

# City of West Allis Meeting Agenda Common Council

Mayor Dan Devine, Chair Alderperson Thomas G. Lajsic, Council President

Alderpersons: Suzzette Grisham, Kevin Haass, Danna Kuehn, Thomas G. Lajsic, Rosalie L. Reinke, Daniel J. Roadt, Tracy Stefanski, Angelito Tenorio, Vincent Vitale, and Martin J. Weigel

Wednesday, April 7, 2021

7:00 PM

City Hall, Common Council Chambers 7525 W. Greenfield Avenue

### **REGULAR MEETING**

- A. CALL TO ORDER
- **B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE

Pledge by Ald. Vitale

### D. PUBLIC HEARINGS

1. R-2021-0168 Resolution to confirm and adopt the report of the City Engineer containing the

schedule of proposed assessments for improvement of the general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South

City Limits by miscellaneous sidewalk repair

Recommendation: Public Hearing Item

2. Resolution relative to determination of an Application for a Special Use

Permit for Wing Stop, a proposed restaurant, to be located at 10244 W.

National Ave.

Recommendation: Public Hearing Item

3. R-2021-0211 Resolution relative to determination of an Application for a Special Use

Permit for Wrestling Taco, a proposed restaurant, to be located at 1606 S. 84

St

Recommendation: Public Hearing Item

### **E. PUBLIC COMMENT**

The Common Council may receive information from members of the public during this 30-minute period. Each speaker must announce to the council his or her name and address, sign in at the podium, and limit comments to one statement of no more than 5 minutes. The council cannot take action on topics raised by speakers and will not discuss topics with speakers.

### 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 128 - Public Works, License & Health

Room G12 (Art Gallery) - Safety & Development

The general public may contact the Committee Chair relative to an agenda item of interest that could be discussed or acted on during the recess meetings simultaneously occurring in different conference rooms. Additionally, if a member has interest in multiple agenda items which are scheduled for discussion or action during the recess meetings simultaneously occurring, s/he should contact the chair of the committee to inform of such interest.

### G. MAYOR'S REPORT

This item is a report from the Mayor to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

### H. ALDERPERSON'S REPORT

This item is a report from individual Alderpersons to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

### I. APPROVAL OF MINUTES

4. 2021-0234 Minutes (draft) of the March 16, 2021 Common Council meeting

**Recommendation:** Approve

### J. STANDING COMMITTEE REPORTS

### **ADVISORY COMMITTEE**

(Advisory Meeting of April 7, 2021)

5. 2021-0235 Appointment by Mayor Devine of Leverett Baldwin as a member of the West

Allis Police & Fire Commission, his five-year term to expire May 1, 2026

**Recommendation:** Approve

### K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

6. R-2021-0186 Resolution condemning violence against the Asian American and Pacific

Islander communities

Recommendation: Adopt

7. Resolution to recognize April as Autism Awareness Month R-2021-0215 Adopt Recommendation: Resolution to recognize April as Child Abuse Prevention Month 8. R-2021-0218 Adopt Recommendation: 9. R-2021-0206 Resolution to approve the 2020 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program Adopt Recommendation: R-2021-0180 Resolution accepting work of Cobalt Partners, LLC for the sidewalk streetscape project on the west side of S. 70 St. between W. Madison St. and W. Washington St. and authorizing payment in accordance with the Public Improvement Agreement in the amount of \$305,916 Adopt Recommendation: R-2021-0181 Resolution authorizing a Cost Sharing Memo of Understanding with the City of Milwaukee for the construction of a paved connection between the north limits of S. 72 St. and the Hank Aaron State Trail of which the City of West Allis' share is \$3,300 Adopt Recommendation: R-2021-0182 Resolution to amend the agreement with Ayres Associates Inc. for methane and groundwater sampling at the Lincoln Avenue landfill site for three years at an amount not to exceed \$18,900 Adopt Recommendation: R-2021-0199 Resolution to authorize the Director of Public Works to amend an existing professional services contract with Baxter & Woodman Consulting Engineers to provide engineering and services for the City of West Allis Department of Public Works for an amount not to exceed \$8,000 Adopt Recommendation: R-2021-0200 Resolution to accept the proposal of Carlin/ProGreenPlus, providing 4% Emamectin Benzoate Emerald Ash insecticide treatment, for a total net sum of \$40.150 Adopt Recommendation: R-2021-0201 Resolution to approve bid of Globe Contractors, Inc. for the installation of concrete curb and gutter, concrete pavement, concrete sidewalk, driveway replacement, sanitary sewer relay, storm sewer, storm sewer relay, water main relay, building services and utility adjustments in S.56 St. from W. Beloit Rd. to W. Rogers St. and S. 62 St. from W. Washington St. to W. National

Ave. in the amount of \$2,933,612.50

Adopt

Recommendation:

16. R-2021-0212  Recommendation:	Resolution declaring "CrafterNoons" to be held the second Saturday of May, June, July, August, and September in 2021 each at a different location within the Downtown boundaries as a Community Event Adopt
17. <u>2021-0207</u> <u>Recommendation:</u>	Claim by Sarah Paulik regarding damage to vehicle at 723 S. 94 St. on February 12, 2021 Refer to City Attorney
18. <u>2021-0213</u> <u>Recommendation:</u>	Claim by Hilda Alanis regarding damage to vehicle at 3450 S. 108 St. on February 24, 2021 Refer to City Attorney
19. <u>2019-0920</u> <u>Recommendation:</u>	Claim by Melitza Colon regarding damage to property at 6800 blk of W. Greenfield Ave. on October 16, 2019 City Attorney recommended to be Placed File.
20. 2021-0022  Recommendation:	Summons and Complaint by Willie Martez McBride alleging civil rights violation (Case 18-CV-02032-LA)  City Attorney recommended to be Placed File
21. 2021-0062  Recommendation:	Claim by Eric Weier regarding property damage at 926 S. 111 St. on November 11, 2020 City Attorney recommended to be Placed File
<b>22.</b> <u>2021-0143</u>	Claim by Anne Braunsdorf regarding property damages at 1311 S. 115 St. on December 9, 2020
Recommendation:  23. 2021-0111	City Attorney recommended to Deny.  Claim by Demeteria Chaney regarding damage to vehicle at 2162 S. 102 St. on January 26, 2021
<u>Recommendation:</u>	City Attorney recommended to Deny.
<b>24.</b> <u>2021-0133</u>	Claim by Tahudah Cole regarding damages and injuries on May 25, 2020
Recommendation:	City Attorney recommended to Deny.
<b>25</b> . <u>2021-0159</u>	Claim by Debora Correa regarding vehicle being towed at S. 108 St. and W. Greenfield Ave. on January 19, 2021
<u>Recommendation:</u>	City Attorney recommended to Deny.
<b>26.</b> <u>2020-0473</u>	Claim by Kathleen Kasinski regarding injury to person at 8627, 8629 W. Arthur Ave. on June 25, 2020
Recommendation:	City Attorney recommended to Deny.

27. 2020-0418 Expedited Temporary Extensions

A list of applicants is available online at <a href="https://westalliswi.legistar.com/">https://westalliswi.legistar.com/</a> or

by contacting the city clerk's office.

**Recommendation:** Approve

Two (2) new applications - The Buzzard's Nest & Paulie's Pub & Eatery (applications

attached)

One (1) renewal application - Lynch's (application attached)

28. 2021-0218 Appointment by Mayor Devine of Rossi Manka as a Member of the West Allis

Plan Commission, her term to expire February 2, 2023

**Recommendation:** Approve

29. 2021-0219 Appointment by Mayor Devine of John Stibal as a member of the West Allis

Fair Housing Board, his three-year term to expire February 1, 2024

**Recommendation:** Approve

### L. COMMON COUNCIL RECESS

### M. NEW AND PREVIOUS MATTERS

### **PUBLIC WORKS COMMITTEE**

### **New Matters for Introduction**

**30.** Resolution relative to amending the City of West Allis Policies & Procedures Manual No. 2601, Bulk Collection

### **Public Hearing Items (Public Works Committee)**

**31.** Resolution to confirm and adopt the report of the City Engineer containing the schedule of proposed assessments for improvement of the general area

bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South

City Limits by miscellaneous sidewalk repair

Recommendation: Public Hearing Item

**32.** R-2021-0169 Final Resolution authorizing public improvement by miscellaneous sidewalk

repair in the general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits and levying special assessments against

benefited properties

### **SAFETY & DEVELOPMENT COMMITTEE**

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

**33.** Resolution relative to determination of an Application for a Special Use

Permit for Wing Stop, a proposed restaurant, to be located at 10244 W.

National Ave.

<u>Recommendation:</u> Public Hearing Item

**34.** Resolution relative to determination of an Application for a Special Use

Permit for Wrestling Taco, a proposed restaurant, to be located at 1606 S. 84

St.

**Recommendation:** Public Hearing Item

### **LICENSE & HEALTH COMMITTEE**

### **New Matters for Introduction**

35.	<u>O-2021-0030</u>	Ordinance to Require Face Coverings in Public Places
36.	<u>O-2021-0192</u>	Ordinance to remove Special Event Permit exemption for Class B licensees
37.	R-2021-0198	Resolution to waive late fees for alcohol beverage license renewal applications expiring on June 30, 2021
38.	2021-0175	Class B Tavern License, for the July 1, 2020 to June 30, 2021 Licensing Period. The Candle Company LLC, d/b/a The Candle Company, 8100 W. National Ave., West Allis, WI 53214; Agent Tedrick Timmons (new-nonexisting location)
39.	2021-0222	Class "B" Temporary Extension application for Paulie's Pub and Eatery, LLC, Kristine Budiac, Agent, d/b/a Paulie's Pub and Eatery, 8031 W. Greenfield Ave., for premises extension due to COVID, June 1 thru November 30, 2021, (all of Paulie's Pub and Eatery parking lot, with tent, food, and outdoor music) Second (2nd) permit application for 2020-2021 & 2021-2022 license years
40.	2021-0216	2020-2022 Operator's License (Bartender/Class D Operator) application of Thomas E. Brokmeier
41.	<u>O-2021-0031</u>	Ordinance to create seasonal extension of licensed premises to replace temporary expedited extension of premises
42.	<u>O-2021-0024</u>	Ordinance to combine various entertainment-related licenses into single public entertainment license creating Section 9.037, repealing and recreating section 9.08, and repealing sections 9.032, 9.033, 9.034, 9.05, 9.06, 9.10, and 9.105

### N. 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.

#### NOTICE OF POSSIBLE QUOROM

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

### 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.

### CITY OF WEST ALLIS RESOLUTION R-2021-0168

RESOLUTION TO CONFIRM AND ADOPT THE REPORT OF THE CITY ENGINEER CONTAINING THE SCHEDULE OF PROPOSED ASSESSMENTS FOR IMPROVEMENT OF THE GENERAL AREA BOUNDED BY THE EAST CITY LIMITS TO S. 68 ST. AND W. BURNHAM ST. TO THE SOUTH CITY LIMITS BY MISCELLANEOUS SIDEWALK REPAIR

WHEREAS, The City Engineer, pursuant to Preliminary Resolution No. R-2021-0082, adopted on February 17, 2021, prepared and submitted his report as provided in sec. 66.0703(5) of the Wisconsin Statutes, for the improvement of the general area as hereinafter described; and,

**WHEREAS,** The City Clerk gave due notice that such report was open for inspection at his office and also at the office of the City Engineer, and that all persons interested could appear before the Common Council and be heard concerning the matters contained in the Preliminary Resolution and Report; and,

**WHEREAS,** The Common Council met pursuant to such notice, at the time and place therein named; and having considered all statements and communications concerning the proposed improvements, relating to the matters contained in the City Engineer's report, including the schedule of proposed assessments, the Common Council makes no change in said report.

**NOW THEREFORE,** BE IT RESOLVED By the Common Council of the City of West Allis:

- 1. The report of the City Engineer, including the schedule of the proposed assessments, for the improvement of the general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits by miscellaneous sidewalk repair be and the same is hereby approved and adopted.
- 2. The property against which the assessments are proposed is benefited; the assessments shown on the report are true and correct, have been determined on a reasonable basis and are hereby confirmed.
- 3. The City Engineer is hereby authorized and directed to prepare final plans for the aforesaid area in accordance with the terms of this resolution.

EngP2120W

**SECTION 1:** <u>ADOPTION</u> "R-2021-0168" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

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## ADOPTION

R-2021-0168(Added)

### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presid	ing Officer	
		<del></del>	· M C'	OCW 4
Rebecca Grill, City Clerk, City Of West Allis		Dan De Allis	evine, Mayor City	Of West

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### PROOF OF PUBLICATION

STATE OF WISCONSIN

S.S

MILWAUKEE COUNTY

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 19, 2021

Joe Yovino, Associate Publisher/Editor

Sworn to me this 19th day of March 2021

Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin

My Commision Is Permanent

PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING April 7, 2021 7:00 PM

This meeting will be held in-person in the Common Council Chambers at City Hall.

You can also watch the meeting as it is livestreamed on the City of West Allis YouTube Channel https://www.youtube.com/user/we stalliscitychannel). Or you can and recorded watch live broadcasts through your cable network, via Spectrum (channel 25. West Allis residents only) and AT&T U-Verse (Channel 99). If you require an alternate format for viewing the meeting, please call 414-302-8294 and leave a message prior to 11:00 a.m. CST on Monday, April 5, 2021.

Members of the public may submit comments or questions to the Common Council regarding this public hearing by emailing your comments or questions to city@westalliswi.gov or drop a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on April 7, 2021. (City Hall - 7525 W. Greenfield Avenue)

PLEASE TAKE NOTICE That the Common Council of the City of West Allis, Wisconsin, has proposed that it is in the best interest of the City and the property affected thereby that The general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits be improved by miscellaneous sidewalk repair.

Properties abutting the above general area for the extents given are proposed as being benefited and are proposed to be assessed.

Reports showing preliminary plans and specifications, an estimate of the entire cost of the proposed improvements, and a schedule of the proposed assessments are located at:

https://www.westalliswi.gov/DocumentCenter/Home/Index/3 under the file name: Engineering/2021 Engineering Projects/Sidewalk Improvement

NOTICE IS FURTHER GIVEN That such reports are open for inspection and will be so continued for at least ten days after initial publication date of this notice, and that, not more than forty days from the initial publication date of this notice, on Wednesday, the 7th day of April, 2021, the Common Council will be in session to hear all persons inter-

# **AFFIDAVIT OF PUBLICATION**

ested, their agents or attomeys, concerning the matters contained in the Preliminary Resolution and reports, including the schedules of the proposed assessments.

the proposed assessments.

Dated at West Allis, Wisconsin this 9th day of March, 2021.

City Clerk

11981296/3-19

### CITY OF WEST ALLIS RESOLUTION R-2021-0208

# RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR WING STOP, A PROPOSED RESTAURANT, TO BE LOCATED AT 10244 W. NATIONAL AVE.

**WHEREAS,** Steven Kolber of Kolbrook Design, Inc., filed with the City Clerk an application for a Special Use Permit, pursuant to Sec.,12.43(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant, located at 10244 W. National Ave.; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on April 7, 2021, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

**WHEREAS**, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The tenant, Asif Rajabali, will operate the proposed restaurant use within an approximate 1,300-sf portion of the existing 79,000-sf multi-tenant commercial building at 10244 W. National Ave. The owner of the property is David Israel (Badger Century Management LLC) for the subject property located at 10230-10288 W. National Ave.

Tax Key No. 485-9990-011:

All that land of the owner being located in the Northwest ¼ of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 1 of the Certified Survey Map No. 2013.

Said land located at 10230-10288 W. National Ave.

- 2. The proposed restaurant space has seating for 8 persons.
- 3. The aforesaid premises is zoned C-4, Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants and outdoor dining as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.
- 4. The subject property is part of a block along the north side of National Ave. between S. 102 St. and W. Cleveland Ave., which is zoned for commercial uses. Properties to the north and west are developed for commercial uses. Properties to the east are zoned for commercial and residential uses. Properties to the south are developed for commercial and residential uses.
- 5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property has historically been utilized as a multi-tenant commercial use. Sufficient off-street parking will be provided and the area is also served by public transit.

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**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the application of Steven Kolber, to establish a restaurant located at 10244 W. National Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Section 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

- 1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on March 24, 2021, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
- 2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department.
- 3. Business Operations. The grant of this special use is conditioned upon the following:
- A. Excessive odors from cooking on premises shall be controlled within limits of current technology.
- B. Excessive noise and vibrations shall not emanate from the building.
- C. All exterior doors and windows being kept closed after daytime hours to prevent excess noise from entering the adjacent neighborhood.
- D. Exterior pest control shall be contracted on a monthly basis and/or in accordance with the City of West Allis Health department.
- E. Licensed operation. Necessary licenses being obtained in conjunction with the proposed business operations.
- 4. Hours of Operation. The proposed restaurant has indicated hours of operation to be from 10am to midnight seven (7) days per week.
- 5. Off-Street Parking. Eight (8) parking spaces are required for the proposed restaurant use. Total for all tenants at the shopping center is 263 parking spaces. A total of 264 stalls are provided on site.
- 6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be enclosed in accordance with the approved site plan.

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- 7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
- 8. Signage Signage for the overall property shall be in accordance with the City of West Allis Signage Ordinance Section 13.21of the Revised Municipal Code; window signage shall not exceed twenty (20) percent of each window's area and be installed on the inside of the glass.
- 9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a 4-sided enclosure approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code.
- 10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
- 11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated downward and/or shielded in such a manner that no light splays from the property boundaries.
- 12. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
- 13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
- 14. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
- A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the

special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

### 15. Miscellaneous.

- A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.
- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.
- 16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.
- 17. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.
- 18. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

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Asif Rajabali, tenant	
David Israel, property owner	
day of	_, 2021
City Clerk	-
cc: Economic Development Dept. of Building Inspection Div. of Planning	s and Neighborhood Services
ZON-R-1263-4-7-21	
<b>SECTION 1:</b> Resolutions is hereby <i>added</i>	<u>ADOPTION</u> "R-2021-0208" of the City Of West Allis Municipal as follows:
	ADOPTION
R-2021-0208(Added)	

### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis		

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# **Planning Application**



Project Name Wingstop Applicant or Agent for Applicant Agent is Representing (Tenant/Owner) Name Steven Kolber Name Asif Rajabali Company Kolbrook Design, Inc. Company AR Network Address 828 Davis Street - Suite 300 Address 5005 Newport Drive - Suite 501 City Evanston State IL Zip 60201 City Rolling Meadows Zip 60008 State IL Daytime Phone Number 630-300-4699 Daytime Phone Number 847-571-1163 E-mail Address skolber@kolbrook.com E-mail Address asif.rajabali@arnetworkinc.com Fax Number 312-453-0699 Fax Number **Property Information** Application Type and Fee (Check all that apply) Property Address 10244 W. National Avenue, West Allis, WI Special Use: (Public Hearing Required) \$500 Tax Key No. Aldermanic District ☐ Level 1: Site, Landscaping, Architectural Plan Review \$100 Current Zoning C-4 Regional Commercial District (Project Cost \$0-\$1,999) Property Owner Badger Century Management, LLC. Level 2: Site, Landscaping, Architectural Plan Review \$250 (Project Cost \$2,000-\$4,999) Property Owner's Address P.O. Box 2367, Northbrook, Illinois 60065 ☐ Level 3: Site, Landscaping, Architectural Plan Review \$500 (Project Cost \$5,000+) Existing Use of Property The space is currently vacant. Site, Landscaping, Architectural Plan Amendment \$100 Previous Occupant GNC was the previous tenant. Extension of Time \$250 Total Project Cost Estimate \$150,000.00 ☐ Signage Plan Appeal \$100 ■ Request for Rezoning \$500 (Public Hearing Required) Existing Zoning: \_\_\_\_\_\_ Proposed Zoning: \_ In order to be placed on the Plan Commission Request for Ordinance Amendment \$500 agenda, the Department of Development MUST receive the following by the last Friday of the month, Planned Development District \$1,500 prior to the month of the Plan Commission meeting. (Public Hearing Required) Subdivision Plats \$1,700 ☑ Completed Application Certified Survey Map \$725 Corresponding Fees ☑ Project Description Certified Survey Map Re-approval \$75 One (1) set of plans (24" x 36") - check all that apply Street or Alley Vacation/Dedication \$500 ■ Site/Landscaping/Screening Plan ☑ Floor Plans Transitional Use \$500 (Public Hearing Required) ■ Elevations Formal Zoning Verification \$200 □ Certified Survey Map □ Other One (1) electronic copy of plans ☑ Total Project Cost Estimate

Please make checks payable to: City of West Allis

ON OLLICE 025 ONTA	
Plan Commission	3/24/21
Common Council Introduction	
Common Council Public Hearing	4/7/21

Applicant or Agent Signature

Date 02-24-21

Property Owner Signature

Date 02-24-21



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### PROOF OF PUBLICATION

STATE OF WISCONSIN MILWAUKEE COUNTY

S.S.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 19, 2021

Mar. 26, 2021

Associate Publisher/Editor

Sworn to me this 26th day of March 2021

Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin My Commision Is Permanent

CITY OF WEST ALLIS NOTICE OF PUBLIC HEARING Wednesday, April 7, 2021 6:30 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing virtually on Wednesday, April 7, 2021, at 6:30 P.M., or as soon thereafter as the matter may be heard, on the:

Special Use Permit for Wing Stop, a proposed restaurant, to be located at 10244 W. National Ave.

The City of West Aliis will be holding this Common Council Meeting virtually to help protect our community from the Coronavirus (COVID-19) pandemic. Members of the public may view the meeting live using the link below and may submit comments or questions to the Common Council regarding this public hearing by emailing your comments or questions to questions clerk@westalliswi.gov or filing a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on April 7, 2021 (City Hall, 7525 W. Greenfield Avenue).

If you wish to view the meeting, you can watch the meeting as it is livestreamed on the City of West YouTube Channel https://www.youtube.com/user/westa lliscitychannel/live.

Additional project information, comments or questions or concern can be addressed by contacting the Planning Department

planning@westalliswi.gov or at 414-302-8460.

You may express your opinion in writing to the clerk@westalliswi.gov. prior to the meeting, or orally at such

public hearing.
Dated at West Allis, Wisconsin, this March 15, 2021

City Clerk 21H17

11981314/3-19-26

### PROOF OF PUBLICATION

Customer: 10093332/City of West Allis

### CITY OF WEST ALLIS RESOLUTION R-2021-0211

# RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR WRESTLING TACO, A PROPOSED RESTAURANT, TO BE LOCATED AT 1606 S. 84 ST.

**WHEREAS,** Nicole DeBack, filed with the City Clerk an application for a Special Use Permit, pursuant to Sec.,12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant, located at 1606 S. 84th St.; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on April 7, 2021, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

Page 1 22

**WHEREAS**, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Nicole DeBack, will operate the proposed restaurant use within an approximate 3,100-sf portion of the existing 13,000-sf multi-tenant commercial building at 1606 S. 84 St. The owner of the property is Peter Agnos (Agnos Enterprises) for the subject property located at 1606-1650 S. 84th St. and 83\*\* W. Lapham St.

Tax Key No. 452-0431-001 and 452-9999-010:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lot 1 of the Certified Survey Map No. 9258 (recorded 9-10-2020)

Said land located at 1606-50 S. 84th St.

- 2. The proposed restaurant space with seating for 68 persons will also utilize an existing drive-thru window (formerly used for the previous credit union use) for carry out/pick up orders.
- 3. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants and outdoor dining as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
- 4. The subject property is part of a block along the east side of 84th St. between W. Lapham St. and W. National Ave., which is zoned for commercial uses. Properties to the north and west are developed for commercial and some residential uses. Properties to the east are zoned for manufacturing uses. Properties to the south are developed for commercial and park uses.
- 5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property has historically been utilized as a multi-tenant commercial use. Sufficient off-street parking will be provided and the area is also served by public transit.

**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the application of Nicole DeBack, to establish a restaurant with drive-thru located at 1606 S 84th St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Section 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

Page 2 23

- 1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on March 24, 2021, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
- 2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department.
- 3. Business Operations. The grant of this special use is conditioned upon the following:
- A. Excessive odors from cooking on premises shall be controlled within limits of current technology.
- B. Excessive noise and vibrations shall not emanate from the building.
- C. All exterior doors and windows being kept closed after daytime hours to prevent excess noise from entering the adjacent neighborhood.
- D. Exterior pest control shall be contracted on a monthly basis and/or in accordance with the City of West Allis Health department.
- E. Licensed operation. Necessary licenses being obtained in conjunction with the proposed business operations.
- F. Outdoor dining option. While not initially proposed, if planned in the future, subject to Plan Commission site, landscaping and architectural approval.
- 4. Hours of Operation. The proposed restaurant has indicated hours of operation to be from 11am to 11pm Monday through Friday, 8am to 1am on Saturday, and 8am to 10pm on Sunday.
- 5. Off-Street Parking. Twenty-one (21) parking spaces are required for the proposed restaurant use. Total for all tenants at the shopping center is 76 parking spaces. A total of 118 stalls are provided on site.
- 6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be enclosed in accordance with the approved site plan.
- 7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
- 8. Signage Signage for the overall property shall be in accordance with the City of West Allis Signage Ordinance Section 13.21of the Revised Municipal Code; window signage shall not exceed twenty (20) percent of each window's area and be installed on the inside of the glass.
- 9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure

approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

- 10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
- 11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated downward and/or shielded in such a manner that no light splays from the property boundaries.
- 12. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
- 13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
- 14. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
- A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;
- br> D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.
- 15. Miscellaneous.

