



City of West Allis

Meeting Minutes

Common Council

Mayor Dan Devine, Chair
Alderson Thomas G. Lajsic, Council President
Aldersons: Gary T. Barczak, Michael J. Czaplewski, Kevin Haass,
Michael P. May, Cathleen M. Probst, Rosalie L. Reinke,
Daniel J. Roadt, Vincent Vitale, and Martin J. Weigel

Tuesday, March 6, 2018

7:00 PM

City Hall Common Council Chambers
7525 W. Greenfield Ave.

REGULAR MEETING (draft minutes)

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. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Probst.

D. PUBLIC HEARINGS

1. [R-2018-0163](#) Resolution relative to determination of Special Use Permit for the proposed Pick 'n Save Fuel Center to be located within the parking lot of the existing Pick 'n Save at 6760 W. National Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

John Karol, 719 S. 92 St., inquired if an environmental study was done to see if there are any problems with fuel leakage, or contaminates from a previous use.

This matter was Public Hearing Held

2. [R-2018-0162](#) Resolution relative to determination of Special Use Permit for Antigua Latin Restaurant, LLC, to relocate to 6207 W. National Ave.

Sponsors: Safety & Development Committee

Explanation by John Stibal, Director of Development.

Appearances:

Citlali Mendieta, 2121 S. 81 St., stated the goal is to close the current location on June 30, 2018 and open at the new location on July 6, 2018.

Rich Libbey, 6125 W. Greenfield Ave., stated he is in favor this special use.

This matter was Public Hearing Held

E. CITIZEN PARTICIPATION

Lynn Marie Kutz, Fond du Lac, spoke about the purposed WI State Statutes changes regarding massage parlors and asked that the City update their Municipal Code section 9.035, Massage Parlors, and Section 9.036, Practice of Massage, requiring a license to practice in the City be repealed or revised.

Jeff Montoya, 67th W. Greenfield Ave., commented that he supports Lynn Kutz's recommendations and asked the City to update their Ordinances regarding massage therapists and business owners.

Danielle Hopkins, 6330 W. Greenfield Ave., commented that she may not be able to sustain her business if the City does not revise Section 9.035 of the West Allis Municipal Code.

Citlali Mendieta, 2121 S. 81 St., commented on being in business in the City of West Allis for 12 years and that they are excited to continue the growth of their business within the City.

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. MAYOR'S REPORT

Mayor Devine announced the opening of The Peanut Butter & Jelly Deli, 6125 W. Greenfield Ave., and welcomed them to West Allis: thanked the West Allis-West Milwaukee School District for hosting Dr. Seuss Read Across America; congratulated the Nathan Hale Girl's Basketball team on winning their conference; announced that Peyton Mocco, Nathan Hale High School, repeated his state wrestling championship from last year; and commented on the continued success of two (2) of West Allis Central's prior state wrestling champions, Dylan Diebitz and Mark Choinski.

H. ALDERPERSON'S REPORT

None.

I. APPROVAL OF MINUTES

3. [2018-0173](#) Minutes (Draft) of the Common Council regular meeting of February 20, 2018.

Attachments: [022018 CC Minutes.draft](#)

A motion was made by Ald. Lajsic, seconded by Ald. May, that this matter be Approved. The motion carried unanimously.

J. ITEMS NOT REFERRED TO COMMITTEE

4. [2018-0149](#) Milwaukee Entertainment, LLC Notice of Claim regarding reimbursement of overpayment of personal property taxes at 9440 W. National Ave.

Attachments: [Milw. Ent. Pers. Prop claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote

5. [2018-0153](#) Ryan Cirese Claim relative to vehicle damages allegedly sustained at S. 92 St. and W. Lapham St. on February 18, 2018.

Attachments: [Cirese vehicle claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote

6. [2018-0178](#) Brian D. Burns Notice of Claim relative to property damages allegedly sustained at 11200 W. Cleveland Ave. on January 22, 2018.

Attachments: [B. Burns claim](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote

7. [2018-0179](#) Summons and Complaint in the matter of JP Morgan Chase Bank vs. The Estate of Kurt G. Sterner, et al, regarding foreclosure of mortgage, Case No. 2018CV001221.

Attachments: [Chase vs. Sterner 2018CV001221](#)

This matter was Referred for Legal Action to the City Attorney on a Block Vote

Passed The Block Vote

A motion was made by Ald. Weigel, seconded by Ald. May, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

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

No: 0

K. STANDING COMMITTEE REPORTS

None.

L. COMMON COUNCIL RECESS

A motion was made by Ald. Lajsic, seconded by Ald. Reinke, that the Council recess until completion of Committee meetings. The motion carried unanimously.

