



# 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, December 4, 2012

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 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

##### C. PLEDGE OF ALLEGIANCE

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

##### D. PUBLIC HEARINGS

1. [R-2012-0225](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of W. Grant St. from S. 76 St. to S. 84 St. and portions of intersecting streets by concrete reconstruction, new driveway approaches, miscellaneous sidewalk repair, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments.

**Sponsors:** Public Works Committee

*Explanation by Peter Daniels, Principal Engineer.*

*Appearances: None.*

2. [R-2012-0230](#) Resolution relative to determination of Special Use Permit for Xperience Fitness to be located within the West Allis Towne Centre at 6706 W. Greenfield Ave.

**Sponsors:** Safety & Development Committee

*Explanation by Steve Schaer, Manager of Planning and Zoning.*

*Appearances: None.*

3. [R-2012-0232](#) Resolution relative to determination of Special Use Permit for Oscar's Frozen Custard to establish a drive-thru addition to the existing restaurant located at 2362 S. 108 St.

**Sponsors:** Safety & Development Committee

*Explanation by Steve Schaer, Manager of Planning and Zoning.*

*Appearances: None.*

4. [R-2012-0231](#) Resolution relative to determination of Special Use Permit amendment to expand the hours of operation for Urban Joe's Cafe, a proposed coffee shop/restaurant, with outdoor dining, to be located at 7028 W. Greenfield Ave.

**Sponsors:** Safety & Development Committee

*Explanation by Steve Schaer, Manager of Planning and Zoning.*

*Appearances: None.*

5. [R-2012-0229](#) Resolution relative to determination of Special Use Permit for Leadership, Literacy and Technology Development Center, a proposed childcare center, to be located at 9243 W. National Ave.

**Sponsors:** Safety & Development Committee

*Explanation by Steve Schaer, Manager of Planning and Zoning.*

*Appearances: None.*

6. [R-2012-0233](#) Resolution relative to determination of Special Use Permit to establish Bari Pizzeria restaurant located within a portion of the mixed use property at 5919 W. Burnham St.

**Sponsors:** Safety & Development Committee

*Explanation by Steve Schaer, Manager of Planning and Zoning.*

*The Clerk's office received one (1) letter opposed to the Special Use.*

*Appearances: None.*

#### E. CITIZEN PARTICIPATION

*Ernest Pagels, Jr., 1703 S. 115 Ct., #6, apologized to Ald. Reinke and the other Common Council members for his recent remarks from November 20th.*

*Russell Retzack, 1441 S. 68 St., commended the designer of the 84th St. and National Ave. project and the investment into the area.*

## 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 Stuff the Bus.  
He thanked the volunteers and commended the Christmas Parade Committee for their work on  
the Christmas events.*

**Alderspersons Comments**

*Ald. May announced the open house meetings at State Fair Park and Marquette High School  
regarding the I-94 project.*

*Ald. Probst announced the next meeting date for the second aldermanic district listening  
session.*

## H. AGENDA APPROVAL

*that the agenda as submitted be accepted*

## I. APPROVAL OF MINUTES

*to approve the minutes of the regular meeting of November 20, 2012*

## J. ITEMS NOT REFERRED TO COMMITTEE

7. [R-2012-0228](#) Resolution of Commendation for Mike Jungbluth.

**Sponsors:** Lajsic

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt,  
Sengstock, Ald. Vitale, and Ald. Weigel

**No:** 0

8. [2012-0623](#) MSPRC communication regarding repayment to the Medicare program for the year 2012.
9. [2012-0624](#) Swan & Associates communication submitted on behalf of Shirley Glore regarding injuries allegedly sustained at 7421 W. National Ave. on March 3, 2012.

10. [2012-0625](#) Notice of Injury submitted on behalf of Wayne Walton regarding injuries allegedly sustained at 8830 W. National Ave. on October 12, 2012.

**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 7:37 p.m. Upon returning from recess at 8:06 p.m., and the roll call being taken, there were:*

**Present** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

M. NEW AND PREVIOUS MATTERS

**ADMINISTRATION & FINANCE COMMITTEE**

11. [O-2012-0044](#) An Ordinance to create Subsection 5.03(8) of the City of West Allis Revised Municipal Code regarding the establishment of a crash billing fee.

