



# 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, February 1, 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** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

##### C. PLEDGE OF ALLEGIANCE

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

##### D. PUBLIC HEARINGS

###### 1. [R-2011-0023](#)

Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of various alleys in the City of West Allis by removal and reconstruction of the concrete alley pavement, storm sewer, storm sewer relay, building services, utility adjustments and storm underdrain.

**Sponsors:** Public Works Committee

*Explanation by Peter Daniels, Principal Engineer.*

*Appearances:*

*Karen Hart, 1346 S. 75 St., inquired about temporary handicapped parking in front of her house, and whether or not cars have to be moved to the other side of the street. She described the history of past work, asked about moving the barricade down a bit, and inquired if the work is not going to take place during State Fair.*

*Theresa Weinert, 1207 S. 56 St., asked about why property owners are charged separately instead of the property taxes taking care of the project cost, and she inquired about interest and the duration of the project.*

## E. CITIZEN PARTICIPATION

*Dorian Templin, 2820 S. 114 St., addressed her concerns relative to Senior Living purchasing the Parkway School building. Her concerns were with the treatment of drug addiction, that the neighborhood is residential, and the use would affect property values and the tax base. She commented on lack of past permitting for Parkway School, and addressed various deceptive examples relative to the proposal. She stated that daycare operation is not desired in residential areas, and that the School District's budgetary missteps should not make the need for a proposal like this. She requested the special use permit be denied.*

*Patti Hansburg, 2882 S. 132 St., New Berlin, on behalf of Close to Home Senior Living, wanted to set the record straight, and addressed the meeting held with the citizens. She commented on reworking the program, and stated that at no time did they want substance abuse programs since it is not their area of expertise. She also explained reasons for the discrepancies previously mentioned. She addressed the change in hours of operation, and believes that property values will go up. She indicated that they will bring 50 jobs to the area, and they have good people, staff and experience.*

*Rebecca Murray, 2875 S. 93 St., asked the alderpersons to volunteer to pick up her son since the Thursday Recreation program ends at 2:00 pm which makes it hard on families to get and work full-time jobs. She said that West Allis currently doesn't provide programming for young adults past 2:00 pm, and this proposal will provide needed services.*

*Richard Metzger, 2929 S. Wollmer Rd., opposed the child daycare and hours of operation. He said the value of his property will go down, and that there will be too much traffic. He said that he doesn't mind the adult or senior daycare.*

*Belinda Kirschbaum, 12760 W. North Ln., New Berlin, supported the Parkway project. She said that no daycares in West Allis exist for children with special needs. She said that a service would be provided that is currently unavailable in West Allis. She commented on the concerns of others relative to traffic and not wanting the facility in their neighborhood.*

*Gerald Matter, 11426 W. Montana Ave., concurred with his neighbors that the facility is not a good fit in a residential area. He said the residential area is zoned R-1 and should be kept that way.*

*Richard Templin, 2820 S. 114 St., reemphasized that the area is residential, and that a childcare facility is a commercial use. He stated that the other facilities don't have extended hours. He said that he is not against the service, and that perhaps the program hours by the school district can be extended. He commented on the values of their homes, and to look for the highest and best use for the property. He said that the City does not need to bail out the school board, and to look at the residents that currently live in the area.*

*Mark Taylor, 2007 S. 116 St., said he is the consultant working with Close to Home, and that they have looked at multiple properties. He stated that the intergenerational facility would improve that site since it currently lacks landscaping and is abundant in asphalt, and that it would be a good fit for the neighborhood and community. He commented that a vacant building is a magnet for crime, this proposal would put it back on the tax roll, and zoning is in place to allow for the proposal as a special use. He mentioned the business is open to working with the neighbors to help resolve any problems, that the company takes pride in their facilities, and described the history of the site. He said the atmosphere will be quieter than what it was when the building was used by the Recreation Department, and that this proposal is a great opportunity for the city as a catalyst project since West Allis is known to be progressive and adaptive with the use of existing buildings.*

*Cheryl Koncas, 14995 Mark Dr., New Berlin, co-owner of Close to Home, expressed her hope to expand their business. She described her background as an RN, and said that her expertise does not include treatment for substance abuse or working with prisoners. She said that 50% of families are county funded, and they offer quality care with limited funds. She stated that West Allis is an ideal location to increase the number of services, and that other locations are not suitable. They don't want to disrupt the community, they are bringing young and old together, and will meet the needs of many. She indicated that problems associated with parking, garbage, and hours of operation have all been addressed.*

*Gerald Matter, 11426 W. Montana Ave., made special note that the zoning is classified as residential.*

*Richard Templin, 2820 S. 114 St., said that a childcare center is more appropriate in a commercial area and their neighborhood is zoned as residential. He opposed the extended childcare hours and the proposed use of the property.*

