



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Agenda

Common Council

Mayor Dan Devine, Chair

Aldersperson Thomas G. Lajsic, Council President

Alderspersons: Gary T. Barczak, Michael J. Czaplewski, Michael P. May,

Cathleen M. Probst, Rosalie L. Reinke, Daniel J. Roadt,

James W. Sengstock, Vincent Vitale, and Martin J. Weigel

Tuesday, March 19, 2013

7:00 PM

City Hall Common Council Chambers

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PUBLIC HEARINGS

1. [R-2013-0064](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of S. 77 St. from W. Arthur Ave. to W. Beloit Rd., S. 78 St. from W. Lincoln Ave. to W. Arthur Ave., S. 79 St. from W. Lincoln Ave. to W. Arthur Ave., S. 80 St. from W. Hayes Ave. to W. Arthur Ave., and S. 81 St. from 300 feet south of W. Lincoln Ave. to W. Arthur Ave.

Sponsors: Public Works Committee
2. [O-2013-0015](#) Ordinance to amend various sections of the Zoning Chapter of the Revised Municipal Code relative to establishing certain permitted and special uses and required conditions for commercial animal related uses including veterinary and small animal clinics, pet shops, animal shelters/kennels, and animal grooming facilities for the holding and care of animals within Sections 12.40(2) special uses of the Central Business District, 12.41(1) and (2) permitted and special uses of the Neighborhood Commercial District, 12.42(1) and (2) permitted and special uses of the Community Commercial District and 12.43(2) special uses of the Regional Commercial District.

Sponsors: Safety & Development Committee
3. [R-2013-0069](#) Resolution relative to determination of Special Use Permit to establish a school, Victory Christian Academy, within the former St. Rita's School building located at 6021 W. Lincoln Ave.

Sponsors: Safety & Development Committee

E. CITIZEN PARTICIPATION**F. 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 118

Administration & Finance, Safety & Development, Advisory

Room 128

Public Works, License & Health

G. MISCELLANEOUS BUSINESS**Mayor's Report****Alderpersons Comments****H. AGENDA APPROVAL****I. APPROVAL OF MINUTES**

Minutes of the Common Council regular meeting of March 5, 2013.

J. ITEMS NOT REFERRED TO COMMITTEE

4. [2013-0140](#) Report of the Municipal Judge for the month of February 2013, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$281,504.51.
5. [2013-0141](#) Summons and Complaint in the matter of Gerald W. Bohmann vs City of West Allis, et al, Case No. 13CV000467.
6. [2013-0142](#) Notice of Injury submitted on behalf of Heather Justham relative to injury allegedly sustained at the intersection of S. 84 Street and W. Becher St. on December 18, 2013.

7. [2013-0144](#) Mary Bonakoske communication regarding injuries allegedly sustained at 8822 W. Lincoln Ave. on November 4, 2012.
8. [2013-0145](#) Germantown Mutual Insurance Company submitted on behalf of Katherine O'Rourke regarding vehicle damages allegedly sustained at S. 117 Street and W. Lincoln Avenue on February 22, 2013. Claim No. 1300607.
9. [2013-0146](#) Notice of Injury and Claim for Damages submitted by Robin Krueger regarding injuries and damages allegedly sustained at Froedtert Memorial Hospital on November 8, 2012.
10. [2013-0153](#) Eric Reed communication regarding vehicle damages allegedly sustained at S. 54 Street and W. Rogers Street on February 26, 2013

K. STANDING COMMITTEE REPORTS

None.

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

New Matters for Introduction

11. [R-2013-0066](#) Resolution relative to accepting the sole source proposal of ProPhoenix Corporation to provide Wireless Digital Assistance software for a total net sum of \$28,800.00.
Sponsors: Administration & Finance Committee
12. [R-2013-0067](#) Resolution relative to approving an Agreement with Key Benefit Concepts for completion of a subsequent study on the Other Post Employee Benefit (OPEB) Valuation in an amount not to exceed \$8,000.
Sponsors: Administration & Finance Committee
13. [R-2013-0068](#) Resolution relative to approving 2012 Transfers, Carryovers, Open Purchase Orders, Capital Accumulation Charges, and Negative Department Balances.
Sponsors: Administration & Finance Committee

14. [2013-0143](#) Comptroller/Manager of Finance submitting the reports for the 4th Quarter of 2012, indicating City of West Allis checks issued in the amounts of \$1,725,433.04 for October, \$3,362,790.68 for November and \$1,930,222.47 in December.
15. [2013-0152](#) Communication from the Community Development Manager requesting approval for the mini re-organization plan regarding the Principal Secretary and the Planner II positions.

