



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

Tuesday, March 3, 2009

7:00 PM

City Hall - Council Chambers

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. Sengstock.

D. PUBLIC HEARINGS

1. [R-2009-0048](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of S. 76 St. from W. Cleveland Ave. to W. Oklahoma Ave. and portions of intersecting streets.

Sponsors: Public Works Committee

Explanation by Michael Lewis, City Engineer.

Appearances: None.

2. [R-2009-0069](#) Resolution relative to determination of Special Use Permit to establish The Orchard, an instructional training facility for dance, martial arts, aerobics, music and arts, business and trades within a portion of the existing mixed use building located at 1500 S. 73 St., 7223 W. Orchard St. and 15** S. 73 St. (Tax Key Nos. 453-0212-000 and 453-0211-000)

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

Shaunna Smars, 1512 S. 73 St., addressed her concerns regarding snow removal and parking.

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

Mayor Devine announced March as Youth Art Month. The West Allis - West Milwaukee School District will hold an art display open house on March 17th at City Hall. Mayor Devine attended the West Allis - West Milwaukee Chamber of Commerce Dinner and announced this year's individual and business award winners: George and Kathy Schneider, Citizen Award; LifeTime Credit Union, Business Award; and Home Depot, Community Partnership Award.

Alderspersons Comments

Ald. Weigel addressed Daylight Savings Time on March 8th, and commented on the West Allis Police Neighborhood Partnership Meeting on March 18th.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of February 17, 2009

J. ITEMS NOT REFERRED TO COMMITTEE

3. [2009-0125](#) Quarterly Report of Matters Pending Before Committee Prior to November 1, 2008.
Attachments: [2009-0125.doc.pdf](#)
4. [2009-0120](#) Summons and Complaint in the matter of Citizens Bank of Mukwonago vs. City of West Allis, et al.
5. [2009-0121](#) Summons and Complaint in the matter of Countrywide Home Loans Servicing LP vs. City of West Allis, et al.

Passed The Block Vote

K. STANDING COMMITTEE REPORTS

LICENSE & HEALTH COMMITTEE

6. [2009-0098](#) 2008-2009 Tavern Operator License application no. 09-633 of Dawn M. Buss.
Denied based on the police report.
7. [2009-0101](#) 2008-2010 Tavern Operator License application no. 10-303 of Brian C. Roeder.
Denied based on the police report.
8. [2009-0123](#) 2008-2009 Tavern Operator License application no. 09-636 of Dorian C. Haggerty, Sr.
9. [2009-0093](#) 2008-2010 Tavern Operator License application no. 10-300 of Kelly A. Wirth.
10. [2009-0106](#) 2008-2009 Class B Tavern Special Event Permit application no. 9 of OAR, LLC, Michael O'Connor, Agent, d/b/a O'Connor's Perfect Pint, 8423 W. Greenfield Ave. (2008-2009 Class B Tavern License no. 838; 2008-2009 Dance Hall License no. 840; and Instrumental Music License no. 841) for a St. Patrick's Weekend and St. Patrick's Day Party to be held March 14-17, 2009 from 12:00 p.m.-11:00 p.m. with outdoor music ending at 9:00 p.m., Sunday-Tuesday, March 15-17, 2009. (Tents along back and side of building.)
11. [2009-0031](#) Police Department Report involving Jock Stop Sports Bar, 7930 W. National Ave. (2008-2009 Class B Tavern License no. 880 and Dance Hall License no. 882 of JOCH Enterprises, LLC, Christopher J. Bitz, Agent, Incident Date: December 27, 2008).

Passed The Block Vote

12. [2008-0633](#) 2008-2009 Class B Tavern License renewal application no. 662 of William Miller, Inc., Thomas L. Miller, Agent, d/b/a Shakey's Pizza & Buffet premises located at 9638 W. National Ave.