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.
- 16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.
- 17. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.
- 18. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Nicole DeBack, tenant		

Page 5 26

Peter Agnos, property owner	
day of	, 2021
City Clerk	
cc: Economic Development Dept. of Building Inspections Div. of Planning	and Neighborhood Services
ZON-R-1264-4-7-21	
SECTION 1: Resolutions is hereby <i>added</i> a	ADOPTION "R-2021-0211" of the City Of West Allis Municipal s follows:
	ADOPTION
R-2021-0211(Added)	

Page 6 27

## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of West Allis	_	Dan De Allis	vine, Mayor City	Of West

Page 7 28

# **Planning Application**



Project Name Wrestling Taco

Property Owner Signature

Name Nicole DeBack		
. 1301112	Na	me DONALD KURKOWSKI
Company DeBacks Wrestling Taco LLC		mpany ARCHITECTS/PLANNERS
Address 1116 S. 85th St		dress 1545 5. 84TH 5T.
City West Allis State WI Zip 53214		y WEST ALLIS State WI Zip 59214
Daytime Phone Number 414-801-0855		ytime Phone Number 414 - 258 995
E-mail Address brevenbryce@yahoo.com		nail Address AP. 1102216 OG MAIL, C
Fax Number		Number 414,258,7611
Property Information		Application Type and Fee (Check all that apply)
Property Address 1606 S. 84th St		Special Heat (Buldie Heating Beauty 1) 4500
Tax Key No. 452-0431-001	-	Special Use: (Public Hearing Required) \$500
Aldermanic District 2	_ 🗆	Level 1: Site, Landscaping, Architectural Plan Review \$100 (Project Cost \$0-\$1,999)
Current Zoning Commercial	- 0	· · · · · · · · · · · · · · · · · · ·
Property Owner Peter Agnos	- "	Level 2: Site, Landscaping, Architectural Plan Review \$250 (Project Cost \$2,000-\$4,999)
Property Owner's Address 860 E Briar Ridge Dr		Level 3: Site, Landscaping, Architectural Plan Review \$500 (Project Cost \$5,000+)
Existing Use of Property Restaurant	- 0	Site, Landscaping, Architectural Plan Amendment \$100
Previous Occupant Wisconsin Pizza Authority	- 🗆	Extension of Time \$250
all and a	-	name to the second seco
Total Project Cost Estimate # 5000	_	Signage Plan Appeal \$100
		Request for Rezoning \$500 (Public Hearing Required)  Existing Zoning: Proposed Zoning:
In order to be placed on the Plan Commission		Request for Ordinance Amendment \$500
agenda, the Department of Development <u>MUST</u> receive the following by the last Friday of the month,		Planned Development District \$1,500 (Public Hearing Required)
prior to the month of the Plan Commission meeting.		Subdivision Plats \$1,700
Completed Application		Subdivision Plats \$1,700  Certified Survey Map \$725  Certified Survey Map Re-approval \$75  Street or Alley Vacation/Dedication \$500  Transitional Use \$500 (Public Hearing Required)  Formal Zoning Verification \$200
Corresponding Fees Project Description		Certified Survey Map Re-approval \$75
(24" x 36") - check all that apply		Street or Alley Vacation/Dedication \$500
<ul><li>☐ Site/Landscaping/Screening Plan</li><li>☐ Floor Plans</li></ul>		Transitional Use \$500 / Public Hearing Require the
☐ Elevations		Transmortal use \$500 (Public Healing Required)
☐ Certified Survey Map		Formal Zoning Verification \$200
☐ Other		
区 One (1) electronic copy of plans 区 Total Project Cost Estimate	FOR	OFFICE LISE ONLY
7	I FOR	OFFICE USE ONLY
Please make checks payable to:		Plan Commission
City of West Allis		Common Council Public Hearing 4/1/2/

City of West Allis | 7525 W. Greenfield Ave. | West Allis, WI 53214 (414) 302-8460 | (414) 302-8401 (Fax) | www.westalliswi.gov/planning



Uper: WALSATB1 Type; OC Drawer: 1
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RESTORATION ARMY LLC
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Total tendered \$500.00

Trans date: 3/83/21 Time: 14:35:42



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CARD NUMBER	EXP. DATE
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STATE OF WISCONSIN MILWAUKEE COUNTY

S.S.

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Mar. 19, 2021

Mar. 26, 2021

Joe Yovino, Associate Publisher/Editor

Sworn to me this 26th day of March 2021

Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin

My Commision Is Permanent

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You may express your opinion in writing to the <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>, prior to the meeting, or orally at such public hearing.

Dated at West Allis, Wisconsin,

Dated at West Allis, Wisconsin, this March 15, 2021

City Clerk 21H18

11981327/3-19-26

### PROOF OF PUBLICATION



# City of West Allis Meeting Minutes

### **Common Council**

Mayor Dan Devine, Chair Alderperson Thomas G. Lajsic, Council President

Alderpersons: Suzzette Grisham, Kevin Haass, Danna Kuehn, Thomas G. Lajsic, Rosalie L. Reinke, Daniel J. Roadt, Tracy Stefanski, Angelito Tenorio, Vincent Vitale, and Martin J. Weigel

Tuesday, March 16, 2021

7:04 PM

City Hall, Common Council Chambers 7525 W. Greenfield Avenue

### **REGULAR MEETING (draft)**

### A. CALL TO ORDER

The meeting was called to order by Mayor Devine at 7:04 p.m.

**B. ROLL CALL** 

**Present** 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and Weigel

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ald. Tenorio.

### D. PUBLIC HEARINGS

1. O-2021-0027 Ordinance to amend the official zoning map with the removal of a PDD-2

Overlay, Planned Development District (PDD-2 Commercial), at 11013

and 11111-17 W. Greenfield Ave.

**Sponsors:** Safety and Development Committee

Attachments: Ord O-2021-0027

Exhibit A

AFFIDAVIT OF PUBLICATION - PH O-2021-0027 11974256

AFFIDAVIT OF PUBLICATION - O-2021-0027 11981288

Explanation by Steve Schaer, Planning & Zoning Manager.

Public Comments: None.

Public Hearing Held.

### E. PUBLIC COMMENT

Debbie Bruss, representative of Rhyme Enterprises located at 330 S. Executive Dr., Suite 201, Brookfield, introduced the company for the managed print program.

### F. ANNOUNCEMENT OF RECESS MEETINGS OF STANDING COMMITTEES

Mayor Devine announced that the following Standing Committees would meet during recess: Administration & Finance, Public Works, Safety & Development, and License & Health.

### **G. MAYOR'S REPORT**

Mayor Devine expressed condolences to the family, friends, and coworkers of Josh Hummel who worked at the Department of Public Works.

### H. ALDERPERSON'S REPORT

None.

### I. APPROVAL OF MINUTES

2. 2021-0190 Minutes (draft) of the March 2, 2021 Common Council meeting

Attachments: 030221 CC Minutes.draft

AFFIDAVIT OF PUBLICATION - COMMON COUNCIL MINUTES

03-02-2021 11981291

A motion was made by Lajsic, seconded by Stefanski, that this matter be

Approved. The motion carried unanimously.

### J. STANDING COMMITTEE REPORTS

3. 2021-0117 Class B Tavern License, for the July 1, 2020 to June 30, 2021 Licensing

Period for Peter G. Agnos, d/b/a 84th Classic Cafe, 1650 S. 84 St.

(new-nonexisting location)

Attachments: 84th Classic Cafe

AFFIDAVIT OF PUBLICATION - 84th Classic Cafe 2021-0117

11966713

Approved on a Block Vote.

**4.** 2021-0112 Class B Tavern License, for the July 1, 2020 to June 30, 2021 Licensing

Period for DeBacks Wrestling Taco LLC, d/b/a Wrestling Taco, 1606 S. 84 St., West Allis, WI 53214; Agent Nicole M. DeBack (new-nonexisting

location)

Attachments: Wrestling Taco Redacted

AFFIDAVIT OF PUBLICATION - WRESTLING TACO 11974280 AND

**EXPRESS LIQUOR** 

Wrestling Taco, Proposed Restaurant.Julie Pfeiffer

Approved on a Block Vote.

**5.** 2021-0116 Combination "Class A" Retailer License for the sale of Fermented Malt

Beverages and Intoxicating Liquor, for the July 1, 2020 to June 30, 2021 Licensing Period for Express Liquor LLC, d/b/a Express Liquor, 8530 W.

Greenfield Ave., West Allis, WI 53214; Agent Jasminder Singh

(new-existing location)

Attachments: Express Liquor Redacted

AFFIDAVIT OF PUBLICATION - WRESTLING TACO 11974280 AND

**EXPRESS LIQUOR** 

AFFIDAVIT OF PUBLICATION - FINAL RESOLUTION R-2021-0086

Approved on a Block Vote.

7. 2021-0139 Class "A" Retailer License for the sale of Fermented Malt Beverages, for

the July 1, 2020 to June 30, 2021 Licensing Period for State Fair Petro Mart Inc., d/b/a State Fair Petro Mart, 8404 W. Greenfield Ave., West Allis, WI 53214; Agent Gurinder Nagra (new-nonexisting location, gas station)

Attachments: State Fair Petro Redacted

Held in License & Health Committee during recess.

8. 2021-0110 Police Department Report regarding tavern violations/calls for service for

the month of February 2021

<u>Attachments:</u> February Tavern Report (Signed) Redacted

Placed on File on a Block Vote.

9. 2021-0200 2020-2022 Operator's License (Bartender/Class D Operator) application

of Kathleen Slater

Approved on a Block Vote.

**Passed The Block Vote** 

A motion was made by Vitale to approve all the actions on item nos. 3-5, 8 and 9

on a Block Vote. The motion carried unanimously.

**6.** 2021-0172 Class "A" Retailer License for the sale of Fermented Malt Beverages, for

the July 1, 2020 to June 30, 2021 Licensing Period for Fast Fuel

Convenience 2 LLC, d/b/a Fast Fuel Convenience, 6000 W. National Ave.,

West Allis, WI 53214; Agent Simranjeet S. Benipal (new-nonexisting

location, gas station)

Attachments: Fast Fuel Convenience Redacted

Voluntary Surrender -Signed- Fast Fuel Convenience 2 LLC

A motion was made by Vitale that this matter be Approved as Amended. Amended to Class "A" Fermented Malt Beverages only and with the condition that the license will be voluntarily surrendered on June 30, 2021. The motion

carried unanimously.

Aye: 6 - Grisham, Kuehn, Lajsic, Reinke, Tenorio, and Vitale

No: 4 - Haass, Roadt, Stefanski, and Weigel

### K. ITEMS NOT REFERRED TO COMMITTEE (CONSENT AGENDA)

**10.** Resolution declaring "West Allis Father's Day Bike Race" scheduled for

Sunday, June 20, 2021 as a Community Event

**Sponsors:** Safety and Development Committee

Attachments: Res R-2021-0166

**DWABID Bike Race - Letter to City** 

DWABID Bike Race - Map
Res R-2021-0166 signed

Adopted on a Consent Vote.

11. R-2021-0163 Resolution directing the Legislature to pass a state budget increasing

funding for the shared revenue program

Sponsors: Alderperson Lajsic

Attachments: Res R-2021-0163

Res R-2021-0163 signed

Adopted on a Consent Vote.

**12.** Resolution authorizing the Director of Building Inspection and

Neighborhood Services to enter into a program management contract with

Property Registration Champions, LLC, dba PROCHAMPS for the management of the zombie and foreclosed property program

Sponsors: Safety and Development Committee

<u>Attachments:</u> WI West Allis Agmt - ProChamps

Res R-2021-0144

Res R-2021-0144 signed

Adopted on a Consent Vote.

**13.** 2021-0165 Claim by Pahoua Yang regarding damage to vehicle at 2200 block of 68

St. on February 5, 2021

<u>Attachments:</u> 2021-0165 Claim - Pahoua Yang\_Redacted

Referred to the City Attorney for Legal Action on a Consent Vote.

**14.** 2021-0169 Claim by Julie L. Jolitz regarding towing fees from the 1100 block of S. 75

St. on December 17, 2020

Attachments: 2021-0169 Claim - Julie L. Jolitz 0001

Referred to the City Attorney for Legal Action on a Consent Vote.

**15.** 2021-0191 Claim by James D. Wagner regarding damage to vehicle at the 2900 block

of S. 102 St. on January 31, 2021

Attachments: 2021-0191 Claim - James D. Wagner 001 Redacted

Referred to the City Attorney for Legal Action on a Consent Vote.

**16.** 2021-0199 Claim by Anita Jones regarding damage to vehicle at 2227 S. 66 St. on

February 4, 2021. American Family Mutual Insurance Company Claim no.

01-003-074531

Attachments: 2021-0199 Claim - Anita Jones (Am Fam) 001 Redacted

Referred to the City Attorney for Legal Action on a Consent Vote.

17. 2019-0829 Summons and Complaint, Small Claims, by Gary Kohlenberg regarding

property damage at 2030 S. 116 St. on April 11, 2019 (Case No.

19SC044952)

Attachments: Claim - GKohlenberg 11-7-19

Claims Report-March 16, 2021

Denied on a Consent Vote.

**18.** 2020-0860 Claim by Bryan M. Wade regarding damage to vehicle at 1017 S. 120 St.

on 11-1-2020

Attachments: 2020-0860 Claim - Bryan M. Wade\_Redacted

Claims Report-March 16, 2021

Denied on a Consent Vote.

**19.** 2021-0001 Claim by Elizabeth Rau regarding property damage from 2031 S. 105 St.

on December 7, 2020

Attachments: Claims Report-March 16, 2021

Placed on File on a Consent Vote.

**20.** 2021-0005 Claim by Jamie Christianson regarding vehicle damage at or about Racine

Avenue and Hwy 43 North on December 15, 2020

Attachments: 2021-0005 Jamie Christianson 0001 Redacted

Claims Report-March 16, 2021

Denied on a Consent Vote.

21. 2021-0025 Claim by Benjamin Burki and Eric Brunette regarding damages to property

at 1577-1579 S. 62 St. on December 23, 2020

Attachments: 2021-0025 Claim - Benjamin Burki and Eric Brunette

Claims Report-March 16, 2021

Placed on File on a Consent Vote.

**22.** 2021-0063 Claim by Rachel Israel regarding parking tickets

Attachments: 2021-0063 Claim - Rachel Israel

Claims Report-March 16, 2021

Denied on a Consent Vote.

23. 2021-0195 Report of the Municipal Judge for the month of February 2021, consisting

of all fines, costs and fees collected by the City of West Allis in the sum of

\$77,080.27

Attachments: Municipal Judge February 2021

Placed on File on a Consent Vote.

24. 2021-0171 Finance Director/Comptroller submitting report for February 2021

indicating City of West Allis checks issued in the amount of \$2,063,109.13

Attachments: February 2021 Monthly Claims Report to CC

Placed on File on a Consent Vote.

**25.** 2021-0168 Communication from the Village of West Milwaukee informing the City of

West Allis of their public hearing on April 5, 2021 to consider the request to

rezone parcel 5519 W. National Ave.

Attachments: Village of West Milwaukee Pulibc Hearing Notice 001

Placed on File on a Consent Vote.

**26.** 2021-0197 Reappointment by Mayor Devine of John Ragonese as a member of the

West Allis Board of Health, serving as the Village of West Milwaukee

Representative, his two-year term to expire January 2, 2023

Approved on a Consent Vote.

#### **Passed The Block Vote**

A motion was made by Kuehn, seconded by Haass, to approve all the actions on item nos. 10-26 on a Consent Vote. The motion carried by the following vote:

Aye: 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and

Weigel

**No**: 0

#### L. COMMON COUNCIL RECESS

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

#### M. RECESS COMMITTEE MEETINGS

Thereupon, the Council took a recess at 7:15 p.m. Upon returning from recess at 7:50 p.m., and the roll call being taken, the following were present:

Present 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and Weigel

#### N. NEW AND PREVIOUS MATTERS

#### **ADMINISTRATION & FINANCE COMMITTEE**

27. Resolution relative to accepting the contract of Rhyme Enterprises for

providing Managed Print Services for a 5-year period, at a cost of an estimated \$79,000 per year, for a total net sum not to exceed \$395,000

**Sponsors:** Alderperson Lajsic

Attachments: Res R-2021-0147

City of West Allis MA
City of West Allis Lease

City of West Allis Revision Spreadsheet 3.4.21

Res R-2021-0147 signed

Adopted on a Block Vote.

28. R-2021-0150 Resolution to authorize the purchase of Scale Computing Hyperconverged

Solution from GHA Technologies for \$75,451.71 from account

261-8501-517.70-08 to upgrade the City's primary Server Computing

Infrastructure and Backup Solution

**Sponsors:** Alderperson Haass

Attachments: Res R-2020-0150.

GHA-Scale-Quote-2358158-Updated

Res R-2020-0150 signed

Adopted on a Block Vote.

29. Resolution approving the terms & conditions for an Economic

Development Loan to Naus Brewing LLC DBA Perspective Brewing Company for the establishment of a brewery located at 7506-08 W. Greenfield Avenue, under the Department of Housing and Urban

Development Community Development Block Grant Program in the amount

of up to \$100,000

**Sponsors:** Alderperson Haass

Attachments: Res R-2021-0152 (1)

Commitment Letter 3.9.21

Attachment A to Commitment Letter

Attachment B to Commitment Letter

Attachment C to Commitment Letter

Res R-2021-0152 signed

Adopted on a Block Vote.

**30.** Resolution approving the terms & conditions for an Economic

Development Loan to Ope Brewing Company, LLC and West Allis Brewing Property, LLC for the establishment of a brewery and entertainment venue located at 6749-51 W. National Avenue, 67\*\* W. National Avenue and a

portion of 67\*\* W. Mitchell St., in the amount of up to \$150,000

**Sponsors:** Alderperson Haass

Attachments: Res R-2021-0154

Commitment Letter 3.11.21

Attachment A to Commitment Letter

Attachment B to Commitment Letter

Exhibit No. 1 to Commitment Letter

Res R-2021-0154 signed

Adopted on a Block Vote.

**31.** Resolution to consider approving an Action Plan for Fiscal Year 2021

relative to the Community Development Block Grant (CDBG) Program

**Sponsors:** Alderperson Haass

Attachments: Res R-2021-0157

2021 Budget 9.1.20 revised 2.26.21

Res\_R-2021-0157 signed

Adopted on a Block Vote.

#### **Passed The Block Vote**

A motion was made by Haass to approve all the actions on item nos. 27-31 on a Block Vote. The motion carried by the following vote:

Aye: 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and

Weigel

**No**: 0

#### **PUBLIC WORKS COMMITTEE**

**32.** Resolution relative to accepting the sole source proposal of Beson &

Houle, LLC to install concrete, structures, and electrical items at Burnham Pointe Park as part of the Burnham Pointe Better Block project for an

amount not to exceed \$220,000

**Sponsors:** Alderperson Roadt

Attachments: Res R-2021-0137

**BURNHAM PARK ESTIMATE WORKBOOK** 

Res\_R-2021-0137 signed

Adopted on a Block Vote.

**33.** Resolution accepting work of MJ Construction, Inc. for street construction in

S. 73 St. from W. Greenfield Ave. to W. National Ave. and authorizing and directing settlement of said contract in accordance with contract terms for

final payment of 2017 Project No. 10 in the amount of \$20,000

**Sponsors:** Alderperson Roadt

Attachments: Res R-2021-0138

Res R-2021-0138 signed

Adopted on a Block Vote.

**34.** Resolution accepting work of UPI, LLC for street construction in S. 80 St.

from W. Grant St. to W. Lincoln Ave. and S. 87 St. from W. Harrison Ave. to the dead end and authorizing settlement of said contract in accordance with contract terms for final payment of 2019 Project No. 7 in the amount of

\$2,000

Sponsors: Alderperson Roadt

Attachments: Res\_R-2021-0139

Res\_R-2021-0139 signed

Adopted on a Block Vote.

**35.** R-2021-0140 Resolution accepting work of UPI, LLC for sanitary sewer relay and

sanitary spot relay in various locations and authorizing settlement of said contract in accordance with contract terms for final payment of 2018

Project No. 13 in the amount of \$5,000

**Sponsors:** Alderperson Roadt

Attachments: Res R-2021-0140

Res R-2021-0140 signed

Adopted on a Block Vote.

**36.** Resolution to accept the proposal of Clean Harbors Environmental

Services, Inc. for contamination cleanup of the waste oil tank at the

Municipal Yard Drop-off site

**Sponsors:** Alderperson Roadt

Attachments: Res R-2021-0158

waste oil tank and contents disposal

Res R-2021-0158 signed

Adopted on a Block Vote.

**37.** Resolution relative to accepting the proposals of City Electric Supply,

Crescent Electric, GexPro Supply, Graybar, and Neher Electric for

furnishing and delivering fuses, fuse holders, connectors, wire, cable, and

luminaires for a total sum of \$106,723.77

Sponsors: Alderperson Roadt

Attachments: Res R-2021-0161

RFQ # 21-002 Cable Lumenaires Electrical Supplies

Res R-2021-0161 signed

Adopted on a Block Vote.

#### **Passed The Block Vote**

A motion was made by Roadt to approve all the actions on item nos. 32- 37 on a Block Vote. The motion carried by the following vote:

Aye: 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and Weigel

No: 0

#### **SAFETY & DEVELOPMENT COMMITTEE**

**38.** O-2021-0027 Ordinance to amend the official zoning map with the removal of a PDD-2

Overlay, Planned Development District (PDD-2 Commercial), at 11013

and 11111-17 W. Greenfield Ave.

Sponsors: Safety and Development Committee

Attachments: Ord O-2021-0027

Exhibit A

AFFIDAVIT OF PUBLICATION - PH O-2021-0027 11974256

AFFIDAVIT OF PUBLICATION - O-2021-0027 11981288

A motion was made by Lajsic that this matter was Passed. The motion carried by the following vote:

the following vote.

Aye: 10 - Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, Vitale, and

Weigel

**No:** 0

**39.** Resolution Authorizing the "No Mow May" Property Maintenance

Enforcement Event in the City of West Allis for May 2021.

**Sponsors:** Safety and Development Committee

Attachments: Res\_R-2021-0145

A motion was made by Lajsic that this matter was Adopted. The motion failed by

the following vote:

Aye: 4 - Kuehn, Lajsic, Tenorio, and Weigel

No: 6 - Grisham, Haass, Reinke, Roadt, Stefanski, and Vitale

#### O. REPORTS OF SPECIAL COMMITTEES

None.

#### P. ADJOURNMENT

A motion was made by Lajsic to adjourn at 8:03 p.m., with the next scheduled meeting to be held on April 7, 2021, at 7:00 p.m The motion carried unanimously.



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.

## CITY OF WEST ALLIS RESOLUTION R-2021-0186

## RESOLUTION CONDEMNING VIOLENCE AGAINST THE ASIAN AMERICAN AND PACIFIC ISLANDER COMMUNITIES

**WHEREAS**, 23 million Asian Americans and Pacific Islanders account for 7 percent of the population in the United States; and

**WHEREAS**, anti-Asian racism and hate are not new and have a long history in the United States; and

**WHEREAS**, for far too long, Asian Americans have been the target of xenophobic policies, labor exploitation, hate crimes, and systemic racism in the United States; and

**WHEREAS**, the use of anti-Asian rhetoric, especially as it intensified this past year, has resulted in Asian Americans being harassed, assaulted, and scapegoated for the COVID–19 pandemic; and

**WHEREAS**, violence and hate crimes against Asian Americans have increased by 150 percent in major U.S. cities; and

**WHEREAS,** , in the last year, Asian American and Pacific Islander women made up 68 percent of the 3,800 hate incidents against Asian Americans and Pacific Islanders; and

**WHEREAS,** since the start of year 2021, there has been a surge in anti-Asian attacks targeting elderly Asian Americans; and

WHEREAS, the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) recognize that naming COVID–19 by its geographic location or linking it to a specific ethnicity perpetuates stigma; and

**WHEREAS**, no one should live in fear in our communities across Wisconsin and the United States.

Page 1 4

**NOW THEREFORE,** BE IT RESOLVED by the City of West Allis Common Council that the City of West Allis condemns violence of all forms against the AAPI community.

BE IT FURTHER RESOLVED that the City of West Allis Common Council condemns all acts of racism, xenophobia, sexism, gender-based violence, discrimination, anti-Asian bias, scapegoating, and ethnic or religious intolerance.

BE IT FURTHER RESOLVED that the City of West Allis Common Council encourages leaders at all levels to recommit the United States to serve as a world leader in building more inclusive, diverse, and tolerant communities.

BE IT FURTHER RESOLVED that the City of West Allis Common Council encourages the Attorney General to work with State and local agencies and Asian American and Pacific Islander community-based organizations to prevent discrimination and expand culturally competent and linguistically appropriate education campaigns on public reporting of hate crimes.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0186" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0186(*Added*)

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## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of West Allis	_	Dan De Allis	vine, Mayor City	Of West

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## CITY OF WEST ALLIS RESOLUTION R-2021-0215

#### RESOLUTION TO RECOGNIZE APRIL AS AUTISM AWARENESS MONTH

**WHEREAS**, autism is a developmental disability characterized by atypical development in socialization, communication and behavior; and

**WHEREAS**, ,the symptoms of autism typically are present before age three years and often are accompanied by abnormalities in cognitive functioning, learning, attention and sensory processing; and

WHEREAS, autism affects one in every 59 children in the United States; and

WHEREAS, autism is four times more likely to occur in boys than in girls; and

WHEREAS, autism can affect anyone, regardless of race, ethnicity or other factors; and

**WHEREAS**, the parents and relatives of individuals with autism are commended for their sacrifice and dedication in providing for the special needs of individuals with autism; and

**WHEREAS**, the need for early intervention services begins soon after a child has been diagnosed with autism, because early intervention significantly improves the outcome for people with autism and can reduce the level of funding and services needed to treat people with autism later in life; and

**WHEREAS**, the importance of worker training programs that are tailored to the needs of developmentally disabled persons, including those with autism, and note that people with autism can be, and are, productive members of the workforce if they are given appropriate support, training and early intervention services; and

**WHEREAS**, ,the 110th Congress passed resolution H. Con. Res. 303 on February 25, 2008, recognizing the importance of autism awareness, of the need to support individuals with autism and the family members, teachers, physicians, and other professionals who care for individuals with autism; and

**WHEREAS**, individuals with autism, like all other Americans, should have the opportunity to realize their ambitions and lead rewarding lives;

**NOW THEREFORE**, the common council of the City of West Allis recognizes April as Autism Awareness Month and declares its support for all individuals living with autism as well as their friends and families.

