



City of West Allis

Meeting Minutes

Common Council

Mayor Dan Devine, Chair

Alderperson James W. Sengstock, Council President

Alderpersons: 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 20, 2011

7:00 PM

City Hall Common 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 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Czaplewski.

D. PUBLIC HEARINGS

- O-2011-0083** Ordinance to amend Section 12.40(1)(nn) and 12.40(2)(t) of the Revised Municipal Code to permit theaters in the Downtown Central Business District of West Allis as a permitted or special use based upon the floor area.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

- R-2011-0245** Resolution relative to determination of Special Use Permit for a proposed children's daycare facility located within a portion of the Good Shepherds School building at 1337 S. 100 St.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

3. [R-2011-0247](#) Resolution relative to determination of Special Use Permit for a proposed International Auto Audi Dealership to be located at 10606 W. Arthur Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

4. [R-2011-0246](#) Resolution relative to determination of Special Use Permit for a proposed expansion of hours for Taco Bell, an existing restaurant with a drive-thru facility located at 11011 W. National Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

E. CITIZEN PARTICIPATION

Russell Retzack, 1441 S. 68 St., addressed his concerns relative to weather exposure and the garbage can at the bus stop by the Landmark.

Mark Nisenbaum, 1652 S. 69 St., wished the Common Council, Mayor, employees and families a Merry Christmas and Happy New Year.

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 thanked the volunteers that have been helping assemble the newsletter. He welcomed the UPS store on Hwy 100 near Cici's Pizza. He commented on the December 9th tree trimming on 84th and National.

Alderpersons Comments

Ald. Weigel reported on his attendance at a Neighborhood Partnership Meeting.

Ald. Reinke thanked those who supported the Veterans' Project.

H. AGENDA APPROVAL

that the agenda as submitted be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of December 6, 2011

J. ITEMS NOT REFERRED TO COMMITTEE

5. [2011-0738](#) Report of the Municipal Judge for the month of November 2011, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$90,224.10.

Attachments: [Judge Report November 2011.pdf](#)

6. [2011-0734](#) Summons and Complaint in the matter of Bank of America, N.A. vs Nancy G. Karolewicz, et al, Case No. 11CV017171.

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 7:23 p.m. Upon returning from recess at 8:17 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

9. [R-2011-0250](#) Resolution relative to renewal of the agreement with Wisconsin Community Services, Inc. for West Allis Mediation Center for 2012.

Sponsors: Administration & Finance Committee

Attachments: [MEDCTR AGMT 2012.pdf](#)

10. [R-2011-0251](#) Resolution relative to renewal of the agreement with the Village of West Milwaukee for Public Health Services for 2012.

Sponsors: Administration & Finance Committee

Attachments: [WMILW.PublicHealthServices Agmt.pdf](#)

11. [R-2011-0252](#) Resolution relative to renewal of the agreement with the Village of West Milwaukee for Information Technology Services for 2012.

Sponsors: Administration & Finance Committee

Attachments: [WMILW.IT AGMT.pdf](#)

12. [2011-0736](#) Communication from City Administrative Officer regarding request to fill upcoming vacant position of Public Health Nurse at the Health Department.

Attachments: [VACPOSREQ.PublicHlthNurse 122011.pdf](#)

and Placed on File

13. [2011-0753](#) Communication from City Administrative Officer regarding West Allis Community Improvement Foundation funds for the West Allis Historical Commission.

Attachments: [MCC.HistComm FinAcct 122011.pdf](#)

and Placed on File

14. [2011-0752](#) Communication from City Administrative Officer transmitting copy of List of Interim Successors to Elected and Appointed City Officials.

Attachments: [MCC.SuccList 1211.pdf](#)

[Successors by DD.122011.pdf](#)

City Attorney Claim Report

15. [2010-0025](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. City of West Allis, et al. Case no. 09CV020213.

16. [2010-0040](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. City of West Allis, et al., Case no. 10CV000150.

17. [2011-0080](#) Amended Summons and Complaint in the matter of National Mortgage, LLC vs. Julie A. Balistreri, et al, regarding foreclosure of mortgage, Case No. 10-CV-012968.

18. [2011-0633](#) Jose Luis Sanchez, 2066 S. 12 Street, Milwaukee, communication regarding property damage allegedly sustained on March 9, 2011.

and Placed on File

Passed The Block Vote

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

No: 0

PUBLIC WORKS COMMITTEE

7. [R-2011-0249](#) Resolution relative to accepting the sole source proposal of SunGard Public Sector for providing Interface Software for the Badger Meter Reading System for a total net sum of \$6,800.00.

