



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, November 16, 2010

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. Roadt.

D. PUBLIC HEARINGS

1. [O-2010-0048](#)

Ordinance to amend Subsection 12.40(1)(ii) and 12.41(1)(dd) relative to sporting good stores. To repeal Subsection 12.41(1)(q) relative to indoor gun ranges in the C-2, Neighborhood Commercial District. To repeal and recreate Subsection 12.48(3)(a) relative to firearm ranges in Park Districts and to amend Subsection 12.43(2)(m) of the Revised Municipal Code to permit gun, firearm and/or ammunition sales; sporting good stores with gun, firearm and/or ammunition sales; and, indoor ranges as a permitted use within the C-4 Regional Commercial District.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

James Fendry, Greendale, said that the proposed ordinance has nothing to do with existing stores, and he referred to the gun lobby, laws and penalties. He stated that the proposed ordinance is unlawful.

Robert Braun, 2160 S. 86 St., echoed Mr. Fendry, and said that there has never been an incident in Wisconsin history in which someone had purchased a gun and immediately shot a child within the vicinity of a store.

Michelle Diament, addressed the recent murder/suicide in her area, and said that it is not off the wall by wanting to keep the gun store away from her children. She stated that the Second Amendment has nothing to do with her issue regarding the location of the gun store by the school.

Joseph Koselmann, 8105 W. Appleton Ave., commented on the hiring of certain schoolteachers, removing the ten commandments from the school, and addressed starting up a new business

that creates jobs.

Rikki Mortensen, addressed her concerns regarding property values, and said that the community will not benefit by keeping gun stores in residential neighborhoods.

Brooke Tadysak, 5840 W. Kinnickinnic Pkwy, requested that the community be notified when a new business is being contemplated and there are age requirements of 18 or 21 for the patrons.

Kurt Wachholz, WAWM School District Superintendent, 2947 S. Root River Pkwy, thanked the Common Council for considering the proposed ordinance changes. He addressed the current ordinance and compared it to the proposed ordinance. He stated that gun shops do not fit into basic shopping areas, and favored the proposal. He commented on the Gun Free School Zone Act.

Lisa, S. 62 St., commented on the amount of time required for grandfathering the business use, and asked for a few weeks instead of a full year.

Michael Govas, 2192 S. 60 St., owner of the gun store, and offered his availability for questions. He also said that he met with the police chief and officers, and stated that his business will be secure and safe.

James Fendry, Greendale, said that he was involved with the creation of the Gun Free School Zone Act, and stated that the reason for the law was to deal with students bringing guns to school.

2. [O-2010-0040](#) An Ordinance to repeal and recreate subsection 12.13(3)(a)3 and subsection 12.13(3)(b)4 of the West Allis Revised Municipal Code relating to Architectural Review and Site Standards for New Single Family Residential Construction.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

3. [O-2010-0047](#) An Ordinance to amend Subsection 2.38(3) and Subsection 12.13(12) of the West Allis Revised Municipal Code relating to appeals of Plan Commission decisions being considered by the Common Council and to amend Subsection 2.39(2) relative to the function and duties of the Board of Appeals.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

4. [O-2010-0038](#) An Ordinance To Amend Section 12.19(3)(d) of the West Allis Revised Municipal Code relative to the minimum construction standards for Off-Street Parking and Loading Facilities.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

5. [R-2010-0253](#) Resolution relative to determination of Special Use Permit for the proposed relocation of the Cousins Subs restaurant within the Oakridge Shopping Center, an existing multi-tenant commercial strip mall located at 10700 W. Oklahoma Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances: None.

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 the Breakfast of Thanks and Giving.

Alderspersons Comments

Ald. Weigel announced the Christmas Parade.