Thereupon, the Council took a recess at 7:19 p.m. Upon returning from recess at 8:44 p.m., and the roll call being taken, there were:

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

M. NEW AND PREVIOUS MATTERS

ADMINISTRATION & FINANCE COMMITTEE

8. [2018-0180](#) Request from the Interim Director of Public Works to extend the temporary appointment of Dave Young in the position of Electrical Engineer/Systems Maintenance Superintendent.

Attachments: [Dave Young interim appointment](#)

This matter was Approved on a Block Vote

9. [O-2018-0009](#) Ordinance to amend the City of West Allis Salary Schedule establishing the salary of the Tourism and Event Coordinator position and amending the Communication Specialist position.

Sponsors: Administration & Finance Committee

Attachments: [Salary Schedule - Effective 3/6/18](#)
[O-2018-0009 signed](#)

This matter was Passed on a Block Vote

10. [2018-0185](#) Communication from City Administrator requesting approval to fill a new part-time position of Tourism and Event Coordinator in the Communications Department.

Attachments: [Request to fill Tourism & Event Coordinator position](#)

This matter was Approved on a Block Vote

11. [2018-0182](#) Communication from City Administrator transmitting report and recommendations from City's Benefit Consultant regarding Post 65 Medicare Retiree Health Plan Options.

Attachments: [Communication regarding Post 65 Retiree Health Care Options](#)
[Medicare Report and Recommendation](#)

Held in Administration & Finance Committee during recess.

12. [2018-0183](#) Communication from City Administrator transmitting copy of list of Interim Successors to Elected and Appointed City Officials.

Attachments: [Communication regarding Designation of Interim Successors](#)

This matter was Placed on File on a Block Vote

13. [2018-0184](#) Communication from City Administrator requesting approval to fill the position of Engineering Technician in the Engineering Department.

Attachments: [Request to fill Engineering Technician position](#)

This matter was Approved on a Block Vote

14. [2018-0186](#) Communication from City Administrator requesting approval to fill an upcoming vacant position of Truck Driver in the Department of Public Works, Sanitation and Street Division.

Attachments: [Request to fill Truck Driver position](#)

This matter was Approved on a Block Vote

15. [2017-0689](#) Susan Pearson Notice of Claim relative to vehicle damages allegedly sustained at the 1500 block of S. 75 St. on September 19, 2017.

Attachments: [Claim - Pearson 10-26-17](#)
[Ltr.CC.Pd&POF-Pearson](#)
[Signed Release of All Claims-Pearson](#)

This matter was Placed on File on a Block Vote

Passed The Block Vote

A motion was made by Ald. Haass, seconded by Ald. Barczak, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

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

No: 0

PUBLIC WORKS COMMITTEE

16. [R-2018-0135](#) Resolution ordering preliminary plans and specifications together with a schedule of proposed assessments for improvement of W. Schlinger Avenue from S. 92 Street to S. 98 Street and portions of intersecting streets by major asphalt resurfacing, miscellaneous walk repair, storm sewer relay and utility adjustments.

Sponsors: Public Works Committee

Attachments: [R-2018-0135 signed](#)

A motion was made by Ald. Barczak, seconded by Ald. Vitale, that this matter was Adopted. The motion carried by the following vote:

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

No: 0

SAFETY & DEVELOPMENT COMMITTEE

17. [R-2018-0155](#) Resolution authorizing the Fire Chief to enter into an Enterprise Subscription Agreement and Business Associate Agreement with CommuniCare Technology, Inc. dba Pulsara related to the coordination of communication for emergent healthcare conditions.

Sponsors: Safety & Development Committee

Attachments: [Pulsara Enterprise Subscription Agreement](#)
[R-2018-0155 signed](#)
[unsigned agreement](#)

This matter was Adopted on File on a Block Vote

18. [2018-0169](#) City of New Berlin Notice of Public Hearing scheduled for March 29, 2018, at 6:00 p.m. before the City of New Berlin Plan Commission, in regard to incorporating amendments into the City's adopted 2020 Comprehensive Plan, Future Land Use Map.

Attachments: [New Berlin Public Hearing Notice](#)

This matter was Placed on File on a Block Vote

19. [2018-0192](#) City of Wauwatosa Notice of Public Hearing scheduled for April 17, 2018, at 7:30 p.m. at Wauwatosa City Hall, in regard to Adoption of the Mid-Town Tosa Master Plan and an amendment to the City of Wauwatosa 2008-2030 Comprehensive Plan to incorporate the Mid-Town Tosa Master Plan.

