



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Agenda

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*

Tuesday, December 16, 2008

7:00 PM

City Hall - Council Chambers

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PUBLIC HEARINGS

1. [R-2008-0256](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of W. Grant St. from S. 68 St. to S. 76 St. and portions of intersecting streets.
Sponsors: Public Works Committee

2. [O-2008-0056](#) Ordinance to create Section 12.24 and amend Section 12.06 of the Revised Municipal Code to create restrictions for the installation of wind energy systems.
Sponsors: Thomas G. Lajsic

3. [R-2008-0267](#) Resolution relative to determination of Special Use Permit for Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Lincoln Plaza shopping center at 2245 S. 108 St. (Tax Key No. 481-9990-001)
Sponsors: Safety & Development Committee

4. [R-2008-0270](#) Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000).
Sponsors: Safety & Development Committee

- 5. [R-2008-0271](#) Resolution relative to determination of Special Use Permit for Flaming Grill, a proposed restaurant to be located at the former Chalet Restaurant at 6215 W. National Ave. (Tax Key No. 454-0073-001)
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 December 2, 2008.

J. ITEMS NOT REFERRED TO COMMITTEE

- 6. [2008-0766](#) Communication from Mayor Devine vetoing Ordinance No. O-2008-0052, an Ordinance to create Section 7.125 of the West Allis Revised Municipal Code relating to Pit Bulls.

7. [2008-0760](#) Samster, Konkel & Safran, S.C. communication on behalf of Michael J. Stanke regarding injuries and damages allegedly sustained in the 1300 block of S. 85 St. on November 8, 2008.

K. STANDING COMMITTEE REPORTS

None.

L. COMMON COUNCIL RECESS

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE AND PUBLIC WORKS COMMITTEE

8. [O-2008-0055](#) An Ordinance to Amend Section 15.03 of the Revised Municipal Code Relating to Recycling Program User Fees.
Sponsors: Kurt E. Kopplin
9. [R-2008-0274](#) Resolution approving an increase in the sanitary sewer user charge-MMSD portion.
Sponsors: Public Works Committee
10. [R-2008-0278](#) Resolution approving an increase in the stormwater management system user charge.
Sponsors: Public Works Committee
11. [R-2008-0279](#) Resolution approving an increase in the solid waste fund user charge.
Sponsors: Public Works Committee
12. [2008-0765](#) Comptroller/Manager of Finance submitting communication relative to the Public Service Commission's (PSC) proposed water rate changes that will be presented at the January 8, 2009 public hearing.

ADMINISTRATION & FINANCE COMMITTEE

13. [R-2008-0264](#) Resolution relative to approving contracting with J. P. Morgan Chase for a City Procurement Card (P-Card) MasterCard and closing out Resolution #25414, Corporate Visa card with Marshall & Ilsley Bank.
Sponsors: Administration & Finance Committee

14. [R-2008-0266](#) Resolution relative to accepting the proposal of Schenck, SC for furnishing Financial Auditing Services for the period 1/1/09 through 12/31/13 for a total sum of \$237,600.00.
Sponsors: Administration & Finance Committee
15. [R-2008-0272](#) Resolution relative to approving the application and the borrowing of up to \$250,000 from the Trust Funds of the State of Wisconsin at an interest rate of 3.5 percent for a term of 5 years for the purpose of financing property acquisition, within TID #10 and for no other purposes.
Sponsors: Administration & Finance Committee
16. [R-2008-0273](#) Resolution relative to approving the application and the borrowing of up to \$1,500,000 from the Trust Funds of the State of Wisconsin at an interest rate of 5.5 percent for a term of 20 years for the purpose of financing the acquisition, demolition, and cleanup of property within TID #10 and for no other purposes.
Sponsors: Administration & Finance Committee

City Attorney Claim Report

17. [2008-0511](#) Summons and Complaint in the matter of American Family Mutual Insurance Company vs. City of West Allis, et al.

PUBLIC WORKS COMMITTEE

18. [R-2008-0258](#) Resolution accepting work of Northern Pipe Equipment, Inc. for the closed circuit TV inspection of sanitary and storm sewers at various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 6.
Sponsors: Public Works Committee
19. [R-2008-0263](#) Resolution accepting work of Northern Pipe Equipment, Inc. for the closed circuit TV inspection of sanitary and storm sewers at various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2007 Project No. 11.
Sponsors: Public Works Committee

