. 59 St., attended neighborhood meeting. He feels there is no need to change the zoning when there are plenty of other alternatives. This is a residential neighborhood. Property values already dropped.*

*Chris Cohen, 5812 Burnham St., represents Brotoloc, cannot pursue already existing zoning locations. Expanding use at present location and operating a mental health clinic is a net loss*

*and doesn't make money. They already own and have been operating at present location for eleven (11) years without any issues. Cannot purchase another building. Requested support.*

2. [R-2011-0149](#) Resolution relative to determination of Special Use Permit to establish a CVS Pharmacy with a drive-through within the Riverbend Shopping Center located at 7500-22 W. Oklahoma Ave.

**Sponsors:** Safety & Development Committee

*Explanation by John Stibal, Director of Development.*

*Appearances:*

*Bruce Schultz, 3010 S. 76 St., his property is located behind the proposed CVS Pharmacy and he expressed his concerns with the alley traffic and the blind exit, vandalism problems in alley, morning deliveries, noise, light concerns and long term maintenance of the proposed fence.*

3. [R-2011-0151](#) Resolution relative to determination Special Use Permit for Brotoloc South, Inc. to establish an outpatient mental health clinic for therapeutic services located within the existing building located at 5812 W. Burnham St.

**Sponsors:** Safety & Development Committee

*One (1) Petition in opposition received in the Clerk/Treasurer's Office.*

*Explanation by John Stibal, Director of Development.*

*Appearances:*

*Duke Swan, 1962 S. 59 St., Brotoloc has been there for 10-11 years and sees patients on an administrative basis. He is concerned about number of potential patients and having the clinic being operated on an out-patient basis. Mr. Swan is not only against amending the zoning, but also opposed the clinic. He stated the almost unanimous opposition at the neighborhood meeting as there are plenty of other places to go.*

*Gary Schmutzer, 1918 S. 58 St., is concerned about types of patients. He does not want this clinic in the neighborhood.*

*Mike Stephens, 1732 S. 59 St., reiterated the same comments. At most, the business would help twelve (12) residents of West Allis; other patients to come from other cities. Opposed.*

*Catherine Becker, 5625 W. Beloit Rd., expressed they are caring people but residents need to feel they are safe and have a comfort zone. They are concerned about the volume of patients. She feels they would do much better in a commercial zone rather than residential.*

*Chris Cohen, represents Brotoloc, explained their operation. Brotoloc supports those with disabilities and injuries and is willing to lose money to help those while operating at minimum level of clients per week. There have been no issues with clients that come into their offices. There will be a higher frequency of traffic with caseload and individuals will be supervised. They are citizens like everyone else and he said it is reprehensible those neighbors feel this way.*

*Michelle Swan, S. 63 St., is concerned with safety for the residents in the area. Doesn't feel it is necessary to change zoning to C-2 for this clinic.*

*Molly Moroski, 1732 S. 59 St., attended the neighborhood meeting and questioned the partnerships with other group homes. She said Brotoloc hadn't spoken to anyone regarding partnerships.*

#### 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

*None.*

### Alderspersons Comments

*Ald. Reinke commented on July 4th celebration, events and activities.*

#### H. AGENDA APPROVAL

*that the agenda as submitted be accepted with the exception of agenda item no. 14 to be withdrawn*

14. [R-2011-0150](#) Resolution to approve bid of Burkhart Construction Corp. for the accessibility improvements in West Allis City Hall at 7525 West Greenfield Avenue, in the amount of \$93,000.00.

**Sponsors:** Public Works Committee

**Attachments:** [2011-12 Bid Results.pdf](#)

#### I. APPROVAL OF MINUTES

*to approve the minutes of the regular meeting of June 7, 2011*

#### J. ITEMS NOT REFERRED TO COMMITTEE

4. [2011-0380](#) Report of the Municipal Judge for the month of May 2011, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$94,046.77.

**Attachments:** [Judge Report May 2011.pdf](#)

5. [2011-0373](#) Progressive Northern Insurance Company communication on behalf of Peter McCabe relative to vehicle damage allegedly sustained on April 6, 2011 at 715 S. 108 Street. Claim No. 111714095.
6. [2011-0381](#) Amended Summons and Complaint in the matter of GMAC Mortgage, LLC vs. Eric Lee McKeown, et al, regarding foreclosure of mortgage, Case No. 11-CV-001550.

**Passed The Block Vote**

## K. STANDING COMMITTEE REPORTS

*None.*

*Common Council President Sengstock reminded the Common Council about the Summer Common Council meetings scheduled for July 5 and August 2, 2011 at 7 p.m.*

## L. COMMON COUNCIL RECESS

*that the Council recess until completion of Committee meetings*

*Thereupon, the Council took a recess at 7:44 p.m. Upon returning from recess at 8:36 p.m., and the roll call being taken, there were:*

**Present** 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel  
**Excused** 1 - Barczak

## M. NEW AND PREVIOUS MATTERS

**ADMINISTRATION & FINANCE COMMITTEE**

7. [2011-0375](#) Aurora West Allis Medical Center communication relative to celebrating its 50th Anniversary in 2011 and requesting financial support for two high priority projects: Emergency Department Continuing Care Area and a Family Consultation Room.