Attachments: [Wauwatosa PH Notice](#)

This matter was Placed on File on a Block Vote

20. [2018-0187](#) Special Use Permit for Coast Car Wash, LLC to establish a vehicle wash facility on vacant property (formerly AMF Bowling) located at 10901 W Lapham St.
- Attachments:* [Application - Coast Car Wash](#)
- Held in Safety & Development Committee during recess.*
21. [2018-0188](#) Special Use Permit for Infiniti Milwaukee, to establish a vehicle dealership on undeveloped property located in the 10500 Block W. Arthur Ave.
- Attachments:* [Application - Infiniti Milwaukee](#)
- Held in Safety & Development Committee during recess.*
20. [2018-0189](#) Special Use Permit for CS Logistics, Inc., an existing transportation courier business, to establish a vehicle detailing use as part of their business operations, located at 11001 W. Mitchell St.
- Attachments:* [Application - CS Logistics](#)
- Held in Safety & Development Committee during recess.*
23. [2018-0191](#) Special Use Permit for Pho Saigon, a proposed restaurant, to be located at 10534 W. Greenfield Ave.
- Attachments:* [Application - Pho Saigon](#)
- Held in Safety & Development Committee during recess.*
24. [2018-0193](#) Special Use Permit for Seat Auto Electric LLC, a proposed automobile repair business, to be located at 5600 W. Burnham St.
- Attachments:* [Application - Seat Auto Electric](#)
- This matter was Placed on File on a Block Vote**
25. [O-2018-0007](#) Ordinance to Amend Section 6.027 of the West Allis Revised Municipal Code Relating to Sex Offender Residing Within Seven Hundred Fifty (750) Feet of Schools, Child-Care Centers, Parks, and Other Specified Facilities and Uses Prohibited
- Sponsors:* Safety & Development Committee
- Attachments:* [City of S. Milwaukee v. Kester, 347 Wis. 2d 334 \(Wis.Ct.App. 2013\)](#)
[Doe v. Miller, 405 F.3d 700 \(8th Cir. 2005\)](#)
[Hoffman v. Vill. of Pleasant Prairie, 249 F. Supp. 3d 951 \(E.D. Wis. 2017\)](#)
[McKune v. Lile, 122 S. Ct. 2017 \(2002\)](#)
[Vasquez v. Foxx, No. 16-CV-8854, 2016 U.S. Dist. LEXIS 170354 \(N.D. Ill. Dec. 9, 2016\)](#)
[Vill. of Menomonee Falls v. Ferguson, 334 Wis. 2d 131 \(Wis.Ct.App. 2011\)](#)
- Held in Safety & Development Committee during recess.*

26. [R-2018-0163](#) Resolution relative to determination of Special Use Permit for the proposed Pick 'n Save Fuel Center to be located within the parking lot of the existing Pick 'n Save at 6760 W. National Ave.

Sponsors: Safety & Development Committee

Held in Safety & Development Committee during recess.

27. [2018-0018](#) Special Use Permit for the proposed Pick 'n Save Fuel Center to be located within the parking lot of the existing Pick 'n Save at 6760 W. National Ave., submitted by Tim Kratz, d/b/a Sevan Multi-Site Solutions, LLC.

Attachments: [Application - Pick N Save Fuel Center](#)
[Pick n Save Fuel Center](#)

Held in Safety & Development Committee during recess.

28. [R-2018-0162](#) Resolution relative to determination of Special Use Permit for Antigua Latin Restaurant, LLC, to relocate to 6207 W. National Ave.

Sponsors: Safety & Development Committee

This matter was Adopted on a Block Vote

29. [2018-0115](#) Special Use Permit for Antigua Latin Restaurant, LLC, to relocate to 6207 W. National Ave.

Attachments: [Application - Antigua](#)
[Antigua \(SUP-SLA\)](#)

This matter was Placed on File on a Block Vote

Passed The Block Vote

A motion was made by Ald. Lajsic, seconded by Ald. Probst, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

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

No: 0

LICENSE & HEALTH COMMITTEE

30. [2018-0174](#)

License applications.

Operator's License (bartender/sales clerk) applications 2017-2018 and 2017-2019:

*Barr, Frances E.; Campos, Julie L.; Clark, Dawn M.; Coolman, Andreeanne E.; Franco, Ana L.; Gomez Carranza, Rosa M.; Kosanke, Sheila L.; Kyrola, Cheryl J.; Peters-Garay, Meghan J.; and Tolbert, Mercedes

Adult Oriented Establishment Operator's Permit 2017-2018

*Curtis, Malcolm I. & Ludwig, Jr., Allen L.

