



# 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, June 1, 2010

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. Sengstock.*

##### D. PUBLIC HEARINGS

1. [R-2010-0131](#) Resolution relative to determination of Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

**Sponsors:** Safety & Development Committee

*Explanation by John Stibal, Director of Development.*

*Appearances: None.*

2. [R-2010-0135](#) Resolution relative to determination of Special Use Permit to establish a tavern with an outdoor deck as an extension of premises at Shamrox located at 6851 W. Beloit Rd.

**Sponsors:** Safety & Development Committee

3. [R-2010-0132](#) Resolution relative to determination of Special Use Permit to include a beer-serving establishment to the existing cigar business, Smoker's Pub, located within the Oak Ridge Square Shopping Center at 10708 W. Oklahoma Ave.

**Sponsors:** Safety & Development Committee

*Explanation by John Stibal, Director of Development.*

*Appearances: None.*

4. [R-2010-0136](#) Resolution relative to determination of Special Use Permit to establish outdoor dining at HD Hideout, an existing tavern located at 6201 W. Mitchell St.

**Sponsors:** Safety & Development Committee

*Explanation by John Stibal, Director of Development.*

*The Clerk's Office received three (3) letters opposing and one (1) letter in favor of the Special Use Permit.*

*Appearances:*

*Jason Williams, 1718 S. 63 St., said that the use is highly inappropriate for the tightly packed residential area. He requested a moratorium on expanding liquor licenses for bars in residential neighborhoods, and requested denial of this permit.*

*Carol Jackson, 6201 W. Mitchell St., said the purpose of her request is to control the location for the smokers and not to serve food. She said cameras would be installed.*

#### E. CITIZEN PARTICIPATION

*Russell Retzack, 3028 S. 83 St., reported on behalf of the Ethics Board, and that no conflicts of interest were determined following his review of the Statements of Financial Interests.*

#### 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 reported on career day at Jefferson School, and thanked the City departments for their participation in the Jobs on Wheels section. He reminded everybody about the 3rd annual Ala Carte, and announced the Milwaukee Brewers Block Party scheduled on June 12th.*

##### **Alderspersons Comments**

*Ald. Weigel commented on the Reclaiming Our Heritage event at the VA Medical Center, the UPAF Ride for the Arts, and Bike to Work Week.*

*Ald. Reinke described the upcoming Ala Carte event and extended an invitation to everyone.*

#### H. AGENDA APPROVAL

*that the agenda as submitted be accepted*

## I. APPROVAL OF MINUTES

*to approve the minutes of the regular meeting of May 18, 2010*

## J. ITEMS NOT REFERRED TO COMMITTEE

5. [2010-0329](#) Report of the Municipal Judge for the month of March 2010, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$185,730.27.
- Attachments:* [2010-0329.pdf](#)
6. [2010-0338](#) Summons and Complaint in the matter of Rosemary Zielinski vs. Gloria Hilliard, et al, regarding foreclosure of mortgage, Case No. 10CV007558.
7. [2010-0349](#) Summons and Complaint in the matter of Legacy Bank vs Kenneth F. Palme, et al, regarding foreclosure of mortgage, Case No. 10CV001394.

**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**

8. [O-2010-0013](#) An Ordinance to Amend Subsection 9.05(2)(b) of the West Allis Revised Municipal Code Relating to Dance Halls.
- Sponsors:* Ald. Czaplewski
9. [O-2010-0014](#) An Ordinance to Repeal SubSection 7.126(5)(d)(1) and Recreate Using Number (2) and Renumbering (3) to (2) of the West Allis Revised Municipal Code Relating to Dangerous Dogs.
- Sponsors:* Ald. Czaplewski
10. [2010-0257](#) 2010-2011 Tavern Operator License application no. 11-478 of Jason A. Krzyzanowski.
11. [2010-0267](#) 2010-2011 Tavern Operator License application no. 11-475 of Simone N. Mervosh.