H. AGENDA APPROVAL

that the agenda with supplemental item no. 32a be accepted

I. APPROVAL OF MINUTES

to approve the minutes of the regular meeting of November 3, 2010

J. ITEMS NOT REFERRED TO COMMITTEE

6. [2010-0668](#) Report of the Municipal Judge for the month of October 2010, consisting of all fines, costs and fees collected by the City of West Allis in the sum of \$110,102.99.
- Attachments:* [Municipal Judge Report October 2010.pdf](#)
7. [2010-0649](#) Edward J. Schmidt, Jr. communication regarding vehicle damage allegedly sustained at Reservoir Park located at 1725 S. 96 Street on October 27, 2010.
8. [2010-0659](#) Amended Summons and Complaint in the matter of U.S. Bank National Association vs. Maria Del Rosio Garcia, et al, regarding foreclosure of mortgage, Case No. 10-CV-005780.
9. [2010-0660](#) Summons and Complaint in the matter of BAC Home Loans Servicing, L.P. vs. Christine J. Towers, et al, regarding foreclosure of mortgage, Case No. 10CV018697.
10. [2010-0661](#) Notice of Claim and Notice of Injury of Kenneth and Melissa Kesy regarding injuries and damages allegedly sustained at South 60 Street and West Lincoln Avenue on August 11, 2010.
11. [2010-0662](#) Tom Brusky communication regarding vehicle damages allegedly sustained at W. Beloit Road and S. Orleans Ave. on October 29, 2010.
12. [2010-0663](#) Raymond Meyer communication regarding vehicle damage allegedly sustained at the intersection of S. 102 and S. 103 Streets on October 19, 2010.
13. [2010-0667](#) Shana S. Sprewer housing discrimination complaint against the City of West Allis.
14. [2010-0671](#) Summons and Complaint in the matter of Brad H. Krause vs. City of West Allis Police Department, Case No. 10-C-0718.
15. [2010-0679](#) Amended Summons and Complaint in the matter of CitiMortgage, Inc. vs. Todd P. Roller, et al, regarding foreclosure of mortgage, Case No. 10-CV-011581.

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 7:48 p.m. Upon returning from recess at 8:47 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

17. [R-2010-0258](#) Resolution approving the transfer of \$25,000 from the Contingency Fund to the Municipal Court Computer Equipment Software Account for the acquisition and implementation of the TiPss court software package and related hardware.
- Sponsors:** Administration & Finance Committee
18. [R-2010-0251](#) Resolution relative to transferring up to \$84,600.00 from the Contingency Fund to the Police Department Automotive Capital Account for purchasing four (4) Police Squads from Holz Motors.
- Sponsors:** Administration & Finance Committee
19. [R-2010-0252](#) 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 2011 Community Development Block Grant funds.
- Sponsors:** Administration & Finance Committee
- Attachments:** [Exhibit B - Subgrantee Agreement\(11-16-10\).doc](#)
[Exhibit A - One-Yr Action Plan\(11-16-10\).doc](#)
20. [R-2010-0254](#) Resolution Implementing GASB statement #54, Fund Balance Reporting and Governmental Fund Type Definitions.
- Sponsors:** Administration & Finance Committee
- Attachments:** [GASB Fund Balance Reporting.pdf](#)
[Summary of Fund Balances 2009.pdf](#)
[Summary of Fund Balances 2010.pdf](#)
21. [2010-0683](#) Fire Chief communication relative to notification of 2011 approved Advanced Life Support Billing Rates.
- Attachments:** [Fire Chief communication \(ALS\).pdf](#)
22. [2010-0664](#) Communication from the Christmas Funding, Planning and Programming Subcommittee of the West Allis Celebrations Committee requesting consideration for funding for the 2010 Christmas Parade.

Attachments: [Christmas Parade funding request.pdf](#)

23. [2010-0677](#) Communication from City Administrative Officer regarding request to fill vacant position of Administrative Supervisor at the West Allis Health Department.
24. [2010-0590](#) 2011 City of West Allis Mayor's Recommended Budget.
25. [O-2010-0046](#) Ordinance appropriating the necessary funds for the operation and administration of the City of West Allis for calendar year 2011.