**Sponsors:** May and Ald. Reinke

12. [O-2012-0045](#) An Ordinance to establish the salaries of certain officers and employees in the Fire Department for 2012, 2013, and 2014.

**Sponsors:** Administration & Finance Committee

**Attachments:** [SalarySched.Fire 2012 2014.pdf](#)

13. [R-2012-0234](#) Resolution approving the Summary of Negotiated Settlement between the City of West Allis and the West Allis Professional Fire Fighters' Association, Local 1004, for 2012-2014.

**Sponsors:** Administration & Finance Committee

**Attachments:** [SNS.Fire 2012.2014.pdf](#)

14. [R-2012-0236](#) Resolution approving Subgrantee Agreements by and between the City of West Allis and various Community Development Block Grant recipients and City Departments for support of administrative, public service, housing rehabilitation, economic development, public improvement, redevelopment activities and projects funded by 2013 Community Development Block Grant funds.

**Sponsors:** Administration & Finance Committee

**Attachments:** [DEV-R-692-12-4-12-Subgrantee Exhibit A.doc](#)  
[Exhbt B Subgr-Agrmnt-Blank Master-2013-bjb.doc](#)

15. [R-2012-0224](#) Resolution relative to accepting the sole source proposal of Bentley Systems, Inc. for providing CAD Software Maintenance for a total net sum of \$11,156.00.

**Sponsors:** Administration & Finance Committee

**Attachments:** [1173 CAD Software Maint sole source.pdf](#)

16. [R-2012-0235](#) Resolution relative to accepting the sole source proposal of Motorola Solutions for providing radio equipment for a total net sum of \$70,115.50.

**Sponsors:** Administration & Finance Committee

17. [2012-0627](#) Communication from City Administrative Officer regarding request to fill an upcoming vacant position of Custodian III at the West Allis Public Library.

**Attachments:** [VACPOSREQ.LibraryCustod3 120412.pdf](#)

and Placed on File

18. [2012-0622](#) Hostess Brands, Inc. communication regarding Extension of Conditional Notice Pursuant to the Worker Adjustment and Restraining Notification Act.

**Attachments:** [Comm-Hostess Brands 12-4-12.pdf](#)

19. [2012-0633](#) Acting Comptroller/Manager of Finance submitting the reports for the 4th Quarter of 2011, indicating City of West Allis checks issued in the amount of \$3,032,013.40 for October, \$3,007,279.14 for November and \$2,884,997.02 for December.

**Attachments:** [December 2011.pdf](#)

[November 2011.pdf](#)

[October 2011.pdf](#)

20. [2012-0632](#) Acting Comptroller/Manager of Finance submitting the reports for the 1st Quarter of 2012 indicating City of West Allis Checks issued in the amount of \$2,220,815.63 for January, \$2,246,067.41 for February and \$2,389,096.96 for March.

**Attachments:** [January 2012.pdf](#)

[February 2012.pdf](#)

[March 2012.pdf](#)

21. [2012-0628](#) Acting Comptroller/Manager of Finance submitting the reports for the 2nd Quarter of 2012 indicating City of West Allis checks issued in the amount of \$2,356,264.57 for April, \$3,426,673.83 for May and \$3,553,096.06 for June.

**Attachments:** [April 2012.pdf](#)

[May 2012.pdf](#)

[June 2012.pdf](#)

22. [2012-0626](#) Acting Comptroller/Manager of Finance submitting the reports for the 3rd Quarter of 2012 indicating City of West Allis checks issued in the amount of \$3,317,858.89 for July, \$3,523,678.82 for August, and \$3,853,160.86 for September.

Attachments: [July 2012.pdf](#)  
[August 2012.pdf](#)  
[September 2012.pdf](#)

**Passed The Block Vote**

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

**No:** 0

**PUBLIC WORKS COMMITTEE**

23. [R-2012-0223](#) Resolution authorizing and directing the Director of Public Works/City Engineer to enter into a contract amendment to the three party professional services contract between the City of West Allis, the Wisconsin Department of Transportation and Bloom Companies, LLC for the preparation of final plans on the Crosstown Connector Bike and Pedestrian Trail and for preparation of an Alternatives Analysis to provide a bike trail crossing of the Union Pacific Railroad, in an amount not to exceed \$2,160.82 to the City.

