



# 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, Michael P. May,*

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

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

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Tuesday, March 19, 2013

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** 8 - Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**Excused** 2 - Ald. Barczak, and Sengstock

##### C. PLEDGE OF ALLEGIANCE

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

##### 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

*Explanation by Peter Daniels, Principal Engineer.*

*Appearances:*

*Pamela Long, 2470 S. 81 St., opposed the project, said the street looks fine, and requested deferment until the economy is better.*

*Dave Zettner, 2344 S. 78 St., asked where the percentage rate comes from, and if the church is being assessed.*

*Ivan Barton, 2334 S. 78 St, commented on cracking of the improved alley, and asked about the lifespan of the paving job and the improvement process.*

*Linda Kutka, 2400 S. 78 St., asked if work will be done on Hayes, if the materials will be recycled, about street closure, parking, and tarring.*

*Leah Taubmann, 2429 S. 79 St., asked about the street photos, and timing of the project*

*because of the close proximity to the park being concerned about safety and parking.*

*Tim Hertel, 2423 S. 78 St., commented on the condition of the street, and asked about past data and average return.*

*Collette Bien, 2586 S. 77 St., commented on diverted traffic, and asked about asphalt strengthening, hours of demolition and construction schedule.*

*John Jensen, 8029 W. Hayes, asked about future assessment charges.*

*Ron Strothman, 2524 S. 77 St., asked about the bid process and the duration of the project.*

*A second Roll Call was taken to reflect Ald. Barczak present at this time.*

**Present** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**Excused** 1 - Sengstock

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

*Explanation by John Stibal, Director of Development.*

*Appearances:*

*Janine Markowki, W346 S3158 Holland Ct, Oconomowoc, said she is interested in opening a kennel, but that it is unreasonable to not have a run.*

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

*Explanation by John Stibal, Director of Development.*

*Appearances:*

*Don Rogers, 2121 W. Wisconsin Ave., addressed the voucher school proposal.*

*Nathan Powers, 411 E. Wisconsin Ave., assisted with leasing negotiations, and addressed landscaping issues and requested time.*

*Robert Braun, 2160 S. 86 St., supported the proposal.*

## E. CITIZEN PARTICIPATION

*Violet Braun, 2160 S. 86 St., said that she was disappointed about not being allowed into a fundraiser.*

*Robert Braun, 2160 S. 86 St., commented on various issues and concerns regarding different levels of government and their officials.*

## 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 commented on the house fire in West Allis, and thanked all city departments involved. He congratulated the firefighters who participated in the American Lung Association's 2013 Stair Climb. He reminded everyone about the Community Dinner Dance and the St. Baldrick's event. He reported on the Career Fair event at West Allis Central.*

**Alderpersons Comments**

*Ald. May commented on the meeting for residents regarding the zoo interchange project, and the Pancake Breakfast by Friends of LaFollette Park and an egg hunt.*

*Ald. Probst announced the next listening session for the second aldermanic district, reported on the Strategic Planning Committee, and addressed the pro-life voting record of Mr. Staskunas.*

## H. AGENDA APPROVAL

*that the agenda as submitted be accepted*

## I. APPROVAL OF MINUTES

*to approve the minutes of the 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.

***Attachments:*** [Mun Judge Report February 2013.pdf](#)

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, 2012.
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

**Passed The Block Vote**

## K. STANDING COMMITTEE REPORTS

*None.*

## L. COMMON COUNCIL RECESS

*that the Council recess until completion of Committee meetings*

*Thereupon, the Council took a recess at 8:11 p.m. Upon returning from recess at 9:02 p.m., and the roll call being taken, there were:*