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**SECTION 1:** <u>ADOPTION</u> "R-2021-0215" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

## ADOPTION

R-2021-0215(Added)

## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presid	ing Officer	
Rebecca Grill, City Clerk, City Of		Dan De	evine, Mayor City	Of West
West Allis		Allis		

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## CITY OF WEST ALLIS RESOLUTION R-2021-0218

## RESOLUTION TO RECOGNIZE APRIL AS CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect are pervasive, yet preventable issues in all communities; and

WHEREAS, child maltreatment can lead to a board range of short- and long-term physical and emotional health problems; and

WHEREAS, research demonstrates that building family protective factors - like Social and Emotional Competence of Children, Knowledge of Parenting and Child Development, Social Connections, and Parental Resilience and Concrete Supports in Times of Need - promotes the optimal development of children and reduces the likelihood of child abuse and neglect; and

WHEREAS, child maltreatment can be reduced by ensuring families are supported in building protective factors through strengths-based policies, programming, and public awareness; and

**WHEREAS**, during the month of April, the State of Wisconsin and City of West Allis embrace Pinwheels for Prevention as the pinwheel has come to serve as the physical embodiment, or reminder, of the great childhoods we want for all children; and

**WHEREAS**, all West Allis residents have the responsibility to care for kids across the city, ensuring they grow up with protective factors in their homes and schools;

**NOW THEREFORE,** the common council of the City of West Allis recognizes April as Child Abuse Prevention Month and encourages all citizens to strive to prevent child abuse to the greatest extend possible.

**SECTION 1:** ADOPTION "R-2021-0218" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0218(Added)

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## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis		

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## CITY OF WEST ALLIS RESOLUTION R-2021-0206

# RESOLUTION TO APPROVE THE 2020 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

**WHEREAS,** Community Development Block Grant (CDBG) regulations require the preparation of a 2020 Consolidated Annual Performance and Evaluation Report (CAPER); and,

**WHEREAS**, the Community Development Block Grant Committee of the City of West Allis conducted a public hearing on March 25, 2021; and,

**WHEREAS,** the Community Development Block Grant Committee, after conducting the public hearing, recommended approval of the 2020 CAPER, of which is hereby attached as Exhibit 1 and 2; and,

**WHEREAS,** appropriate documentation, communications and certifications are required to be completed and submitted to various entities in order to secure the City's Community Development Entitlement.

**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the 2020 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program is hereby adopted, subject to any minor corrections, and the Planning & Zoning Manager, or his designee, is hereby authorized to execute and submit the necessary documentation on behalf of the City.

cc: Planning & Zoning Finance Department

DEV-R-1055-4-7-21

**SECTION 1:** <u>ADOPTION</u> "R-2021-0206" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0206(*Added*)

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## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of West Allis	_	Dan De Allis	vine, Mayor City	Of West

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## **EXHIBIT 1**

#### **CR-05 - Goals and Outcomes**

## Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

## Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected  - Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected - Program Year	Actual – Program Year	Percent Complete
Assure access to services for targeted populations	Non-Homeless Special Needs Non-Housing Community Development	CDBG:	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	54075		51960	54075	104.07%
Develop economy and employment	Non-Housing Community Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	0	2		3	2	66.67%
Develop economy and employment	Non-Housing Community Development	CDBG:	Jobs created/retained	Jobs	0	0		20	0	0.00%

Develop economy and employment	Non-Housing Community Development	CDBG:	Businesses assisted	Businesses Assisted	0	0	38	0	0.00%
Improve/develop infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	45960	42590	45960	107.91%
Increase supply of standard affordable housing	Affordable Housing	CDBG:	Homeowner Housing Rehabilitated	Household Housing Unit	0	5	10	5	50.00%
Provide strong program planning and administration	Administration	CDBG:	Other	Other	0	1	1	1	100.00%

Table 1 - Accomplishments - Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

<div>West Allis's #1 and #2 goals are to redevelop abandoned/underutilized industrial sites by removing barriers to sustainable development and planning for improved neighborhoods, and eliminate slum and blighting influences. In 2020 completed large portions of new residential projects and commenced work on the Allis-Yards redevelopment that involved completion of several large residential/commercial developments. These Developments and the housing units they are creating are located on sites that were previously underutilized industrial sites that CDBG monies were used for planning purposes to develop a long range vision for the community. The City continues to explore the utilization of CDBG dollars on the "block" level through the funding of potential neighborhood groups, direct neighborhood improvements (i.e.

## CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	689
Black or African American	77
Asian	7
American Indian or American Native	6
Native Hawaiian or Other Pacific Islander	1
Total	780
Hispanic	58
Not Hispanic	722

Table 2 – Table of assistance to racial and ethnic populations by source of funds

#### Narrative

"The data in this chart is very difficult to verify. We reviewed the actual data for each activity entered into IDIS by taking the data entered into the activities in the system and not filtered through an IDIS report. We find this is s the most accurate information for CDBG activities"

### CR-15 - Resources and Investments 91.520(a)

#### Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,486,131	1,145,749

Table 3 - Resources Made Available

#### Narrative

<div>In 2020, West Allis expended the following funds:</div><div>\$165,609.61 in Administration (CDBG Admin, Planning and Fair Housing)</div><div>\$161,064.76 in Public Services</div><div>\$72,935.36 in Housing Rehabilitation</div><div>\$78,636.05 in Economic

Development</div><div><u>\$153,781.90</u> in Public Facilities</div><div>\$632,027.68</div>

### Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
City of West Allis	100	100	Jurisdiction

Table 4 – Identify the geographic distribution and location of investments

#### **Narrative**

West Allis has an established geographic area where 51% of the population is composed of LMI individuals, identified as the "planned geographic distribution" of CDBG investments. Several activities cover this large geographic area with 45,960 people being beneficiaries, including: Graffiti Removal, Gang Prevention, , Tree & Shrub Beautification, and Code Enforcement. Other LMA activities cover smaller areas with only a few block groups being served. Several other activities benefitted LMC clientele, all West Allis residents.

### Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

## CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be		
provided affordable housing units	40	26
Number of Non-Homeless households to be		
provided affordable housing units	0	0
Number of Special-Needs households to be		
provided affordable housing units	0	0
Total	40	26

Table 5 - Number of Households

	One-Year Goal	Actual
Number of households supported through		
Rental Assistance	0	0
Number of households supported through		
The Production of New Units	0	0
Number of households supported through		
Rehab of Existing Units	10	4
Number of households supported through		
Acquisition of Existing Units	0	0
Total	10	4

Table 6 - Number of Households Supported

## Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

<div>Goals were identified in 2020 AAP. In 2020, one new HOME funded affordable single-family home started construction with the goal of spring 2021 completion. Prior year funds were utilized to rehab single family homes and 2020 Single family Rehab funds were not fully utilized because the funds were not approved until October. Having the funds in time for construction/home rehab season results in delayed results. 2019 funds were utilized to rehab 3 single family homes that required above traditional amounts to address code items. 2018 funds were utilized to rehab 3 single family homes that required

above traditional amounts to address code items. </div></div></div></div>In addition, several more applications were received, but did not meet the City's underwriting criteria. </div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></div></di>are minimal</div>Applications for this type of rehab loan are minimal</div>

#### Discuss how these outcomes will impact future annual action plans.

Past and present accomplishments will determine if future goals should be adjusted. If demand seems to continually decrease, goals will be reduced, or vice versa.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	27	0
Low-income	3	0
Moderate-income	0	0
Total	30	0

Table 7 – Number of Households Served

#### **Narrative Information**

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c) Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

## Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

<div>The City of West Allis was the first PHA in the Milwaukee-Waukesha MSA and possibly the first in the State to establish a preference for "homelessness" households applying for our HCV wait list. This preference was established in 2013 and has been in place for two openings of our HCV waitlist (2013 and 2015) and upcoming open enrollment of 2021. Additionally, the City of West Allis administers one of the largest HUD-VASH programs in the State of WI through which 149 formerly homeless Veterans have been able to identify safe, decent and affordable housing in West Allis. The City of West Allis has worked very closely with the City of Milwaukee Grants Administration as they function as the lead agency for the local CoC. The City of West Allis maintains a chartered seat on the CoC Board of Directors. It is through this seat as well as many other CoC related activities that the City of West Allis helps develop and implement policies that assist in reducing and ending homelessness as well as other CoC charges. Included in this work is active participation in the bi-annual PIT counts, development of the NOFA scoring tool as well as participation in the review and ranking of NOFA funded projects. Further, West Allis maintains two active HMIS user licenses and voluntarily enters not only our allocation of VASH VO's in the HMIS system but HACM's as well (250+). The entry of VASH data into HMIS is strongly encouraged by HUD but not mandated and it is through our entry of both our data as well as HACM's that the local CoC is able to maintain 85% bed coverage within HMIS which is a significant scoring matrix in the NOFA.</div><div><div>West Allis work with Milwaukee County Homeless Outreach has formed collaborative efforts with the FIRE and Police Departments to address homeless issues as well as relationships with community groups to work together to meet individual needs (food pantries, street angles, etc.) </div>

#### Addressing the emergency shelter and transitional housing needs of homeless persons

West Allis, as a member of the Milwaukee City/County Continuum of Care, participated in the development, implementation and progress of the adopted CoC 10-Year Plan to End Homelessness, which can be found at: www.milwaukeecoc.org . The CoC Board meets quarterly to review member agencies' progress towards accomplishing the stated goals of the 10-Year Plan. The CoC operates a Housing First model of care and continues to expand Coordinated Entry throughout the continuum. This is in addition to the City's ongoing participation in the bi-annual Point In Time Count.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care

facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

West Allis does not have the organizational structure, being a City of 60,000, to target, monitor, nor run programs for homelessness. West Allis relies on our ties with the CoC and Milwaukee County to direct those in need of services that are unable to be provided services in or by West Allis. Staff provides consultation to inquiring individuals on where to apply or to whom to contact. Staff also has ties to the West Allis-West Milwaukee school district homeless prevention staff and directs families to that contact when necessary.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

<div>As a member of the local Continuum of Care (CoC) Board of Directors the City of West Allis participates and influences many of the decisions related to ending homelessness across all demographics in Milwaukee County. Additionally, the City of West Allis actively enters both our own allocation of Veterans Administration Supportive Housing (VASH) Vouchers in the Homeless Management and Information Systems (HMIS) database to assist with identifying trends and ensuring that the needs of Veterans is being met. The City of West Allis is also actively represented as member of the State of Wisconsin HMIS Advisory Board.</div><div><div>The City of West Allis was the first large PHA in Wisconsin that has a "homeless" preference for Housing Choice Voucher (HCV) applicants. This preference was introduced prior to the opening of our 2013 and 2015 waiting lists. The City of West Allis' active use of a homeless preference coupled with an active use of the HMIS database better ensures that we are able to identify and house homeless families. Further, The City of West Allis actively works with the Milwaukee County Housing Division to ensure that families are connected with the appropriate social services with housing being identified as the most pressing need. While these families may not "lease up" in the City of West Allis many do access safe, decent, and affordable housing along with access to the resources necessary to maintain it.</div><div><div>In 2020 the City of West Allis was able to house 26 families who presented as homeless or with a history of homelessness. To ensure that families can find available housing options, a computer kiosk is maintained in the Housing offices that assists families search for units online. Landlords also list available units both in the City's Housing Office and on the City of West Allis website.</div>

## CR-30 - Public Housing 91.220(h); 91.320(j)

#### Actions taken to address the needs of public housing

West Allis does not have any public housing, however the Community Development Authority of the City of West Allis acts as the PHA and has approval of 606 Housing Choice Vouchers, of which 149 are VASH for homeless veterans. Through the administration of these 606 HCVs, West Allis addresses as many low-income housing needs as possible with the limited number of vouchers that have been awarded by HUD, by offering rent assistance to up to 606 individuals. The rent assistance program provides a subsidy, based on the household's income, that helps pay a households' rent.

## Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Community Development Authority of the City of West Allis oversees the Residential Advisory Board (RAB) which consists of 7 board members who are all participants in the CDA's Section 8 Housing Choice Voucher program. The RAB's role is to assist the CDA and make recommendations to the CDA in developing the PHA Plan and the HCV Administrative Plan, and to provide representation that is meaningful and relevant to the development/modifications to the PHA Plan and the HCV Administrative Plan.

#### Actions taken to provide assistance to troubled PHAs

The Community Development Authority of the City of West Allis (the PHA) is in good standings with HUD and is not a troubled PHA.

## CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

West Allis's zoning code is very flexible when it comes to allowing multi-family developments and allows duplexes to be rebuilt on a previously-platted lot even if the plot of land is nonconforming to today's codes. West Allis's fees and charges are no higher than surrounding communities'. West Allis is a completely-built-up community, so there are no growth limitations and the City actually encourages dense development. The City has 18 Tax Increment Finance Districts, of which some are home to affordable housing developments. The City utilizes a portion of its HOME funds to construct new affordable single family lots on 30 by 100 ft. lots. One new home commenced construction in 2020.

#### Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

West Allis provides funding to various Public Services activities which address obstacles to meeting underserved needs. The Frail Elderly Home Services – West Central Interfaith program provided outreach services to 387 elderly individuals, of which over 90% were either low-income or extremely low-income. These individuals received services such as referrals, advocacy, and transportation to grocery shopping, home chore/repair assistance, etc. The WISH activity (domestic violence support group) provided support to 22 adults and 25 children underserved beneficiaries who were in need of supportive services during a very difficult time in their lives (94% LMI). Program pivoted to offer online services based on the COVID pandemic. The Family Resource Center activity provided structured workshops, playgroup activities, and resource/referral services to a total of 248 (94% lmi) individuals in 2020. The program pivoted based on COVID and conducted virtual meetings and to go items for work groups. All of these services would not have otherwise been available to the underserved beneficiaries if not for the use of CDBG funds.

#### Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Upon initial inspection for homebuyer and rehabilitation loan programs, all deteriorated paint surfaces are identified as lead hazards. Correction of any identified lead hazards is incorporated in the scope of work and correction of these hazards is a mandatory part of these programs. The City of West Allis verifies that all contractors working with our rehabilitation loan program have a current Lead Safe Renovator certification, as required by state law. If lead abatement is required, lead abatement company certification must be submitted prior to contracts being signed. The health department performs lead dust clearance testing after completion of any work disturbing a painted surface. Staff provides all applicants for assistance the standard lead notifications depending on the scope of the project.

#### Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

<div>WWBIC micro-enterprise assistance, which provided technical assistance to owners of and persons developing micro-enterprise businesses. This program provided skills training to 46 individuals who own or want to own a small business, allowing them the sufficient skills needed to produce cash flow for their business, avoiding financial crises and possibly increase one's income.</div><div><div><div>West Allis continued with its housing rehab loan program, providing low-interest or zero interest loans to lowand moderate-income homeowners. This program allows for household members to remain in their homes by providing financial assistance for necessary home repairs. The program offers loans at rates lower than the private sector and prevent low-income households from living in substandard conditions.</div><div></div><div>West Allis also continued with its economic development loan program, requiring new job creation to low-moderate income individuals, providing job opportunities to households who may be at a poverty-level prior to their new job hiring. In 2020, tho City closed loans and approved another for closing in 2021. The loans are projected to add 19 new jobs in the future. The loans were funded with 2019 funds (Double B's BBQ 3 FTE; Carries Crispies- 3 FTE, BT Enterprises, LLC WA – 3 FTE,s and The Reunion – 10 FTEs). Throughout 2020, staff worked with two brewery prospects that anticipate to add 15 new FTE jobs and anticipate to close in 2021. The City also committed \$200,000 CDBG loan for GG 003 LLC for the creation of a dental office to be located at 7020 W. National Avenue that is anticipating to close in 2021. In 2020, Alphonso's Pizza (2-18 loan) added two part-time employees for 1 FTE position. </div>

#### Actions taken to develop institutional structure. 91.220(k); 91.320(j)

<div>The City of West Allis needs a strong, well-defined civic infrastructure in order to effectively plan for its future and to successfully implement community plans. Civic infrastructure can be defined as the capacity of the public, private, and non-profit sectors to sacrifice self-interest and work towards a common goal of improving the community. In order to establish a strong, well-designed and welldeveloped infrastructure, it must be recognized that the City government, nor CDBG funds alone cannot resolve all problems or provide all economic and social opportunities to reach the desired goals of the Annual or Consolidated Action Plan. Coalitions, partnerships, and networks that facilitate the exchange of information and ideas must be enhanced or formed among all sectors of the community.</div><div><div><div>The CDBG Program for the City of West Allis is administered though the Department of Development's Community Development Division (now called Planning and Zoning). The goal of the City is to form a strong, well-defined civic infrastructure. Activities in 2020 included rezoning of manufacturing sites in LMI neighborhoods in to commercial or more restrictive zoning on manufacturing so that there are less conflicts with less than desirable uses to conflict with the quality of family neighborhoods. Also, the City updated its Comprehensive Plan and introduced the Hwy. 100 Commercial Corridor study. Also a housing market study initiative was commenced in 2020 and will be published in 2021. </div>

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

## Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The Milwaukee HOME Consortium completed an analysis of impediments in 2020 and West Allis is currently a participate in the Regional AI (or version of) with Milwaukee County, the City of Milwaukee the City of Wauwatosa and Waukesha County. The City of Milwaukee Grants Administration was the lead agency for the AI. The 2020 report made recommendations in addressing the impediments to Fair Housing. West Allis is planning to effectively address several of these recommendations through use of the CDBG, Section 8 and VASH Vouchers, and HOME funds.

### CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

<div>West Allis has developed and implemented a system for monitoring the expenditure of CDBG and HOME funds and to ensure attainment of its CDBG and HOME program objectives. It has also developed an annual monitoring strategy for managing all activities, and those organizations which deliver them to the City. All non-governmental Community Development Block Grant (CDBG) sub recipients sign sub grantee agreements and all governmental CDBG sub recipients sign intergovernmental agreements that enumerate program requirements. Monitoring consists of both desk and on-site reviews. On-site reviews consist of periodic site visits which will include an in-depth review of agency, project and client files. Desk monitoring takes place twice a year, when all sub recipients are required to submit a semiannual report to staff in July, and an annual report in January. Findings of non-compliance are followed through to resolution, and a sub recipient's performance record enters into subsequent funding determinations. The City monitors its own performance through Development Department and Finance Department staff, including the timeliness of project implementation to ensure compliance with HUD's timeliness standards.</div></div></div><div><div><div><div>Establish proper monitoring and oversight for all sub recipients, community housing development organizations, developers, and contractors</div><niv>Ensure that the activities funded are in compliance with the program regulations</div>Ensure timeliness of the projects and expenditure of funds</div>Ensure that Master File Checklists and Financial Checklists are complete and accurate</div>Ensure that partners have implemented proper file and record keeping procedures</div>Ensure that partners have established systems for obtaining documentation of required reporting elements</div><div>Ensure long term compliance with sub recipient, community housing development organization, developer and contractor agreements and/or loan commitment agreements</div><div><div><div>Davis- Bacon Compliance/Section 3: The Community Development Division oversees the enforcement of Federal labor standards, include prevailing wage rates. The City provides technical assistance to local contracting agencies through monitoring and oversight of HUD approved projects. Section 3 requirements are incorporated into bidding advertisement, bidding documents, and contracts, and are required to be submitted to the City prior to work commencing. Minority, Women, and Disabled Persons in Business: Through the bidding process, the City strongly encourages expanded opportunities for MBE/WBE/DBE businesses. BIDs are forwarded to the WEDC Department of Minority Businesses and the City forwards BIDS requests to organizations representing various ethnic groups. In the advertising documents, MBE/WBE/DBE businesses are encouraged to bid on a project.</div>

#### Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City of West Allis follows HUD's citizen participation guidelines for an Annual Action Plan and Consolidated Plan. In 2020, steps utilizing the HUD conditional waivers were utilized that permitted online postings and virtual public participation. Staff followed the general steps: (1) publication in City's official newspaper, emails to CDBG "solicitation" list, posting in City buildings, and posting on City website seeking public comment and ideas in developing goals and projects for the next year's funding; (2) hold public comment meeting; (3) publication in City's official newspaper, emails to CDBG "solicitation" list, posting in City buildings, and posting on City website that the City is accepting/soliciting for applications for the next year's funding; (4) public hearing at Block Grant Committee meeting to consider all proposals submitted for the next year's Annual Action Plan (conducted virtually during a Zoom Common Council meeting, broadcasted on YouTube as well; (5) review/approval of Annual Action Plan by Common Council; (6) notice of making the Annual Action Plan available for review and public comment; (7) notice to public of a Finding of No Significant Impact on the Environment.

No Public Comments were received.

## CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

For the reporting period requested. There were no changes to the PJ's objectives. These are being currently evalutated as a result of the Con Plan and Regional Anaylisis of Impediments that were recently completed.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

## CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

For the reporting period requested. There were no changes to the PJ's objectives. These are being currently evalutated as a result of the Con Plan and Regional Anaylisis of Impediments that were recently completed.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

#### **EXHIBIT 2**

#### STAFF REPORT

### BLOCK GRANT COMMITTEE THURSDAY, MARCH 25, 2021

1. Approval of minutes of the September 10, 2020 meeting.

Submitted under separate cover.

**Recommendation:** Approve as submitted and/or modified.

#### 2. Public Hearing on:

a) Fiscal Year 2020 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) Program.

The Consolidate Annual Performance and Evaluation Report (CAPER) is an overview of the annual accomplishments of the Community Development Block Grant Program. The report must be submitted to the Department of Housing and Urban Development Offices (HUD) no later than March 31, 2021. The report is utilized to monitor the City's achievements towards goals outlined in the Five Year Consolidated Plan.

The 2020 fiscal year provided another opportunity for the City of West Allis to positively employ and to creatively utilize Community Development Block Grant funds to assist a wide array of projects for low-moderate income individuals/neighborhoods and to remove the negative influence of blight on our community. The City's CDBG funded projects offer a culmination of benefits and results that are outlined throughout this report.

In February of 2020, HUD mailed the official award letter to the City, allocating \$1,295,317 in entitlement funds, which was adjusted in October of 2020 to \$1,295,131. Overall, the funding amount was \$45,825 more than staff had anticipated. It should be noted that awards to Entitlements such as West Allis continue to be delayed further into the fiscal year they are allocated to fund. Continuation of this practice will create further budgetary hurdles.

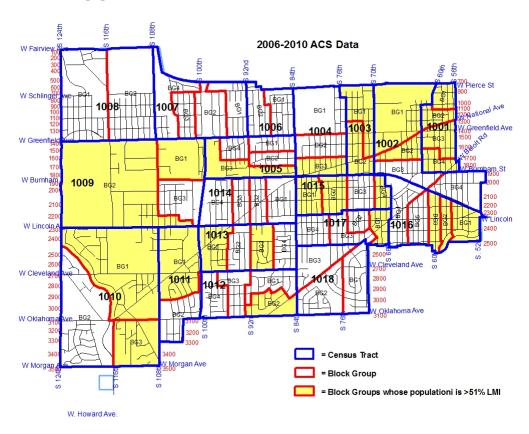
#### Table 1

	Description	FY 2020 Budgeted		FY 2020 Actual			
1	Projected Entitlement	\$	1,249,306				
2	Actual Entitlement			\$	1,295,131		
3	Est. Economic Development Loans Rehabilitiation Income/Repayments	\$	91,000	\$	91,000	di	fference
4	Est. Housing Rehabilitiation Income/Repayments	\$	100,000	\$	100,000		3.2%
5	Total	\$	1,440,306	\$	1,486,131	\$	45,825

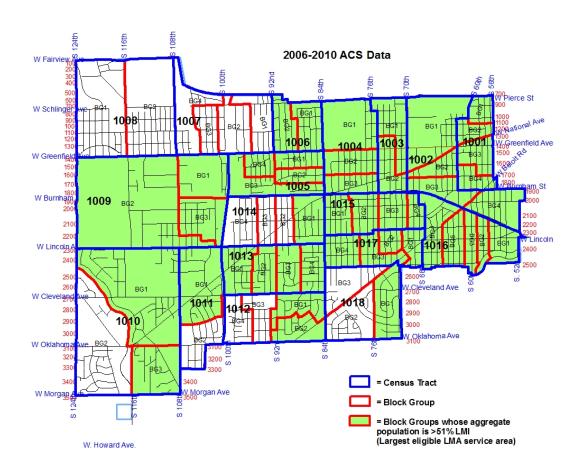
Pictured below are the 2000 Census Tracts of the City of West Allis. The yellow colored areas are Census Tracts with 51% or higher low-moderate income population. Since the Census Bureau no longer issues the "long" form when conducting their biennial census, which means no one is being asked their annual household income, which HUD uses to determine low-moderate income areas and eligible census tracts throughout entitlement communities.

Since the Census Bureau no longer collects income data, they created a program called American Community Survey, or ACS, which collects demographic and income data from a statistically significant sample of households on an annual basis. They release data annual, but group data on 3 and 5-year cycles for communities less than 65,000 in population.

For the past 19 years, entitlement communities have had to rely on 2000 income Census data for CDBG-eligible areas. In June 2014 HUD released 2006-2010 ACS data, which is to be applied to 2018 activities. The low-moderate income area maps have changed, with the new eligible areas shown in the maps below. The yellow colored areas are Census Tracts with 51% or higher low-moderate income population.



Pictured below are the Census Tracts of the City of West Allis with the percentage of low-moderate income persons. The green colored area is the project area of the CDBG program. Many CDBG funded programs utilize all or a portion of the below service area. CDBG-eligible areas have increased since the use of the 2006-10 ACS income data.