**Sponsors:** Public Works Committee

**Attachments:** [R-2012-0223 Crosstown Connector Agreement.pdf](#)

24. [R-2012-0225](#) Resolution to confirm and adopt the report of the Director of Public Works/City Engineer containing the schedule of proposed assessments for improvement of W. Grant St. from S. 76 St. to S. 84 St. and portions of intersecting streets by concrete reconstruction, new driveway approaches, miscellaneous sidewalk repair, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments.

**Sponsors:** Public Works Committee

25. [R-2012-0226](#) Final Resolution authorizing public improvement by concrete reconstruction, new driveway approaches, miscellaneous sidewalk repair, storm sewer, storm sewer relay, sanitary sewer relay, water main relay, building services and utility adjustments in W. Grant St. from S. 76 St. to S. 84 St. and portions of intersecting streets and levying special assessments against benefited properties.

**Sponsors:** Public Works Committee

**Passed The Block Vote**

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

**No:** 0

**SAFETY & DEVELOPMENT COMMITTEE**

26. [2012-0629](#) Special Use Permit for a proposed restaurant to be located within the Renaissance Faire office building, located at 801 S. 60 St.

**Attachments:** [SUP letter 801 S. 60 St..pdf](#)

*Held in Safety & Development Committee during recess.*

27. [2012-0630](#) Special Use Permit for proposed auto accessory store, Superior Window Tinting of Milwaukee, to be located at 723 S. 84 St.

*Held in Safety & Development Committee during recess.*

28. [2012-0631](#) Special Use Permit for proposed auto accessory store, Superior Accessories, to be located at 729 S. 84 St.

*Held in Safety & Development Committee during recess.*

29. [2012-0636](#) 2011 Southeastern Wisconsin Regional Planning Commission Annual Report.

Attachments: [2011 Southeastern Wisconsin Regional Planning Commission Report.pdf](#)

*Held in Safety & Development Committee during recess.*

30. [R-2012-0230](#) Resolution relative to determination of Special Use Permit for Xperience Fitness to be located within the West Allis Towne Centre at 6706 W. Greenfield Ave.

Sponsors: Safety & Development Committee

31. [2012-0582](#) Special Use Permit for Xperience Fitness to be located within the West Allis Towne Centre at 6706 W. Greenfield Ave.

32. [R-2012-0232](#) Resolution relative to determination of Special Use Permit for Oscar's Frozen Custard to establish a drive-thru addition to the existing restaurant located at 2362 S. 108 St.

Sponsors: Safety & Development Committee

33. [2012-0603](#) Special Use Permit for Oscar's Frozen Custard to establish a drive-thru addition to the existing restaurant located at 2362 S. 108 St.

34. [R-2012-0231](#) Resolution relative to determination of Special Use Permit amendment to expand the hours of operation for Urban Joe's Cafe, a proposed coffee shop/restaurant, with outdoor dining, to be located at 7028 W. Greenfield Ave.

Sponsors: Safety & Development Committee

35. [2012-0609](#) Special Use Permit amendment to expand the hours of operation for Urban Joe's Cafe, a proposed coffee shop/restaurant, with outdoor dining, to be located at 7028 W. Greenfield Ave.

36. [R-2012-0229](#) Resolution relative to determination of Special Use Permit for Leadership, Literacy and Technology Development Center, a proposed childcare center, to be located at 9243 W. National Ave.

Sponsors: Safety & Development Committee

37. [2012-0585](#) Special Use Permit for Leadership, Literacy and Technology Development Center, a proposed childcare center, to be located at 9243 W. National Ave.

38. [R-2012-0233](#) Resolution relative to determination of Special Use Permit to establish Bari Pizzeria restaurant located within a portion of the mixed use property at 5919 W. Burnham St.

Sponsors: Safety & Development Committee



39. [2012-0604](#) Special Use Permit to establish Bari Pizzeria restaurant located within a portion of the mixed use property at 5919 W. Burnham St.