Sponsors: Administration & Finance Committee

Attachments: [ADMO.AppropOrd.Atchmt1.pdf](#)
[ADMO.AppropOrd.Atchmt2.pdf](#)
[ADMO.AppropOrd.Atchmt3.pdf](#)
[ADMO.AppropOrd.Atchmt4.pdf](#)

City Attorney Claim Report

26. [2009-0627](#) Snyder & Ek. S.C. communication submitted on behalf of Janet L. Jensen regarding personal injury allegedly sustained on August 15, 2009.
27. [2009-0717](#) Notice of Injury submitted on behalf of William M. Melloch regarding injuries and damages allegedly sustained on W. Beloit Rd. at or near the intersection of S. 66 St. on August 13, 2009.
28. [2010-0572](#) Crystalina Montano communication regarding vehicle damages allegedly sustained on September 14, 2010 at approximately South 84th Street and West National Avenue.

Passed The Block Vote

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

No: 0

PUBLIC WORKS COMMITTEE

16. [R-2010-0248](#) Resolution authorizing the Director of Public Works/City Engineer to contract with Illingworth-Kilgust Mechanical for furnishing and installing a replacement water heater at the Police Department Headquarters in the amount of \$8,590.

Sponsors: Public Works Committee

29. [R-2010-0246](#) Resolution Authorizing and Directing the Appropriate City Officials to Acquire Temporary Limited Easements, Permanent Easements and Property for the Reconstruction of W. National Avenue from S. 84th Street to S. 92nd Street.

Sponsors: Public Works Committee

Attachments: [R-2010-0246.pdf](#)

30. [R-2010-0249](#) Resolution authorizing the Director of Public Works/City Engineer to enter into an agreement with Donohue & Associates for engineering services related to installing an emergency generator at the Police Department Headquarters amount of \$19,500.

Sponsors: Public Works Committee

31. [R-2010-0250](#) Resolution authorizing the Director of Public Works/City Engineer to contract with Masonry Restoration Incorporated instead of The Garland Company, Inc. for emergency roof repairs at Fire Station No. 2 in the amount of \$12,425.

Sponsors: Public Works Committee

32. [R-2010-0255](#) Resolution to approve bid of Mainline Sewer & Water, Inc. for the sediment removal in the west branch of Root River at South 124th Street in the City of West Allis, in the amount of \$103,180.00.

Sponsors: Public Works Committee

Attachments: [2010-13 Bid Results.pdf](#)

33. [2010-0644](#) Communication from the Director of Public Works/City Engineer relative to the Department's Policies and Procedures related to Bulk Collections and associated charges.

Attachments: [bulk collection change.ltr.pdf](#)

[bulk collections.3a.pdf](#)

Held in Public Works Committee during recess.

Passed The Block Vote

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

No: 0

- 32a. [R-2010-0259](#) Resolution Granting a Privilege for Encroachment (Major) to Richard A. Krueger and Diane M. Krueger (d/b/a Dicken's Grille) for property located at 9646 West Greenfield Avenue.

Sponsors: Public Works Committee

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

No: 1 - Barczak

SAFETY & DEVELOPMENT COMMITTEE

34. [O-2010-0050](#) An Ordinance to Establish Parking Restrictions on the West Side of the South 300 Feet of the 2400 Block of S. 88 St. and the North 120 Feet of the 2500 Block of S. 88 St.

Sponsors: Ald. Roadt

35. [O-2010-0049](#) An Ordinance to Repeal and Recreate Subsection 13.21(12)(e) of the West Allis Revised Municipal Code Relating to Political Signs.

Sponsors: Lajsic

36. [R-2010-0257](#) Resolution relative to approval of the project activities proposed for the Energy Efficiency & Conservation Block Grant (EECBG) totaling \$576,200 awarded by the U.S. Department of Energy.