Sponsors: Administration & Finance Committee and Public Works Committee

Attachments: [1142 Interface Software.pdf](#)

8. [R-2011-0254](#) Resolution relative to accepting the sole source proposal of Bentley Systems, Inc. for providing CAD Drafting Software Maintenance for a total net sum of \$14,146.00.

Sponsors: Administration & Finance Committee and Public Works Committee

Attachments: [1143 CAD Software Maintenance.pdf](#)

19. [R-2011-0244](#) Resolution accepting work of Payne & Dolan, Inc. for the asphalt resurfacing of the pavement including the cracking and sealing 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 and authorizing and directing settlement of said contract in accordance with contract terms of 2010 Project No. 4.

Sponsors: Public Works Committee

20. [R-2011-0253](#) Resolution relative to extending the agreement with Ayres Associates Inc. for methane and groundwater sampling at the Lincoln Avenue landfill site for an estimated sum of \$10,100.00.

Sponsors: Public Works Committee

Attachments: [R-2011-0253 Agreement.pdf](#)

21. [2011-0754](#) Communication from Joseph Burtch, Assistant City Engineer, regarding Private Property Inflow and Infiltration Program Policy.

Attachments: [PPII Policy.pdf](#)

Passed The Block Vote

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

No: 0

SAFETY & DEVELOPMENT COMMITTEE

22. [2011-0742](#) Communication from the Planning Manager seeking directive on the reconsideration of the Special Use Permit to reestablish occupancy for a mixed-use commercial and residential building located at 6416-18 W. National Ave.

Sponsors: Safety & Development Committee

23. [O-2011-0082](#) An Ordinance to Establish Parking Restrictions on Both Sides of the 10000 through 12300 Blocks of W. Greenfield Ave.

Sponsors: Safety & Development Committee

24. [O-2011-0083](#) Ordinance to amend Section 12.40(1)(nn) and 12.40(2)(t) of the Revised Municipal Code to permit theaters in the Downtown Central Business District of West Allis as a permitted or special use based upon the floor area.
- Sponsors: Safety & Development Committee
- Held in Safety & Development Committee during recess.*
25. [R-2011-0245](#) Resolution relative to determination of Special Use Permit for a proposed children's daycare facility located within a portion of the Good Shepherds School building at 1337 S. 100 St.
- Sponsors: Safety & Development Committee
26. [2011-0692](#) Special Use Permit for proposed children's daycare facility located within a portion of the Good Shepherds School building at 1337 S. 100 St. submitted by Susan Scifo and Rich Gross of Good Shepherds Church/School (Tax Key No. 444-0534-002).
27. [2011-0701](#) Special Use Permit for a proposed children's daycare facility located within a portion of the Good Shepherds School building at 1337 S. 100 St.
28. [R-2011-0247](#) Resolution relative to determination of Special Use Permit for a proposed International Auto Audi Dealership to be located at 10606 W. Arthur Ave.
- Sponsors: Safety & Development Committee
29. [2011-0699](#) Special Use Permit for a proposed International Auto Audi Dealership to be located at 10606 W. Arthur Ave.
30. [R-2011-0246](#) Resolution relative to determination of Special Use Permit for a proposed expansion of hours for Taco Bell, an existing restaurant with a drive-thru facility located at 11011 W. National Ave.
- Sponsors: Safety & Development Committee
31. [2011-0700](#) Special Use Permit for a proposed expansion of hours for Taco Bell, an existing restaurant with a drive-thru facility located at 11011 W. National Ave.

Attachments: [J. Frederick letter of opposition Taco Bell hours.pdf](#)

Passed The Block Vote

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

No: 0

LICENSE & HEALTH COMMITTEE

32. [O-2011-0084](#) Ordinance to Repeal and Recreate Section 7.126 of the City of West Allis Revised Municipal Code Relating to Dangerous Dogs.

Sponsors: Ald. Czaplewski

Aye: 10 - Barczak, Czaplewski, Kopplin, Lajsic, Narlock, Reinke, Roadt, Sengstock, Vitale, and Weigel
No: 0

33. [2011-0741](#) Communication from Roundy's Supermarkets, Inc. regarding the amendment to state law under 2011 Wisconsin Act 97 allowing Class "A" and "Class A" alcohol sales to begin at 6:00 a.m.

Attachments: [Roundy's Communication.pdf](#)
[Coalition letter.pdf](#)

Held in License & Health Committee during recess.