*Richard Metzger, 2929 S. Wollmer Rd., said he is not opposed to senior care, but is opposed to the childcare proposal*

#### 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. Sengstock extended condolences to the family of Phil Elliott.*

*Ald. Vitale commented on a prior experience with the neighborhood around S. 68 St. and W. Beloit Rd. when a nursing home transitioned to a halfway house. He recognized the many concerns associated with Parkway School. He also said that gun shops could go anywhere in the community. He addressed the needs of the community, the best uses for a site, and reliable partnerships with businesses.*

2. [O-2010-0048](#) Ordinance to amend Subsection 12.40(1)(ii) and 12.41(1)(dd) relative to sporting good stores. To repeal Subsection 12.41(1)(q) relative to indoor gun ranges in the C-2, Neighborhood Commercial District. To repeal and recreate Subsection 12.48(3)(a) relative to firearm ranges in Park Districts and to amend Subsection 12.43(2)(m) of the Revised Municipal Code to permit gun, firearm and/or ammunition sales; sporting good stores with gun, firearm and/or ammunition sales; and, indoor ranges as a permitted use within the C-4 Regional Commercial District.

**Sponsors:** Safety & Development Committee

*No action.*

## H. AGENDA APPROVAL

*that the agenda as submitted be accepted*

## I. APPROVAL OF MINUTES

*to approve the minutes of the regular meeting of January 18, 2011*

## J. ITEMS NOT REFERRED TO COMMITTEE

3. [2011-0053](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P., vs. Guadalupe Saez, et al, regarding foreclosure of mortgage, Case No. 11CV000287.
4. [2011-0054](#) Summons and Complaint in the matter of ARCH BAY HOLDINGS, LLC, SERIES 2010C, vs. Steven J. Duvall and Jane Doe, et al, regarding foreclosure of mortgage, Case No. 11CV000198.
5. [2011-0068](#) Second Amended Summons and Complaint in the matter of Harris N.A. successor in interest to Community Bank Group vs. Joseph Hoffman, et al., regarding foreclosure of mortgage, Case No. 09CV10237.

**Passed The Block Vote**

**Aye:** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

## K. STANDING COMMITTEE REPORTS

**LICENSE & HEALTH COMMITTEE**

6. [2011-0016](#) 2010-2011 Tavern Operator License application no. 11-592 of Charles F. Malak.  
**Aye:** 9 - Barczak, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel  
**No:** 1 - Czaplewski
7. [2011-0055](#) 2010-2011 Tavern Operator License application no. 11-595 of Rachel T. Jaworski.
8. [2010-0705](#) Police Department Report involving Night Court, 7127 W. National Ave. (2010-2011 Class B Tavern License no. 1594 of Parops, LLC, Hans T. Anderson, Agent, Incident Date: November 11, 2010).
9. [2010-0706](#) Police Department Report involving Jonny Hammers, 6300 W. Lincoln Ave. (2010-2011 Class B Tavern License no. 1415, Dance Hall License no. 1417 and Instrumental Music License no. 1418, of Jonny Hammers, LLC, Jon Robert Cervantes, Agent, Incident Date: November 6, 2010).
10. [2011-0022](#) Police Department Report involving Stacey's, 6711 W. Beloit Rd. (2010-2011 Class B Tavern License no. 817 and Dance Hall License no. 819 of Stacey's, Inc., Carol L. McMahon, Agent, Incident Date: November 25, 2010).

11. [2011-0026](#) Police Department Report involving Sportz Medicine, 7731 W. Becher St. (2010-2011 Class B Tavern License no. 1453 and Dance Hall License no. 1455 of Sportz Medicine, LLC, Mark R. Holbert, Agent, Incident Date: December 18, 2010).
12. [2011-0025](#) Police Department Report involving The Network, 9541 W. Cleveland Ave. (2010-2011 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC., Jacob M. Silber, Agent, Incident Date: December 19, 2010).
13. [2011-0030](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of December 2010 involving six (6) West Allis businesses (2010-2011 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC., Jacob M. Silber, Agent, d/b/a The Network, 9541 W. Cleveland Ave., Incident Date: December 7, 2010, 3rd Offense).
14. [2011-0029](#) Police Department Report regarding December 11, 2010 Tobacco Compliance Check involving ten (10) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification. (2010-2011 Cigarette License no. 1400 of Rahan, LLC, Mohammad Rafiq, Agent, d/b/a Hwy 100 Mobil at 3061 S. 108 St.)
15. [2010-0486](#) Communication from Assistant City Attorney regarding Smokin' Joe's failure to complete the landscaping and screening plan for the property at 6139 W. Beloit Rd.