20. [R-2008-0260](#) Resolution accepting work of MJ Construction, Inc. for the installation of sanitary sewer relays and backyard storm sewer in various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 14.
- Sponsors:** Public Works Committee
21. [R-2008-0259](#) Resolution accepting work of Snorek Construction, Inc. for replacement or repair of concrete sidewalk in the general area bounded by Union Pacific Railroad, W. Morgan Ave., S. 108 St. and S. 124 St. in the City of West Allis, and authorizing and directing settlement of said contract in accordance with contract terms of 2007 Project No. 15.
- Sponsors:** Public Works Committee
22. [R-2008-0261](#) Resolution accepting work of Snorek Construction, Inc. for replacement or repair of concrete sidewalk in the general area bounded by W. Burnham St., W. Cleveland Ave., S. 92 St. and S. 108 St. in the City of West Allis, and authorizing and directing settlement of said contract in accordance with contract terms of 2006 Project No. 13.
- Sponsors:** Public Works Committee
23. [R-2008-0262](#) Resolution accepting work of Underground Pipeline Construction, Inc. for the installation of water main relay and building services in W. Greenfield Avenue from S. 60 Street to S. 62 Street in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 5.
- Sponsors:** Public Works Committee
24. [R-2008-0268](#) Resolution accepting work of Willkomm Excavating & Grading, Inc. for the installation of water main relay and building services in the easement in 935 S. 60 Street from S. 60 Street to S. 63 Street in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 10.
- Sponsors:** Public Works Committee
25. [R-2008-0269](#) Resolution accepting work of Cornerstone Pavers, LLC for concrete patching, manhole adjustments and alley catch basin repairs in the general area bounded by W. Fairview Avenue, W. Morgan Avenue, S. 84 Street and S. 124 Street in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 4.
- Sponsors:** Public Works Committee

26. [R-2008-0275](#) Resolution accepting work of LaLonde Contractors, Inc. for the removal and reconstruction of the concrete alley pavement, storm sewer, utility adjustments and storm underdrain in various locations in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 13.
Sponsors: Public Works Committee
27. [R-2008-0277](#) Resolution accepting work of LaLonde Contractors, Inc. for the installation of concrete curb and gutter, concrete pavement, miscellaneous walk repair, driveway replacement, storm sewer relay, sanitary sewer relay, water main, building services and utility adjustments in various locations in West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 7.
Sponsors: Public Works Committee
28. [R-2008-0280](#) Resolution accepting work of LaLonde Contractors, Inc. for concrete reconstruction of the pavement, including sidewalk replacement, driveway replacement, sanitary sewer relay, sanitary sewer lining, storm sewer relay, storm sewer, water main relay, building services and utility adjustments in various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2008 Project No. 9.
Sponsors: Public Works Committee
29. [R-2008-0282](#) Resolution accepting work of LaLonde Contractors, Inc. for the installation of new concrete curb and gutter, concrete pavement, new concrete driveways, storm sewer, storm sewer relay, sanitary sewer relay, water main, building services and utility adjustments in various locations in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2007 Project No. 9
Sponsors: Public Works Committee
30. [R-2008-0281](#) Resolution accepting work of Payne & Dolan, Inc. for major asphalt resurfacing of the pavement including the cracking and seating of the pavement with miscellaneous driveway and sidewalk repair, sanitary sewer relay, storm sewer relay and utility adjustments in W. Lincoln Avenue from S. 61 Street to S. 76 Street in the City of West Allis and authorizing and directing settlement of said contract in accordance with contract terms of 2007 Project No. 10.
Sponsors: Public Works Committee
31. [2008-0759](#) Communication from City Engineer Regarding Status of Reconstruction of 60th Street.

Public Hearing Items (Public Works Committee)

32. [R-2008-0256](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of W. Grant St. from S. 68 St. to S. 76 St. and portions of intersecting streets.
Sponsors: Public Works Committee
33. [R-2008-0257](#) Final Resolution authorizing public improvement by concrete reconstruction with miscellaneous walk, miscellaneous driveway repair, storm sewer relay, sanitary sewer relay, water main, water main relay, building services and utility adjustments in W. Grant St. from S. 68 St. to S. 76 St. and portions of intersecting streets and levying special assessments against benefited properties.
Sponsors: Public Works Committee

SAFETY & DEVELOPMENT COMMITTEE

34. [R-2008-0265](#) Resolution approving the Cooperation Agreement by and between the Community Development Authority and the City of West Allis for Tax Incremental District Number Ten - Yellow Freight Redevelopment Project.
Sponsors: Safety & Development Committee
35. [R-2008-0283](#) Resolution directing the Department of Development to draft Amendment Number Three to the Project Plan for Tax Incremental District Number Seven, City of West Allis, Wisconsin.
Sponsors: Safety & Development Committee
36. [2007-0589](#) Special Use Permit for proposed landscape supply/storage business, Nature Boy Landscape & Supply, to be located at 528 S. 108 St. (Tax Key No. 415-9994-002)

Public Hearing Items (Safety & Development Committee)

37. [O-2008-0056](#) Ordinance to create Section 12.24 and amend Section 12.06 of the Revised Municipal Code to create restrictions for the installation of wind energy systems.
Sponsors: Thomas G. Lajsic

