



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Meeting Agenda

### Common Council

*Mayor Dan Devine, Chair*

*Aldersperson Thomas G. Lajszic, 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, March 5, 2013

7:00 PM

City Hall Common Council Chambers

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### REGULAR MEETING

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#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. PLEDGE OF ALLEGIANCE

#### D. PUBLIC HEARINGS

1. [O-2013-0013](#) Ordinance to amend Section 12.40(1)(nn) and 12.40(2)(t) of the Revised Municipal Code to permit places of assembly, including clubs, lodges, meeting halls and theaters in the downtown central business district as a permitted or special use based upon the floor area.  
**Sponsors:** Safety & Development Committee
2. [R-2013-0059](#) Resolution relative to determination of Special Use Permit for Integrity Family Services to manage family support programs at 6014 W. Madison St.  
**Sponsors:** Safety & Development Committee
3. [R-2013-0057](#) Resolution relative to the determination of a Special Use Permit for Spoons Ice Cream to be located within the mixed commercial residential use building at 6501-29 W. Greenfield Ave.  
**Sponsors:** Safety & Development Committee
4. [R-2013-0055](#) Resolution relative to determination of Special Use permit to extend the hours of operation for a new restaurant, the Pizza Pit, a tenant within a portion of the existing Citgo station located at 6819-21 W. Lincoln Ave.  
**Sponsors:** Safety & Development Committee

- 5. [R-2013-0058](#) Resolution relative to determination of Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.  
**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 February 19, 2013.*

**J. ITEMS NOT REFERRED TO COMMITTEE**

- 6. [2013-0109](#) Sharon Knedle Notice of Claim relative to an incident on December 15, 2012 at 2223 S. 72 St.
- 7. [2013-0110](#) William McCarver Notice of Claim relative to an incident on September 25, 2012 at 2223 S. 72 St.

8. [2013-0111](#) Abraham Herrada communication regarding damages allegedly sustained on December 31, 2012.
9. [2013-0115](#) Gregory J. Porter Notice of Claim relative to an incident on December 30, 2012.
10. [2013-0126](#) Amended Summons and Complaint in the matter of Bank of America, N.A., vs Sharon E. Lemke, et al, regarding foreclosure of mortgage, Case No. 12CV8399.

## **K. STANDING COMMITTEE REPORTS**

### **LICENSE & HEALTH COMMITTEE**

*Regular meeting held on February 26, 2013.*

11. [2013-0061](#) 2012-2013 Tavern Operator License application no. 13-594 of Michelle M.M. Moore.  
*Unanimously recommended to be approved.*

## **L. COMMON COUNCIL RECESS**

## **M. NEW AND PREVIOUS MATTERS**

### **ADMINISTRATION & FINANCE COMMITTEE**

#### **New Matters for Introduction**

12. [R-2013-0052](#) Resolution relative to accepting the sole source proposal of Assessment Technologies of WI, LLC for providing Market Drive Software Upgrade for a total net sum of \$9,221.16.  
**Sponsors:** Administration & Finance Committee
13. [R-2013-0053](#) Resolution relative to accepting the sole source proposal of Motorola Solutions for providing radio equipment for a total net sum of \$27,321.50.  
**Sponsors:** Administration & Finance Committee
14. [2013-0136](#) Communication from City Administrative Officer requesting a \$1,000.00 contribution to the Public Policy Forum regarding its 100th Anniversary Celebration.

15. [2013-0124](#) Communication from City Administrative Officer regarding request to fill vacant position of Sewer Maintainer in the Department of Public Works/Sanitation & Street Division.

### City Attorney Claim Report

16. [2013-0020](#) Marlene Peace communication regarding vehicle damages allegedly sustained on the corner of S. 55 St. and W. Lincoln Ave. on December 29, 2012.

*City Attorney recommended to be paid and placed on file.*

17. [2013-0049](#) Justin Kowalski communication regarding damages allegedly sustained on December 22, 2012.

*City Attorney recommended to be paid and placed on file.*

### PUBLIC WORKS COMMITTEE

#### New Matters for Introduction

18. [R-2013-0046](#) Resolution authorizing and directing the City Engineer to enter into a State/Municipal Agreement for a Transportation Enhancement Project with the Wisconsin Department of Transportation for the Construction Cost of the Cross Town Connector Bike and Pedestrian Trail.

**Sponsors:** Public Works Committee

19. [R-2013-0049](#) Resolution relative to accepting the proposal of various suppliers for furnishing and delivering valves, water boxes and extensions for a total sum of \$273,239.75.