**Passed The Block Vote**

**Aye:** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

16. [2011-0009](#) 2010-2011 Tavern Operator License application no. 11-589 of Donald P. Anderson.
- Aye:** 9 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel
- No:** 0
- Present:** 1 - Barczak

L. COMMON COUNCIL RECESS

*that the Council recess until completion of Committee meetings*

*Thereupon, the Council took a recess at 8:03 p.m. Upon returning from recess at 8:44 p.m., and the roll call being taken, there were:*

**Present** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

M. NEW AND PREVIOUS MATTERS

**ADMINISTRATION & FINANCE COMMITTEE**

17. [R-2011-0024](#) Resolution relative to accepting the sole source proposal of Milwaukee 2-Way, Inc. for providing radio equipment maintenance services for a total net sum of \$24,200.00.
- Sponsors:** Administration & Finance Committee
18. [R-2011-0028](#) Resolution relative to accepting the proposal of Business Interiors by Staples for furnishing Audio-Visual Gondola Shelving for a total net sum of \$31,413.50.
- Sponsors:** Administration & Finance Committee
19. [2011-0065](#) Communication from City Administrative Officer transmitting Traffic Violation & Accident Reports for the period October 1, 2010 through December 31, 2010.
- Attachments:** [MCCAccidRpt.Qtr4 2010.pdf](#)

**City Attorney Claim Report**

20. [2005-0234](#) Dan & Diane Takula communication regarding property damage allegedly sustained at 2403 S. 63 St.
21. [2009-0380](#) Summons & Complaint, in the matter of Waterstone Bank SSB f/k/a Wauwatosa Savings Bank, vs. the City of West Allis, et al., regarding Foreclosure of Mortgage 30404, Case No. 09CV008407.
22. [2009-0797](#) Summons and Complaint in the matter of Waterstone Bank SSB vs. City of West Allis, et al.
23. [2010-0301](#) Notice of Injury and Claim for Damages submitted on behalf of Jason Somers regarding injuries and damages allegedly sustained on S. 108 St. near W. Orchard St. on January 7, 2010.
- and Placed on File**
24. [2010-0319](#) Summons and Complaint in the matter of Waterstone Bank SSB vs. 1126 E. Morgan LLC, regarding foreclosure of mortgage, Case No. 10CV006973.

25. [2010-0640](#) Amended Summons and Complaint in the matter of Eagle Mortgage & Loan, LLC, vs. Joseph Hoffman, et al, regarding foreclosure of mortgage, Case No. 09CV013554.
26. [2010-0661](#) Notice of Claim and Notice of Injury of Kenneth and Melissa Kesy regarding injuries and damages allegedly sustained at South 60 Street and West Lincoln Avenue on August 11, 2010.
27. [2010-0662](#) Tom Brusky communication regarding vehicle damages allegedly sustained at W. Beloit Road and S. Orleans Ave. on October 29, 2010.

**Passed The Block Vote**

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel  
No: 0

**PUBLIC WORKS COMMITTEE**

28. [R-2011-0021](#) Resolution authorizing and directing the City Engineer to change the name of a portion of South Lovers Lane between West Theodore Trecker Way and the North Corporate Limits to South 108th Street.  
*Sponsors:* Public Works Committee
29. [R-2011-0022](#) Resolution granting a Storm Sewer Easement by Sufian & Mervat Assad, ("Grantors"), to the City of West Allis ("Grantee") for the property shown and described on Engineering Drawing File No. Y-1174, dated September 7, 2010, which is attached hereto as Exhibit "A" and made a part hereof.  
*Sponsors:* Public Works Committee
30. [R-2011-0026](#) Resolution Relative to the Vacation and Discontinuance of a Public Alley off of South 81st Street and South of West Greenfield Avenue.  
*Sponsors:* Public Works Committee  
*Held in Public Works Committee during recess.*

31. [R-2011-0027](#) Resolution Relative to the Notice of Hearing for the Vacation and Discontinuance of a Public Alley off of South 81st Street and South of West Greenfield Avenue.

*Sponsors:* Public Works Committee

32. [2011-0060](#) We Energies communication reaffirming their policy to the City regarding use of and trespassing on their property or rights-of-way and the concern for illegal dumping of yard and household materials on their property.

*Attachments:* [2011-0060.pdf](#)

33. [2011-0063](#) Communication from Diane Carey regarding the bill received for planned alley work adjacent to her property.

### Public Hearing Items (Public Works Committee)

34. [R-2011-0023](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of various alleys in the City of West Allis by removal and reconstruction of the concrete alley pavement, storm sewer, storm sewer relay, building services, utility adjustments and storm underdrain.

*Sponsors:* Public Works Committee

35. [R-2011-0025](#) Final Resolution authorizing public improvement by removal and reconstruction of the concrete alley pavement, storm sewer, storm sewer relay, building services, utility adjustments and storm underdrain in various alleys in the City of West Allis and levying special assessments against benefited properties.