	2020 Annual CDBG Report									
A	ADMINISTRATION (20% CAP)	Activity Name	CDBG Funding Year	Budget (some adjusted for beginning of year balances)	2020 Project Expenditure	Remaining	Balance	Project Description	Beneficiary Goal	Beneficiary Achievement YTD
1	Community Development Administrative Costs	C20101	2020	\$ 246,405.00	\$ 205,886.99	s	40,518.01	Includes supervision of the entire CDBG Program including the application process, submission of the Annual Action Plan, annual CAPER, and all other resports required by HUD. Ball reviews all actions order to assure compliance with HUD guidelines.	Serving the Community	Administration of the CDA program, responded to HUD, administered COVID Funds, planning activities in LMI neighborhoods, activity monitoring and drawdown reviews, etc.
2	Fair Housing Administrative Costs SUBTOTAL	C20102	2020	\$ 7,811.00 \$ 254,216.00	\$ 1,348.80 \$ 207,235.79	s S 46	6,462.20	Administration of the Fair Housing program and poster easily contest and administration of any fair housing complaints that the City may receive.	Public and Private school students in the WAWM District	96 youth participated in the contest. Program was impacted by COVID. Contested was advertised on City media platforms.
	PUBLIC SERVICE (15% CAP)			204,210.00	201,233.79					
3	Community Service Officer (Weed and Seed)	C20201	2020	\$ 40,000.00	\$ 40,000.00	\$		The Community Service Officer (CSO) investigates nazimone like complaints in a tergeted LMA and works towards resolving them. The CSO provides general presence at parks, play younds, and grade schools in a teggéted LMA to delive crien; resolve issues, and help people to feel safer. The CSO also helps to provide parkets rehips between citizens and the police department and other organizations.	5375 people	10 officers sperit a total of 1071.2 hours conducting CSO duties.
4	Graffia Removal	C20202	2020	\$ 3,271.00	\$ 3,271.00	s		Reviewianalyze incidents of graffit to establish links between cases and develop suspects. Reduce and quickly eliminate graffit as well as arrest graffit suspects.	45,950 people	There were 247 graffit investigations in LMAs during 2000. All of these were reviewed and followed up on by Debtorbu Lot Bells in sex Criminal Investigations Unit. All of the social of graffit were also checked on by our graffit shintment papelation to ensure that the graffit was quickly servows. The graffit specialists desired all 247 of the locations. All grant funding was used.
5	Frail Elderly Home Services/ERAS	C20203	2020	\$ 29,500.00	\$ 29,500.00	\$	-	Staff and volunteers provide assistance to older adults to remain at home. Services include information and referral, advocacy, and direct services such as transportation, shopping, and frendly visits.	400 Seniors	Unduplicated services provided to 387 adults, 289 one way rides, 14 home visits, 430 wellness calls, 6 home chore services, 41 individuals received face coverings for COVID19, 285 seceived information and newsletters
6	Gang Prevention	C20204	2020	\$ 19,079.00	\$ 9,834.54	\$	9,244.45	Police department eatrs investigation to identify gang member associates, identify crime trends and conduct comprehensive drug investigations in eligible LMAs.	45,960 people	289 One Way Rides 280; 14 Home Valtz; 430 Wellness Calls; 6 Home Chore Services; 41 individuals received Covid19 face covering; 55 individuals received information and Assistance Newsletters two times during the reporting period
7	Liberty Heights Program	C20214	2020	\$ 10,000.00	s -	\$	10,000.00	Provide lifeguard supervision to a pool in an LMA.	3,455 people (CT 1001, BG 3, 4; CT 1002, BG 2).	Pool was closed because of COVID
8	Healthy Homes	C20215	2020	\$ 10,690.00	\$ .	s	10,690.00	hossase access to healthy food. Promote physical scholy with related genérates. Refuertion of saftwar logours and repress saftwar control education, mathesassipilities protection, spacers, home wait-foodge, increase safe home cleaningheduce lead positioning raise - accessing selection, characterism position and control education, characterism position in the safe safe selection of delactions.	275 households	Activity was passed because of COVID.
9	Family Resource Center	C20216	2020	\$ 25,500.00	\$ 22,103.31	\$	3,396.69	Designed to provide a comprehensive, coordinated other and tendy cantened plan that brings assurance self-scale, and control plan that the control plan that the control plan that the control plan that the control plan to the c	100 individuals	245 people participated in programming through his flowing Pleasures Centre. Co Individual participated in lace-to-lace playgroups prior to COVID neartretown. Alter adapting cop programming to patient to COVID restrictors, an additional 150 people participated in our Biologiach buddess Program. Alt people participated in our Vilvestly infranctive Sturytims and as additional 150 even of the Sturytims shart and hold 1245 views with his participated and Holdistry Special.
10	NATT - BigStup Job Tearing	C20217	2020	\$ 20,000.00	\$ 20,000.00	s		Asial to-modestal incore, unemployed, underemployed educate for the pulsary employment of defendant for the pulsary employment that disease countered access to incide skill gits and consent to skills and access to middle skill gits and consent.	40 tudnidadis	Ten voludulah troolined apprentisching hatring bit in a Troit singereitsching hatring bit an Troit singereitsching lat. Om All Ansabert in an Troit singereitsching lat. Om All Ansabert in an Troit singereitsching lat. Om All Ansabert in Ansabert
11	West Alia Attentive Risk Reduction	C20021	2020	\$ 5,000.00	\$ 1,931.74	s	3,068.26	Provide over the stove fire suppression devices for residents in a LMA.	5810 people (CT 1001 BG 1,2,3,4 CT 1002 BG 1,2,3 CT 1003 BG 1,2)	The nature of services provided under the project require in persons home visitation which has been prohibited by Governor's emergency order/COVID-19 condemic.
12	1957 Program (Dumanii: Yalarını Supput Giray)	C20218	2020	\$ 10,270,00	\$ 5,000.00	\$	5,217.10	Domestic volunce appear group that is appear and educates women service as or from States. It is a securities work to the control of the cont	50 holindanis	In 2000, WIDT sarred 22 studies and 25 children. In 1900, WIDT sarred 22 studies and 25 children. In 1900, which was been preferred to the energy at the 45 studies. In 1900, which was been preferred to the energy of the preparation of the 25 studies being classified by the present med or 2-com statutes being concept to the present of the present
13	Milesukee County Horseless Outreach	C20222	2020	\$ 30,000.00	\$ 12,149.08		17,850.92	Connect 40 homeless individuals with permanent housing and/or other wrap around services	40 individuals	26 Beneficiaries. Found indoor placements for 21 beneficiaries and ended their cycle of homelessness. Connected 10 to community case amangement
С	SUBTOTAL HOUSING REHAB			\$ 203,310.00	\$ 143,842.57	\$	59,467.43			
14	Housing Rehabilistion Management	C20301	2020	\$ 28,750.00	\$ 20,489.55	\$	8,260.45	All delivery costs (including staff, other direct costs, and service costs) directly related to carrying out howairs plantilation schellers. Exampless include appressal, architectural, engineering, and other professional services: prespectation of service specifications and work with-ups; loan processing: survey, site and stilling plants, application processing; and other fees.	NOA.	Assisted 4 single family homes and 2 multi-hamby (4 units, all SFR and Duplex reported in previous years). Processed 8 applications (lower number of applications due to COVD) and managed a lase portfolio consisting of 131 lows.
15	Housing Rehabilitation Single Fernily Loan Program	C20302	2020	\$ 100,000.00	\$ -	\$ 1	00,000.00	Los-interest loses to low-modessie income single- family owner-occupied households for housing rehab expenses.	Rehabilitate 10 single family homes	The COBG Housing Rehabilistion Loan Program has been used to rehabilistic (correct code and safety violations, reduce lead paint hazards, weatherize or make accessibili) of single family horses from Jurusus 1, 2020 to December 31, 2020. AUGF was not issued until 12/22/2020 to funds code for the conmitted to activities.
16	Housing Rehabilitation Multi-Unit Loan Program	C20303	2020	\$ 15,000.00	\$ 3,291.00	s	11,709.00	Program assists low-moderate income persons to repair their owner-occupied two-tamily homes.	1 homebuyer provided	1 homebuyer loan underweitlen in 2020, closed February of 2021
17	Home Security for Low, Moderate Income Camera SUBTOTAL	C20304	2020	\$ 143,750.00	\$ 23,780.55	s 5 1	19,969.45	Initial goal was to work with the institution of Security Cameras for LMI households.	15 LMI households will benefit from this program.	Program was cancelled because of administration challenges based on a HUD monitoring
D	PUBLIC FACILITIES									
18	Street Beautification (Tree & Shrub Planting)	C20401	2020	\$ 25,000.00	\$ 24,875.86	s	124.14	Purchase and plant trees, shrubs and flowers in eligible LMAs.	The goal is to beautify the streets and provide shade, reduced air pollution and storm water run-off, through the planting of 200 tness, 50 shrubs and 4000 flowers in all eligible LMA areas.	252 trees, and 4,160 flowers were planted in eligible LMA areas.
19	Ederior Code Enforcement Program	C20404	2020	\$ 160,000.00	\$ 100,589 23	\$	59,010.77	Salades and overhead costs associated with properly inspectors and follow-up actions (such as legal proceedings) directly related to the enforcement (not correction) of state and local codes.	45,960 people (all eligible LMA block groups)	5,203 inspections (solidal and follow-up) were conducted in 2020. The above referenced 5,333 inspections resulted in approximately 4,202 newholize up code violation referral cases. 22 of those new referral cases were mutance sharedored divelling cases. Of those 4,252 newholize-up referral cases approximately 2,253 cases have been resolved.
20	Farmera Market Improvements	C20405	2020	\$ 60,655.00	\$ 23,276.00	s	37,376.40	Provide funding for the dealgn, purchase and installation of Park Renovations	Physical Improvements to public space	Funds have been used to purchase ADA seating and informational boards when government funded program if remaind well be pointed throughout the market shructure for more West Allia residents to have access to information on SNAP, WIC, Senior Farmers Market vouchers, etc.
21	Bumham Pointe Improvementa SUBTOTAL	C20407	2020	\$297,200	\$ 34,891.23	\$ 2	M2,308.77	Provide funding for the design, purchase and installation of Padr Renovations	Creation of public space in LMI area	The Burnham Points Ballet Block project is on path to construction in 2021. Continued awarded at March 16 Common Council mainty. Project is building commandly and showing off the polaristic of the intersection set. 50° Steet and Vs. Burnham Drown hiterascicton will be painted and new planters added. New parklyubilic space would be added.
E	ECONOMIC DEVELOPMENT			342,000.00	\$ 184,034.92	338	,			
22	ECONOMIC DEVELOPMENT  Economic Development Loan & Delivery Program	C20502	2020	\$ 212,000.00	\$ 572.99	\$ 2	11,427.01	Gap financing loans to small businesses for projects that will result in new job creations, of which at least 51% of new jobs must be created for LMI individuals.	25 jobs	19 jobs projected on loarsthat closed or have commitments to close. Utilizing prior year funds and transferred funds to obtain additional loan closures. Closed loans for Certain Christeps. Double Bib BBO, BT Enterprises LLC WA, and The Reunion.
23	Micro Enterprise Technical Assistance - WWMC	C20505	2020	\$ 60,000.00	\$ 60,000.00	s		WWBIC will provide business development services in the form of business education and one-on-one business commenting to 36 micro business correst and prospective business correst who are residents of West Allis.	35 micro business owners and prospective business owners, 51% of which will be low-to-moderate income individuals:	In 2020 45 LMI individuals have received services through WWBIC whether it be technical assistance, business counseling, firencial Education, or access to capital.
24	Commercial Façade Improvement & Delivery Program	C2000S	2020	\$ 70,000.00	\$ 10,467.00		59,533.00	Partial reimbursement grants for façade improvements to communical buildings in blighted condition.	5 foçades	Completed two façade grants at 7133 W. Becher - Carries Crispises and 5533 W. National Avenue - Public Table. Working with prospect at 6500 W. National Avenue.
	SUBTOTAL			\$ 342,000.00	\$ 71,039.99	\$ 270	,960.01			
	TOTAL ALL FUNDING			\$ 1,486,131.00	\$ 629,933.82	\$ 856	,197.18			

## CITY OF WEST ALLIS RESOLUTION R-2021-0180

# RESOLUTION ACCEPTING WORK OF COBALT PARTNERS, LLC FOR THE SIDEWALK STREETSCAPE PROJECT ON THE WEST SIDE OF S. 70 ST. BETWEEN W. MADISON ST. AND W. WASHINGTON ST. AND AUTHORIZING PAYMENT IN ACCORDANCE WITH THE PUBLIC IMPROVEMENT AGREEMENT IN THE AMOUNT OF \$305,916

**WHEREAS,** Cobalt Partners, LLC has completed their obligations in accordance with the Public Improvement Agreement approved by the Common Council in Resolution R-2019-0761 on November 19, 2019 and subsequently executed with the property owners West Quarter East, LLC and West Quarter West, LLC on January 7, 2020; and

**WHEREAS,** West Quarter East, LLC and West Quarter West, LLC (collectively, the "Developer") are the owners of the real property and improvements located in the City of West Allis, Wisconsin, consisting of approximately 18.76 acres near the intersection of South 70th Street and Washington Street (collectively referred to as the "Property"); and,

**WHEREAS,** Developer is redeveloping the Property into a mixed-use project containing one or more office, health/fitness, retail hospitality, restaurant, and/or residential components, including development of new public infrastructure (collectively referred to as the "Project"); and,

**WHEREAS**, the City of West Allis (the "City") and Developer entered into that certain Development Agreement dated March 21, 2019 executed by the Parties for the implementation and development of the Project; and,

**WHEREAS**, the City of West Allis (the "City") and Developer entered into a Public Improvement Agreement on January 7, 2020 to allow Developer, at its expense, to design, construct and install the streetscape project on the west side of South 70th Street between West Madison Street and West Washington Street (the "Streetscape Project"); and,

**WHEREAS,** pursuant to the terms of the Public Improvement Agreement, the City agreed to pay an amount not to exceed \$475,000 (the "Streetscape Funds") for the design, construction and installation of the Streetscape Project and the Developer agreed to reimburse the City for the Streetscape Funds by means of the City levying a special assessment against the Property; and

**WHEREAS**, the actual costs of the Streetscape Project totaled \$305,916 as submitted by Cobalt Partners, LLC.

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**NOW THEREFORE,** BE IT RESOLVED By the Common Council of the City of West Allis that the work of the Public Improvement Agreement executed on January 7, 2020 to design, construct and install the streetscape project on the west side of South 70th Street between West Madison Street and West Washington Street be and the same is hereby accepted, and the proper City officers are hereby authorized and directed to make settlement of \$305,916 with the said parties in accordance with terms of said Public Improvement Agreement and with Resolution R-2019-0761.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0180" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

## ADOPTION

R-2021-0180(*Added*)

## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham			<del></del>	
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of		Dan De	vine, Mayor City	Of West
West Allis		A llis		

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# Reconciliation of Streetscape Costs - Special Assessment Agreement 1205 & 1135 S. 70th Street 12/22/20

Final ICSI Contract Value per Pay Application 5, 11/30/20		
Less Costs not related to Streetscape		
COR #1		
Remove and replace east elevation vestibule	(28,500.00)	
Remove and replace south elevation exterior frame and door	(6,700.00)	
	(35,200.00)	
General liability insurance	(130.71)	
Overhead and profit	(3,180.51)	
Total non-Streetscape Costs COR #1	(38,511.21)	(38,511.21)
COR #2		
Repair existing ceiling support at east vestibule	(2,864.00)	
Patch in terrazzo floor @ east vestibule	(4,300.00)	
Paint south vestibule	(1,500.00)	
	(8,664.00)	
General liability insurance	(30.88)	
Overhead and profit	(783.01)	
Total non-Streetscape Costs COR #1	(9,477.89)	(9,477.89)
Net Total of Streetscape costs subject to Special Assessment Agreement	_	305,916.00

## PUBLIC IMPROVEMENT AGREEMENT

THIS PUBLIC IMPROVEMENT AGREEMENT (the "Agreement") is made as of November 5, 2019 (the "Effective Date") by and between the WEST QUARTER WEST, LLC, a Wisconsin limited liability company ("WQW), and WEST QUARTER EAST, LLC, a Wisconsin limited liability company ("WQE"), (collectively, the "Developer") and the CITY OF WEST ALLIS, a Wisconsin municipal corporation ("City"), each of the foregoing being a "Party", and collectively the "Parties".

#### RECITALS

- A. Developer is the owner of the real property and improvements in the City of West Allis, Wisconsin, consisting of: (i) approximately 16.76 acres as depicted and described on **Exhibit A** attached hereto and (ii) approximately 1.45 acres located on the west side of South 70<sup>th</sup> Street as depicted and described on **Exhibit A** attached hereto (collectively, the "Property").
- B. Developer and the City acknowledge and understand that this Agreement is executed in connection with that certain Development Agreement dated March 21, 2019 (the "Development Agreement") executed by the Parties for the implementation and development of the Project, as that term is defined in the Development Agreement, located at the Property.
- C. In conjunction with the Project, Developer requested this Agreement to allow Developer, at its expense, to design, construct and install the streetscape project (the "Streetscape Project") on the east and west sides of South 70<sup>th</sup> Street between approximately West Madison Street and West Washington Street (the "Streetscape Sites"), as depicted and described on Exhibit B attached hereto. City and Developer acknowledge that the Streetscape Project may be constructed and installed in two phases (each, a "Phase") based on the timing of other construction activities occurring on the Property.
- D. Upon substantial completion of each Phase of the Streetscape Project, as reasonably determined by the City, Developer shall dedicate such Phase of the Streetscape Project to the City pursuant to the terms and conditions contained herein.
- E. If not defined herein, any capitalized terms herein have the meaning ascribed to them in the Development Agreement.

#### **AGREEMENTS**

In consideration of the RECITALS and the terms and conditions set forth herein, the Parties agree and covenant as follows:

## ARTICLE I DEVELOPER OBLIGATIONS

A. Subject to the further terms and conditions set forth in this Agreement, Developer shall perform the following:

- 1. Obtain all easements, approvals, consents and/or permits necessary to commence construction activities for each Phase of the Streetscape Project.
- 2. Construct each Phase of the Streetscape Project in accordance with the final plans and specifications approved by the City (the "Approved Streetscape Plans") and all applicable federal, state and local laws, ordinances and regulations. Developer shall provide the City, its officials, agents and employees access to the Streetscape Sites during normal business hours, and shall provide any documentation requested, for reasonable inspections of the each Phase of the Streetscape Project during construction. During such access, the City shall not unreasonably interfere with Developer's contractors performing each Phase of the Streetscape Project construction work.
- 3. Design, construct and install each Phase of the Streetscape Project in accordance with the budget approved by the City (the "Streetscape Budget"), as set forth on **Exhibit C** attached hereto.
- B. Developer shall substantially complete both Phases of the Streetscape Project in compliance with the Approved Streetscape Plans not later than June 30, 2021.
- C. Developer shall, at no cost to the City, dedicate each Phase of the Streetscape Project to the City in accordance with City inspection and acceptance procedures. Each Phase of the Streetscape Project shall at all times be subject to City inspection and approval and the City or other public entity shall not be required to accept conveyance of the Streetscape Project unless the each Phase of the Streetscape Project is constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans, and otherwise is in a condition reasonably acceptable to the City. Following approval by the City of each Phase of the completed Streetscape Project, each such Phase of the Streetscape Project shall be conveyed to the City or other public entity, to the extent appropriate. The Developer shall provide to the City or other public entity from the Developer and all contractors and consultants involved in connection with the construction and installation of each Phase of the Streetscape Project, a one-year warranty against defects in construction, materials and workmanship, in a form reasonably acceptable to the City. The Developer shall also provide to the City as-built construction records for each Phase of the Streetscape Project in an electronic format reasonably acceptable to the City.

## ARTICLE II CITY OBLIGATIONS

- A. City shall cooperate with Developer throughout the development and construction of each Phase of the Streetscape Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances.
- B. Provided that the Developer is not then in default beyond applicable notice and cure periods under this Agreement or the Development Agreement, the City shall pay an amount not to exceed \$475,000 (the "Streetscape Funds") for the design, construction and installation of the Streetscape Project within ten (10) days after satisfaction of all of the following conditions:

- (1) Developer has obtained approval from the City Engineer with respect to detailed plans and specifications for the Streetscape Project;
- (2) Developer has obtained any easements, rights of way, consents and/or permits necessary to commence construction activities for the Streetscape Project;
- (3) Developer has provided the City with the Streetscape Budget and the City has reviewed and approved same; and
- (4) City confirms that the Streetscape Project has been constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans.

Notwithstanding the foregoing, City and Developer acknowledge and agree that payment by the City of the Streetscape Funds shall occur in two installments, one for each Phase of the Streetscape Project following satisfaction of the foregoing conditions with respect to each such Phase of the Streetscape Project.

- C. The City shall recoup the Streetscape Funds from Developer by means of levying a special assessment against the Property in an amount equal to the total amount of Streetscape Funds paid by the City plus any costs reasonably incurred by the City directly related to this Agreement or the Streetscape Project. The City may levy such special assessment against the Property at any time after the date this is one hundred eighty (180) days after the date when the City paid the Streetscape Funds. Such special assessment shall constitute a lien upon the Property, as and in the same method, manner, status and legal existence as levied taxes are a lien against property pursuant to Wis. Stat. § 70.01; and shall also be otherwise collectible as are delinquent special charges pursuant to Wis. Stat. § 66.0627. Any and all notice and hearing requirements which may be required under the law for such special assessment or special charge are hereby waived by Developer. The special assessment shall be payable in equal installments over a term of not less than ten (10) years.
- D. The City hereby grants the Developer and its agents and contractors a temporary, non-exclusive construction easement on, over, through and across those portions of City-owned real property located within the Streetscape Sites to perform the construction and installation of each Phase of the Streetscape Project (the "Streetscape Easement"). The Streetscape Easement shall commence on the Effective Date and shall expire on the earlier of (a) the date the City confirms that both Phases of the Streetscape Project have been constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans, or (b) June 30, 2021 (the "Easement Term"). The Streetscape Easement shall automatically terminate at the expiration of the Easement Term and be of no further force and effect without the need for any further filings or actions by the Parties.

## ARTICLE III WRITTEN NOTICES

All notices required or permitted by this Agreement shall be in writing and shall be deemed to have been given (i) upon delivery to an officer of the City (as to the City) or to an

officer of Developer (as to Developer), if hand delivered; (ii) two business days following deposit in the United States mail, postage prepaid, or (iii) upon delivery if delivered by a nationally recognized overnight commercial carrier that will certify as to the date and time of such delivery; and each such communication or notice shall be addressed as follows, unless and until any of such parties notifies the other in accordance with this Article of a change of address:

If to the City:

City of West Allis

7525 West Greenfield Avenue

West Allis, WI 53214 Attn: City Clerk

If to the Developer:

West Quarter West, LLC c/o Cobalt Partners, LLC 207 N. Milwaukee Street Milwaukee, WI 53202 Attn: Scott J. Yauck

West Quarter East, LLC c/o Cobalt Partners, LLC 207 N. Milwaukee Street Milwaukee, WI 53202 Attn: Scott J. Yauck

## ARTICLE IV MISCELLANEOUS

A Developer shall maintain or cause to be maintained the following insurance policies (the "Insurance Policies") issued by insurers licensed in the State of Wisconsin, with ratings and in the financial size category as requested by the City, covering loss by perils, hazards, liabilities and other risks and casualties and in such amounts as may be reasonably required by the City:

- 1. Builder's risk insurance in form and amounts reasonably satisfactory to the City;
- 2. During the term of this Agreement, commercial general liability insurance covered under a comprehensive general liability policy including contractual liability in amounts maintained by owners of similar projects, and insuring against bodily injury, including personal injury, death and property damage; and
  - 3. Such other insurance as may be reasonably requested by City.

The Insurance Polices shall require the insurer to provide at least thirty (30) days prior written notice to the City of any material change or cancellation of such policy. The City shall be named as an additional insured/loss payee on all policies of insurance except worker's compensation insurance.

- B. Developer shall not assign this Agreement or obligations arising hereunder or under the referenced agreements without the prior written consent of the City, which consent will not be unreasonably withheld, conditioned or delayed.
- C. This Agreement shall be recorded at the Milwaukee County Register of Deeds with all relevant real property as described in Exhibit A, it being understood by the Parties that this Agreement will run with the land and will be binding upon the Property and any owner and/or lessee and/or mortgagee of all or any portions of the Property and their successors and assigns
- D. If any Party shall default in the performance or observance of any of the covenants, agreements or conditions on the part of such Party set forth in this Agreement and the continuance thereof for thirty (30) days following receipt of written notice from the other Party specifying such default and requesting that it be corrected; it is hereby defined as and declared to be and to constitute an "Event of Default" under and for purposes of this Agreement. If such default cannot be cured within 30 days and the Party is in good faith actively pursuing a cure, then such default shall not be an Event of Default, provided such default is cured within 120 days after notice.
- E. If an Event of Default shall occur, and after notice and the applicable period to cure as provided in this Agreement, the aggrieved Party may pursue any available remedy, either at law or in equity, against the Party in default, including but not limited to withholding disbursement of payments provided for in this Agreement.
- F. Developer agrees to indemnify and hold harmless the City, its officers, agents and employees (collectively, the "Indemnified Parties") and shall defend the same, from and against any and all liability, claims, loss, damages, interest, action, suits, judgments, costs, expenses, reasonable attorney fees and the like, arising from, in connection with, or as a result of the design, operation, construction or installation of both Phases of the Streetscape Project or any actions of Developer, its officers, employee, agents, workmen or independent contractors, undertaken pursuant to this Agreement. Nothing in the foregoing indemnity shall protect the Indemnified Parties against their own default, negligence, willful acts or misconduct.
- G. The prevailing party shall be entitled to collect all costs and expenses associated with the enforcement of its rights against the other under this Agreement, including without limitation the enforcement of such rights in any bankruptcy, reorganization or insolvency proceeding involving Developer. Any and all such fees, costs and expenses incurred by the prevailing party which are to be paid by the other, shall be paid on demand.
- H. Time is of the essence of each and every obligation or agreement contained in this Agreement.
  - I. The laws of the State of Wisconsin shall govern this Agreement.
- J. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument. Either Party may execute this Agreement by PDF; provided that the Party provides an original of the PDF signature to the other Party within five (5) calendar days of transmission of the PDF signature.

IN WITNESS WHEREOF, this Agreement is executed as of the date first above written.