City Attorney Claim Report

16. [2006-0001](#) O'Dess and Associates, S.C. communication regarding Summons and Complaint in the matter of Bayview Loan Servicing, LLC vs. City of West Allis, et al.
City Attorney recommended to be placed on file.
17. [2007-0116](#) Summons & Complaint in the matter of WM Specialty Mortgage, LLC, vs. the City of West Allis Department of Development, et al.
City Attorney recommended to be placed on file.
18. [2012-0137](#) Amended Summons and Complaint in the matter of Wells Fargo Bank, N.A., vs Sharon A. Wirth, et al, regarding foreclosure of mortgage, Case No. 30404.
City Attorney recommended to be placed on file.
19. [2013-0111](#) Abraham Herrada communication regarding damages allegedly sustained on December 31, 2012.
City Attorney recommended to be paid and placed on file.

PUBLIC WORKS COMMITTEE

New Matters for Introduction

20. [R-2013-0061](#) Resolution Granting a Privilege for Encroachment (Major) to Karen D. Schoenfeld for property located at 9411-27 West Greenfield Avenue (Tax Key No. 450-0022-001).
Sponsors: Public Works Committee
21. [R-2013-0070](#) Resolution Approving the Emergency Repairs at the Water Reservoir payable to Rodney Hunt - Fontaine, Ltd. in an amount not to exceed \$50,000.
Sponsors: Public Works Committee

Public Hearing Items (Public Works Committee)

22. [R-2013-0064](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of S. 77 St. from W. Arthur Ave. to W. Beloit Rd., S. 78 St. from W. Lincoln Ave. to W. Arthur Ave., S. 79 St. from W. Lincoln Ave. to W. Arthur Ave., S. 80 St. from W. Hayes Ave. to W. Arthur Ave., and S. 81 St. from 300 feet south of W. Lincoln Ave. to W. Arthur Ave.
- Sponsors:** Public Works Committee
23. [R-2013-0065](#) Final Resolution authorizing public improvement by minor asphalt resurfacing, miscellaneous sidewalk repair, miscellaneous driveway repair, sanitary sewer relay and utility adjustments in S. 77 St. from W. Arthur Ave. to W. Beloit Rd., S. 78 St. from W. Lincoln Ave. to W. Arthur Ave., S. 79 St. from W. Lincoln Ave. to W. Arthur Ave., S. 80 St. from W. Hayes Ave. to W. Arthur Ave., and S. 81 St. from 300 feet south of W. Lincoln Ave. to W. Arthur Ave. and levying special assessments against benefited properties.
- Sponsors:** Public Works Committee

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

24. [2013-0150](#) Special Use Permit for Jessyca's Body Shop, a proposed personal training business, to be located at 10617 W. Oklahoma Ave.

Previous Matters for Consideration

25. [R-2013-0058](#) Resolution relative to determination of Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.
- Sponsors:** Safety & Development Committee
26. [2013-0098](#) Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.
27. [2012-0544](#) Communication from Downtown West Allis, Inc. Business Improvement District asking for pet stores, selling small pets, such as birds, reptiles, hamsters, etc. to be allowed in the C-1 District.

Public Hearing Items (Safety & Development Committee)

28. [O-2013-0015](#) Ordinance to amend various sections of the Zoning Chapter of the Revised Municipal Code relative to establishing certain permitted and special uses and required conditions for commercial animal related uses including veterinary and small animal clinics, pet shops, animal shelters/kennels, and animal grooming facilities for the holding and care of animals within Sections 12.40(2) special uses of the Central Business District, 12.41(1) and (2) permitted and special uses of the Neighborhood Commercial District, 12.42(1) and (2) permitted and special uses of the Community Commercial District and 12.43(2) special uses of the Regional Commercial District.
- Sponsors:** Safety & Development Committee
29. [R-2013-0069](#) Resolution relative to determination of Special Use Permit to establish a school, Victory Christian Academy, within the former St. Rita's School building located at 6021 W. Lincoln Ave.
- Sponsors:** Safety & Development Committee
30. [2013-0114](#) Special Use Permit to establish a school, Victory Christian Academy, within the former St. Rita's School building located at 6021 W. Lincoln Ave.