**Present** 9 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

**Excused** 1 - Sengstock

## M. NEW AND PREVIOUS MATTERS

**ADMINISTRATION & FINANCE COMMITTEE**

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

**Attachments:** [1188 Wireless Digital Asst. Lic sole source letter.pdf](#)

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
- Attachments:* [2012 Carryovers.pdf](#)
- Held in Administration & Finance Committee during recess.*
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.
- Attachments:* [Oct part 1.pdf](#)  
[Oct part 2.pdf](#)  
[Nov 2012.pdf](#)  
[Dec 2012.pdf](#)
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.
- Attachments:* [Mini Re-org - Principal Secr & Planner II \(3-13-13\).pdf](#)

### 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.
17. [2007-0116](#) Summons & Complaint in the matter of WM Specialty Mortgage, LLC, vs. the City of West Allis Department of Development, et al.
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.
19. [2013-0111](#) Abraham Herrada communication regarding damages allegedly sustained on December 31, 2012.

**and Placed on File**

### Passed The Block Vote

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

**No:** 0

**PUBLIC WORKS COMMITTEE**

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

*Held in Public Works Committee during recess.*

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

**Passed The Block Vote**

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

**No:** 0

**SAFETY & DEVELOPMENT COMMITTEE**

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

*Held in Safety & Development Committee during recess.*

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

*Held in Safety & Development Committee during recess.*

26. [2013-0098](#) Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.

*Held in Safety & Development Committee during recess.*

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.

**Attachments:** [Dwntwn WA BID communication.pdf](#)

*Held in Safety & Development Committee during recess.*

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

*Held in Safety & Development Committee during recess.*

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.

#### Passed The Block Vote

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

**No:** 0

**LICENSE & HEALTH COMMITTEE**

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; to Repeal and Recreate Subsection 9.02(16) of the Revised Municipal Code Relating to Operator's 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

*Held in License & Health Committee during recess.*

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

*Held in License & Health Committee during recess.*

33. [2013-0139](#) 2013-2014 Used Vehicle Dealer License application(s).

*License application nos. 26, 29, 33, 258, 272, 276, 278, 976, 1042, 1044-1046, 1048, 1203, 1516, 1639, and 1817 granted.*

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).

*License application no. 24 granted.*

36. [2013-0119](#) Tavern Operator License applications.

*2012-2013 License application nos. 602-604 and 606 granted.*

*2012-2014 License application nos. 250-257 granted.*

37. [2013-0149](#) Police Department report regarding tavern violations/call for service for February 2013.

**Attachments:** [PD Report February 2013.pdf](#)

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).

*Held in License & Health Committee during recess.*



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).  
*Held in License & Health Committee during recess.*
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).  
**based on municipal quota**
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).
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).  
**Attachments:** [D&G Invstmnts, LLC Summons.2-19-13.pdf](#)  
[D&G Investments, LLC.Complaint.2-19-13.pdf](#)  
*Held in License & Health Committee during recess.*
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).  
*Held in License & Health Committee during recess.*
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.  
**Attachments:** [BINS Comm. 10401 W. Greenfield Ave..pdf](#)  
*Held in License & Health Committee during recess.*

47. [2013-0038](#) 2013-2014 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.

**subject to the necessary requirement(s)**

**Passed The Block Vote**

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

**No:** 0

**ADVISORY COMMITTEE**

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.

**Attachments:** [CC-CDBG-DestroyRecordsReq \(3-14-13\).pdf](#)

*A motion was made by Ald. Reinke, seconded by Ald. Lajsic, that this matter be approved.*

*A motion was made by Ald. May, seconded by Ald. Lajsic, that this matter be Amended to keep TIF documents that are open or active. The motion carried by the following vote:*

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

*No: 0*

**to keep TIF documents that are open or active.**

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

**No:** 0

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

**Attachments:** [2013-14 CWA LegPkg.pdf](#)

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

**No:** 0

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

*None.*

O. ADJOURNMENT

*to adjourn at 9:11 p.m., with the next regularly scheduled meeting to be held on April 2, 2013,  
at 7:00 p.m*

*/s/Monica Schultz  
Deputy City Clerk*



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.