	CITY OF WEST ALLIS, WISCONSIN
	By: Jan Devine, Mayor
	By: Steven A. Braatz, Jr., City Clerk
STATE OF WISCONSIN ) ss.	
MILWAUKEE COUNTY )	Deanshar
Devine and Steven A. Braatz, Jr., the May	day of November, 2019, the above-named Dan or and City Clerk, respectively, of the City of West persons who executed the foregoing agreement on cknowledged the same.
	any Marie Mell
	Name: Notary Public, State of Wisconsin My Commission expires: \\.3-23
Approved as to form this 12 day of Novem	ber, 2019
0/-0/1	
Kail Decker, City Attorney	
COMPTROLLER'S CERTIFICATE	
Alm DOCTIMB	e, 2019, and I certify that the necessary funds have
	y be incurred by the City of West Allis under this

Finance Director, Comptroller, Treasurer

## [Signatures continue on following page] WEST QUARTER WEST, LLC

	By: Cobalt Partners, LLC, Manager  By: Scott J. Yauck, Son Member and Manager
	WEST QUARTER EAST, LLC
	By: Cobalt Partners, LLC, Manager By:
	Scott J. Yauck, role intermed and Manager
STATE OF WISCONSIN )	
MILWAUKEE COUNTY ) ss.	the Danuary 2020
J. Yauck, the Sole Member and Mar Quarter West, LLC, West Quarter Ea	day of November, 2019, the above-named Scott nager of Cobalt Partners, LLC and the manager of West ast, LLC, to me known to be the person who executed the said limited liability company and by its authority and Name:    STEPHANIE MASS WASS   Notary Public, State of Wisconsin My Commission expires:   May 1, 2023



## City of West Allis

**Resolution: R-2019-0761** 

File Number: R-2019-0761

**Final Action:** 

Sponsor(s): Public Works Committee

NOV 0 5 2019

Resolution accepting the donation and authorizing of a Special Assessment for a public improvement and approval of a Public Improvement Agreement for a sidewalk streetscape project on the west side of S. 70 St. between W. Madison St. and W. Washington St.

WHEREAS, West Quarter East, LLC and West Quarter West, LLC (collectively, the "Developer") are the owners of the real property and improvements located in the City of West Allis, Wisconsin, consisting of approximately 18.76 acres near the intersection of South 70th Street and Washington Street (collectively referred to as the "Property"); and,

WHEREAS, Developer is redeveloping the Property into a mixed-use project containing one or more office, health/fitness, retail hospitality, restaurant, and/or residential components, including development of new public infrastructure (collectively referred to as the "Project"); and,

WHEREAS, the City of West Allis (the "City") and Developer entered into that certain Development Agreement dated March 21, 2019 executed by the Parties for the implementation and development of the Project; and,

WHEREAS, in connection with the Project, Developer and the City desire to enter into the attached Public Improvement Agreement to allow Developer, at its expense, to design, construct and install the streetscape project on the west side of South 70th Street between West Madison Street and West Washington Street (the "Streetscape Project"); and,

WHEREAS, pursuant to the terms of the Public Improvement Agreement, the City agrees to pay an amount not to exceed \$475,000 (the "Streetscape Funds") for the design, construction and installation of the Streetscape Project and the Developer agrees to reimburse the City for the Streetscape Funds by means of the City levying a special assessment against the Property; and,

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of West Allis hereby authorizes as follows:

- The approval of the attached Public Improvement Agreement between the City and the Developer for the development of the Streetscape Project.
- 2. That the Mayor and City Clerk, with the approval of the City Attorney, or their designees, is hereby authorized and directed to execute the Public Improvement Agreement.
- That the Director of Development, with the approval of the City Attorney, or their designees, is hereby authorized and directed to take any actions necessary to effectuate the intent of the Public Improvement Agreement.
- 4. That the Director of Development, with the approval of the City Attorney, or their designees, is hereby authorized and directed to take any actions necessary to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the Public Improvement Agreement and any and all other documents as may be necessary, proper and convenient to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said Public Improvement Agreement to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

BE IT FURTHER RESOLVED, that the Director of Development, or his designee, be and is hereby authorized and directed to deliver the executed Public Improvement Agreement on behalf of the City of West Allis.

cc: Development Department Engineering Department

DEV-R-997-11-5-19

**ADOPTED** 

NOV 0 5 2019

APPROVED

11/6/19

Steven A. Braatz, Jr., City Clerk

Dan Devine, Mayor

## PUBLIC IMPROVEMENT AGREEMENT

THIS PUBLIC IMPROVEMENT AGREEMENT (the "Agreement") is made as of November 5, 2019 (the "Effective Date") by and between the WEST QUARTER WEST, LLC, a Wisconsin limited liability company ("WQW), and WEST QUARTER EAST, LLC, a Wisconsin limited liability company ("WQE"), (collectively, the "Developer") and the CITY OF WEST ALLIS, a Wisconsin municipal corporation ("City"), each of the foregoing being a "Party", and collectively the "Parties".

#### RECITALS

- A. Developer is the owner of the real property and improvements in the City of West Allis, Wisconsin, consisting of: (i) approximately 16.76 acres as depicted and described on **Exhibit A** attached hereto and (ii) approximately 1.45 acres located on the west side of South 70<sup>th</sup> Street as depicted and described on **Exhibit A** attached hereto (collectively, the "Property").
- B. Developer and the City acknowledge and understand that this Agreement is executed in connection with that certain Development Agreement dated March 21, 2019 (the "Development Agreement") executed by the Parties for the implementation and development of the Project, as that term is defined in the Development Agreement, located at the Property.
- C. In conjunction with the Project, Developer requested this Agreement to allow Developer, at its expense, to design, construct and install the streetscape project (the "Streetscape Project") on the east and west sides of South 70<sup>th</sup> Street between approximately West Madison Street and West Washington Street (the "Streetscape Sites"), as depicted and described on Exhibit B attached hereto. City and Developer acknowledge that the Streetscape Project may be constructed and installed in two phases (each, a "Phase") based on the timing of other construction activities occurring on the Property.
- D. Upon substantial completion of each Phase of the Streetscape Project, as reasonably determined by the City, Developer shall dedicate such Phase of the Streetscape Project to the City pursuant to the terms and conditions contained herein.
- E. If not defined herein, any capitalized terms herein have the meaning ascribed to them in the Development Agreement.

#### **AGREEMENTS**

In consideration of the RECITALS and the terms and conditions set forth herein, the Parties agree and covenant as follows:

## ARTICLE I DEVELOPER OBLIGATIONS

A. Subject to the further terms and conditions set forth in this Agreement, Developer shall perform the following:

- 1. Obtain all easements, approvals, consents and/or permits necessary to commence construction activities for each Phase of the Streetscape Project.
- 2. Construct each Phase of the Streetscape Project in accordance with the final plans and specifications approved by the City (the "Approved Streetscape Plans") and all applicable federal, state and local laws, ordinances and regulations. Developer shall provide the City, its officials, agents and employees access to the Streetscape Sites during normal business hours, and shall provide any documentation requested, for reasonable inspections of the each Phase of the Streetscape Project during construction. During such access, the City shall not unreasonably interfere with Developer's contractors performing each Phase of the Streetscape Project construction work.
- 3. Design, construct and install each Phase of the Streetscape Project in accordance with the budget approved by the City (the "Streetscape Budget"), as set forth on **Exhibit C** attached hereto.
- B. Developer shall substantially complete both Phases of the Streetscape Project in compliance with the Approved Streetscape Plans not later than June 30, 2021.
- C. Developer shall, at no cost to the City, dedicate each Phase of the Streetscape Project to the City in accordance with City inspection and acceptance procedures. Each Phase of the Streetscape Project shall at all times be subject to City inspection and approval and the City or other public entity shall not be required to accept conveyance of the Streetscape Project unless the each Phase of the Streetscape Project is constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans, and otherwise is in a condition reasonably acceptable to the City. Following approval by the City of each Phase of the completed Streetscape Project, each such Phase of the Streetscape Project shall be conveyed to the City or other public entity, to the extent appropriate. The Developer shall provide to the City or other public entity from the Developer and all contractors and consultants involved in connection with the construction and installation of each Phase of the Streetscape Project, a one-year warranty against defects in construction, materials and workmanship, in a form reasonably acceptable to the City. The Developer shall also provide to the City as-built construction records for each Phase of the Streetscape Project in an electronic format reasonably acceptable to the City.

## ARTICLE II CITY OBLIGATIONS

- A. City shall cooperate with Developer throughout the development and construction of each Phase of the Streetscape Project and shall promptly review and/or process all submissions and applications in accordance with applicable City ordinances.
- B. Provided that the Developer is not then in default beyond applicable notice and cure periods under this Agreement or the Development Agreement, the City shall pay an amount not to exceed \$475,000 (the "Streetscape Funds") for the design, construction and installation of the Streetscape Project within ten (10) days after satisfaction of all of the following conditions:

- (1) Developer has obtained approval from the City Engineer with respect to detailed plans and specifications for the Streetscape Project;
- (2) Developer has obtained any easements, rights of way, consents and/or permits necessary to commence construction activities for the Streetscape Project;
- (3) Developer has provided the City with the Streetscape Budget and the City has reviewed and approved same; and
- (4) City confirms that the Streetscape Project has been constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans.

Notwithstanding the foregoing, City and Developer acknowledge and agree that payment by the City of the Streetscape Funds shall occur in two installments, one for each Phase of the Streetscape Project following satisfaction of the foregoing conditions with respect to each such Phase of the Streetscape Project.

- C. The City shall recoup the Streetscape Funds from Developer by means of levying a special assessment against the Property in an amount equal to the total amount of Streetscape Funds paid by the City plus any costs reasonably incurred by the City directly related to this Agreement or the Streetscape Project. The City may levy such special assessment against the Property at any time after the date this is one hundred eighty (180) days after the date when the City paid the Streetscape Funds. Such special assessment shall constitute a lien upon the Property, as and in the same method, manner, status and legal existence as levied taxes are a lien against property pursuant to Wis. Stat. § 70.01; and shall also be otherwise collectible as are delinquent special charges pursuant to Wis. Stat. § 66.0627. Any and all notice and hearing requirements which may be required under the law for such special assessment or special charge are hereby waived by Developer. The special assessment shall be payable in equal installments over a term of not less than ten (10) years.
- D. The City hereby grants the Developer and its agents and contractors a temporary, non-exclusive construction easement on, over, through and across those portions of City-owned real property located within the Streetscape Sites to perform the construction and installation of each Phase of the Streetscape Project (the "Streetscape Easement"). The Streetscape Easement shall commence on the Effective Date and shall expire on the earlier of (a) the date the City confirms that both Phases of the Streetscape Project have been constructed in a good and workmanlike manner, in accordance with the Approved Streetscape Plans, or (b) June 30, 2021 (the "Easement Term"). The Streetscape Easement shall automatically terminate at the expiration of the Easement Term and be of no further force and effect without the need for any further fillings or actions by the Parties.

## ARTICLE III WRITTEN NOTICES

All notices required or permitted by this Agreement shall be in writing and shall be deemed to have been given (i) upon delivery to an officer of the City (as to the City) or to an

officer of Developer (as to Developer), if hand delivered; (ii) two business days following deposit in the United States mail, postage prepaid, or (iii) upon delivery if delivered by a nationally recognized overnight commercial carrier that will certify as to the date and time of such delivery; and each such communication or notice shall be addressed as follows, unless and until any of such parties notifies the other in accordance with this Article of a change of address:

If to the City:

City of West Allis

7525 West Greenfield Avenue

West Allis, WI 53214 Attn: City Clerk

If to the Developer:

West Quarter West, LLC c/o Cobalt Partners, LLC 207 N. Milwaukee Street Milwaukee, WI 53202 Attn: Scott J. Yauck

West Quarter East, LLC c/o Cobalt Partners, LLC 207 N. Milwaukee Street Milwaukee, WI 53202 Attn: Scott J. Yauck

## ARTICLE IV MISCELLANEOUS

A Developer shall maintain or cause to be maintained the following insurance policies (the "Insurance Policies") issued by insurers licensed in the State of Wisconsin, with ratings and in the financial size category as requested by the City, covering loss by perils, hazards, liabilities and other risks and casualties and in such amounts as may be reasonably required by the City:

- 1. Builder's risk insurance in form and amounts reasonably satisfactory to the City;
- 2. During the term of this Agreement, commercial general liability insurance covered under a comprehensive general liability policy including contractual liability in amounts maintained by owners of similar projects, and insuring against bodily injury, including personal injury, death and property damage; and
  - 3. Such other insurance as may be reasonably requested by City.

The Insurance Polices shall require the insurer to provide at least thirty (30) days prior written notice to the City of any material change or cancellation of such policy. The City shall be named as an additional insured/loss payee on all policies of insurance except worker's compensation insurance.

- B. Developer shall not assign this Agreement or obligations arising hereunder or under the referenced agreements without the prior written consent of the City, which consent will not be unreasonably withheld, conditioned or delayed.
- C. This Agreement shall be recorded at the Milwaukee County Register of Deeds with all relevant real property as described in Exhibit A, it being understood by the Parties that this Agreement will run with the land and will be binding upon the Property and any owner and/or lessee and/or mortgagee of all or any portions of the Property and their successors and assigns
- D. If any Party shall default in the performance or observance of any of the covenants, agreements or conditions on the part of such Party set forth in this Agreement and the continuance thereof for thirty (30) days following receipt of written notice from the other Party specifying such default and requesting that it be corrected; it is hereby defined as and declared to be and to constitute an "Event of Default" under and for purposes of this Agreement. If such default cannot be cured within 30 days and the Party is in good faith actively pursuing a cure, then such default shall not be an Event of Default, provided such default is cured within 120 days after notice.
- E. If an Event of Default shall occur, and after notice and the applicable period to cure as provided in this Agreement, the aggrieved Party may pursue any available remedy, either at law or in equity, against the Party in default, including but not limited to withholding disbursement of payments provided for in this Agreement.
- F. Developer agrees to indemnify and hold harmless the City, its officers, agents and employees (collectively, the "Indemnified Parties") and shall defend the same, from and against any and all liability, claims, loss, damages, interest, action, suits, judgments, costs, expenses, reasonable attorney fees and the like, arising from, in connection with, or as a result of the design, operation, construction or installation of both Phases of the Streetscape Project or any actions of Developer, its officers, employee, agents, workmen or independent contractors, undertaken pursuant to this Agreement. Nothing in the foregoing indemnity shall protect the Indemnified Parties against their own default, negligence, willful acts or misconduct.
- G. The prevailing party shall be entitled to collect all costs and expenses associated with the enforcement of its rights against the other under this Agreement, including without limitation the enforcement of such rights in any bankruptcy, reorganization or insolvency proceeding involving Developer. Any and all such fees, costs and expenses incurred by the prevailing party which are to be paid by the other, shall be paid on demand.
- H. Time is of the essence of each and every obligation or agreement contained in this Agreement.
  - I. The laws of the State of Wisconsin shall govern this Agreement.
- J. This Agreement may be executed in any number of counterparts, each of which shall constitute one and the same instrument. Either Party may execute this Agreement by PDF; provided that the Party provides an original of the PDF signature to the other Party within five (5) calendar days of transmission of the PDF signature.

IN WITNESS WHEREOF, this Agreement is executed as of the date first above written.

	CITY OF WEST ALLIS, WISCONSIN
	By: Jan Devine, Mayor
	By: Steven A. Braatz, Jr., City Clerk
Devine and Steven A. Braatz, Jr., the May	Name: Dan Marie North.
6 N	Notary Public, State of Wisconsin  My Commission expires: \\. 3- 23
Approved as to form this 2 day of Novem Occard Kail Decker, City Attorney	ber, 2019
COMPTROLLER'S CERTIFICATE  Countersigned this day of November been provided to pay the liability that ma Agreement.	e, 2019, and I certify that the necessary funds have y be incurred by the City of West Allis under this

Finance Director, Comptroller, Treasurer

## [Signatures continue on following page] WEST QUARTER WEST, LLC

	By: Cobalt Partners, LLC, Manager  By:
	Scott J. Yauck, Sole Member and Manager
	WEST QUARTER EAST, LLC
	By: Cobalt Partners, LLC, Manager
	Scott J. Yauck, oie interneer and Manager
STATE OF WISCONSIN ) ss.	
MILWAUKEE COUNTY )	the Clanuary, 2020
J. Yauck, the Sole Member and Man- Quarter West, LLC, West Quarter Eas	this The day of Nevember, 2019, the above-named Scott ager of Cobalt Partners, LLC and the manager of West to the LLC, to me known to be the person who executed the hid limited liability company and by its authority and Name:  Name: STEPHANIE MASS WASS Notary Public, State of Wisconsin My Commission expires: May 1, 2023
This instrument was drafted by and upon recording return to:	
Richard W. Donner Reinhart Boerner Van Deuren s.c. 1000 North Water Street, Suite 1700 Milwaukee, WI 53202	

## CITY OF WEST ALLIS RESOLUTION R-2021-0181

RESOLUTION AUTHORIZING A COST SHARING MEMO OF UNDERSTANDING WITH THE CITY OF MILWAUKEE FOR THE CONSTRUCTION OF A PAVED CONNECTION BETWEEN THE NORTH LIMITS OF SOUTH 72ND STREET AND THE HANK AARON STATE TRAIL OF WHICH THE CITY OF WEST ALLIS' SHARE IS \$3,300

**WHEREAS,** Wisconsin Statues Section 66.0301 authorizes any municipality to enter into an Intergovernmental Cooperation Agreement with another municipality for, among other things, the joint exercise of any power authorized by law; and,

**WHEREAS,** There is not currently a paved connection between the north limits of South 72nd Street and the Hank Aaron State trail; and

**WHEREAS,** The work is located within the City of Milwaukee so the City of Milwaukee will obtain the field data and will design a connection from South 72nd Street to the Hank Aaron State Trail and the City of West Allis will reimburse the City of Milwaukee for the work; and

**WHEREAS,** The City of West Allis will let the contract and provide construction inspection for the project; and

**WHEREAS**, the City of West Allis and the City of Milwaukee desire to enter into an Agreement to set forth their understanding with respect to the design and construction of the aforesaid public improvements.

**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the Agreement by and between the City of West Allis and the City of Milwaukee, a copy of which is attached hereto and by reference made a part hereof, for the installation of a paved connection between the north limits of South 72nd Street and the Hank Aaron State Trail be and is hereby approved.

BE IT FURTHER RESOLVED that the City Engineer is hereby authorized and directed to execute and deliver the aforesaid Agreement on behalf of the City of West Allis.

BE IT FURTHER RESOLVED that the City Engineer, with the approval of the City Attorney, be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the agreement as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof and to protect the interests of the City, including but not limited to, any and all changes necessary to preserve the intent of the Common Council of the City of West Allis.

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**SECTION 1:** <u>ADOPTION</u> "R-2021-0181" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

## ADOPTION

R-2021-0181(Added)

## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Pahacea Grill City Clark City Of	_	Dan Da	vina Mayor City	v Of Wast
Rebecca Grill, City Clerk, City Of West Allis		Allis	vine, Mayor City	OI West

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## COST SHARING MEMO OF UNDERSTANDING BETWEEN

## THE CITY OF MILWAUKEE AND THE CITY OF WEST ALLIS

DATE: March, 2021

South 72nd Street connection to Hank Aaron State Trail

This COST SHARING MEMO OF UNDERSTANDING is made and entered into and by the City of Milwaukee and the City of West Allis.

The contents of this COST SHARING MEMO OF UNDERSTANDING will address cost sharing for the design phase of the subject project for preliminary engineering and plan preparation.

The City of West Allis has requested the City of Milwaukee to perform field data and design a connection from South 72nd Street to the Hank Aaron State Trail. This connection will be located in the City of Milwaukee. The City of West Allis will let the contract and provide construction inspection for the project.

The City of Milwaukee through its undersigned duly authorized officers or officials, hereby requests the City of West Allis to participate in the improvements hereinafter described.

#### **NEEDS AND ESTIMATE SUMMARY:**

## **Existing Facility – Describe and give reason for request:**

There is not currently a paved connection between the north limits of South 72nd Street and the Hank Aaron State trail. The City of West Allis is requesting this work to be done. The work is located within the City of Milwaukee. The City of Milwaukee will perform the preliminary design and the City of West Allis will reimburse for the work.

## **Proposed Improvement – Nature of work:**

The connection is anticipated to be constructed with asphalt.

#### **Estimated Cost Summary**

Paving total: \$38,000

Preliminary design : \$3,300 (to be reimbursed)

City of West Allis share: \$38,000

- 1) Milwaukee will do the preliminary design, estimated at \$3.300. West Allis will reimburse the actual cost.
- 2) The City of West Allis will be sent an invoice for the quantities of work performed in their community after the quantities are certified by the City of Milwaukee.

- 3) If the City of West Allis objects to any portion of the invoice submitted by the City of Milwaukee, the City shall notify the City of Milwaukee in writing within twenty days of the invoice's receipt. The City of West Allis will pay any undisputed portions of the bill.
- 4) The costs of any additional or unforeseen items not covered in the above shall be agreed upon by the City of Milwaukee and the City of West Allis and will be paid by the municipality in which the additional or unforeseen item occurs.

This COST SHARING MEMO OF UNDERSTANDING is subject to the terms and conditions that follow and is executed by the undersigned under proper authority to execute such an COST SHARING MEMO OF UNDERSTANDING for the City of West Allis and upon acceptance by the City of Milwaukee shall constitute an COST SHARING MEMO OF UNDERSTANDING between the two Municipalities.

Signed for and on beha	If of City of Milwaukee:	
Signature	Commissioner of Public Works Title	Date
Jeffrey Polenske, P.E.		
Approved by the Direct	or of Public works (or designee) of the City of	West Allis:
ByName/Position	Date:	

## **TERMS AND CONDITIONS**

- 1. The initiation and accomplishment of the improvement will be subject to all applicable Federal, State, and local regulations.
- Subject to Section 5 of this COST SHARING MEMO OF UNDERSTANDING, the City of West Allis will pay to the City of Milwaukee such project related costs as outlined and listed in the Estimated Cost Summary in the Cost Sharing COST SHARING MEMO OF UNDERSTANDING.
- 3. Each Municipality shall ensure that all necessary funding of each project phase (roadway construction, and construction engineering) is in place for their portion of the project costs. The City of Milwaukee financing will be limited to participation in the costs of the following items as specified in the Estimate Cost Summary:
- 4. Work necessary to complete the improvement to be financed entirely by the Municipality (or responsible party) where the work lies includes, but may not be limited to, the following items:
  - a. New installations of or alterations of sanitary sewers or connections, water, gas, electric, telephone, telegraph, fiber optic, fire or police alarm facilities, pipelines, and similar utilities.
  - b. Repair of damages to roads and streets caused by reason of their use in hauling materials incidental to the improvement.
- 5. If the City of West Allis should withdraw from the project, it will reimburse the City of Milwaukee its proportionate share of all costs incurred by the City of Milwaukee as of the date of withdrawal.
- 6. The work will be administered by the City of Milwaukee or its designee(s). The City of Milwaukee shall notify the City of West Allis of any design or construction changes that may occur during the process in excess of 10% of the budgeted amount and get written authorization prior to their inclusion and cost participation by the City of West Allis.
- 7. The respective municipalities will at their own expense:
  - a. Maintain all portions that lie within its boundaries.
  - b. Assume general responsibility of all public information to its residents.

(End of Document)

## CITY OF WEST ALLIS RESOLUTION R-2021-0182

# RESOLUTION TO AMEND THE AGREEMENT WITH AYRES ASSOCIATES INC. FOR METHANE AND GROUNDWATER SAMPLING AT THE LINCOLN AVENUE LANDFILL SITE FOR THREE YEARS AT AN AMOUNT NOT TO EXCEED \$18,900

**WHEREAS,** in 1994, the Wisconsin DNR approved a closure plan for the former landfill site at 113 St. and Lincoln Av.; and,

**WHEREAS,** following the closure of the landfill, the City of West Allis is required to conduct ongoing methane and groundwater sampling, as prescribed by the Wisconsin Department of Natural Resources (WDNR); and,

**WHEREAS,** Ayres Associates Inc. has been the City's long time consultant for these services and has proposed to continue to provide the necessary services to monitor this site for a three year period from January 1, 2021 continuing through December 31, 2023 for an amount not to exceed \$18,900.

**NOW THEREFORE,** BE IT RESOLVED by the Mayor and Common Council of the City of West Allis that the proposal dated March 5, 2021 submitted by Ayres Associates Inc. for methane gas and groundwater sampling at the Lincoln Avenue landfill is hereby amended and accepted.

BE IT FURTHER RESOLVED that the funding for the amended proposal will be charged to budgeted 2021 funds in account number 100-4201-535-3004 (General Fund, Sanitation & Streets, Other Services).

BE IT FURTHER RESOLVED that the appropriate City officials are directed and hereby authorized to issue a purchase order for the aforesaid services and the Director of Public Works is authorized to sign the agreement and take all appropriate actions to execute the sampling services in compliance with WDNR rules and regulations.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0182" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0182(Added)

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## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis		

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## AMENDMENT TO AGREEMENT

Amendment dated March 5, 2021

The Agreement for Professional Services made as of February 12, 2018, between the City of West Allis, 7525 West Greenfield Avenue, West Allis, Wisconsin 53214 (OWNER) and Ayres Associates Inc, 3376 Packerland Drive, Ashwaubenon, Wisconsin 54115 (CONSULTANT) is hereby amended as set forth below.

CONSULTANT shall provide professional services associated with the site identified as the West Allis Landfill, Wisconsin Department of Natural Resources Facility Identification (FID) Number 24120540, License #1718, located at 11241West Lincoln Avenue, West Allis, Wisconsin, and as described below (hereinafter called the Project). The approximately 13-acre site and the locations of groundwater and gas monitoring points are shown in Exhibit A.

This amendment extends CONSULTANT services for an additional three years (2021 to 2023) and modifies the scope and compensation of existing Project tasks as follows:

#### Task 1: Groundwater Sampling

CONSULTANT will conduct annual sampling of the ten (10) groundwater monitoring wells in accordance with conditions stated in the monitoring plan submitted to the WDNR on September 3, 2020, and revised October 27, 2020. See Exhibit B. Sampling activities will typically occur annually in March or April.

Field data collected and the laboratory analysis results will be submitted electronically to the WDNR (Southeast District) project hydrogeologist and Project solid waste engineer following each groundwater sampling event. Additionally, the data will be compiled in a specific format by the laboratory to fulfill the WDNR's Groundwater and Environmental Monitoring (GEMS) Systems online database criteria and submitted to the WDNR Bureau of Waste and Materials Management, Madison, Wisconsin. A total of three (3) rounds of monitoring and database submissions will be completed during this 3-year contract period.

## Task 2: Methane Gas Sampling

CONSULTANT will sample the eight (8) methane gas monitoring wells once per year in accordance with the WDNR's "Conditional Closure Plan Modification Approval" letter dated June 16, 2004.