12. [2010-0294](#) 2010-2012 Tavern Operator License renewal application no. 12-89 of Jatinder P. Singh.
13. [2010-0295](#) 2010-2012 Tavern Operator License renewal application no. 12-92 of Michelle L. Scott.
14. [2010-0315](#) 2010-2011 Tavern Operator License renewal application no. 11-486 of Nicole L. Balistreri.
15. [2010-0324](#) 2010-2011 Tavern Operator License application no. 11-493 of Adam L. Malmquist.
16. [2010-0289](#) 2010-2011 Class B Tavern License renewal application no. 1361, Dance Hall License renewal application no. 1657 and Instrumental Music License renewal application no. 1656 of Rocco A. Landgraf, d/b/a Rocco's Bar & Grill for premises located at 1309 S. 60 St.
17. [2010-0290](#) 2010-2011 Class B Tavern License renewal application no. 1574, Dance Hall License renewal application no. 1576 and Instrumental Music License renewal application no. 1575 of DRND Corporation, Debra M. Nadboralski, Agent, d/b/a D & D's Bar & Grill for premises located at 1022 S. 60 St.
18. [2010-0291](#) Police Department Report involving G R's National Pub, 6827 W. National Ave. (2009-2010 Class B Tavern License no. 1613, Dance Hall License no. 1615, and Instrumental Music License no. 1614 of Guy M. Robb, LLC, Guy M. Robb, Agent, Incident Date: April 11, 2010).
19. [2010-0312](#) 2010-2011 Class B Tavern License renewal application no. 1613, Instrumental Music License renewal application no. 1614 and Dance Hall License renewal application no. 1615 of Guy M. Robb, LLC, Guy M. Robb, Agent, d/b/a G R's National Pub, premises located at 6827 W. National Ave.
20. [2010-0326](#) 2010-2011 Tavern Operator License application no. 11-492 of Linda A. Korth.  
*Denied based on the police report.*
21. [2010-0297](#) Police Department Report involving Kwik Pantry, 6716 W. Lincoln Ave. (2009-2010 Combination Class A License no. 1502 of Bryan SRA, LLC, Ram S. Joseph, Agent, Incident Date: April 23, 2010).
22. [2010-0292](#) 2010-2011 Combination Class A Liquor License renewal application no. 1502 of Bryan SRA, LLC, Ram S. Joseph, Agent, d/b/a Kwik Pantry, for premises at 6716 W. Lincoln Ave.

**Passed The Block Vote**

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

**No:** 0

23. [2010-0236](#) 2009-2011 Tavern Operator License application no. 11-461 of Ricky R. Amborn.

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

**No:** 0

## L. COMMON COUNCIL RECESS

*that the Council recess until completion of Committee meetings*

*Thereupon, the Council took a recess at 7:31 p.m. Upon returning from recess at 8:25 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**

24. [O-2010-0019](#) An Ordinance to create Section 1.08(2)(d) of the City of West Allis Revised Municipal Code to provide for change in due date for February payment of Manufactured/Mobile Home Community/Municipal Monthly Permit Fee.

**Sponsors:** Administration & Finance Committee

25. [O-2010-0020](#) An Ordinance to create Section 5.18 of the City of West Allis Revised Municipal Code regarding reimbursement of Fire Department costs for services in excess of Fire Department capabilities.

**Sponsors:** Administration & Finance Committee

26. [R-2010-0137](#) Resolution relative to approving an agreement between RDS Services LLC and the City of West Allis for early retiree reinsurance program services.

**Sponsors:** Administration & Finance Committee

27. [2010-0339](#) Gail M. Kirk communication regarding billing concerns with West Allis Memorial Hospital and participating preferred providers for an incident on January 7, 2010.

**Attachments:** [2010-0339.pdf](#)

**City Attorney Claim Report**

28. [2007-0456](#) Michael Schrubba communication regarding injuries allegedly sustained at 56th and Greenfield Ave. on April 11, 2007.
29. [2009-0196](#) Amended Summons & Complaint in the matter of U.S. Bank National Association vs. the City of West Allis, et al., Case No. 07-CV-013644.
30. [2009-0561](#) Amended Summons and Complaint in the matter of Deutsche Bank National Trust Company vs. City of West Allis, et al.
31. [2010-0037](#) Second Amended Summons and Complaint in the matter of Fox River State Bank vs. A.B. Petroleums, LLC, et al., regarding foreclosure of mortgage, Case No. 09-CV-16639.