**Attachments:** [Aurora communication.pdf](#)

*Held in Administration & Finance Committee during recess.*

8. [2011-0394](#) Request by Health Commissioner to fill vacant Health Department Receptionist position.

**Attachments:** [Health Comm Req to fill Vacant Dept. Memo.pdf](#)

9. [2011-0250](#) Communication from Ted Atkinson, Director of Building and Neighborhood Services regarding proposed Reorganization of the Department of Building Inspections and Neighborhood Services.

**Attachments:** [Director of BINS Comm..pdf](#)

**City Attorney Claim Report**

10. [2005-0563](#) Koch & McCann, S.C. communication submitted on behalf of Reginald D. Abbott, III regarding damages allegedly sustained at 1325 S. 70 St. on April 29, 2003.
11. [2008-0509](#) Notice of Circumstances of Claim submitted by Attorney Brian J. Henderson, on behalf of Marilyn G. and Carl K. Tomaszewski regarding injuries and damages allegedly sustained at 11601 W. Lincoln Ave. on April 19, 2008.
12. [2010-0641](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P., vs. Willie Anderson, et al, regarding foreclosure of mortgage, Case No. 10CV017658.
13. [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.

**Passed The Block Vote**

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

**No:** 0

**PUBLIC WORKS COMMITTEE**

*None.*

**SAFETY & DEVELOPMENT COMMITTEE**

15. [2011-0392](#) Special Use Permit to establish outdoor dining extension of premise at Boz's Sports Bar and the Gourmet Cheesecake Shoppe, existing businesses located at 1325-1329 S. 70 St.  
  
*Held in Safety & Development Committee during recess.  
Held in License & Health Committee during recess.*
16. [O-2011-0021](#) An Ordinance to Repeal a portion of Ordinance No. 3115, which pertains to Installation of Automatic Traffic Control Signals at the intersection of S. 65 St. & W. Beloit Rd.  
  
**Sponsors:** Ald. Czaplewski and Ald. Vitale
17. [R-2011-0152](#) Resolution amending the Neighborhood Stabilization Program (NSP) budget for funding awarded to the City of West Allis from the Wisconsin Department of Commerce.  
  
**Sponsors:** Safety & Development Committee
18. [2011-0395](#) Communication from the Principal Engineer-Design Services regarding parking restrictions along W. National Avenue from S. 84th Street to S. 92nd Street.  
  
**Attachments:** [COMM-National Ave Parking Restrictions.pdf](#)
19. [2011-0391](#) Special Use Permit for Auto Repair LLC, a proposed auto repair business, to be located at 6320 W. Burnham St.  
  
*Held in Safety & Development Committee during recess.*

20. [O-2011-0019](#) Ordinance to amend Section 12.41(2) of the Revised Municipal Code to permit clinics, medical or dental, as a special use within the C-2 Neighborhood Commercial District.

**Sponsors:** Safety & Development Committee

21. [R-2011-0149](#) Resolution relative to determination of Special Use Permit to establish a CVS Pharmacy with a drive-through within the Riverbend Shopping Center located at 7500-22 W. Oklahoma Ave.

**Sponsors:** Safety & Development Committee

22. [2011-0398](#) Special Use Permit to establish a CVS Pharmacy with a drive-through within the Riverbend Shopping Center located at 7500-52 W. Oklahoma Ave.

23. [R-2011-0151](#) Resolution relative to determination Special Use Permit for Brotoloc South, Inc. to establish an outpatient mental health clinic for therapeutic services located within the existing building located at 5812 W. Burnham St.

**Sponsors:** Safety & Development Committee

24. [2011-0397](#) Special Use Permit for Brotoloc South, Inc. to establish an outpatient mental health clinic for therapeutic services located within the existing building located at 5812 W. Burnham St.