Data collected from the wells will include methane gas (% by volume), oxygen (%by volume), carbon dioxide (% by volume), barometric pressure, and ambient air temperature. The date and time of sampling, barometric pressure (and trend), ambient air temperature, and surface conditions in the wells' vicinity are also to be recorded. A total of three (3) rounds of sampling will be conducted during this 3-year contract period.

The data collected during sampling of the methane gas will be tabulated and then submitted to the contracted laboratory for conversion to the GEMS format. Upon completing those activities, the digital data will be forwarded to both the WDNR (Southeast District) Solid Waste Engineer and the WDNR Bureau of Waste and Materials Management, Madison, Wisconsin.

### Task 3: Reporting

Following each monitoring event CONSULTANT will prepare a report for the City of West Allis and the WDNR Southeast District Solid Waste Engineer which includes:

- Tabulated data tables
- WDNR Lab Certification form 4400-231
- Summary report of results

Upon completing those activities, an electronic and hardcopy version of the report will be forwarded to the WDNR (Southeast District) Solid Waste Engineer and the City.

## **Estimated Fees**

TASK	COMPENSATION
Task 1 Groundwater Sampling (3 rounds, 1 per year)	\$6,700
Task 2 Methane Gas Sampling (3 rounds, 1 per year)	\$3,000
Task 3 Reporting and Project Coordination	\$7,200
Laboratory Analysis	\$2,000

Total Compensation under this Amendment

\$18,900

In Witness Whereof, the parties hereto have made and executed this Amendment to Agreement as of the day and year first written above.

		Ayres Associates Inc
OWNER		CONSULTANT
	(Signature)	My C. Steins
	(Typed Name)	Jeffrey C. Steiner, PG, PH, CPG
	(Typed Name)	Jerliey C. Stellier, FG, FTI, CFG
	(Title)	Senior Hydrogeologist/Project Manager
	(Date)	March 8, 2021

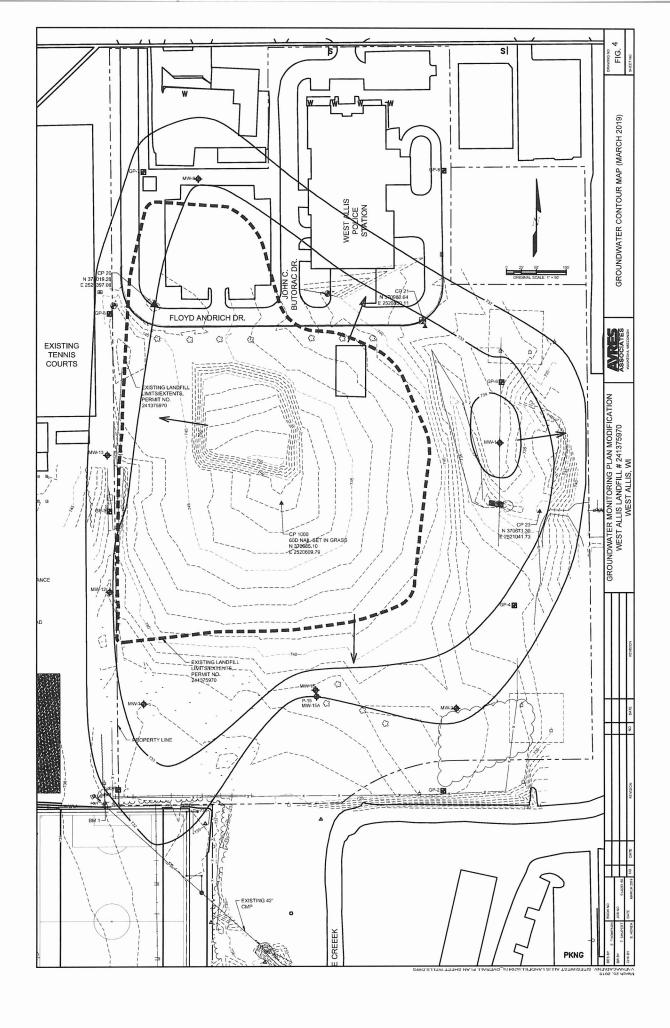


Table 3
Proposed Ground Water Monitoring Program
City of West Allis Landfill – License #1718

Wells	DNR ID No.	WUWN	Frequency	Parameter Code/Parameter		
MW-1	201	GN919	Annual	Indicator Parameters:		
MW-2	201	GN920	72020 Ground Water Elevation (msl) 00010 Water Temperature (°C)			
MW-3	203	GN921		00094 Conductivity @ 25°C (μmhos/cm)		
MW-8	208	GN926		00400 pH 22413 Total Hardness (filtered)		
MW-12	212	GN930		39036 Total Alkalinity (filtered)		
MW-13	213	GN931		70295 Total Dissolved Solids (filtered)		
MW-15	216	GN934		Public Welfare Parameters:		
P-15	217	GN935		00940 Chloride (filtered) 00946 Sulfate (filtered)		
				Public Health Parameters:		
				01000 Arsenic (filtered)		
				01145 Selenium (filtered)		
MW-10	210	GN928	Annual	72020 Ground Water Elevation (msl)		
MW-11	211	GN929				

Note sample odor (00001), color (00002), and turbidity (00003) at the time of sampling.

## CITY OF WEST ALLIS RESOLUTION R-2021-0199

RESOLUTION TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO AMEND AN EXISTING PROFESSIONAL SERVICES CONTRACT WITH BAXTER & WOODMAN CONSULTING ENGINEERS TO PROVIDE ENGINEERING AND SERVICES FOR THE CITY OF WEST ALLIS DEPARTMENT OF PUBLIC WORKS FOR AN AMOUNT NOT TO EXCEED \$8,000

**WHEREAS**, the City has an existing professional services contract with Baxter & Woodman Consulting Engineers for professional services to complete a Risk and Resilience Assessment for the West Allis Water Utility, adopted under R-2020-0524; and,

**WHEREAS,** the City will need further assistance from Baxter & Woodman Consulting Engineers for professional services related to the EPA mandated second phase, which is establishing an Emergency Response Plan based on the Risk and Resilience Assessment.

**NOW THEREFORE,** BE IT RESOLVED by the Mayor and Common Council of the City of West Allis that the proposal dated March 8, 2021, submitted by Baxter and Woodman Consulting Engineers to furnish professional services for the costs related to completing the Emergency Response Plan in accordance with EPA guidelines and a deadline of June 30, 2021.

BE IT FURTHER RESOLVED that funding for this professional services agreement are budgeted and will be charged to Water Utility Account 501-2901-537.30-02 (Professional Services/Consultants).

BE IT FURTHER RESOLVED that the Director of Public Works be and is hereby authorized to enter into an amended professional services contract with Baxter & Woodman Consulting Engineers for professional services.

BE IT FURTHER RESOLVED by the Common Council of the City of West Allis that the Director of Public Works is authorized to execute the Baxter & Woodman proposal along with any other documents related to the Emergency Response Plan in the amount not to exceed \$8,000.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0199" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

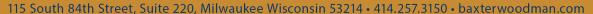
R-2021-0199(*Added*)

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## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest	Presiding Officer			
Rebecca Grill, City Clerk, City Of			vine, Mayor City	Of West
West Allis		Allis		

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March 8, 2021

Mr. Michael Brofka Water System Superintendent City of West Allis 6300 McGeoch Avenue West Allis, WI 53219

Subject: Proposal for Professional Services

America's Water Infrastructure Act (AWIA)

Emergency Response Plan

West Allis, Wisconsin

B&W Project Number 200578.31

Dear Mr. Brofka:

Thank you for inviting Baxter & Woodman to propose professional services for this Project. This proposal responds to your request, including a description of our proposed Scope of Services and engineering fee information.

## PROJECT DESCRIPTION

This Project involves updating West Allis Water Utility's Emergency Response Plan (ERP). The ERP will be updated to include the needed information from the Utility's recently completed Risk and Resilience Assessment of the City's water system.

On October 23, 2018, the America's Water Infrastructure Act (AWIA) was signed into law. This law requires all community water systems serving more than 3,300 people to complete a Risk and Resilience Assessment (RRA) on their system. Because the Utility serves a population greater than 50,000 people (but less than 100,000), West Allis was required to submit certification of completion of its AWIA Risk and Resilience Assessment by the end of December 2020.

Included in the AWIA requirements is the ERP certification of completion six months after the RRA deadline. This certification for West Allis is to be submitted to USEPA by June 30, 2021.



## SCOPE OF WORK

## **Water System Emergency Response Plan**

- 1. EMERGENCY RESPONSE PLAN UPDATE
  - A. REPORT Update the City Water Utility's ERP using the USEPA ERP template. The results of the Utility's Risk and Resilience Assessment will be used in the updated ERP with the most likely response scenarios.
    - i. Meet with the City's Emergency Response Planning Team/Committee including representative emergency response personnel from the community and water staff. The purpose of this meeting is to review the Risk and Resilience Assessment and the ERP with the personnel that would be involved in the case of an emergency, and identify the proper protocols for involvement of each of the involved emergency services.
    - ii. Finalize the ERP with feedback from the City. A digital version and two hard copies of the final ERP report will be provided to the City.
  - B. SUBMIT EMERGENCY RESPONSE PLAN Assist the Water Utility in submitting the required EPA certification for the ERP on or before June 30, 2021.

## **CITY RESPONSIBILITIES**

City, at its expense, shall do the following in a timely manner so as not to delay the Services.

- 1. **Information/Reports:** Furnish the Baxter & Woodman project team with relevant project-related information, all of which Baxter & Woodman may rely upon without independent verification in performing the Services.
- 2. **Representative:** Designate a representative for the Project who shall have the authority to transmit instructions, receive information, interpret and define City's policies and make decisions with respect to the Services.
- 3. **Decisions:** Provide all criteria and full information as to City requirements for the Project, obtain (with Baxter & Woodman's assistance, if applicable) necessary approvals, attend Project-related meetings, provide interim reviews on an agreed-upon schedule, make decisions on Project alternatives, and generally participate in the Project to the extent necessary to allow the Baxter & Woodman project team to perform the Services.
- 4. **Other Responsibilities:** Pay directly any required fees associated with the Project.



## **SCHEDULE**

The ERP update will be completed by May 31, 2021 in advance of the Certificate of Completion submittal to USEPA by June 30, 2021.

## **CONSULTING SERVICES FEE**

City shall pay the Engineer for the services performed or furnished as stated in the above scope of services for the lump sum amount of **\$8,000**.

If this Proposal is acceptable, **please sign, and return one copy for our files**. The same Standard Terms and Conditions that applied to the RRA Project are attached to this Proposal.

Sincerely,

BAXTER & WOODMAN, INC. CONSULTING ENGINEERS

Derek J. Wold, P.E., BCEE Executive Vice President

Attachment

Patrick S. Planton, P.E., MBA Project Manager

City of West Allis, Wisconsin

ACCEPTED BY: \_\_\_\_\_\_

DATE:

 $I:\ Lake\ WALLC\ 200578-Risk\_Resilience\ As\ Contracts\ Work\ ERP\ 200578.31\_Proposal\_EmergencyResponsePlanUpdate.docx$ 

### STANDARD TERMS AND CONDITIONS

**Agreement**- These Standard Terms and Conditions, together with the letter proposal, constitute the entire integrated agreement between the West Allis Water Utility (Owner) and Baxter & Woodman, Inc. (BW) and take precedence over any other provisions between the Parties. These terms may be amended, but only if both parties consent in writing.

Owner's Responsibility – Provide BW with all criteria and full information for the Project. BW will rely, without liability, on the accuracy and completeness of all information provided by the Owner including its consultants, contractor, specialty contractors, manufacturers, suppliers and publishers of technical standards without independently verifying that information. The Owner warrants that all known hazardous materials on or beneath the site have been identified to BW. BW and their consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, unidentified or undisclosed hazardous materials unless this service is set forth in the proposal.

Schedule for Rendering Services. The agreed upon services shall be completed within a reasonable amount of time allowing Owner to meet its key DNR project milestones as set forth in the Project Schedule summarized in the letter proposal. If BW is hindered, delayed or prevented from performing the services as a result of any act or neglect of the Owner or force majeure, BW's work shall be extended and the rates and amounts of BW's compensation shall be equitably adjusted in writing executed by all Parties.

Invoices and Payments. The fees to perform the proposed scope of services constitute BW's estimate to perform the agreed upon scope of services. Circumstances may dictate a change in scope, and if this occurs, an equitable adjustment in compensation and time shall be made by all parties. No service for which added compensation will be charged will be provided without first obtaining written authorization from the Owner.

**Opinion of Probable Construction Costs** - BW's opinion of probable construction costs represents its reasonable judgment as a professional engineer. Owner acknowledges that BW has no control over construction costs of contractor's methods of determining prices, or over competitive bidding, of market conditions. BW cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from BW's opinion of probable construction costs.

Standards of Performance - (1) The standard of care for all services performed or furnished by BW, will be completed with the same care and skill ordinarily used by professionals practicing under similar circumstances, at the same time and in the same locality on similar projects. (2) BW shall be responsible for the technical accuracy of its services and documents; (3) BW shall use reasonable care to comply with all applicable laws and regulations and Owner-mandated standards; (4) BW may employ such sub-consultants as BW deems necessary to assist in the performance or furnishing of the services, subject to reasonable, timely, and substantive objection by Owner; (5)BW shall not supervise, direct, control, or have authority over any contractor work (it is understood by the parties that subconsultants are not considered "contractors"), nor have authority over or be responsible for the means, methods, techniques sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety of the site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work; (6) BW neither guarantees the performance of any contractor nor assumes responsibility for contractor's failure to furnish and perform the work in accordance with the contract documents; (7) BW is not responsible for the acts or omissions of any contractor, subcontractor, or supplier, or any of their agents or employees or any other person at the site or otherwise furnishing or performing any work; (8) Shop drawing and submittal review by BW shall apply to only the items in the submissions and only for the purpose of assessing if upon installation or incorporation in the Project work they are generally consistent with the construction documents. Owner agrees that the contractor is solely responsible for the submissions (regardless of the format in which provided, i.e. hard copy or electronic transmission) and for compliance with the construction documents. Owner further agrees that BW's review and action in relation to these submissions shall not constitute the provision of means, methods, techniques, sequencing or procedures of construction or extend to safety programs or precautions. BW's consideration of a component does not constitute acceptance of the assembled item; (9) BW's site observation during construction shall be at the times agreed upon in the Project scope. Through standard, reasonable means, BW will become generally familiar with observable completed work. If BW observes completed work that is inconsistent with the construction documents, that information shall be communicated to the contractor and Owner for them to address.

**Insurance** - BW will maintain insurance coverage with the following limits and Certificates of Insurance will be provided to the Owner upon written request:

Worker's Compensation: Statutory Limits Excess Umbrella Liability: \$5 million per claim and aggregate

General Liability: \$1 million per claim Professional Liability: \$5 million per claim

\$2 million aggregate \$5 million aggregate

Automobile Liability: \$1 million combined single limit



BW shall ensure the sub-consultants they employ on this Project maintain insurance coverage with similar limits to those set forth above. Any claim against BW arising out of this Agreement may be asserted by the Owner, but only against the entity and not against BW's directors, officers, shareholders or employees, none of whom shall bear any liability and may not be subject to any claim.

Indemnification and Mutual Waiver – (1) To the fullest extent permitted by law, BW shall indemnify and hold harmless the Owner, which shall include such party's officers and employees, from claims, costs, losses, and damages arising out of or relating to the Project, provided that such claims, costs, losses, or damages are attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by the indemnifying party's negligent acts or omissions (2) In the event claims, losses, damages or expenses are caused by the joint or concurrent fault of BW and Owner, they shall be borne by each party in proportion to their respective fault, as determined by a court of competent jurisdiction; (3) The Owner acknowledges that BW is a business corporation and not a professional service corporation, and further acknowledges, accepts, and agrees that BW's officers, directors, and employees shall not be subject to any personal liability for services provided under this Agreement.

Nothing contained within this Agreement is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defenses and immunities contained within Wisconsin Statutes sections 893.80 and 345.05. To the extent that indemnification is available and enforceable, the City or its insurer shall not be liable in indemnity, contribution or otherwise for an amount greater than the limits of liability for municipal claims established by Wisconsin law.

<u>Termination</u> - Either party may terminate this Agreement upon ten (10) business days' written notice to the other party in the event of failure by the other party to perform with the terms of the Agreement through no fault of the terminating party. A condition precedent to termination shall be an opportunity for the Parties to meet. If this Agreement is terminated, Owner shall receive reproducible copies of drawings, developed applications and other completed documents. Owner shall be liable for, and promptly pay for all services and reimbursable expenses rendered to the date of suspension/termination of services.

<u>Use of Documents</u> - BW documents are instruments of service and BW retains ownership and property interest (including copyright and right of reuse). Owner shall not rely on such documents unless in printed form, signed or sealed by BW or its consultant. Electronic format of BW's design documents may differ from the printed version and BW bears no liability for errors, omissions or discrepancies. Reuse of BW's design documents is prohibited and Owner shall defend and indemnify BW from all claims, damages, losses and expenses, including attorney's fees, consultant/expert fees, and costs arising out of or resulting from said reuse. Nothing herein shall restrict Owner's obligations pursuant to the Wisconsin Open Records law. BW's document retention policy will be followed upon Project closeout, and project documents will be kept for a period of 14 years after Project closeout.

<u>Successors, Assigns, and Beneficiaries</u> – Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or BW to any third party, including any lender, Contractor, Contractor's subcontractor, supplier, manufacturer, other individual, entity or public body, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement are for the sole and exclusive benefit of the Owner and BW and not for the benefit (intended, unintended, direct or indirect) of any other entity or person.

**Dispute Resolution**- All disputes between the Parties shall first be negotiated between them for a period of thirty (30) days. If unresolved, disputes shall be then submitted to mediation as a condition precedent to litigation. If mediation is unsuccessful, litigation in the county where the Project is pending shall be pursued.

Miscellaneous Provisions – (1) This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located. (2) All notices must be in writing and shall be deemed effectively served upon the other party when sent by certified mail, return receipt requested; (3) All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason; (4) Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Owner and BW, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close to expressing the intention of the stricken provision; (5) A party's non-enforcement of any provision shall not constitute a waiver of the provision, nor shall if affect the enforceability of that provision or of the remainder of this Agreement; (6) To the fullest extent permitted by law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of substantial completion, which is the point where the Project can be utilized for the purposes for which it was intended.



### CITY OF WEST ALLIS RESOLUTION R-2020-0524

RESOLUTION TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO SIGN A PROPOSAL FOR PROFESSIONAL SERVICES AND ALL OTHER RELATED DOCUMENTS FOR THE HIRING OF BAXTER & WOODMAN CONSULTING ENGINEERS TO MEET THE REQUIRED MANDATE BY THE US ENVIRONMENTAL PROTECTION AGENCY AS IT RELATES TO A COMPLETING A RISK AND RESILIENCE ASSESSMENT FOR THE CITY'S WATER UTILITY IN THE AMOUNT NOT TO EXCEED \$24,000

WHEREAS, WHEREAS, the US Environmental Protection Agency has given a complete timeline for the requirements of the assessment in which the City of West Allis must certify the risk and resilience assessment no later than December 31, 2020; and,

**WHEREAS**, the City has determined that Baxter & Woodman has extensive experience with the City's water system and staff that will benefit in the completion of the study; and,

**WHEREAS,** a portion of the funds, \$20,000.00, was budgeted and is available in account number 501-2901-537.30-02 and \$4,000.00 will need to be transferred from the salary account 501-2710-537.11-01; and,

WHEREAS, the City Attorney's Office has reviewed and approved the agreement; and,

**NOW THEREFORE,**BE IT RESOLVED, by the Common Council of the City of West Allis that the Director of Public Works is authorized to execute the Baxter & Woodman proposal along with other documents related to the risk and resilience assessment in the amount not to exceed \$24,000.

**SECTION 1:** <u>ADOPTION</u> "R-2020-0524" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

### ADOPTION

R-2020-0524(Added)

BE IT FURTHER RESOLVED that the appropriate City officials are directed and authorized to fund this effort by making the appropriate transfer of budgeted water utility funds to the appropriate accounts and take whatever other actBE IT FURTHER RESOLVED that the appropriate City officials are directed and authorized to fund this effort by making the appropriate transfer of budgeted water utility funds to the appropriate accounts and take whatever other actions are required to fund the work from the West Allis Water Utility ions are required to fund the work from the West Allis Water Utility

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL SEPTEMBER 15, 2020.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	X			
Ald. Vince Vitale	X			
Ald. Tracy Stefanski	X			
Ald. Marty Weigel	X			
Ald. Suzzette Grisham	X			
Ald. Danna Kuehn	X			
Ald. Thomas Lajsic	X			
Ald. Dan Roadt	X			
Ald. Rosalie Reinke	X			
Ald. Kevin Haass	X			

Presiding Officer

Attest

Rebecca Grill, City Clerk, City Of

West Allis

Dan Devine, Mayor City Of West Allis





115 South 84th Street, Suite 220, Milwaukee Wisconsin 53214 • 414.257.3150 • baxterwoodman.com

August 26, 2020

Mr. Michael Brofka Water System Superintendent City of West Allis 6300 McGeoch Avenue West Allis, WI 53219

Subject: Proposal for Professional Services

America's Water Infrastructure Act (AWIA) Risk and Resilience Assessment

West Allis, Wisconsin

B&W Project Number 200578.10

Dear Mr. Brofka:

On October 23, 2018, the America's Water Infrastructure Act (AWIA) was signed into law. This law requires all community water systems (CWS) serving more than 3,300 people perform a Risk and Resilience Assessment (RRA) on their system. These risk and resilience assessments involve assessing the risks of every part of the water system from supply to distribution including physical, cyber, and financial systems.

Water utilities, such as the City of West Allis, with a Population Served greater than 50,000 and less than 99,999 are required to submit certification of completion of its AWIA Risk and Resilience Assessment by December 31, 2020. The Emergency Response Plan (ERP) certification of completion is due six months after the Risk and Resilience Assessment deadline. Every five years, your utility must review the Risk and Resilience Assessment and resubmit a certification to the USEPA. We would like to help you and the City of West Allis (Client) with this risk and resilience assessment, and provide you with a useful document and list of recommendations. We offer this scope, schedule, and fee for your consideration.

#### SCOPE OF WORK

### Water System Risk and Resiliency Assessment

- 1. PROJECT MANAGEMENT
  - A. Plan, schedule, and control activities to complete the Project. These activities include, but are not limited to, budgeting, scheduling, and monitoring the scope of services.



B. Submit a monthly status report via email describing tasks completed the previous month and outlining goals for the subsequent month.

### 2. PROJECT MEETINGS

- A. ATTEND KICKOFF MEETING Meet with your Risk and Resilience Assessment Team to establish your goals to meet the AWIA requirements and discuss components that will be necessary to complete the Project.
- B. MEETINGS Conduct up to two (2) additional meetings with the Client staff at times during the Project to review project status, assessments, and recommendations.

### SYSTEM ANALYSIS

- A. RESEARCH EXISTING INFORMATION Review existing information available for the water systems and identify what additional information needs to be gathered by Client. Information requested will include Client's previous Vulnerability Assessment.
- B. SITE VISIT AND EVALUATE EXISTING INFORMATION Conduct a detailed physical site visit with Water Operations staff, including an analysis of water system facilities. Evaluate gathered information and determine what is relevant to the Risk and Resilience Assessment for physical, financial, and cybersecurity assessments. Evaluate gathered information and determine what is relevant to the Risk and Resilience Assessment.
- C. DETERMINE THREATS Assess what malevolent acts or baseline threats are most likely to affect your identified critical assets, including man-made or natural disasters. Identify potential adverse consequences and the likelihoods of such threats.
- D. CYBERSECURITY RISK AND RESILIENCE ASSESSMENT Concentric Integration LLC, a wholly owned subsidiary of Baxter & Woodman Inc., will conduct an onsite review of Client's existing supervisory control and data acquisition (SCADA) system and related cybersecurity environment. The cybersecurity assessment will include an analysis of Client's water billing software. After each category is reviewed, Client will be presented with an evaluation of their relative level of resiliency and risk graded as "High",



- "Medium", or "Low" risk. Appropriate recommendations shall be provided to improve grades to "Low" risk status.
- E. PRIORITIZE RISK Identify potential adverse consequences for critical assetthreat pairs, and provide a financial cost impact range for specific assets. Develop a prioritized plan for risk reduction.
- F. PREPARE ASSET AND THREAT INVENTORY Prepare a summary of critical assets, threats, vulnerabilities, existing countermeasures, and potential remediation for Client's review. This analysis will be prepared in our own template that meets the standards established by the AWWA J100 Standard.

### 4. RISK AND RESILIENCE ASSESSMENT REPORT

- A. REPORT Provide a draft report that includes a summary of asset assessments and recommended schedule of improvements necessary to address vulnerabilities identified as part of the assessment. The final report will include Client's comments from the draft report.
- B. SUBMIT RISK AND RESILIENCE PLAN CERTIFICATION Assist Client with necessary steps for submittal of Risk and Resilience Assessment certification of completion to the USEPA by the deadline.

### **CLIENT RESPONSIBILITIES**

Client, at its expense, shall do the following in a timely manner so as not to delay the Services.

- 1. **Information/Reports:** Furnish the Baxter & Woodman project team with relevant project-related information, all of which Baxter & Woodman may rely upon without independent verification in performing the Services.
- 2. **Representative:** Designate a representative for the Project who shall have the authority to transmit instructions, receive information, interpret and define Client's policies and make decisions with respect to the Services.
- 3. **Decisions:** Provide all criteria and full information as to Client requirements for the Project, obtain (with Baxter & Woodman's assistance, if applicable) necessary approvals, attend Project-related meetings, provide interim reviews on an agreed-upon schedule, make decisions on Project alternatives, and generally participate in the Project to the extent necessary to allow the Baxter & Woodman project team to perform the Services.



4. Other Responsibilities: Pay directly any required fees associated with the Project.

### **SCHEDULE**

The Risk and Resilience Assessment will be completed by November 30, 2020 in advance of the Certificate of Completion submittal to USEPA by December 31, 2020.