Sponsors: Safety & Development Committee

37. [R-2010-0256](#) Resolution to authorize the Director of Development to prepare plans, studies, and applications necessary for the improvement of Beloit Road Senior Housing and the submittal of a Section 42 Tax Credit Application.

Sponsors: Safety & Development Committee

38. [2010-0673](#) Special Use Permit for M&T's Auto, a proposed auto repair and detailing business to be located at 2109 S. 55 St.

Held in Safety & Development Committee during recess.

39. [2010-0674](#) Special Use Permit for a proposed educational institution to be operated by Oconomowoc Residential Programs, Inc. within the existing school building of St. Augustine's Church located at 6753-6763 W. Rogers St.

Held in Safety & Development Committee during recess.

40. [2010-0669](#) Carlton Peterson communication relative to the West Allis Revised Municipal Code section 9.34, Property Owner Registration.

Attachments: [Peterson communication 2010-0669.pdf](#)

41. [2010-0676](#) Petition to revoke the Business Occupancy Permit of Shorty's Shooting Sports, located at 2192 S. 60 Street.

Attachments: [Petition to Revoke Business Occupancy Permit.pdf](#)

42. [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

43. [O-2010-0048](#) Ordinance to amend Subsection 12.40(1)(ii) and 12.41(1)(dd) relative to sporting good stores. To repeal Subsection 12.41(1)(q) relative to indoor gun ranges in the C-2, Neighborhood Commercial District. To repeal and recreate Subsection 12.48(3)(a) relative to firearm ranges in Park Districts and to amend Subsection 12.43(2)(m) of the Revised Municipal Code to permit gun, firearm and/or ammunition sales; sporting good stores with gun, firearm and/or ammunition sales; and, indoor ranges as a permitted use within the C-4 Regional Commercial District.

Sponsors: Safety & Development Committee

Held in Safety & Development Meeting Committee during recess.

44. [O-2010-0040](#) An Ordinance to repeal and recreate subsection 12.13(3)(a)3 and subsection 12.13(3)(b)4 of the West Allis Revised Municipal Code relating to Architectural Review and Site Standards for New Single Family Residential Construction.
- Sponsors:* Safety & Development Committee
45. [O-2010-0047](#) An Ordinance to amend Subsection 2.38(3) and Subsection 12.13(12) of the West Allis Revised Municipal Code relating to appeals of Plan Commission decisions being considered by the Common Council and to amend Subsection 2.39(2) relative to the function and duties of the Board of Appeals.
- Sponsors:* Safety & Development Committee
46. [O-2010-0038](#) An Ordinance To Amend Section 12.19(3)(d) of the West Allis Revised Municipal Code relative to the minimum construction standards for Off-Street Parking and Loading Facilities.
- Sponsors:* Safety & Development Committee
47. [R-2010-0253](#) Resolution relative to determination of Special Use Permit for the proposed relocation of the Cousins Subs restaurant within the Oakridge Shopping Center, an existing multi-tenant commercial strip mall located at 10700 W. Oklahoma Ave.
- Sponsors:* Safety & Development Committee
48. [2010-0617](#) Special Use Permit for proposed relocation of a Cousins Subs restaurant, to be located within the Oakridge Shopping Center, an existing multi-tenant commercial strip mall at 10700 W. Oklahoma Ave. submitted by Joe Ferguson, Cousins Submarines, Inc.

Passed The Block Vote

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

No: 0

LICENSE & HEALTH COMMITTEE

49. [2010-0670](#) Tavern Operator License applications.
- 2010-2011 License application no. 567 granted.*
2010-2012 License application nos. 252-253 granted.
50. [2010-0672](#) 2010-2011 Used Vehicle Dealer License application(s).
- License application no. 1734 granted.*
51. [2010-0665](#) 2010-2011 Tavern Operator License application no. 11-565 of Jay J. Kay.
52. [2010-0675](#) 2010-2011 Tavern Operator License application no. 11-568 of Gregory S. Dowden.
53. [2010-0666](#) 2010-2011 Adult-Oriented Establishment Operator Permit application no. 1729 of Kelsey E. Zilles.
- Held in License & Health Committee during recess.*

54. [2010-0658](#) 2010-2011 Class B Tavern License application no. 1733 of Lele's Whiskey Corner, LLC, Jeffrey William Kacheris, Agent, d/b/a Remedy, premises located at 1309 S. 60 Street. new-existing location).