L. COMMON COUNCIL RECESS

that the Council recess until completion of Committee meetings

Thereupon, the Council took a recess at 7:13 p.m. Upon returning from recess at 8:01 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

14. [R-2009-0071](#) Resolution approving refinancing terms of the Economic Development Loan with Rokamco Distributing, Inc. located at 5420 W. Electric Ave.
- Sponsors:* Ald. Vitale
- Held in Administration & Finance Committee during recess.*
15. [R-2009-0074](#) Resolution relative to the adoption of a Citizen Participation Plan, outlining residential involvement in the development of the Community Development Block Grant - Emergency Assistance Program (CDBG-EAP) application.
- Sponsors:* Lajsic
16. [R-2009-0075](#) Resolution relating to the City of West Allis' participation in the Wisconsin Small Cities Community Development Block Grant - Emergency Assistance Program (CDBG-EAP).
- Sponsors:* Lajsic
17. [R-2009-0076](#) Resolution relative to approving an interagency fiscal agent agreement with the City of Cudahy for the Milwaukee/Waukesha County Emergency Preparedness Consortium
- Sponsors:* Ald. Reinke
19. [2009-0136](#) Communication from City Administrative Officer relative to a status report on the implementation of the 2007 Strategic Planning Action Plan items and first request to use \$2,500 of the \$100,000 in funding set aside for the action items implementation for partial funding of a graffiti power washer for the Police Department.
- Attachments:* [MCC.STATUS RPT 07 SPAL.pdf](#)
[STATUS RPT.07 SP Action Items.pdf](#)
- #### City Attorney Claim Report
20. [2006-0674](#) Sentry Insurance communication regarding property damage allegedly sustained at 921 S. 103 Street on December 27, 2005.
21. [2009-0035](#) Nicole Jusuf communication regarding vehicle damage allegedly sustained at 1515 S. 59 Street on December 24, 2008.

22. [2009-0036](#) Dan Bukiewicz communication regarding vehicle damage allegedly sustained at 3053 S. 83 Street on December 23, 2008.
23. [2009-0082](#) Linda Neuhaus communication requesting a refund of towing charges which allegedly occurred on December 30, 2008.

Passed The Block Vote

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

No: 0

13. [R-2009-0066](#) Resolution relative to approving the application and the borrowing of up to \$1,300,000 from the Trust Funds of the State of Wisconsin at an interest rate of 4.5 percent for a term of 10 years for the purpose of financing the acquisition, demolition, and cleanup of property within TID #7 and for no other purposes.

Sponsors: Administration & Finance Committee

Attachments: [Borrowing \\$1,300,000.pdf](#)

18. [R-2009-0077](#) Resolution relative to approving an interagency agreement with the City of Cudahy for the purpose of fulfilling contract objectives for the 2009 Wisconsin Division of Public Health Tobacco Prevention and Control Program.

Sponsors: Ald. Reinke

Passed The Block Vote

Aye: 8 - Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Sengstock, Vitale, and Weigel

No: 1 - Roadt

PUBLIC WORKS COMMITTEE

24. [R-2009-0065](#) Resolution authorizing the Director of Public Works to accept the proposal of AECOM Technical Services (AECOM), formerly Earth Tech, to provide consulting services relative to the NR216 Permit compliance requirements for 2009 for a sum not to exceed \$35,937.

Sponsors: Public Works Committee

25. [R-2009-0067](#) Resolution relative to accepting the proposal of Neher Electric Supply for furnishing aluminum street lighting poles for a total sum of \$35,850.00.

Sponsors: Public Works Committee

Attachments: [1028 Aluminum Street Light Poles tabulation.pdf](#)

26. [R-2009-0072](#) Resolution relative to accepting the proposal of various suppliers for furnishing and delivering chimney seals, valves, water boxes and extensions for a total sum of \$135,089.95.

Sponsors: Public Works Committee

Attachments: [1026 Water Valves & Access. tabulation.pdf](#)

27. [R-2009-0068](#) Resolution relative to accepting the proposal of Neenah Foundry Co. for furnishing and delivering cast iron manholes and catchbasins for a total sum of \$181,826.00.

Sponsors: Public Works Committee

28. [R-2009-0073](#) Resolution to approve bid of C.W. Purpero, Inc. for sanitary sewer relays and sanitary spot relays in various locations within the City of West Allis, in the amount of \$568,466.20.

Sponsors: Public Works Committee

Attachments: [2009-4 Bid Results.pdf](#)

29. [2009-0122](#) Downtown West Allis Business Improvement District (BID) requesting street closures of West Greenfield Ave., from 5:00 a.m. to 6:00 p.m., use of the City Hall parking lot for registration, parking restrictions, the use of signs and supplies from the Department of Public Works, and additional Police presence for their 19th Annual Classic Car Show on Sunday, October 4, 2009.