Used Vehicle Dealer License Applications 2018-2019

* Badger Lease & Auto Sales, Inc., 9601 W. Greenfield Ave.
 Caritas For Children, Inc., 7400 W. National Ave.
 Classic Motorcars Inc., 7010 W. Lincoln Ave.
 Corner Choice Motors LLC, 9200 W. Oklahoma Ave.
 EZ Motorcars, EZ Motorcars LLC, 7606 W. Beloit Rd.
 Fleet Services, Inc., 7400 W. National Ave.
 Autoguys, Frenzy LLC, 9712 W. Schlinger Ave.
 Heiser Chevrolet, Inc., 10200 W. Arthur Ave.
 Selig Leasing Co., Inc., 2510 S. 108 St.
 Wilde Toyota, Wilde of West Allis, Inc., 3225 S. 108 St.

Special Class B Beer & Wine License applications 2017-2018

*Holy Assumption , 1531 S. 71 St., Chicken Dinner
 March 25, 2018 (11:00 a.m. to 5:00 p.m.) (2nd application with wine)

Carnival Permits 2018

*National Night Out, 6501 W. National Ave., July 25, 2018, 5:00 p.m. to 9:00 p.m.

This matter was Approved subject to the necessary requirement(s) on a Block Vote

31. [2018-0181](#)

2017-2018 Class B Tavern Special Event Permit application no. 21 of Buzzard's Nest, LLC, Lawrence E. Pryor, Agent, d/b/a The Buzzard's Nest, 6000 W. Mitchell St., for Fundraiser-Dart Tournament, to be held on Saturday, April 14, 2018, from 4:00 p.m. to 11:00 p.m. Parking lot to be closed off with barricades and tape. Second (2nd) permit application for 2017-2018 license year.

This matter was Approved subject to the necessary requirement(s) on a Block Vote

32. [2018-0155](#)

2017-2018 Class B Tavern License application no. 2533 of LA SAYS INVEST, LLC, Christopher Kuranz, Agent, d/b/a Public Table, for the premises located at 5835 W. National Ave. (new-nonexisting location).

This matter was Approved subject to the necessary requirement(s) on a Block Vote

33. [2018-0168](#) 2017-2018 Operator's License (bartender/sales clerk) application no. 18-330 of Douglas M. Parker.

This matter was Approved on a Block Vote

34. [2018-0175](#) 2017-2018 Operator's License (bartender/sales clerk) application no. 18-331 of Jeffrey S. Wezyk.

This matter was Denied based on the police report on a Block Vote

36. [2018-0177](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-406 of Kristina M. Mercer.

This matter was Denied based on the police report on a Block Vote

39. [2018-0059](#) 2017-2018 Operator's License (bartender/sales clerk) application no. 18-327 of Jennifer Lynn Schroeder.

This matter was Denied based on two nonappearances on a Block Vote

40. [2018-0026](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-389 of Anthony J. Brunette.

This matter was Approved subject to the necessary requirement(s) on a Block Vote

Passed The Block Vote

A motion was made by Ald. Czaplewski, seconded by Ald. May, to approve all the actions on the preceding items on a Block Vote. The motion carried by the following vote:

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

No: 0

35. [2018-0176](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-404 of Ashley N. Duchow.

A motion was made by Ald. Czaplewski, seconded by Ald. Weigel, that this matter was Approved. The motion carried by the following vote:

Aye: 9 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. May, Ald. Probst, Ald. Reinke, Ald. Roadt, and Ald. Vitale

No: 1 - Ald. Weigel

37. [2018-0087](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-392 of Jennessa L. Cruz.

A motion was made by Ald. Czaplewski, seconded by Ald. May to deny.

The motion failed by the following vote:

Aye: 3 - Ald. May, Ald. Roadt, and Ald. Weigel

No: 7 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. Probst, Ald. Reinke, and Ald. Vitale

A motion was made by Ald. Barczak, seconded by Ald. Lajsic, that this matter was Approved. The motion carried by the following vote:

Aye: 7 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. Probst, Ald. Reinke, and Ald. Vitale

No: 3 - Ald. May, Ald. Roadt, and Ald. Weigel

38. [2018-0096](#) 2017-2019 Operator's License (bartender/sales clerk) application no. 19-395 of Jordan Baxter.

A motion was made by Ald. Czaplewski, seconded by Ald. Lajsic, that this matter was Approved. The motion carried by the following vote:

Aye: 9 - Ald. Barczak, Ald. Czaplewski, Ald. Haass, Ald. Lajsic, Ald. Probst, Ald. Reinke, Ald. Roadt, Ald. Vitale, and Ald. Weigel

No: 1 - Ald. May

ADVISORY COMMITTEE

None.

N. ADJOURNMENT

A motion was made by Ald. Lajsic, seconded by Ald. Reinke, to adjourn at 8:55 p.m., with the next regularly scheduled meeting to be held on March 20, 2018, at 7:00 p.m. The motion carried unanimously.

*/s/ Steven A. Braatz, Jr.
City Clerk*