**Sponsors:** Public Works Committee

20. [R-2013-0050](#) Resolution authorizing the Director of Public Works/City Engineer to enter into an agreement for reimbursement from MMSD to fund the disconnection of foundation drains on S. 57th St. from W. National Ave. to the north city limits in an amount not to exceed \$400,000.

**Sponsors:** Public Works Committee

21. [R-2013-0056](#) Resolution to approve bid of UPI, LLC for the installation of concrete curb and gutter, concrete pavement, miscellaneous walk repair, driveway replacement, sanitary sewer relay, sanitary sewer, storm sewer relay, storm sewer, water main relay, building services and utility adjustments in South 57th Street from the North City Limits to West National Ave in the City of West Allis in the amount of \$1,613,042.90.

**Sponsors:** Public Works Committee

22. [R-2013-0051](#) Resolution Granting a Privilege for Encroachment (Minor/Major) to new owner, Pawn America Wisconsin, LLC for property located at 7530-32 West Lincoln Avenue (Tax Key No. 476-0659-000).  
**Sponsors:** Public Works Committee
23. [2013-0118](#) Communication from Downtown West Allis Business Improvement District requesting to close Greenfield Avenue, and assistance with parking restrictions and signs for West Allis Ala Carte on Sunday, June 2, 2013.
24. [2013-0133](#) Communication from the Director of Public Works/City Engineer on Snow Plowing Concerns/Issues.

## **SAFETY & DEVELOPMENT COMMITTEE**

### **New Matters for Introduction**

25. [O-2013-0001](#) An Ordinance to Repeal Ordinance which Pertains to an Eastbound No Turn on Red Restriction at the Intersection of S. 60 Street and W. Beloit Road.  
**Sponsors:** Vincent Vitale
26. [O-2013-0012](#) An Ordinance to Amend Section 5.10(4) of the West Allis Revised Municipal Code Relating to Enforcement of the Fire Prevention Code and Frequency of Inspections.  
**Sponsors:** Safety & Development Committee
27. [R-2013-0045](#) Resolution declaring West Allis Ala Carte scheduled for June 2, 2013 between Noon and 6:00 p.m. as a Community Event.  
**Sponsors:** Safety & Development Committee
28. [2013-0131](#) Communication from the Director of Development relative to the Joint Review Board's favorable recommendation of the Amendment to the Project Plan for Tax Incremental District Number Three.
29. [2013-0132](#) Communication from the Director of Development relative to the Joint Review Board's favorable recommendation of the Amendment to the Project Plan for Tax Incremental District Number Seven.
30. [2013-0114](#) Special Use Permit to establish a school, Victory Christian Academy, within the former St. Rita's School building located at 6021 W. Lincoln Ave.

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

31. [O-2013-0013](#) Ordinance to amend Section 12.40(1)(nn) and 12.40(2)(t) of the Revised Municipal Code to permit places of assembly, including clubs, lodges, meeting halls and theaters in the downtown central business district as a permitted or special use based upon the floor area.  
**Sponsors:** Safety & Development Committee
32. [R-2013-0059](#) Resolution relative to determination of Special Use Permit for Integrity Family Services to manage family support programs at 6014 W. Madison St.  
**Sponsors:** Safety & Development Committee
33. [2013-0101](#) Special Use Permit for Integrity Family Services to establish a training facility at 6014 W. Madison St.
34. [R-2013-0057](#) Resolution relative to the determination of a Special Use Permit for Spoons Ice Cream to be located within the mixed commercial residential use building at 6501-29 W. Greenfield Ave.  
**Sponsors:** Safety & Development Committee
35. [2013-0100](#) Special Use Permit for Spoons Ice Cream to be located within the mixed commercial residential use building at 6501-29 W. Greenfield Ave.
36. [R-2013-0055](#) Resolution relative to determination of Special Use permit to extend the hours of operation for a new restaurant, the Pizza Pit, a tenant within a portion of the existing Citgo station located at 6819-21 W. Lincoln Ave.  
**Sponsors:** Safety & Development Committee
37. [2013-0099](#) Special Use Permit to extend the hours of operation for a new restaurant, the Pizza Pit, a tenant within a portion of the existing Citgo station located at 6819-21 W. Lincoln Ave.
38. [R-2013-0058](#) Resolution relative to determination of Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.  
**Sponsors:** Safety & Development Committee
39. [2013-0098](#) Special Use Permit for Sammy's Taste of Chicago, a restaurant, proposed to be located at 1234 S. 108 St.