#### **Passed The Block Vote**

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

**No:** 0

#### **LICENSE & HEALTH COMMITTEE**

##### **New Matters for Introduction**

25. [2011-0385](#) 2011-2012 Class B Tavern license renewal application no. 857, Dance Hall license renewal application no. 859 and Instrumental Music license renewal application no. 860 of Weigel's Hillcrest, Inc., Martin J. Weigel, Agent, d/b/a Benno's Genuine Bar & Grill, for premises located at 7413 W. Greenfield Ave.
- Aye:** 8 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, and Vitale
- No:** 0
- Present:** 1 - Weigel
26. [O-2011-0020](#) An Ordinance to Create Subsection 9.18(7)(u) of the Revised Municipal Code Relating to the Prohibition of Selling Within Designated Areas Around the Wisconsin State Fair Park.
- Sponsors:** Ald. Weigel
- Aye:** 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel
- No:** 0
27. [O-2011-0022](#) An Ordinance to Create Subsection 9.02(3)(f) of the Revised Municipal Code Relating to Issuance of Provisional Retail Licenses.
- Sponsors:** License & Health Committee
- Aye:** 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel
- No:** 0
28. [2011-0376](#) Carol Ryan communication relative to the St. Aloysius Festival.
- Attachments:** [Carol Ryan communication.pdf](#)
29. [2011-0377](#) 2011-2012 Secondhand Article Dealer License application(s).
- License application nos. 301, 324, 334, 336, 1191, 1375, 1592, 1742, 1748, and 1797 granted.*
30. [2011-0388](#) 2011-2012 Class A Beer License renewal application(s).
- License application nos. 1077 and 1703 granted.*
31. [2011-0389](#) 2011-2012 Class B Beer License renewal application(s).
- License application nos. 1257, 1272, and 1590 granted.*
32. [2011-0390](#) 2011-2012 Class C Wine License renewal application(s).
- License application nos. 943 and 1258 granted.*
33. [2011-0387](#) 2011-2012 Class B Tavern, Dance Hall, Instrumental Music, Bowling Alleys, and Pool Table License renewal applications.
- Class B Tavern License application nos. 637, 733, 764, 789, 848, 1233, 1541, and 1756 and corresponding Dance Hall, Instrumental Music, Bowling Alleys and Pool Tables License applications granted.*
- subject to the necessary requirement(s)**
34. [2011-0382](#) Tavern Operator License applications.

*2011-2012 License application no. 309 granted.*

*2011-2013 License application nos. 272-282 and 285-301 granted.*

35. [2011-0374](#) 2010-2011 Class B Tavern Special Event Permit application no. 19 of ARH Enterprises, LLC, Hugo J. Juarez, Agent, d/b/a Las Palmas, 6007 W. Burnham St., (2010-2011 Class B Tavern License no. 1541, Instrumental Music License no. 1544, and Dance Hall License No. 1543) for an Anniversary Party on Friday, June 24, 2011 and Saturday, June 25, 2011 from 4:00 p.m. to 11:00 p.m. (Back Outdoor Patio area with tent, umbrella's above tables and live music).
36. [2011-0379](#) Appointment of new agent, Mary M. Pakula, by Tap City, Inc, d/b/a Tap City USA located at 7207 W. National Ave. (2011-2012 Class B Tavern License no. 650, Instrumental Music License no. 1510, and Dance Hall License no. 652).
37. [2011-0384](#) 2011-2012 Class B Tavern License renewal application no. 1574, Instrumental Music License renewal application no. 1575, and Dance Hall License renewal application no. 1576 of DRND Corp., Dennis B. Robinson, Agent, d/b/a D & D's Sports Bar & Grill for premises located at 1022 S. 60 St. (new agent).
38. [2011-0386](#) 2011-2012 Class B Tavern License renewal application no. 691 of M.A.P.A., Inc., Justin A. Fernandez, Agent, d/b/a Mama Mia Italian Cuisine for premises located at 8531 W. Greenfield Ave. (new agent).
39. [2011-0383](#) 2011-2012 Class B Tavern License application no. 1789, Dance Hall License application no. 1790, and Instrumental Music License application no. 1791, of Tanner-Paull Post 120 American Legion Memorial Building Company, Dale W. Slowik, Agent, d/b/a Tanner-Paull American Legion Post 120, premises located at 6922 W. Orchard St. (new-existing location).

*Held in License & Health Committee during recess.*

40. [2011-0393](#) 2011-2012 Class B Tavern License renewal application no. 1795 and Instrumental Music License no. 1796 of Zak's Pleasant Valley Inn., LLC, Zarko Zigich, Agent, d/b/a Mr. Z's Pleasant Valley Dakota Grille for premises located at 9801 W. Dakota Street.
41. [2011-0378](#) 2011-2012 Tavern Operator License application no. 12-306 of Julie A. Schroeder.
42. [2011-0396](#) 2011-2012 Tavern Operator License application no. 12-310 of Amber A. Wilson.
43. [2011-0331](#) 2011-2013 Tavern Operator License application no. 13-127 of Brandon M. Kaiser.
44. [2011-0348](#) 2011-2013 Tavern Operator License application no. 13-240 of Jeanne M. Houck.

**based on nonappearances and police report**

#### **Passed The Block Vote**

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

**No:** 0

#### **ADVISORY COMMITTEE**



45. [O-2011-0018](#) An Ordinance to Amend Section 1.020 of the West Allis Revised Municipal Code to divide the City of West Allis into wards based on the published results of the 2010 Federal Decennial Census of Population

**Sponsors:** Advisory Committee

**Attachments:** [Aldermanic Wards Redistricting 2011 Map PRPOSED.pdf](#)

**Aye:** 9 - 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

*Common Council President Sengstock wished everyone a happy and safe 4th of July Holiday.*

O. ADJOURNMENT

*to adjourn at 8:43 p.m., with the next regularly scheduled meeting to be held on July 5, 2011, 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.