Attachments: [2009-0122.pdf](#)

Public Hearing Items (Public Works Committee)

30. [R-2009-0048](#) Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of S. 76 St. from W. Cleveland Ave. to W. Oklahoma Ave. and portions of intersecting streets.

Sponsors: Public Works Committee

31. [R-2009-0049](#) Final Resolution authorizing public improvement by major asphalt resurfacing with miscellaneous walk, miscellaneous driveway repair, storm sewer relay and utility adjustments in S. 76 St. from W. Cleveland Ave. to W. Oklahoma Ave. and portions of intersecting streets and levying special assessments against benefited properties.

Sponsors: Public Works Committee

Passed The Block Vote

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

No: 0

SAFETY & DEVELOPMENT COMMITTEE

32. [O-2009-0005](#) An Ordinance to Establish Parking Restrictions on the following West Allis Municipal Parking Lot: 84 & Cleveland SW.

Sponsors: Lajsic

33. [R-2007-0303](#) Resolution relative to determination of Special Use Permit for proposed demolition of the existing Shell convenience store and construction of a new BP convenience store and car wash at 8808 W. Oklahoma Ave. (Tax Key Nos. 517-9977-001 and 517-9977-002)

Sponsors: Safety & Development Committee

34. [2007-0714](#) Special Use Permit for proposed demolition of the existing Shell convenience store and construction of a new BP convenience store and car wash at 8808 W. Oklahoma Ave. (Tax Key Nos. 517-9977-001 and 517-9977-002)

35. [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

36. [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)

37. [2009-0095](#) Special Use Permit to establish I-94 Productions, a multi-media recording studio within a portion of the existing Westwood/Rupena's Shopping Center located at 7709 W. Beloit Rd. (Tax Key No. 515-0046-000)

38. [2007-0465](#) Special Use Permit for proposed Walking in the Spirit (WITS) Christian Academy daycare, to be located within the existing church building at 6420 W. Mitchell St. (Tax Key No. 454-0262-004)

39. [2009-0062](#) Communication from the Director of Development transmitting the decision of the Joint Review Board with respect to Tax Incremental District Number Seven (Whitnall Summit).

Public Hearing Items (Safety & Development Committee)

40. [R-2009-0069](#) Resolution relative to determination of Special Use Permit to establish The Orchard, an instructional training facility for dance, martial arts, aerobics, music and arts, business and trades within a portion of the existing mixed use building located at 1500 S. 73 St., 7223 W. Orchard St. and 15** S. 73 St. (Tax Key Nos. 453-0212-000 and 453-0211-000)

Sponsors: Safety & Development Committee

41. [2009-0094](#) Special Use Permit to establish The Orchard, an instructional training facility for dance, martial arts, aerobics, music, business and trades within a portion of the existing mixed use building located at 1500 S. 73 St., 7223 W. Orchard St. and 15** S. 73 St. (Tax Key Nos. 453-0212-000 and 453-0211-000)

Passed The Block Vote

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

No: 0

LICENSE & HEALTH COMMITTEE

42. [2009-0133](#) Summons and Complaint in the matter of the complaint against Iris Girl, LLC, Peter D. Crivello, Agent for the premises located at 6500 W. Greenfield Ave., d/b/a Scotty's Pub (2008-2009 Class B Tavern License no. 1254).

Attachments: [2009-0133.doc.pdf](#)

Held in License & Health Committee during recess.

43. [2009-0028](#) Police Department Report involving Scotty's Pub, 6500 W. Greenfield Ave. (2008-2009 Class B Tavern License no. 1254, Dance Hall License no. 1255 and Cigarette License no. 1256 of Iris Girl, LLC, Peter D. Crivello, Agent, Incident Date: December 18, 2008).

Held in License & Health Committee during recess.

44. [2009-0137](#) Summons and Complaint in the matter of the complaint against Lenny's, Inc., Leonard E. Malan, Agent for the premises located at 6309 W. National Ave., d/b/a Lenny's (2008-2009 Class B Tavern License no. 458).

Held in License & Health Committee during recess.

45. [2009-0026](#) Police Department Report involving Lenny's, 6309 W. National Ave. (2008-2009 Class B Tavern License no. 458, Dance Hall License no. 506 and Cigarette License no. 1357 of Lenny's, Inc., Leonard E. Malan, Agent, Incident Date: December 12, 2008).