34. [2011-0731](#) 2011-2012 Special Class B Beer and Wine License application(s).

License application no. 11 granted with alcohol sales and service ending at 11 p.m.

35. [2011-0732](#) 2011-2012 Pawn Dealer License application(s).

License application no. 1818 granted.

36. [2011-0713](#) Tavern Operator License applications.

2011-2012 License application nos. 345 and 351 granted.

2011-2013 License application nos. 424-426 granted.

37. [2011-0715](#) Police Department report regarding tavern violations/calls for service for the months of October and November 2011.

Attachments: [Police Report Oct and Nov 2011.pdf](#)

38. [2011-0716](#) Police Department Report involving The Alibi Tavern, 6540 W. Grant St. (2011-2012 Class B Tavern License no. 1663 of Alibi Taverns, LLC, Patrick R. Kosidowski, Agent, Incident Date: November 6, 2011).

39. [2011-0717](#) Police Department Report involving Bulldog 60, 1101 S. 60 St. (2011-2012 Class B Tavern License no. 1722 and Instrumental Music License no. 1814 of Madington, LLC, Gregory M. Hansuld, Agent, Incident Date: November 2, 2011).

40. [2011-0718](#) Police Department Report involving Capt'n Nicks, 1503 S. 81 St. (2011-2012 Class B Tavern License no. 453 and Dance Hall License no. 503, Cygnet Enterprises, Ltd., Scott A. Giesegeh, Agent, Incident Date: November 24, 2011).

41. [2011-0721](#) Police Department Report involving Dicken's Grille, 9646 W. Greenfield Ave. (2011-2012 Class B Tavern License no. 776, Dance Hall License no. 779, and Instrumental Music License no. 778 of R&D Krueger Enterprise, Inc., Diane M. Krueger, Agent, Incident Date: November 20, 2011).
42. [2011-0722](#) Police Department Report involving Flappers, 7527 W. Becher St. (2011-2012 Class B Tavern License no. 797 of Rodeo Grill, LLC, Mark S. Silber, Agent, Incident Date: November 24, 2011).
43. [2011-0724](#) Police Department Report involving Jonny Hammers, 6300 W. Lincoln Ave. (2011-2012 Class B Tavern License no. 1415, Dance Hall License no. 1417 and Instrumental Music License no. 1418, of Jonny Hammers, LLC, Jon Robert Cervantes, Agent, Incident Date: October 29, 2011).
44. [2011-0725](#) Police Department Reports involving Hero's Sports Pub & Grill, 9105 W. Lincoln Ave. (2011-2012 Class B Tavern License no. 1705, Dance Hall License no. 1728 and Instrumental Music License no. 1727 of International Development, LLC, Joshua J. Johnson, Agent, Incident Date: October 30, 2011).
45. [2011-0726](#) Police Department Reports involving Sportz Medicine II, 7731 W. Becher St. (2011-2012 Class B Tavern License no. 1453, Dance Hall License no. 1455 and Instrumental Music License no. 1774 of Sportz Medicine, LLC, John J. Biwer, Agent, Incident Dates: November 6 & 16, 2011).
46. [2011-0727](#) Police Department Report involving The Spot, 6426 W. Greenfield Ave. (2011-2012 Class B Tavern License no. 956, Tavern Entertainment-Special License no. 959, and Dance Hall License no. 958, Edward D. Bomback & Lonnie D. Bald, Partners, Incident Date: November 1, 2011).
47. [2011-0728](#) Police Department Report involving Studz Pub, 6833 W. National Ave. (2011-2012 Class B Tavern license no. 1605 of Jan-Rat, LLC, Gary Janocik, Agent, Incident Date: November 18, 2011).
48. [2011-0729](#) Police Department Report involving Wild Bill's Saloon, 1454 S. 92 St. (2011-2012 Class B Tavern License no. 789 of Wild Bill's Saloon, LLC, William P. Savage, Agent, Incident Date: October 18, 2011).
49. [2011-0730](#) Police Department Report involving Walk-Her-Inn, 900 S. 74 St. (2011-2012 Class B Tavern License no. 1538 and Dance Hall License no. 1540, Diane D. Plumeri, Incident Date: October 29, 2011).