### **CONSULTING SERVICES FEE**

Client shall pay the Engineer for the services performed or furnished as stated in the above scope of services for the lump sum amount of **\$24,000**.

If this Proposal is acceptable, **please sign, and return one copy for our files**. The attached Standard Terms and Conditions apply to this Proposal.

Sincerely,

BAXTER & WOODMAN, INC. CONSULTING ENGINEERS

Derek J. Wold, P.E., BCEE Executive Vice President Patrick S. Planton, P.E., MBA Project Manager

Attachment

City of West Allis, Wisconsin

ACCEPTED BY:

TITI E.

DATE.

 $\label{lem:corp.baxwood.comprojects} $$\operatorname{Crystal Lake}\ALC\200578-Risk_Resilience As\Contracts\Work\200578.30_Proposal_Risk_Resilience Assessment.docx $$\operatorname{Crystal Lake}\All Assessmen$ 

### STANDARD TERMS AND CONDITIONS

Agreement - These Standard Terms and Conditions, together with the letter proposal, constitute the entire integrated agreement between the West Allis Water Utility (Owner) and Baxter & Woodman, Inc. (BW) and take precedence over any other provisions between the Parties. These terms may be amended, but only if both parties consent in writing.

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**Insurance** - BW will maintain insurance coverage with the following limits and Certificates of Insurance will be provided to the Owner upon written request:

Worker's Compensation: Statutory Limits Excess Umbrella Liability: \$5 million per claim and aggregate

General Liability: \$1 million per claim Professional Liability: \$5 million per claim \$2 million aggregate \$5 million aggregate

Automobile Liability: \$1 million combined single limit



BW shall ensure the sub-consultants they employ on this Project maintain insurance coverage with similar limits to those set forth above. Any claim against BW arising out of this Agreement may be asserted by the Owner, but only against the entity and not against BW's directors, officers, shareholders or employees, none of whom shall bear any liability and may not be subject to any claim.

Indemnification and Mutual Waiver – (1) To the fullest extent permitted by law, BW shall indemnify and hold harmless the Owner, which shall include such party's officers and employees, from claims, costs, losses, and damages arising out of or relating to the Project, provided that such claims, costs, losses, or damages are attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, but only to the extent caused by the indemnifying party's negligent acts or omissions (2) In the event claims, losses, damages or expenses are caused by the joint or concurrent fault of BW and Owner, they shall be borne by each party in proportion to their respective fault, as determined by a court of competent jurisdiction; (3) The Owner acknowledges that BW is a business corporation and not a professional service corporation, and further acknowledges, accepts, and agrees that BW's officers, directors, and employees shall not be subject to any personal liability for services provided under this Agreement.

Nothing contained within this Agreement is intended to be a waiver or estoppel of the City or its insurer to rely upon the limitations, defenses and immunities contained within Wisconsin Statutes sections 893.80 and 345.05. To the extent that indemnification is available and enforceable, the City or its insurer shall not be liable in indemnity, contribution or otherwise for an amount greater than the limits of liability for municipal claims established by Wisconsin law.

Termination - Either party may terminate this Agreement upon ten (10) business days' written notice to the other party in the event of failure by the other party to perform with the terms of the Agreement through no fault of the terminating party. A condition precedent to termination shall be an opportunity for the Parties to meet. If this Agreement is terminated, Owner shall receive reproducible copies of drawings, developed applications and other completed documents. Owner shall be liable for, and promptly pay for all services and reimbursable expenses rendered to the date of suspension/termination of services.

<u>Use of Documents</u> - BW documents are instruments of service and BW retains ownership and property interest (including copyright and right of reuse). Owner shall not rely on such documents unless in printed form, signed or sealed by BW or its consultant. Electronic format of BW's design documents may differ from the printed version and BW bears no liability for errors, omissions or discrepancies. Reuse of BW's design documents is prohibited and Owner shall defend and indemnify BW from all claims, damages, losses and expenses, including attorney's fees, consultant/expert fees, and costs arising out of or resulting from said reuse. Nothing herein shall restrict Owner's obligations pursuant to the Wisconsin Open Records law. BW's document retention policy will be followed upon Project closeout, and project documents will be kept for a period of 14 years after Project closeout.

Successors, Assigns, and Beneficiaries – Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or BW to any third party, including any lender, Contractor, Contractor's subcontractor, supplier, manufacturer, other individual, entity or public body, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement are for the sole and exclusive benefit of the Owner and BW and not for the benefit (intended, unintended, direct or indirect) of any other entity or person.

<u>Dispute Resolution</u>. All disputes between the Parties shall first be negotiated between them for a period of thirty (30) days. If unresolved, disputes shall be then submitted to mediation as a condition precedent to litigation. If mediation is unsuccessful, litigation in the county where the Project is pending shall be pursued.

Miscellaneous Provisions – (1) This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located. (2) All notices must be in writing and shall be deemed effectively served upon the other party when sent by certified mail, return receipt requested; (3) All express representations, waivers, indemnifications, and limitations of liability included in this Agreement will survive its completion or termination for any reason; (4) Any provision or part of the Agreement held to be void or unenforceable under any Laws or Regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the Owner and BW, which agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close to expressing the intention of the stricken provision; (5) A party's non-enforcement of any provision shall not constitute a waiver of the provision, nor shall if affect the enforceability of that provision or of the remainder of this Agreement; (6) To the fullest extent permitted by law, all causes of action arising under this Agreement shall be deemed to have accrued, and all statutory periods of limitation shall commence, no later than the date of substantial completion, which is the point where the Project can be utilized for the purposes for which it was intended.



### CITY OF WEST ALLIS RESOLUTION R-2021-0200

## RESOLUTION TO ACCEPT THE PROPOSAL OF CARLIN/PROGREENPLUS, PROVIDING 4% EMAMECTIN BENZOATE EMERALD ASH INSECTICIDE TREATMENT, FOR A TOTAL NET SUM OF \$40,150

**WHEREAS**, the purchase of this insecticide chemical will help mitigate the Emerald Ash Borer within the City's Ash trees; and,

**WHEREAS**, the Finance Department has reported that it duly processed a request for quotation for furnishing 110 qts. of 4% Emamectin Benzoate Emerald Ash treatment for the Public Works Forestry Division of the City of West Allis; and,

**WHEREAS,** the Common Council deems it to be in the best interests of the City of West Allis that the proposals of Carlin/ProGreenPlus, Complete Lawn and Landscape Supply and Rainbow Treecare Scientific Advancements be accepted.

**NOW THEREFORE,** BE IT RESOLVED by the Mayor and Common Council of the City of West Allis that the proposal submitted by Carlin/ProGreenPlus for furnishing and delivering 110 quarts of 4% Emamectin Benzoate insecticide, not to exceed of \$40,150 net 30 days, in accordance with City of West Allis RFQ 21-005 be and is hereby accepted. Funding for this purchase has been budgeted and is available in the Public Works General Fund and the purchase will be charged to account number 100-4301-533-53.02.

BE IT FURTHER RESOLVED, that the Finance Department be and is hereby authorized to enter into a contract for the aforesaid supplies.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0200" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0200(Added)

Page 1 119

### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio			<u></u>	
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presid	ing Officer	
Rebecca Grill, City Clerk, City Of		Dan De	vine, Mayor City	Of West
West Allis		Allis	, ,	

Page 2 120

City of West Allis Bid Tabulation					
DUE DATE: 03/22/2021 @ 11am CT					
Project: Bid # # 21-005 - 110 Quart Bottles ap	pproved ArborMectin or Mect	inite (Emamectin Benzoate - 4% Active Ingre	edient)		
Name of Contractor(s):	Carlin/ProGreenPlus	Complete Lawn & Landscape Supply	Rainbow	Reinders	Forestry Distributing
Product:	Arbormectin Qt. Btl.	Mectinite Qt. Btl.	Mectinite Qt. Btl.	No Bid	No Bid
Terms:		Net 60 days			
Credit Card Acceptance:		No			
Delivery:					
Quantity:	110 Qt. Btl.	110 Qt. Btl.	110 Qt. Btl.		
Delivery:	10 Days				
Unit Price	\$365.00	\$402.90	\$407.25		
Total	\$40,150.00	\$44,319.00	\$44,797.50		

### CITY OF WEST ALLIS RESOLUTION R-2021-0201

RESOLUTION TO APPROVE BID OF GLOBE CONTRACTORS, INC. FOR THE INSTALLATION OF CONCRETE CURB AND GUTTER, CONCRETE PAVEMENT, CONCRETE SIDEWALK, DRIVEWAY REPLACEMENT, SANITARY SEWER RELAY, STORM SEWER, STORM SEWER RELAY, WATER MAIN RELAY, BUILDING SERVICES AND UTILITY ADJUSTMENTS IN S. 56 ST. FROM W. BELOIT RD. TO W. ROGERS ST. AND S. 62 ST. FROM W. WASHINGTON ST. TO W. NATIONAL AVE. IN THE AMOUNT OF \$2,933,612.50

**WHEREAS,** The Board of Public Works reports that it duly advertised for bids for the furnishing of certain materials and the performance of all work required for the improvements in a certain area as hereinafter described; that the bids received as shown on the attached bid report were reasonable and hereby recommends and deems it to be for the best interests of the City of West Allis that the bid of Globe Contractors, Inc. for 2021 Project No. 5 be accepted.

**NOW THEREFORE,** BE IT RESOLVED By the Common Council of the City of West Allis that the bid of Globe Contractors, Inc. for 2021 Project No. 5 for the installation of concrete curb and gutter, concrete pavement, concrete sidewalk, driveway replacement, sanitary sewer relay, storm sewer, storm sewer relay, water main relay, building services and utility adjustments in:

South 56th Street from West Beloit Road to West Rogers Street South 62nd Street from West Washington Street to West National Avenue

(PLAN FILE NOS. SP-1263, SP-1264, S-1643, S-1644, S-1645, W-1407, W-1408, W-1409, W-1410, U-2662, U-2663, U-2664, U-2665, X-916)

for the sum of Two Million, Nine Hundred Thirty-Three Thousand, Six Hundred Twelve & 50/100 dollars (\$2,933,612.50) be accepted, and the proper City officers are hereby authorized and directed to enter into contractual relations with said contractor for the performance of said work, in accordance with the prices submitted in their proposal and with the specifications of the City of West Allis, and that all other bids received for same be rejected; and,

BE IT FURTHER RESOLVED That said improvements be installed with funding by Sanitary Sewer Funds, Storm Water Management Funds, Water Utility Funds, Bond Funds and Funds from Special Assessments.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0201" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

Page 1 122

### ADOPTION

R-2021-0201(Added)

### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presid	ing Officer	
Rebecca Grill, City Clerk, City Of		Dan De	evine, Mayor City	Of West
West Allis		Allis	vine, mayor City	OI WEST

Page 2 123

### CITY OF WEST ALLIS RESOLUTION R-2021-0212

# RESOLUTION DECLARING "CRAFTERNOONS" TO BE HELD THE SECOND SATURDAY OF MAY, JUNE, JULY, AUGUST, AND SEPTEMBER IN 2021 EACH AT A DIFFERENT LOCATION WITHIN THE DOWNTOWN BOUNDARIES AS A COMMUNITY EVENT

**WHEREAS**, the City of West Allis along with the Promotions Committee of the Downtown West Allis Business Improvement District (DWABID), are hosting CrafterNoons" to be held the second Saturday or May, June, July, August, and September in 2021 each at a different location within the Downtown boundaries; and

**WHEREAS**, due to COVID-19 restrictions this event is meant to help small retail, artists and crafters in our area to gain exposure while maintaining social distancing and COVID-19 restrictions; and

WHEREAS, all events will run from 12:00 p.m. (noon) to 5:00 p.m.

**NOW THEREFORE,** BE IT RESOLVED, that the Common Council of the City of West Allis declares "CrafterNoons" as a community event.

**SECTION 1:** <u>ADOPTION</u> "R-2021-0212" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0212(Added)

Page 1 124

### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of West Allis	_	Dan Dev Allis	vine, Mayor City	Of West

Page 2 125



7231 W. GREENFIELD AVE., SUITE 201 · WEST ALLIS, WI 53214
PHONE (414) 774-2676 · FAX (414) 774-7728

WWW.WESTALLISDOWNTOWN.COM

April 1, 2021

Mayor Dan Devine and Common Council Members City of West Allis, City Hall 7525 W. Greenfield Ave. West Allis, WI 53214

Dear Honorable Mayor Devine and Common Council Members:

The Promotions Committee of the *Downtown West Allis Business Improvement District (DWABID)* is looking to host a new event series called "CrafterNoons." *This series of events will be held the second (2<sup>nd</sup>) Saturday of May, June, July, August, and September each at a different location within our Downtown boundaries.* Due to the epidemic and the cancellation of the 2021 West Allis A la Carte, we are hoping to help small retail, artists and crafters in our area gain exposure while maintaining social distancing and Covid-19 restrictions. Through these events we will attract visitors to the avenue and experience West Allis Downtown. All events will run from 12noon to 5pm.

### CrafterNoons Schedule (See attached maps)

- Saturday, May 8, 2021: Area being requested: 75<sup>th</sup> Street, south of Greenfield and the municipal parking lot east of 75th street south of Greenfield Avenue.
- Saturday, June 12, 2021: Area being requested: 73rd Street, both north and south of Greenfield Avenue.
- Saturday, July 10, 2021: Area being requested: 72nd Street, both north and south of Greenfield Avenue.
- Saturday, August 14, 2021: Area being requested: 71st Street, both north and south of Greenfield Avenue.
- Saturday, September 11, 2021: Area being requested: 73rd Street, south of Greenfield and the municipal parking lot east of 73rd street – south of Greenfield.

All streets and municipal parking lots will be closed to traffic starting at 9am day of event and reopened by 7pm. Alleyways will remain open to the traffic.

As in previous years, the DWABID requests the assistance from the City of West Allis use of signs and barricades to ensure event safety. A letter and map, outlining these requests will be submitted to Department of Public Works at a later date.

Our organization holds a one-million-dollar event insurance policy with the City of West Allis listed as an additional insured. (See enclosed.)

Downtown West Allis extends its thanks to Mayor Devine and the Common Council for their continued support and consideration in this matter. If you have any questions, please call 414-774-2676.

Sincerely,

Donald Falk

Downtown West Allis

Promotions Chairperson

Encl.

cc: David Wepking, Cindy Rausch, Alderperson Marty Weigel & Alderperson Tracy Stefanski

1

A MAIN STREET COMMUNITY A 501(C) NON-PROFIT CORPORATION
BUILDING A POSITIVE IMAGE THAT ENCOURAGES CUSTOMER GROWTH AND
WELCOMES COMMUNITY INVOLVEMENT



### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED

REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) must be endorsed. If SUBROGATION IS WAIVED, subject to

the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the PRODUCER CONTACT NAME: icon Insurance Service Corp 557 Cottonwood Ave Sulte 108 Hartland, WI 53029 Sandra E Spanaus PHONE (A/C, No, Ext): E-MAIL FAX (A/C, No); E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: DOWNT-1 INSURER(S) AFFORDING COVERAGE Downtown West Allis BID INSURED NAIC# Downtown West Allis Inc. INSURER A : Hartford Dianne Eineichner INSURER B : 7231 W. Greenfield Ave. INSURER C: West Allis, WI 53214 INSURER D : INSURER E: INSURER F **COVERAGES CERTIFICATE NUMBER:** THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBR INSR WVD TYPE OF INSURANCE POLICY EFF POLICY EXP (MM/DD/YYYY) (MM/DD/YYYY) POLICY NUMBER GENERAL LIABILITY LIMITS EACH OCCURRENCE 1,000,000 COMMERCIAL GENERAL LIABILITY X 83SBAAC2695 DAMAGE TO RENTED PREMISES (Ea occurrence) 01/17/2021 01/17/2022 CLAIMS-MADE X OCCUR 1,000,000 \$ MED EXP (Any one person) 10.000 \$ PERSONAL & ADV INJURY 1,000,000 \$ GENERAL AGGREGATE GEN'L AGGREGATE LIMIT APPLIES PER: 2,000,000 \$ PRODUCTS - COMP/OP AGG 2,000,000 POLICY \$ AUTOMOBILE LIABILITY COMBINED SINGLE LIMIT ANY AUTO 1,000,000 83SBAAC2695 (Ea accident) 01/17/2021 | 01/17/2022 ALL OWNED AUTOS BODILY INJURY (Per person) \$ SCHEDULED AUTOS BODILY INJURY (Per accident) \$ X HIRED AUTOS PROPERTY DAMAGE (PER ACCIDENT) X NON-OWNED AUTOS \$ UMBRELLA LIAB \$ OCCUR EACH OCCURRENCE EXCESS LIAB \$ CLAIMS-MADE **AGGREGATE** \$ DEDUCTIBLE RETENTION \$ \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY X WC STATU-TORY LIMITS ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? 83WECAC2SE5 01/17/2021 01/17/2022 N/A E.L. EACH ACCIDENT (Mandatory In NH) 100,000 If yes, describe under DESCRIPTION OF OPERATIONS below E.L. DISEASE - EA EMPLOYEE 100,000 E.L. DISEASE - POLICY LIMIT 500,000 DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required) Liability is extended to Jan20, June 6th, Aug 4th, Oct 3rd, Oct 30, Nov 17 2021 with the City of West Allis named as additional insured. CERTIFICATE HOLDER CANCELLATION CITYOFW SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE City of West Allis THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. City Hall 7525 W Greenfield Avenue West Allis, WI 53214 AUTHORIZED REPRESENTATIVE Sandra E Spanaus

NOTEPAD

Downtown West Allis BID INSURED'S NAME

DOWNT-1 OP ID: SS PAGE 2 Date 12/02/2020

City Of West Allis; their officers, employees, agents, and volunteers are named as additional insured for GL, AL, & UMB coverages, but only as respects work performed by or on behalf of the named insured. Such insurance afforded shall be primary insurance and any insurance carried by certificate holder & additional insured shall be excess and not contributory insurance for general liability coverage. A waiver of subrogation is provided for the general liability, auto liability, professional liability, and umbrella liability coverage in favor of the additional insured. Severability of interest/cross liability wording is included for GL & AL Coverages.

### CLAIMANT CONTACT INFORMATION



Name. Sulon Faulik	Phone: 414-712-1002
Address: 723 S. 94th St.	Email: echoofongels 8 egmail.com
West Allis, WI SZZIY	
Complete this form, print and sign it, and s you have questions about how to fill out th assist you.	FRUCTIONS erve a hard copy upon the West Allis City Clerk. It is form, please contact a private attorney who care
Date of incident: 3 12 0021  Location: West Allis	Time of day: 11, 38 Am
diagram of the location, a list of injuries	ere. You may attach additional sheets or exhibits. ce report, pictures of the incident or damage, a a list of property damage, names and contact at, and any other information relevant to the
I was at community Memorial Hospi	tel post C-section (c-section 2/10/2021)
My boytriend come home to snowblo	Wishovel the sidewolk of wolkpoth to the
house, Bryon Morble (boyfriend) wit	nessed Several officers impacting the vehicle
He osked if they needed help, the of	ficers stated the cor was hit by a city
place of the were reviewing the dem	regel. The individual of the city prop who
los it is a load sale as	No la contrata de la contrata del contrata de la contrata del contrata de la contrata del contrata de la contrata de la contrata del contrata de la contrata de la contrata de la contrata de la contrata del contrata del contrata de la contrata de la contrata del contrat
THE PROPERTY AND COURT THE PO	like to report the incident. The individual
driving the city plow hel intormed	Bryon Morble it was his fourt (accident)
for he slid on lie t hit the bun	oper. I was informed + collect a claim,
Check one:  I am seeking damages at this time (column lam submitting this notice without a clawill not be processed until I submit a claw.	alm for damages. This claim is not never to
Signed: Say A Char	
	Date: 03 15 3031
CLAIM To complete this claim, attach an itemized state or repair to property, include at least 2 estimate	AMOUNT rement of damages sought. If any damages are less for repairs.
he total amount sought is: \$	
	Marine and the state of the sta

**PRINT** 

3/ 2/2021 04:26 PM

Estimate ID: 29366 Estimate Version:

Preliminary

Profile ID: Mitchell

### **Brownell Quality Collision Center**

10414 W Greenfield Ave, West Allis, WI 53214 (414) 774-0610 Fax: (414) 774-0760 Email: BrownellQCC@aol.com Tax ID: 39-1758646

Damage Assessed By: RYAN KONKEL

Classification: Field

Condition Code: Excellent

Deductible: 0.00

Claim Number: 29366

Owner: SARAH PAULIK

Telephone: Home Phone:

(414) 712-1002

Mitchell Service: 911632

Description: 2015 Toyota Corolla S

Body Style:

VIN:

OEM/ALT: Color: Options:

WHITE

4D Sed

Drive Train: 1.8L Inj 4 Cyl A FWD

Search Code: B913542

Type of Loss: Collision

PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING REAR WINDOW DEFOGGER, AIR CONDITION, CRUISE CONTROL, TILT STEERING COLUMN

AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR

FRONT SIDE AIRBAG WITH HEAD PROTECTION, ANTI-LOCK BRAKE SYS., TRACTION CONTROL FOG LIGHTS, ALUM/ALLOY WHEELS, REARVIEW CAMERA, TIRE INFLATION/PRESSURE MONITOR NAVIGATION SYSTEM, AUXILIARY INPUT, BLUETOOTH WIRELESS CONNECTIVITY, HD RADIO

LEATHER STEERING WHEEL, SATELLITE RADIO, CD PLAYER

POWER ADJUSTABLE EXTERIOR MIRROR, AUTOMATIC TRANSMISSION, SUNROOF/MOONROOF

AUTO AIR CONDITION, TRIP COMPUTER, FIRST ROW BUCKET SEAT, SIDE AIRBAGS AUTOMATIC HEADLIGHTS, SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION REMOTE DECKLID OR TAILGATE RELEASE, MP3 PLAYER, DAYTIME RUNNING LIGHTS ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM REAR BENCH SEAT, REAR SPOILER, STEERING WHEEL AUDIO CONTROLS

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount		bor nits
1	101553	BDY	REPAIR	L Quarter Outer Panel Assy	Existing		6.	5*#
2	AUTO	REF	REFINISH	L Quarter Panel Outside			C 2.	2
3	101558	BDY	REMOVE/REPLACE	L Quarter Extension	61698-02914	70.05	1.	5
4	AUTO	REF	REFINISH	L Qtr Panel Extension			C 0.	5
5	100203	BDY	REMOVE/INSTALL	L Rear Combination Lamp			INC	C #
6	101409	BDY	REMOVE/REPLACE	L Rear Combination Lamp Assembly	81560-02751	127.83	0.	8 #
7	101248	BDY	REMOVE/INSTALL	Rear Bumper Cover			INC	2
8	AUTO	BDY	OVERHAUL	Rear Bumper Cover Assy			1.	5
9	101307	BDY	REMOVE/REPLACE	Rear Bumper Cover	52159-03901	273.85	INC	0
10	AUTO	REF	REFINISH	Rear Bumper Cover			C 3.	0 #
11	101310	BDY	REMOVE/REPLACE	L Rear Upr Bumper Support	52563-02210	29.39	0.	1 #
12	101312	BDY	REMOVE/REPLACE	L Rear Bumper Support	52576-02110	63.96	0.	1 #
13	AUTO	REF	ADD'L OPR	Clear Coat			1.0	6
14	933005	BDY	ADD'L OPR	Restore Corrosion Protection		10.00	* 0.	3*
15	933018	REF	ADD'L'OPR	Mask For Overspray		5.00	* 0.	3*
16	AUTO		ADD'L COST	Paint/Materials		292.00	*	
17	AUTO		ADD'L COST	Hazardous Waste Disposal		5.00	*	

ESTIMATE RECALL NUMBER: 03/02/2021 16:25:24 29366

Mitchell Data Version: OEM: FEB\_21\_V

Software Version:

7.1.240

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Page 1 of 2

Date: 3/ 2/2021 04:26 PM

Estimate ID: 29366

Estimate Version: 0

Preliminary

Profile ID: Mitchell

\* - Judgment Item

# - Labor Note Applies

C - Included in Clear Coat Calc

### **Estimate Totals**

I.	Labor Subtotals Body Refinish	Units 10.8 7.6	Rate 60.00 60.00	Add'I Labor Amount 10.00 5.00	Sublet Amount 0.00 0.00	Totals 658.00 461.00	 II.	Part Replacement Summary Taxable Parts Sales Tax	@	5.500%	Amount 565.08 31.08
		Taxable L Labor		@ 5.50	00 %	1,119.00 61.55		Total Replacement Parts Amo	unt		596.16
III.	Labor Summary  Additional Costs	18.4				1,180.55 Amount	15.7	Adiostocas			
111.	Additional Costs					Amount	IV.	Adjustments			Amount
	Taxable Costs					297.00		Insurance Deductible			0.00
		Sales Tax		@ 5.	500%	16.34					
				0				Customer Responsibili	tv		0.00
	Total Additiona	al Costs				313.34		Customer (Caponalbin	· y		0.00
						010.01					
	Paint Material Init Rate = 40.0			99.9, Addl Rat	te = 0.00						
								T-1-11 -1-			4 400 55
							1.	Total Daylors			1,180.55
							11.	Total Replacement Parts:			596.16
							Ш.	Total Additional Costs:			313.34
								Gross Total:			2,090.05
							IV.	Total Adjustments:			0.00
							١٧.	Net Total:			2,090.05
								Net Total.			2,090.05

This is a preliminary estimate. Additional changes to the estimate may be required for the actual repair.