**Passed The Block Vote**

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

**No:** 0

**PUBLIC WORKS COMMITTEE**

32. [R-2010-0133](#) Resolution to approve bid of Payne & Dolan, Inc. for asphalt resurfacing of the pavement including the cracking and seating of the pavement with miscellaneous driveway and sidewalk repair, water main relay, sanitary spot relay, storm sewer relay and utility adjustments in S. 117th Street from W. Lincoln Ave. to W. Cleveland Ave., S. 86th St. from W. Lincoln Ave. to South of W. Hayes Ave. and S. 85th St. from W. Lincoln Ave. to W. Hayes Ave. in the City of West Allis, in the amount of \$650,264.70.

**Sponsors:** Public Works Committee

**Attachments:** [2010-4 Bid Results.pdf](#)

33. [R-2010-0138](#) Resolution Authorizing the Director of Public Works/City Engineer to enter into an agreement with Kahle Builders, LLC in the amount of not to exceed \$32,000 to finish window replacement at the Public Works Yards.

**Sponsors:** Public Works Committee

34. [2010-0340](#) Communication from Bob Donegan regarding concerns with the aesthetics and maintenance of the City's fire hydrants.

**Attachments:** [2010-0340.pdf](#)

**Passed The Block Vote**

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

**No:** 0

**SAFETY & DEVELOPMENT AND LICENSE & HEALTH COMMITTEES**

Public Hearing Items (Safety & Development and License & Health Committees)

35. [R-2010-0135](#) Resolution relative to determination of Special Use Permit to establish a tavern with an outdoor deck as an extension of premises at Shamrox located at 6851 W. Beloit Rd.

**Sponsors:** Safety & Development Committee

*Held in Safety & Development Committee during recess.*

*Held in License & Health Committee during recess.*

36. [2010-0228](#) Special Use Permit for Shamrox, a proposed tavern with an outdoor deck to be located at 6851 W. Beloit Rd.

*Held in Safety & Development Committee during recess.*

*Held in License & Health Committee during recess.*

37. [R-2010-0132](#) Resolution relative to determination of Special Use Permit to include a beer-serving establishment to the existing cigar business, Smoker's Pub, located within the Oak Ridge Square Shopping Center at 10708 W. Oklahoma Ave.

**Sponsors:** Safety & Development Committee

*Held in Safety & Development Committee during recess.*

*Held in License & Health Committee during recess.*

38. [2010-0266](#) Special Use Permit to include a beer-serving establishment to the existing cigar business, Smoker's Pub, located within the Oak Ridge Square Shopping Center at 10708 W. Oklahoma Ave.

*Held in Safety & Development Committee during recess.*

*Held in License & Health Committee during recess.*

**SAFETY & DEVELOPMENT COMMITTEE**

41. [O-2010-0018](#) An Ordinance to Repeal Subsections 12.13(3)(a)3 and 12.13(3)(b)4 of the West Allis Revised Municipal Code Relating to Architectural Review and Site Review for New Single Family Residential Construction.

**Sponsors:** Narlock

*Held in Safety & Development Committee during recess.*

42. [O-2010-0021](#) An Ordinance to Repeal and Recreate Subsections 13.28(10)(i)2. and 13.28(10)(j)2. of the West Allis Revised Municipal Code Relating to Off-Street Parking During the Wisconsin State Fair Week.

**Sponsors:** Barczak

43. [R-2010-0134](#) Resolution authorizing the Director of Development to execute an amendment to the Community Development Block Grant- Emergency Assistance Program (CDBG-EAP) Agreement between the City of West Allis and the State of Wisconsin Department of Commerce for accepting an additional \$2,251,000 of assistance.