*Sponsors:* Public Works Committee

### Passed The Block Vote

**Aye:** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

### SAFETY & DEVELOPMENT COMMITTEE

36. [R-2011-0030](#) Resolution authorizing a professional services contract with Cardinal Capital Management, Inc. to co-develop with the Community Development Authority of the City of West Allis for a Section 42 tax credit application and renovation of the Beloit Senior Housing Complex.

*Sponsors:* Safety & Development Committee



37. [2011-0057](#) Special Use Permit for proposed demolition of the existing New Samaria apartment building and construction of a new 50-unit multi-family apartment building to be located at 6640-6700 W. Beloit Rd.

Attachments: [S Loing.pdf](#)  
[Cardinal Capital Mgmt.pdf](#)  
[M Trefz letter of concern.pdf](#)

*Held in Safety & Development Committee during recess.*

38. [2011-0058](#) Special Use Permit for Milwaukee Plumbing and Piping, Inc. offices to be located on the first floor of a mixed use building located at 11300-02 W. Greenfield Ave.

*Held in Safety & Development Committee during recess.*

39. [R-2011-0002](#) Resolution relative to determination Special Use Permit to establish a community based residential facility, adult and child day care, and classrooms within the Parkway School Building located at 2930 S. Root River Parkway.

Sponsors: Safety & Development Committee

40. [2011-0005](#) Special Use Permit application to establish a community based residential facility, adult and child day care, and classrooms within the Parkway School Building located at 2930 S. Root River Parkway.

Attachments: [2011-0005.1.pdf](#)  
[2011-0005.2.pdf](#)  
[2011-0005.3.pdf](#)  
[2011-0005.4.PDF](#)  
[2011-0005.5.pdf](#)  
[2011-0005.6.pdf](#)

41. [2011-0008](#) Petition in opposition to request by Close to Home Senior Living, LLC for conditional use permits associated with reuse of Parkway School building/property located at 2930 S. Root River Parkway.

Attachments: [2011-0008.pdf](#)

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

**Aye:** 10 - Barczak, Czaplowski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

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

42. [2011-0061](#) 2010-2012 Tavern Operator License application no. 12-265 of Anne M. Neitman.

*Denied based on the police report.*

43. [2011-0064](#) 2010-2011 Tavern Operator License application no. 11-598 of Joseph S. Kaminski.

*Denied based on the police report.*

44. [2011-0052](#) 2010-2011 Class B Tavern License application no. 1746 and Dance Hall License application no. 1747 of Janice S. Fazen, d/b/a Dog House, premises located at 1641 S. 68 St. (new-existing location).

45. [O-2011-0005](#) An Ordinance to Create a new 7.126(4)(b), Renumber existing (b) to (c), Amend (8), Repeal SubSection 7.16(5) and Amend 7.16(4) of the West Allis Revised Municipal Code Relating to Dangerous Dogs.

**Sponsors:** Ald. Czaplowski

46. [2011-0062](#) Tavern Operator License applications.

*2010-2011 License application nos. 597 & 599-600 granted and  
2010-2012 License application no. 266 granted.*

47. [2011-0056](#) 2010-2011 Class B Tavern Special Event Permit application no. 12 of OAR, LLC, Michael O'Connor, Agent, d/b/a O'Connor's Perfect Pint, 8423 W. Greenfield Ave. (2010-2011 Class B Tavern License no. 838, Dance Hall License no. 840, and Instrumental Music License no. 841) for a St. Patrick's Day Party to be held March 17, 2011 from 10:00 a.m.-11:00 p.m. (Tents to be placed in lot).

48. [2011-0067](#) 2010-2011 Special Class B Beer and Wine License application(s).

*License application nos. 21-25 granted with alcohol sales and service ending at 11 p.m.*

#### Passed The Block Vote

**Aye:** 10 - Barczak, Czaplowski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

#### ADVISORY COMMITTEE

49. [R-2011-0029](#) Resolution establishing the City of West Allis Legislative Package for the 2011-2012 State of Wisconsin Legislative Session.

**Sponsors:** Advisory Committee

**Aye:** 10 - Barczak, Czaplowski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 0

50. [2011-0066](#) Legislative Committee minutes for January 25, 2011.

**Attachments:** [LEG CMTE MINS 012511.pdf](#)

**Aye:** 10 - Barczak, Czaplowski, 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

*Ald. Sengstock asked for patience during the snowstorm as alleys and streets are being cleared. He said that there is no refuse pickup scheduled on February 2nd due to snow removal.*

O. ADJOURNMENT

*to adjourn at 8:59 p.m., with the next regularly scheduled meeting to be held on February 15, 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.