LICENSE & HEALTH COMMITTEE

New Matters for Introduction

31. [O-2013-0014](#) Ordinance to Repeal and Recreate Subsection 9.02(4) of the City of West Allis Revised Municipal Code Relating to Description of Premises and Plan of Operation; to Create Subsection 9.02(4m) of the Revised Municipal Code Relating to the Truth of Statements Made in Alcohol Beverage License Applications; to Amend Subsection 9.02(10) of the Revised Municipal Code Relating to the Numbering, Expiration, and Posting of Licenses; and to Repeal and Recreate Subsection 9.02(20) of the Revised Municipal Code Relating to the Suspension, Revocation, and Nonrenewal of Alcohol Beverage Licenses.
- Sponsors:** License & Health Committee
32. [R-2013-0063](#) Resolution Creating a Detailed Table of Contents for Section 9.02 of the City of West Allis Revised Municipal Code Relating to Alcoholic Beverages
- Sponsors:** License & Health Committee
33. [2013-0139](#) 2013-2014 Used Vehicle Dealer License application(s).
34. [2013-0138](#) 2012-2013 Special Instrumental Music Permit appl. no. 7 of Dale J. Zbieranek, Agent, d/b/a Barneks, 7411 W. Becher St. (2012-2013 Class B Tavern License no. 1060 and Dance Hall License no. 1062) for an event on Friday, April 5, 2013.

35. [2013-0154](#) 2012-2013 Special Class B Beer and Wine License application(s).
36. [2013-0119](#) Tavern Operator License applications.
37. [2013-0149](#) Police Department report regarding tavern violations/call for service for February 2013.
38. [2013-0147](#) Police Department Report involving Las Palmas, 1901 S. 60 St. (2012-2013 Class B Tavern License no. 1541, Dance Hall License no. 1543 and Instrumental Music License no. 1544 of ARH Enterprises, LLC, Hugo J. Juarez, Agent, Incident Date: February 4, 2013).
39. [2013-0148](#) Police Department Report involving Jilly Beans, 9524 W. Greenfield Ave. (2012-2013 Class B Tavern License no. 1701, Dance Hall License no. 1702, and Instrumental Music License no. 1700 of Sportz Medicine, LLC, John J. Biwer, Agent, Incident Date: February 20, 2013).
40. [2013-0121](#) 2012-2013 Class B Tavern License application no. 1946 of Double Dragon of West Allis, LLC, Peter H. Leong, Agent, d/b/a Double Dragon Restaurant, for premises located at 3411 S. 108 Street. (new-existing location)
41. [2013-0123](#) 2012-2013 Class B Tavern License application no. 1945 of Bon Appetito of West Allis, Inc., Michael P. Martello, Agent, d/b/a Mexi-Italian Café, for premises located at 1126 S. 70 St., Suites 106C (new-nonexisting location).
42. [2013-0122](#) Application of Transfer of License from Premises to Premises of 2012-2013 Class A Beer License no. 905 of Sharif Ali Corp., Noorali Manjee, Agent, d/b/a Dino's Food Mart, and Beechers Quick Stop Shop LLC, Charline S. Hart, Agent, d/b/a The Corner Spot, from 9127 W. Lincoln Avenue to 2079 S. 69 St.
43. [2013-0134](#) 2012-2013 Class A Beer License application no. 1944 of Beechers Quick Stop Shop LLC, Charline S. Hart, Agent, d/b/a The Corner Spot, for premises located at 2079 S. 69 St. (new-nonexisting location).

Previous Matters for Consideration

44. [2013-0055](#) Summons and Complaint in the matter of the complaint against D&G Investments, LLC, Thaddeus J. Derynda and Bernie Gallas (Partners), for premises located at 10401 W. Greenfield Ave., d/b/a Mobile Estates of West Allis (2011-2012, 2012-2013 Mobile Home Park License renewal applications no. 290).
45. [2013-0054](#) Communication from Assistant City Attorney regarding Notice of Error in Name of Licensee for D&G Investments, LLC, Thaddeus J. Derynda and Bernie Gallas (Partners), (d/b/a Mobile Estates of West Allis at 10401 W. Greenfield Ave., Mobile Home Park License application no. 290).

46. [2012-0512](#) Director of Building Inspections and Neighborhood Services communication regarding the 2011-2012 and 2012-2013 Mobile Home Park License, D&G Investments, Thaddeus J. Derynda and Bernie Gallas (Partners), d/b/a Mobile Estates of West Allis at 10401 W. Greenfield Ave.
47. [2013-0038](#) 2012-2013 Used Vehicle Dealer License application no. 1933 of McAdams Car Co., Inc., David R. Matuszczak, Agent, d/b/a McAdams Car Co., Inc., for premises located at 7623 W. Greenfield Ave.

ADVISORY COMMITTEE

New Matters for Introduction

48. [2013-0151](#) Communication from the Director of Development requesting approval for the destruction of obsolete public records in the Department of Development and Housing Office.

Previous Matters for Consideration

49. [R-2013-0054](#) Resolution establishing the City of West Allis Legislative Package for the 2013-2014 State of Wisconsin Legislative Session.

Sponsors: Advisory Committee

N. OTHER MATTERS RELATING TO THE AFFAIRS AND GOVERNMENT OF THE CITY WHICH MAY PROPERLY BE BROUGHT BEFORE THE COMMON COUNCIL

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.