*The Clerk's office received one (1) letter opposed to the proposed Special Use.*

**Passed The Block Vote**

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

**No:** 0

**LICENSE & HEALTH COMMITTEE**

40. [2012-0635](#) Tavern Operator License applications.  
*2012-2013 License application nos. 579-580 granted.*
41. [2012-0634](#) 2012-2014 Tavern Operator License application no. 14-228 of Michael J. Van der Linden.
42. [2012-0621](#) 2012-2013 Class B Tavern License application no. 1918, Dance Hall License application no. 1920, and Instrumental Music License application no. 1919, of LP. BBQ. LLC, Lauri Ann Purcell, Agent, d/b/a The BlueBQ & Brew @ Tanner Paull, premises located at 6922 W. Orchard St. (new-existing location).
43. [2012-0592](#) 2012-2013 Tavern Operator License application no. 13-569 of Brett A. Bennett.  
*Held.*
44. [2012-0607](#) 2012-2014 Tavern Operator License application no. 14-222 of Michael J. Wartgow.  
*Denied based on the police report.*
46. [2012-0539](#) 2012-2013 Tavern Operator License application no. 13-553 of Collins K. Costin.  
*Denied based on two (2) nonappearances.*
47. [2012-0543](#) 2012-2013 Tavern Operator License application no. 13-554 of Tiffany Z. Linkowski.  
*Denied based on two (2) nonappearances.*
48. [2012-0614](#) 2012-2013 Class B Tavern License application no. 1911 and Dance Hall License no. 1912, Melissa M. Martin, d/b/a M & M Sports Bar for premises located at 1900 S. 60 St. (new-existing location).  
*Held.*

49. [2012-0595](#) Police Department Report involving The Network, 9541 W. Cleveland Ave. (2012-2013 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC., Jacob M. Silber, Agent, Incident Date: October 21, 2012).
50. [2012-0576](#) Summons and Complaint in the matter of the complaint against Noble Restaurants, LLC, John M. Werner, Agent, for the premises located at 6922 W. Orchard St., d/b/a Tanner Paull (2012-2013 Class B Tavern License no. 1850, Dance Hall License no. 1851 and Instrumental Music License no. 1852).

*Attachments:* [Summons Tanner Paull 10-23-12.pdf](#)

51. [2012-0400](#) Communication from Assistant City Attorney regarding Noble Restaurants, LLC, d/b/a Tanner Paull, John M. Werner, Agent, for premises located at 6922 W. Orchard St. relative to O-2012-0020.

#### Passed The Block Vote

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, Ald. Vitale, and Ald. Weigel

**No:** 0

45. [2012-0613](#) 2012-2014 Tavern Operator License application no. 14-225 of Jennifer A. Sweeney.

*A motion was made by Chair Czaplewski, seconded by Ald. Reinke to approve.*

*The motion failed by the following vote:*

*Ayes: 5 - Alderpersons Barczak, Lajsic, Reinke, Roadt and Sengstock*

*Noes: 6 - Alderpersons Czaplewski, May, Probst, Vitale, Weigel and Mayor Devine*

*Denied based on the police report.*

**Aye:** 6 - Ald. Czaplewski, Ald. May, Ald. Probst, Ald. Vitale, Ald. Weigel, and Devine

**No:** 5 - Ald. Barczak, Ald. Lajsic, Ald. Reinke, Ald. Roadt, and Sengstock

#### ADVISORY COMMITTEE

52. [2012-0637](#) Reappointments by Mayor Devine to the West Allis Commission on Aging of Terry Kelly and Patricia Wikenhauser, their three-year terms to expire November 1, 2015.
53. [2012-0638](#) Appointment by Mayor Devine of William Green as a member of the West Allis Commission on Aging, his term to expire November 1, 2013.

- 54. [2012-0639](#) Appointment by Mayor Devine of William Green as a member of the City of West Allis Economic Development (Partnership) Committee, his three-year term to expire January 1, 2016.

**Passed The Block Vote**

**Aye:** 10 - Ald. Barczak, Ald. Czaplewski, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Sengstock, 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**

*Common Council President Lajsic announced the Common Council meeting date change from January 1st to January 2, 2013 due to the holiday.*

**O. ADJOURNMENT**

*to adjourn at 8:25 p.m., with the next regularly scheduled meeting to be held on December 18, 2012, 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.