*Sponsors:* Safety & Development Committee

*Attachments:* [Award letter \\$2,251,000 additional funds 5-18-10.pdf](#)

44. [O-2000-0002](#) Ordinance relative to repealing and recreating subsection 5.10(9) of the Revised Municipal Code relating to open burning.

*Sponsors:* Ald. Vitale

### Public Hearing Items (Safety & Development Committee)

47. [R-2010-0131](#) Resolution relative to determination of Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

*Sponsors:* Safety & Development Committee

48. [2010-0314](#) Special Use Permit to establish educational services at Right Click Computer Services, an established business located at 8008 W. National Ave.

### Passed The Block Vote

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

**No:** 0

45. [R-2010-0126](#) Resolution relative to determination of Special Use Permit for proposed daycare facility to be located at 5801 W. National Ave.

*Sponsors:* Safety & Development Committee

46. [2010-0270](#) Special Use Permit for proposed daycare facility to be located at 5801 W. National Ave.

### Passed The Block Vote

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

**No:** 2 - Barczak, and Vitale

## LICENSE & HEALTH COMMITTEE



61. [2010-0336](#) 2010-2011 Class B Tavern License renewal application no. 760, Instrumental Music License renewal application no. 761 and Dance Hall License renewal application no. 763 of Yester Years Pub & Grill, Inc., Karen D. Schoenfeld, Agent, d/b/a Yester Years Pub and Grill, premises located at 9427 W. Greenfield Ave.  
**Aye:** 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel  
**No:** 0
39. [R-2010-0136](#) Resolution relative to determination of Special Use Permit to establish outdoor dining at HD Hideout, an existing tavern located at 6201 W. Mitchell St.  
**Sponsors:** Safety & Development Committee
40. [2010-0313](#) Special Use Permit for extension of premises and to establish outdoor dining at HD Hideout, an existing tavern located at 6201 W. Mitchell St.  
**Attachments:** [2010-0313 HD Hideout SUP opposed.pdf](#)  
[2010-0313 HD Hideout SUP in favor.pdf](#)
49. [2010-0331](#) 2010-2011 Amusement Distributor's License application(s).  
*License application no. 1057 granted.*
50. [2010-0332](#) 2010-2011 Secondhand Article Dealer License application(s).  
*License application no. 312 granted. License application no. 1664 held.*
51. [2010-0350](#) 2010-2011 Used Vehicle Dealer License application(s).  
*License application no. 1669 granted with payment of fees for 2009-2010.*
52. [2010-0334](#) 2010-2012 Package Goods Operator License application(s).  
*License application nos. 583-584, 588, 598, 1292, 1408-1409 & 1659-1661 granted.*
53. [2010-0333](#) 2010-2011 Adult-Oriented Establishment Operator Permit application(s).  
*License application no. 1634 granted.*
54. [2010-0337](#) Tavern Operator License applications.  
*2010-2011 License application nos. 480, 491 & 494-500 granted and  
2010-2012 License application nos. 136, 143-144, 146, 148-154, 156-165, 167 & 169-171  
granted.*