50. [2011-0720](#) Police Department Report involving Crazy Horse, 9440 W. National Ave. (2011-2012 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303 of Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, Incident Date: November 18, 2011.).
Held in License & Health Committee during recess.
51. [2011-0719](#) Police Department Report involving Crazy Horse, 9440 W. National Ave. (2011-2012 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303 of Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, Incident Date: Between June 1, 2010 and June 2, 2010).
Held in License & Health Committee during recess.
52. [2011-0723](#) Police Department Reports involving Harry O's 2nd Base, 6743 W. Lincoln Ave. (2011-2012 Class B Tavern License no. 827 and Dance Hall License no. 829 of Harry O's, Inc., Harry J. Strahlendorf, Agent, Incident Dates: November 4 and 6, 2011).
Held in License & Health Committee during recess.
53. [2011-0733](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of November 2011 involving one (1) West Allis business (2011-2012 Class B Tavern License no. 717 and Dance Hall License no. 719 of Henry Enterprises Ltd., James F. Henry, Agent, d/b/a Jim's Oval Bar, 9141 W. National Ave., Incident Date: November 14, 2011, 1st Offense).
Held in License & Health Committee during recess.
54. [2011-0740](#) Police Department Report regarding violation of the Wisconsin Indoor Clean Air Act Smoking Ban (Jim's Oval Bar, 9141 W. National Ave., Janel A. Deprey, Bartender License no. 13-024, Incident Date: November 14, 2011).
Held in License & Health Committee during recess.
55. [2011-0747](#) 2011-2012 Tavern Operator License application no. 12-350 of Jessica L. Seavers.
Held in License & Health Committee during recess.
56. [2011-0703](#) Communication from Assistant City Attorney regarding failure to follow payment agreement for delinquent personal property taxes for Children's Creative Corner located at 6670 W. Becher Pl.
57. [2011-0737](#) Communication from International Development, LLC, Joshua Johnson, Agent, d/b/a Hero's Sports Pub & Grill, 9105 W. Lincoln Avenue requesting extending closing time of deck and premises.

Attachments: [Hero Communication.pdf](#)

Passed The Block Vote

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

No: 0

ADVISORY COMMITTEE

58. [2011-0745](#) Reappointments by Mayor Devine to the West Allis Board of Health of Ald. Dan Roadt, Ald. Rosalie Reinke, and Diane Strack, their two-year terms to expire January 1, 2014.
59. [2011-0749](#) Reappointments by Mayor Devine to the West Allis Economic Development (Partnership) Committee of Ald. Vincent Vitale and Gerald Matter, their three-year terms to expire January 1, 2015.
60. [2011-0743](#) Reappointments by Mayor Devine to the West Allis Beautification Committee of Mary Johnson and Sharon Plucinski, their two-year terms to expire December 31, 2013.
61. [2011-0744](#) Appointment by Mayor Devine of Jackie Hegmegee as a member of the West Allis Beautification Committee, her two-year term to expire December 31, 2013.
62. [2011-0746](#) Reappointment by Mayor Devine of Frank Bialek as a member of the West Allis Board of Health, under the guidelines of the ordinance pertaining to limitation on consecutive terms for members of boards and commissions, his two-year term to expire January 1, 2014.
63. [2011-0748](#) Reappointments by Mayor Devine to the West Allis Capital Improvement Committee of Jo-Anne Koshere and Donna Krahn, their three-year terms to expire January 10, 2015.
64. [2011-0750](#) Reappointment by Mayor Devine of Barbara Hart as a member of the Historical Commission of the City of West Allis, her five-year term to expire December 31, 2016.
65. [2011-0751](#) Appointment by Mayor Devine of Alex Lux as a member of the West Allis Youth Commission.
66. [2011-0735](#) City Administrative Officer, Clerk/Treasurer communication requesting permission to destroy certain records.
- Attachments:* [Destruction of Records Communication.pdf](#)
67. [2011-0739](#) Acting Health Commissioner communication requesting permission to destroy certain records.

68. [R-2011-0239](#) Resolution relative to placing on the City of West Allis April 3, 2012 Spring Election ballot a referendum on corporate personhood and money as speech.

Sponsors: Advisory Committee

Attachments: [Petition Pages 1-99.pdf](#)
[Petition Pages 100-199.pdf](#)
[Petition Pages 200-299.pdf](#)
[Petition Pages 300-399.pdf](#)
[Petition Pages 399-490.pdf](#)
[Petition Tally Sheet.pdf](#)

Passed The Block Vote

Aye: 10 - Barczak, 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 8:20 p.m., with the next regularly scheduled meeting to be held on January 3, 2012, at 7:00 p.m

*/s/ Monica Schultz
Deputy City Clerk*



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.