55. [2010-0643](#) 2010-2011 Tavern Operator License application no. 11-561 of Dawn M. Buss.

Denied based on police report.

58. [2010-0655](#) Summons and Complaint in the matter of the complaint against M & W Hospitality, Inc., Mario P. Morgese, Agent for the premises located at 1900 S. 60 St., d/b/a Mario's (2010-2011 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093).

Attachments: [2010-0655 Summons.pdf](#)
[2010-0655 Complaint.pdf](#)
[2010-0655 Summons 11-16-10.pdf](#)

Held in License & Health Committee during recess.

59. [2010-0549](#) Police Department Report involving Mario's, 1900 S. 60 St. (2010-2011 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: August 1, 2010).

Held in License & Health Committee during recess.

60. [2010-0624](#) Police Department Report involving Mario's, 1900 S. 60 St. (2010-2011 Class B Tavern License no. 1091, Dance Hall License no. 1092 and Instrumental Music License no. 1093 of M & W Hospitality, Inc., Mario P. Morgese, Agent, Incident Date: September 24, 2010).

Held in License & Health Committee during recess.

Passed The Block Vote

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

No: 0

56. [2010-0638](#) 2010-2011 Class B Beer License application no. 1731 of Gulzar, Inc., Gulbaz Gill, Agent, d/b/a Mr. Gyros Grill & Cafe located at 10535 W. Greenfield Ave. (new-nonexisting premises).

- 57. [2010-0639](#) 2010-2011 Class C Wine License application no. 1732 of Gulzar, Inc., Gulbaz Gill, Agent, d/b/a Mr. Gyros Grill & Cafe located at 10535 W. Greenfield Ave. (new-nonexisting premises).

A motion was made by Ald. Czaplewski, seconded by Ald. Barczak, to deny the Class B Beer and Class C Wine license applications of Gulzar, Inc.. The motion failed by the following vote:

*Votes: Aye: 5 - Ald. Barczak, Ald. Czaplewski, Ald. Narlock, Ald. Reinke, and Ald. Weigel.
No: 6 - Ald. Kopplin, Ald. Lajsic, Ald. Roadt, Ald. Sengstock, and Ald. Vitale, and Mayor Devine.*

Passed The Block Vote

Aye: 6 - Kopplin, Lajsic, Roadt, Sengstock, Vitale, and Devine
No: 5 - Czaplewski, Narlock, Reinke, Weigel, and Barczak

ADVISORY COMMITTEE

- 61. [2010-0680](#) Reappointment by Mayor Devine of David Wied as a member of the West Allis Community Celebrations Committee, as the West Allis Charities Representative.
- 62. [2010-0681](#) Reappointment by Mayor Devine of Paule Kolff as a member of the West Allis Block Grant Committee, her two-year term to expire September 1, 2012.
- 63. [2010-0682](#) Reappointments by Mayor Devine to the West Allis Commission on Aging of Rita Roth and Deborah Tiegs, their three-year terms to expire November 1, 2013.

Passed The Block Vote

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

N. OTHER MATTERS RELATING TO THE AFFAIRS AND GOVERNMENT OF THE CITY WHICH MAY PROPERLY BE BROUGHT BEFORE THE COMMON COUNCIL

Ald. Vitale explained the gun shop ordinance was put on hold until the December 7, 2010 Common Council meeting.

O. ADJOURNMENT

to adjourn at 9:09 p.m., with the next regularly scheduled meeting to be held on December 7, 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.