55. [2010-0330](#) 2009-2010 Special Class B Beer and Wine License application(s).  
*License application no. 19 granted.*
56. [2010-0346](#) 2010-2011 Combination Class A Liquor License renewal application.  
*License application no. 920 granted.*
57. [2010-0347](#) 2010-2011 Class A Beer License renewal application.  
*License application no. 1077 granted.*
58. [2010-0345](#) 2010-2011 Wholesale Beer License renewal application.  
*License application no. 918 granted.*
59. [2010-0344](#) 2010-2011 Class B Tavern License renewal application no. 663, Dance Hall License renewal application no. 665, Instrumental Music License renewal application no. 664 and Bowling Alley License renewal application no. 962 of AMF Bowling Centers, Inc., Jonathan M. Dufek, Agent, d/b/a AMF West Allis Lanes for premises located at 10901 W. Lapham St. (new agent).
60. [2010-0335](#) 2010-2011 Class B Tavern, Dance Hall, Bowling Alley and Instrumental Music License renewal applications.  
*Class B Tavern License application nos. 641,646, 702, 748, 764, 817, 832, 848, 862, 1232, 1380, 1403, 1490 and corresponding Dance Hall, Bowling Alley and Instrumental Music License applications granted.*
62. [2010-0341](#) Communication from Belinda Joy Lathan requesting the liquor license for Yester Years Pub and Grill not be renewed.  
*Attachments: [2010-0341.pdf](#)*
63. [2010-0342](#) 2010-2011 Class B Tavern License renewal application no. 1223 of J.P.'s Hat Trix, LLC, Pamela Ann Yanny, Agent, d/b/a J.P.'s Hat Trix, premises located at 5826 W. Burnham St.  
*Held in License & Health Committee during recess.*
64. [2010-0343](#) 2010-2011 Class B Tavern License application no. 1663 of Alibi Tavern, LLC, Patrick R. Kosidowski, Agent, d/b/a The Alibi Tavern, premises located at 6540 W. Grant St. (new-existing location).  
*Held in License & Health Committee during recess.*
65. [2010-0317](#) 2010-2011 Class B Tavern License renewal application no. 1594 of PAROPS LLC, Hans T. Anderson, Agent, d/b/a Night Court, premises located at 7127 W. National Ave.
66. [2010-0286](#) 2010-2011 Class B Beer License application no. 1651 of Smokers Pub, LLC, Lisa L. Ali, Agent, d/b/a Smokers Pub, premises located at 10708 W. Oklahoma Ave. (new-nonexisting location)  
*Held in License & Health Committee during recess.*

67. [2010-0173](#) 2009-2010 Class B Beer License application no. 1631 of Smokers Pub, LLC, Lisa L. Ali, Agent, d/b/a Smokers Pub located at 10708 W. Oklahoma Ave. (new-nonexisting location).
68. [2010-0327](#) Communication from the Director of Building Inspections & Neighborhood Services requesting review of the liquor license issued to Shawna's Pub, 1101 S. 60 St., for violations of occupancy and building codes.
69. [2010-0293](#) Police Department Report involving Shawna's Pub and Grub, 1101 S. 60 St. (2009-2010 Class B Tavern License no. 1579, and Dance Hall License no. 1580 of LAM Enterprises, LLC, Loretta A. Matovich, Agent, Incident Date: April 5, 2010).
70. [2010-0310](#) 2010-2011 Class B Tavern license renewal application no. 1447, PM Pub & Grub, Inc., Dorene Monty, Agent, d/b/a PM Pub & Grub for premises located at 6533 W. Mitchell Street. (new agent).  
*Referred for Summons and Complaint by the License & Health Committee during recess.*
71. [2010-0296](#) Police Department Report involving Jimmy B's Trailsend, 7216 W. Lincoln Ave. (2009-2010 Class B Tavern License no. 745 and Dance Hall License no. 746 of Jimmy B's Trailsend, Inc., Kevin F. Bagurdes, Agent, Incident Date: April 17, 2010).
72. [O-2010-0015](#) An Ordinance to Repeal and Recreate Section 7.032 of the West Allis Revised Municipal Code Relating to Prohibiting Smoking in Certain Areas.

**Sponsors:** License & Health Committee

#### Passed The Block Vote

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

**No:** 0

73. [O-2010-0016](#) An Ordinance to Repeal and Recreate Section 7.032 of the West Allis Revised Municipal Code Relating to Prohibiting Smoking in Certain Areas.

**Aye:** 7 - Barczak, Kopplin, Reinke, Roadt, Sengstock, Vitale, and Weigel

**No:** 3 - Czaplowski, Lajsic, and Narlock

#### ADVISORY COMMITTEE

74. [2010-0328](#) City Attorney's Communication Requesting Approval for Destruction of Public Records in the City Attorney's Office.

**Attachments:** [Microsoft Word - Destruction of Records.pdf](#)

75. [2010-0348](#) Legislative Committee minutes for May 25, 2010.

#### Passed The Block Vote

**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

*None.*

#### O. ADJOURNMENT

*to adjourn at 8:35 p.m., with the next regularly scheduled meeting to be held on June 15, 2010,  
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.