## LICENSE & HEALTH COMMITTEE

### New Matters for Introduction

40. [2013-0128](#) 2013-2014 Mobile Home Park License application(s).

41. [2013-0127](#) 2013-2014 Used Vehicle Dealer License application(s).
42. [2013-0120](#) Tavern Operator License applications.
43. [2013-0125](#) 2012-2013 Special Class B Beer and Wine License application(s).
44. [2013-0113](#) 2012-2013 Class B Tavern Special Event Permit application no. 12 of Kip's Inn, Inc., Cristine M. Ruid, Agent, d/b/a Kip's Inn, 837 S. 108 St. (2012-2013 Class B Tavern License no. 768, Instrumental Music License no. 771 and Dance Hall License no. 1652) for party, to be held Saturday, May 18, 2013, from 3:00 p.m. to 11:00 p.m. (Canopies outside south entrance).
45. [2013-0130](#) 2012-2014 Tavern Operator License application no. 14-248 of Rachael C. Tovar.
46. [2013-0129](#) 2012-2014 Tavern Operator License application no. 14-246 of Brianna R. Pitterle.

**Previous Matters for Consideration**

47. [2013-0055](#) Summons and Complaint in the matter of the complaint against D&G Investments, LLC, Thaddeus J. Derynda and Bernie Gallas (Partners), for premises located at 10401 W. Greenfield Ave., d/b/a Mobile Estates of West Allis (2011-2012, 2012-2013 Mobile Home Park License renewal applications no. 290).
48. [2013-0054](#) Communication from Assistant City Attorney regarding Notice of Error in Name of Licensee for D&G Investments, LLC, Thaddeus J. Derynda and Bernie Gallas (Partners), (d/b/a Mobile Estates of West Allis at 10401 W. Greenfield Ave., Mobile Home Park License application no. 290).
49. [2012-0512](#) Director of Building Inspections and Neighborhood Services communication regarding the 2011-2012 and 2012-2013 Mobile Home Park License, D&G Investments, Thaddeus J. Derynda and Bernie Gallas (Partners), d/b/a Mobile Estates of West Allis at 10401 W. Greenfield Ave.
50. [2012-0574](#) Summons and Complaint in the matter of the complaint against Connoisseur House of Chocolates, Inc., Scott Repinski, Agent, for the premises located at 1944 S. 76 St., d/b/a Signature Chocolate (2012-2013 Food-Related Permit).
51. [2012-0474](#) Communication from Assistant City Attorney regarding delinquent taxes for Signature Chocolate located at 1944 S. 76 St.
52. [2013-0075](#) 2012-2013 Class B Tavern License application of Paradise Café, LLC, Amilcar A. Alarcon, Jr., Agent, d/b/a Paradise Café, for premises located at 813 S. 60 St. (new-nonexisting location).

53. [2013-0074](#) Application of Transfer of License from Premises to Premises of 2012-2013 Class B Tavern Liquor License no. 723 of Margarita Paradise, LLC/Paradise Café, LLC, Amilcar A. Alarcon, Agent, d/b/a Margarita Paradise from 11112 W. National Ave. to 813 S. 60 St.
54. [2013-0051](#) Communication from Assistant City Attorney regarding building code violations at 5732 W. Mitchell St., Sportz Medicine, LLC, c/o Mark Holbert, John J. Biwer, Agent, d/b/a Tap 58, (2012-2013 Class B Tavern License no. 1809, Instrumental Music License no. 1811 and Dance Hall License no. 1810).

## ADVISORY COMMITTEE

### New Matters for Introduction

55. [R-2013-0054](#) Resolution establishing the City of West Allis Legislative Package for the 2013-2014 State of Wisconsin Legislative Session.  
**Sponsors:** Advisory Committee
56. [R-2013-0060](#) Resolution to recognize the establishment of a Strategic Plan Committee in West Allis.  
**Sponsors:** Michael P. May and Cathleen M. Probst
57. [2013-0117](#) Comptroller/Manager of Finance requesting approval to destroy certain payroll and financial records. These records include payroll registers, journal entries, vouchers and back-up and other miscellaneous records, all older than 7 years, in accordance with the City's records retention policy, noted in Section 1.09 of the West Allis Revised Municipal Code.
58. [2013-0135](#) Reappointment by Mayor Devine of Robert O'Donnell as a member of the West Allis Civil Service Commission, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, his five-year term to expire May 1, 2018.

## 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.