38. [R-2008-0267](#) Resolution relative to determination of Special Use Permit for Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Lincoln Plaza shopping center at 2245 S. 108 St. (Tax Key No. 481-9990-001)
Sponsors: Safety & Development Committee
39. [2008-0696](#) Special Use Permit for Chinese Relaxation Center, a proposed massage business, to be located within a portion of the Lincoln Plaza shopping center at 2245 S. 108 St. (Tax Key No. 481-9990-001)
40. [R-2008-0270](#) Resolution relative to determination of Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000).
Sponsors: Safety & Development Committee
41. [2008-0717](#) Special Use Permit for proposed hours of operation extension for First Class Child Care, an existing business located at 7625 W. Becher St. (Tax Key No. 477-0748-000)
42. [R-2008-0271](#) Resolution relative to determination of Special Use Permit for Flaming Grill, a proposed restaurant to be located at the former Chalet Restaurant at 6215 W. National Ave. (Tax Key No. 454-0073-001)
Sponsors: Safety & Development Committee
43. [2008-0727](#) Special Use Permit for Flaming Grill, a proposed restaurant to be located at the former Chalet Restaurant at 6215 W. National Ave. (Tax Key No. 454-0073-001)

LICENSE & HEALTH COMMITTEE

44. [2008-0752](#) 2008-2009 Class B Tavern License application no. 1478, Instrumental Music License application no. 1480, and Dance Hall License application no. 1479, of Gregory S. Barczak, d/b/a 88 Keys Piano Martini Lounge for premises located at 7211 W. Greenfield Avenue (new-nonexisting).
45. [2008-0757](#) 2008-2010 Tavern Operator License application no. 10-287 of Sherry C. Rejman.
46. [2008-0758](#) 2008-2009 Tavern Operator License application no. 9-611 of Dawn M. Damask.
47. [O-2008-0054](#) An Ordinance to Repeal Subsections 7.121(3), (4) and (5), Repeal and Recreate Section 7.16 and Create Section 7.126 of the Revised Municipal Code Relating to Dangerous Dogs.
Sponsors: Michael J. Czaplewski

48. [2008-0754](#) Time Warner Cable communications regarding the possible cessation and changes of services/stations, and additions/changes to both high-definition and digital lineups.
49. [2008-0756](#) 2008-2009 and 2008-2010 Tavern Operator License applications.
50. [2008-0753](#) 2008-2009 Precious Metal & Gem Dealer License application no. 1076 of Community Financial Service Center Corporation, Robert W. Wellenstein, Agent, d/b/a Community Financial Service Center for premises located at 2812 S. 108 Street.
51. [2008-0745](#) Police Department report regarding tavern violations/calls for service for the month of November 2008.
52. [2008-0751](#) Police Department Report regarding November 22, 2008 Tobacco Compliance Check involving seventeen (17) West Allis businesses, resulting with none selling tobacco to an underage person without requesting identification.
53. [2008-0749](#) Police Department Report regarding November 11, 2008 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification.
54. [2008-0750](#) Police Department Report regarding November 11, 2008 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification (2008-2009 Cigarette License no. 477 of Speedway Superamerica, LLC, Heather R. Walker, Agent, d/b/a Speedway #2090 at 9130 W. Oklahoma Ave.).
55. [2008-0746](#) Police Department Report involving Mario's, 1900 S. 60 St. (2008-2009 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: November 15, 2008).
56. [2008-0747](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2008-2009 Class B Tavern License no. 1427, Dance Hall License no. 1428, Instrumental Music License no. 1430 and Cigarette License no. 1429 of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Date: November 15, 2008).
57. [2008-0748](#) Police Department Report involving The Spot, 6426 W. Greenfield Ave. (2008-2009 Class B Tavern License no. 956, Tavern Entertainment License no. 959, Dance Hall License no. 958 and Cigarette License no. 957, Edward D. Bomback & Lonnie D. Bald, Partners, Incident Date: November 26, 2008).

ADVISORY COMMITTEE

58. [R-2008-0276](#) Resolution to rescind Resolution No. R-2005-0037 and to adopt updated Mission Statement, Vision Statement, and Long Range Goals for 2008-2012 for the City of West Allis.
Sponsors: Advisory Committee
59. [2008-0743](#) Appointment by Mayor Devine of Mr. Wayne B. Clark as a member of the West Allis Police & Fire Commission, his term to expire May 1, 2013.
60. [2008-0761](#) Notification by Mayor Devine of membership realignment for the West Allis Board of Appeals.
61. [2008-0763](#) Notification by Mayor Devine of membership realignment for the West Allis Electrical Review Board.
62. [2008-0762](#) Appointment by Mayor Devine of Caroline Thomas as a member of the West Allis Block Grant Committee, her two-year term to expire September 1, 2010.
63. [2008-0764](#) Appointment by Mayor Devine of Robert Yuzna as a member of the West Allis Electrical Review Board, his term to expire May 31, 2010.
64. [2008-0755](#) City Administrative Officer, Clerk/Treasurer communication requesting permission to destroy certain records.

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.