Held in License & Health Committee during recess.

46. [O-2009-0006](#) An Ordinance to Create Subsection 9.18(7)(t) of the Revised Municipal Code Relating to the Prohibition of Sale of Tickets Around the State Fair Park.

Sponsors: Ald. Weigel

Held in License & Health Committee during recess.

47. [2009-0132](#) Video/Cable Communications Coordinator communication regarding 4th quarter funding recommendations for the WA/WM School District educational access operations.

Attachments: [2009-0132.pdf](#)

48. [2009-0134](#) Video/Cable Communications Coordinator communication regarding recommendations for 4th Quarter Operating Funds to the West Allis Community Communications Corporation (WACCC) for the Public Access Channel.

Attachments: [2009-0134.pdf](#)

49. [2009-0118](#) Time Warner Cable communications regarding the addition of MLB HD, the addition of Starz on Demand, IndiePlex and RetroPlex, the discontinuation of MoviePlex, and the relocation of Fox Movie Channel, IFC, Encore, Encore Love, Encore Mystery, Encore Drama, Encore WAM, Encore Westerns and Encore Action; the launch of Start Over; the possibility of the discontinuation of WTMJ, UNIVISION, TELEFUTURA due to the agreements expiring, Toon Disney format change to Disney XD, addition of WPXE HD, discontinuation of Real Estate on Demand, the increase of the Office Change of Service Fee, and new digital phone customers access fee for activation.

Attachments: [2009-0118.pdf](#)

50. [2009-0116](#) 2009-2010 Mobile Home Park License renewal application(s).

License application nos. 288 and 292 granted.

51. [2009-0124](#) 2009-2010 Used Vehicle Dealer License renewal application(s).

License application nos. 29, 32, 210, 231, 233, 261, 263, 267, 976, 1045-1046 and 1048 granted.

52. [2009-0117](#) 2008-2009 and 2008-2010 Tavern Operator License applications.

2008-2009 License application nos. 637-640 granted.

2008-2010 License application nos. 306-308 granted.

53. [2009-0131](#) 2008-2009 Special Class B Beer and Wine License application(s).

License application no. 21 granted.

54. [2009-0126](#) Police Department report regarding tavern violations/calls for service for the month of January 2009.

Attachments: [2009-0126.pdf](#)

55. [2009-0127](#) Police Department Report regarding January 18, 2009 Tobacco Compliance Check involving ten (10) West Allis businesses, resulting with none selling tobacco to an underage person without requesting identification.

Attachments: [2009-0127.doc.pdf](#)

56. [2009-0128](#) Police Department Report involving J.P.'s Hat Trix, 5826 W. Burnham St. (2008-2009 Class B Tavern License no. 1223 and Cigarette License no. 1224 of J.P.'s Hat Trix, Pamela A. Yanny, Agent, Incident Date: January 5, 2009).
Held in License & Health Committee during recess.
57. [2009-0129](#) Police Department Report involving The Network, 9541 W. Cleveland Ave. (2008-2009 Class B Tavern License no. 786, Dance Hall License no. 788 and Cigarette License no. 787 of The Network, LLC, Stephen S. Silber, Agent, Incident Date: January 28, 2009).
Held in License & Health Committee during recess.
58. [2009-0130](#) Police Department Report involving Las Palmas, 1901 S. 60 St. (2008-2009 Class B Tavern License no. 1345, Dance Hall License no. 1346, Instrumental Music License no. 1347 and Cigarette License no. 1348 of Las Palmas, LLC, Carmen D. Lewis Yun, Agent, Incident Date: January 12, 2009).
Held in License & Health Committee during recess.

Passed The Block Vote

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

No: 0

ADVISORY COMMITTEE

59. [R-2009-0064](#) Resolution Relative to Adopting a New Policy for Inclusion in the City's Policies & Procedures Manual Relative to the Recruitment, Selection, Appointment and Confirmation of Board and Commission Members.

Sponsors: Ald. Reinke

Attachments: [406-Policies & Procedures-B&C Members.pdf](#)

60. [2009-0135](#) Legislative Committee minutes for February 24, 2009.

Attachments: [LEG CMTE MINS 022409.pdf](#)

Passed The Block Vote

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

None.

O. ADJOURNMENT

to adjourn at 8:07 p.m., with the next regularly scheduled meeting to be held on March 17, 2009, 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.