ESTIMATE RECALL NUMBER: 03/02/2021 16:25:24 29366

Mitchell Data Version: OEM: FEB\_21\_V

Software Version:

7.1.240

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Page 2 of 2



### **CALIBER - WEST ALLIS - LINCOLN AVE**

RESTORING THE RHYTHM OF YOUR LIFE 11330 W LINCOLN AVE, WEST ALLIS, WI 53227

> Phone: (414) 327-7100 FAX: (414) 327-8100

> **Preliminary Estimate**

Written By: Kyle Nisbet

Insured:

**Customer: Paulik, Sarah** 

Paulik, Sarah

Type of Loss:

Point of Impact: 06 Rear

Owner:

Paulik, Sarah

(414) 712-1002 Cell

Policy #:

Date of Loss:

Claim #:

Days to Repair: 0

Inspection Location:

CALIBER - WEST ALLIS - LINCOLN AVE

11330 W LINCOLN AVE WEST ALLIS, WI 53227

Repair Facility

(414) 327-7100 Business

**Insurance Company:** 

Workfile ID:

Federal ID:

Federal EPA:

State EPA:

State ID:

739fdadc

N/A

N/A

N/A

33-0730794

**CUSTOMER PAY** 

**VEHICLE** 

2015 TOYO Corolla S w/Continuously Variable Transmission 4D SED 4-1.8L Gasoline Sequential MPI White

VIN:

License:

State:

ACB-5123

WI

Interior Color: Exterior Color:

Production Date:

White

6/2015

Mileage In: 59,598

Mileage Out:

Condition:

Job #:

Vehicle Out:

**TRANSMISSION** 

**Automatic Transmission** 

**POWER** 

Power Steering Power Brakes

**Power Windows** 

Power Locks

**Power Mirrors** 

**Heated Mirrors** 

**DECOR** 

**Dual Mirrors** 

Tinted Glass

Console/Storage **CONVENIENCE**  Air Conditioning

**Intermittent Wipers** 

Tilt Wheel

Cruise Control

Rear Defogger

**Keyless Entry** 

Steering Wheel Touch Controls

Telescopic Wheel

Climate Control

Backup Camera

**RADIO** 

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

**Auxiliary Audio Connection** 

Equalizer

**SAFETY** 

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

**SEATS** 

Cloth Seats

**Bucket Seats** 

WHEELS

Wheel Covers

**PAINT** 

Clear Coat Paint

OTHER

Fog Lamps

Traction Control

Stability Control

Rear Spoiler

Signal Integrated Mirrors

Xenon or L.E.D. Headlamps

Power Trunk/Liftgate

### Customer: Paulik, Sarah

2015 TOYO Corolla S w/Continuously Variable Transmission 4D SED 4-1.8L Gasoline Sequential MPI White

Line		Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	REAR BUM	PER						
2			O/H rear bumper				1.6	
3	<>	Repl	Bumper cover	5215903901	1	273.85	Incl.	2.6
4			Add for Clear Coat					1.0
5	*	R&I	Step pad				0.4	
6		Repl	LT Side support	5257602110	1	63.96	0.1	
7	REAR LAME	PS						
8	**	Repl	A/M CAPA LT Combo lamp assy	8156002751	1	91.00	0.3	
9	REAR BOD	Y & FLOO	R					
10	*	Rpr	Rear body panel				5.0	1.6
11			Overlap Major Non-Adj. Panel					-0.2
12			Add for Clear Coat					0.3
13		R&I	Rear panel trim				0.2	
14	MISCELLAN	NEOUS OF	PERATIONS					
15	*	Repl	Cover car/bag		1	10.00	0.3	
16	#	Repl	Corrosion Protection Primer		1	12.00	T 0.3	
17	#	Rpr	Disconnect Battery Cable				0.5	
18	#		Flex Additive		1	10.00	Т	
19	#	Subl	Hazardous Waste Disposal		1	5.00	X	
20	#		Mask for Primer		1	10.00	X 0.3	
21	VEHICLE D	IAGNOST	ICS					
22	#		Pre-repair scan		1	40.00	X 0.5	
23	#		Post-repair scan		1	80.00	X 0.5	
				SUBTOTALS		595.81	10.0	5.3

### **ESTIMATE TOTALS**

Basis		Rate	Cost \$
			438.81
10.0 hrs	@	\$ 62.00 /hr	620.00
5.3 hrs	@	\$ 62.00 /hr	328.60
5.3 hrs	@	\$ 42.00 /hr	222.60
			157.00
			1,767.01
\$ 1,767.01	@	5.5000 %	97.19
			1,864.20
			0.00
			0.00
			1,864.20
	10.0 hrs 5.3 hrs 5.3 hrs	10.0 hrs @ 5.3 hrs @ 5.3 hrs @	10.0 hrs @ \$ 62.00 /hr 5.3 hrs @ \$ 62.00 /hr 5.3 hrs @ \$ 42.00 /hr

### Customer: Paulik, Sarah

2015 TOYO Corolla S w/Continuously Variable Transmission 4D SED 4-1.8L Gasoline Sequential MPI White

Caliber Collision is the industry leader in quality collision repair. Since day one, our highest purpose has been to get people just like you back on the road as quickly as possible and fully restored to the rhythm of your life. You can be sure we do everything possible to ensure your complete satisfaction including:

Personalized, high quality service from the largest collision repair company in the U.S.

Consistently ranked among the highest customer satisfaction scores in the industry.

Approved by every major insurance company in the U.S.

Expedited car rental and towing services to get you back on the road again in no time.

Repair work backed by a written, lifetime warranty honored at every location.

24/7/365 customer service to answer questions and put your mind at ease.

This is a preliminary estimate based on visible damage. There may be additional repairs needed once the vehicle is taken apart by our I-CAR Gold Class technicians to identify any additional damage.

If an insurance company has written an estimate for you, please provide us with a copy. Properly endorsed insurance company checks are welcome as payment for the repair of your vehicle. Caliber Collision gladly accepts all major credit cards, debit cards, cashier's and traveler's checks. See your Caliber Collision center for details on acceptance of personal checks.

Before leaving your vehicle with us, please remove all important personal and valuable items from your vehicle. Caliber Collision is not responsible for belongings left in your vehicle.

Please let us know how we can be of further assistance, and when we can schedule an appointment for your vehicle to be repaired.

Caliber Collision - Restoring The Rhythm Of Your Life®

\_\_\_\_\_

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

### Customer: Paulik, Sarah

2015 TOYO Corolla S w/Continuously Variable Transmission 4D SED 4-1.8L Gasoline Sequential MPI White

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8429, CCC Data Date 03/09/2021, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2021 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

#### SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

### SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

### OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

### Customer: Paulik, Sarah

2015 TOYO Corolla S w/Continuously Variable Transmission 4D SED 4-1.8L Gasoline Sequential MPI White

### PARTS SUPPLIER LIST

Line	Supplier	Description	Price
8	All Star Auto Lights - ARO	#116640009	\$ 91.00
	15326 Oakwood Drive	A/M CAPA LT Combo lamp assy	
	ROMULUS MI 48174	Quote: 37975797	
	(734) 710-9460	Expires: 03/25/21	





Name: Hilda Alanis Address: 3021 S 11th ST Milwaukee, WI 53215	Phone: 414-306-0660 Email: letricia29@yahoo.com
Complete this form, print and sign it, and se you have questions about how to fill out thi assist you.	RUCTIONS  erve a hard copy upon the West Allis City Clerk. If s form, please contact a private attorney who can CE OF CLAIM
Date of incident: 02/24/2021 Location: 3450 S 108TH ST, MILWAUKEE, WI 5	Time of day: 3227
Some helpful information may be the poli- diagram of the location, a list of injuries,	ere. You may attach additional sheets or exhibits. ce report, pictures of the incident or damage, a a list of property damage, names and contact it, and any other information relevant to the
West Allis Police Report Number: 21-006038- Officer G	Saenslen
Check one:  I am seeking damages at this time (complete in the complete in the	aim for damages. This claim is not complete and
To complete this claim, attach an itemized sta for repair to property, include at least 2 estimates	A AMOUNT Itement of damages sought. If any damages are lates for repairs.
The total amount sought is: \$ 7488,84	······································

**PRINT** 



### **CLAIMANT CONTACT INFORMATION**

Name:	Hilda Alanis	Phone: 414-306-0660
Address:	3021 S 11th ST	Email: letricia29@yahoo.com
	Milwaukee, WI 53215	
Complete you have assist you	this form, print and sign it, and se questions about how to fill out thi	RUCTIONS  erve a hard copy upon the West Allis City Clerk. If s form, please contact a private attorney who can  CE OF CLAIM
	cident: <u>02/24/2021</u> 3450 S 108TH ST, MILWAUKEE, WI 5	Time of day:
Some he diagram	lpful information may be the polion of the location, a list of injuries, In for witnesses to the inciden	ere. You may attach additional sheets or exhibits. ce report, pictures of the incident or damage, a     a list of property damage, names and contact it, and any other information relevant to the
West Allis F	olice Report Number: 21-006038- Officer G	Gaenslen
Waker	ptoapaper on my i	windshield that the city
Dian	had hit my car,	I will enclose police report.
I con Compa	ny stated they cont	the company. The insurance tacted the city of west Allis or the to sign this form. I turnedition.
3/15/2 The CL	y mam. City wanted ty called me back Sta	ting they didn't know anything bolice report, Also that Erice
apon	+ an well derivation T	This is my 2nd attempt.
Mu Co	ir was parked on th	re Street overnight. Plow truck
0	west Allis hit my	Vehicle.
i a	m seeking damages at this time (co	omplete Claim Amount section below) laim for damages. This claim is not complete and claim for damages on a later date.  Date: 3
To complete		MAMOUNT atement of damages sought. If any damages are ates for repairs.
The total a	amount sought is: $$7488$	.84
	•	

**PRINT** 

### 1SL05DXVSL

21-006038

### WISCONSIN MOTOR VEHICLE CRASH REPORT

WEST ALLIS POLICE DEPARTMENT 11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

	Document Number Override	Primary Crash Document #  Crash Time 05:42 AM	Agenc	y Crash Number	Investigating Officer/Deputy OFFICER C. GAENSLEN Time Arrived 05:48 AM				
70	Crash Date <b>02/24/2021</b>		Date A 02/24/						
-05DXVSL	Date Notified 02/24/2021	Time Notified 05:42 AM	Total U	Inits	Total Injured Total Kill 00 00		led		
		it and Run		Work Zone	Trailer or Towed		Reporting Threshold		
10L	Government Property	Active School Zone	NO NO	Bus Related	Tags SUPPLEMENTAL				
	Reportable	Crash Type DT4000 (STANDARD CRASH)		Amended Secondary Crash					
	Diagram Reconstruction By								
	I, a sworn law enforceme CITY OF WEST ALLIS DPW EMPLO THE PARKING LANE OF S. 92 ST., SNOW IN THE PARKING LANE, NO	INIT 2  UNIT 2  UNIT 2  Int officer, agree that I have  VEE, THOMAS J ORR (MW, 11/24)  UNIT 2 WAS I FGALLY PARKER O	/58), WAS OF	PERATING UNIT 1, FRON	is report.	otos By D GAENSI  ditional Info HOTOS	rmation		

### 1SL05DXVSL 21-006038

# WISCONSIN MOTOR VEHICLE CRASH REPORT

Į	Location <b>—</b>								
ſ	ON S 92ND ST				Latitude			Longitu	ıde
- 1	36 FT N				43.00114	49195		-88.02	7213449
	OF W HAYES AVE IN THE CITY OF WEST.	A1 1 10			X Coordin	ate		Y Cool	rdinate
	IN MILWAUKEE COUNT				416274.	75		47614	
-	III IIII COON	•			Structure	Туре			
L					E .	UCTURE			
(	Crash Scene								
T	First Harmful Event				First Harn	nful Event I	ocation		
	<b>PARKED MOTOR VEHI</b>	CLE			ON ROA	DWAY			
ı	Manner of Collision				Light Con	dition			
	00 - NO COLLISION W/	VEHICLE IN TRANSPORT			DARK/L				
t	Road Surface Condition(s)				Roadway	Factor(s)			
	DRY								
ŀ	Environment Factor(s)								
	NONE				NONE				
t	Weather Condition(s)				-				
	CLOUDY								
ŀ	Animal Type				Relation T	o Trafficwa	ву		
	Crock Classification 1					N ROAD			
- 1	Crash Classification - Location -					Jurisdiction			
ı	Tribal Land				Access Co		NODICTION		Special Study
					NO CON	TROL			,
- 1	Within Interchange Area	Junction Location		Intersectio	n Type				
	NO	NON-JUNCTION		1	• •	CTION			
L	NO	NON-JUNCTION	······································	1	INTERSE	CTION			
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- [ - [	Unit Summary Unit Status	NON-JUNCTION	Vehicle Ope	NOT AN	INTERSE	· · · · · · · · · · · · · · · · · · ·	Unit Type		
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	Jnit Summary  Unit Status IN TRANSIT	NON-JUNCTION  Train/Bus # Recorded	O CLASS	NOT AN	INTERSE	· · · · · · · · · · · · · · · · · · ·	TRUCK Operating A		
	Jnit Summary Unit Status IN TRANSIT Vehicle Type		O CLASS	NOT AN	INTERSE		TRUCK Operating A		ements zMat Types
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### 1SL05DXVSL

21-006038

# WISCONSIN MOTOR VEHICLE CRASH REPORT

		Towed Due To Damage		I	Vehicle Removed By		
		NOT TOWED			OPERATOR		
		What Driver Was Doing			Vehicle Factors		
		OTHER			NOT APPLICABLE		
		Driver Prior Action Other  SNOW PLOWING ROAD		1	HOT ALL LIVABLE		
		Driver Actions					
	щ	FAILURE TO CONTROL					
UNIT	Z						
5	E						
	5						
		Owner Name			Owner Address		
_	-	CITY OF WEST ALLIS DE	PARTMEN	T OF PUBLIC	6300 W MCGEOCH AVENUI		
01	5	WORKS   (414) 302-8889			WEST ALLIS, WI 53219 , US		
		Sequence Of Events					
	5	Event PARKED MOTOR VEHIC	-E				
	Α.	Event					54H W. C.
	02						
	8	Event					
		Event					
	8	Event					
		Individual				1962.0	
		Driver	Lane.		Citations Issued	Sex	
		THOMAS JAMES ORR		·	0	MALE	
	NDIMIDUA	(414) 702-5705			Date of Birth	Race WHITE	
ENS.	ş	Address			Driver License Number	1**************************************	
5	ā	3740 S SUNNY VIEW DR			7		
	4	NEW BERLIN, WI 53151	, US		COUNT	RY: UNITED STAT	ES
	Sa	On Duty		AINTENANC	Safety Equipment		
		Row	Seat Po		SHOULDER & LAP BELT		
		01 - FRONT ROW	07 - LI				
		Helmet Use			Helmet Compliance		
		To a Danta sting					
		Eye Protection			Tint Compliance		
_	_	Injury S			Airbag		
6	8		PARENT		NON DEPLOYED		
		Ejected	Ejection Pa		NIOARI E	Trapped/Ex	
!		NOT EJECTED  Medical Transport	NOTEJE	CTED/NOT APP	PLICABLE  EMS Agency Identifier	NOT TRA	
	3.0	NOT TRANSPORTED			LWO Agency Identifier	EWIS Run #	•
		Hospital			Date of Death	Time of De	ath
		Distracted By NOT A	ed By Sourc PPLICABI	e LE (NOT DISTR/	ACTED)		
		Distracted By Action			-		
		NOT DISTRACTED		<b>,</b>		***************************************	
		Non Motorist Striking	Unit #	Location			

### 1SL05DXVSL 21-006038

# WISCONSIN MOTOR VEHICLE CRASH REPORT

	10000000								
		Prior Action						·	
		Action							
	7								
<u> </u>	Ž								
LIND	Z								
-	9								
	-								
		Action Other							I
		Action Other							To/From School
		Sus	ected Alcohol U	Jse	Suspected Drug Use				<u> </u>
		Drug & Alcohol NO	· · · · · · · · · · · · · · · · · · ·	14	NO				
<u> </u>		Alcohol Test Given TEST NOT GIVEN		Alcohol Test Ty	pe		Alcohol Tes	t Results	
		Drug Test Given		Drug Test Type		Drug Test Resu	ılts		
		TEST NOT GIVEN							
2	8	Drug Type							
		Individual Condition							
		APPEARED NORMAL							
ı	Uni	t Summary							
Γ		Status			Vehicle Operating As Classi	fication	Unit Type		
	1	GALLY PARKED			D CLASS		AUTOMO	BILE	
05	i	icle Type SSENGER CAR					Operating A	s Endorsen	nents
05	PAS	SSENGER CAR	Train/Bus # Re	corded	Total # Citations Issued	Total Tr		S Endorsen	
02	PAS Tota 0	SSENGER CAR			Total # Citations Issued	0	ailers	Total Hazi	Mat Types
	PAS Tota 0 Insu	SSENGER CAR Il Occs	Direction Of Tra	avel	Pre CrashTire	0 Speed L	ailers	Total Hazi	Mat Types
	Tota 0 Insu YES	SSENGER CAR Il Occs	Direction Of Tra	avel ADWAY	0	0	ailers	Total Hazi	Mat Types
UNIT 02	Tota 0 Insu YES Mos	SSENGER CAR II Occs rance? S t Harmful Event: Collision Wi TOR VEH IN TRANSPOI	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO	0 Speed L 30	imit  Emergency NOT APP	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO	SSENGER CAR II Occs  rance? S t Harmful Event: Collision Wi TOR VEH IN TRANSPORT	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control	0 Speed L 30	imit  Emergency NOT APP  Traffic Cont	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff	SSENGER CAR II Occs rance? S t Harmful Event: Collision Wi TOR VEH IN TRANSPOI	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO	0 Speed L 30	imit  Emergency NOT APP	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff TWC	SSENGER CAR II Occs rance? S t Harmful Event: Collision Wi TOR VEH IN TRANSPO! fic Way D-WAY, NOT DIVIDED ace Type NCRETE	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL	0 Speed L 30	Emergency NOT APP Traffic Cont	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES MOS Traff TWO Surfa COI	SSENGER CAR  Il Occs  rance?  S  t Harmful Event: Collision Wi  TOR VEH IN TRANSPO!  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  k Bus or HazMat	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature	0 Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	SSENGER CAR  II Occs  rance?  S  t Harmful Event: Collision Wi  TOR VEH IN TRANSPOI  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  k Bus or HazMat	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature	Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade	Total Hazi 0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	SSENGER CAR  Il Occs  rance?  S  t Harmful Event: Collision Wi  TOR VEH IN TRANSPO!  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  k Bus or HazMat	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark  Special Function NO SPECIAL FUNCTIO  Traffic Control NO CONTROL  Road Curvature  STRAIGHT	Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade LEVEL	Total Hazh  Total Lane  Z  Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	rance?  It Harmful Event: Collision Witter TOR VEH IN TRANSPOLITIC Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  Ik Bus or HazMat	Direction Of Tra NOT ON ROA	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature	Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
-NO	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	rance?  St Harmful Event: Collision Witton VEH IN TRANSPOLITION TO	Direction Of Tra NOT ON ROA th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make	Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of Is UNITED ST	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	rance? Standard Event: Collision With Tor VEH IN TRANSPORTION OF TOR WAY, NOT DIVIDED ace Type NCRETE Results Bus or HazMat Vehicle Vehicle Identification Number	Direction Of Tra NOT ON ROA th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPOL	Speed L 30	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
-NO	PAS Tota 0 Insu YES Mos MO Traff TWO Surfa COI Truc	rance?  St Harmful Event: Collision Witton VEH IN TRANSPOLITION TO	Direction Of Tra NOT ON ROA th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make	0   Speed L   30   N   St   GA   Year   2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of Is UNITED ST	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
02 UNT	PAS Tota 0 Insu YES Mos MO Traff TWO Surfi COI Truc NO	SSENGER CAR  II Occs  rance? S  It Harmful Event: Collision Witten VEH IN TRANSPORT  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  Ik Bus or HazMat  Vehicle  Vehicle  Vehicle Identification Numb  K  Color  Initial Contact Point	Direction Of Tra NOT ON ROA th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPOL Body Style	0   Speed L   30   N   St   GA   Year   2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
02 UNT	PAS Tota 0 Insu YES Mos MO Traff TWO Surfi COI Truc NO	SSENGER CAR  II Occs  rance? S  It Harmful Event: Collision Witter  TOR VEH IN TRANSPORT  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  Ick Bus or HazMat  Vehicle  License Plate Number  Vehicle Identification Numb  K  Color  Initial Contact Point  06 - REAR	Direction Of Tra NOT ON ROA th RT	avel ADWAY	Pre CrashTire Mark  Special Function NO SPECIAL FUNCTION  Traffic Control NO CONTROL  Road Curvature  STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPORE Body Style UT - SPORT UTILITY V  Vehicle Damage	Speed L 30  N  St GA Year 2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
-NO	PAS Tota 0 Insu YES MOS MO Traff TWO Surfr COI Truc NO	SSENGER CAR  II Occs  rance? S  It Harmful Event: Collision Witten VEH IN TRANSPORT  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  Ik Bus or HazMat  Vehicle  Vehicle  Vehicle Identification Numb  K  Color  Initial Contact Point	Direction Of Tra NOT ON RO th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTIO Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPOL Body Style UT - SPORT UTILITY V	Speed L 30  N  St GA Year 2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
02 UNT	PAS Tota 0 Insu YES Mos MO Traff TWO Surf COI Truc NO	rance? Standard Event: Collision With Tor Veh IN TRANSPORTION TOR VEH IN TRANSPORTION WITH TRANSPORTION WAY, NOT DIVIDED TO THE TRANSPORTION WAY.  COLOR License Plate Number  Vehicle License Plate Number  Vehicle Identification Number  Vehicle Identification Number  Initial Contact Point O6 - REAR  Extent Of Damage FUNCTIONAL DAMAG  Towed Due To Damage	Direction Of Tra NOT ON RO th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTION Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPOR Body Style UT - SPORT UTILITY V Vehicle Damage  07 - LEFT REAR CORI	Speed L 30  N  St GA Year 2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use
02 UNT	PAS Tota 0 Insu YES Mos MO Traff TWO Surf COI Truc NO	SSENGER CAR  II Occs  rance? S  It Harmful Event: Collision Wi  TOR VEH IN TRANSPOI  fic Way  D-WAY, NOT DIVIDED  ace Type  NCRETE  Ik Bus or HazMat  Vehicle  License Plate Number  Vehicle Identification Numb  K  Color  Initial Contact Point  06 - REAR  Extent Of Damage  FUNCTIONAL DAMAG	Direction Of Tra NOT ON RO th RT	avel ADWAY	Pre CrashTire Mark Special Function NO SPECIAL FUNCTION Traffic Control NO CONTROL Road Curvature STRAIGHT  Plate Type AUT - AUTOMOBILE Make KIA MOTORS CORPOR Body Style UT - SPORT UTILITY V Vehicle Damage	Speed L 30  N  St GA Year 2018	Emergency NOT APP Traffic Cont NO Road Grade LEVEL  Country of is UNITED ST Model SPG	Total Hazk  0 Total Lane 2 Motor Vehic LICABLE rol Inoperati	Mat Types es cle Use

### 1SL05DXVSL 21-006038

# WISCONSIN MOTOR VEHICLE CRASH REPORT

١			Vehicle Factors
		Driver Prior Action Other	NOT APPLICABLE
UNIT	ICLE	Driver Actions NO CONTRIBUTING ACTION	
5	Ŧ	Owner Name	Owner Address
05	. 02	ALANIS PASTOR	2363 S 92 ST WEST ALLIS, WI 53227 , US
ŀ		Sequence Of Events	
	10	OTHER OBJECT - NOT FIXED	
ļ	05	Event	
	93	Event	
	7	Event	
Ŀ			TAX DESCRIPTION OF THE PROPERTY OF THE PROPERT
S			Individual ALANIS PASTOR
TINO	04 03 0	Event	Individual ALANIS PASTOR











this Claim is in the name of Melitza Colon by Raymond Wolter. Any questions, Centact Rebecca Hammock X 8 453

#### CLAIM FORM AND INFORMATION

Important Information: For the City of West Allis to consider your claim, you must follow the Wisconsin statutory procedure for filing a claim. Completing this form does not guarantee compliance with statutory procedure. City employees, including the City Attorney's Office, cannot give you legal advice or instructions on the statutory procedure. Any questions regarding claims should be directed to the City Attorney's Office at 414-302-8450.

NOV 2 5 2019 VESTALLIS

NOTICE OF CLAIM	- U/
	CITYATTORN
Name: Raymond Wolfer Incident/Accident Information	MANUAL
Address: 360 Motor Parkway, STESOD Date: 10/16/2019	
HOVEFAULD NY 11788 Time: 16:12 PM	
Phone: Place: 68th St. and West Green	Field Ave.
West Allis, WI 53Z	14
CIRCUMSTANCES OF CLAIM	1
In the space below briefly describe the circumstances of your claim. (Attach additional sheets, if	
necessary). Some helpful information may be the police report, pictures of the incident or damage, a	
diagram of the location, a list of injuries, a list of property damage, names and contact information for	
witnesses to the incident, and any other information relevant to the circumstances.	
Officer Niemuth rear ended our clients	
insured, Melitza Colon, Pushing her into a	
third vehicle. The driver of our clients vehicle	0
Was Joshua Miranda, Joshua also sustained	
injuries as a result of the impact	•
	•
Signed: Date: 11/19/2019	
	II.
CLAIM	
NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice	;
of Claim you may file a claim with the City of West Allis at any time consistent with the applicable	
statute of limitations. However, no action will be taken by the City of West Allis to formally accept or	
deny your claim until the following information is provided:	
The undersigned hereby makes a claim against the City of West Allis of arising out of the circumstance	ς.
described above. The amount sought is: \$\frac{732}{39}\$ (Please attach an itemized statement	
of damages sought including at least 2 estimates for repairs.)	
Signed: Date:	_
Address: 360 Motor Parknay STE, SOO	
Address: 360 Motor Parkway STE. SOO HowPauge, NY 11788	



#### Auto Subrogation Demand

November 19, 2019

CITY OF WEST ALLIS 7525 WEST GREENFIELD AVE MILWAUKEE, WI 53214 Attention: CLAIMS DEPT

#### RE:

OUR CLIENT: ERIE INSURANCE CLIENT INSURED: MELITZA COLON

OUR FILE#: .

YOUR INSURED: ADAM NIEMUTH/CITY OF WEST ALLIS

YOUR CLAIM#: N/A

**DATE OF LOSS: 10/16/2019** 

AMOUNT OF CLAIM: COLL: \$7,021.38 DEDUCTIBLE: \$300.00 TOTAL: \$7,321.38

To Whom it May Concern:

We have been retained by the above referenced client to handle subrogation on their behalf. They have advised us that your insured was involved in an auto accident with their insured on the above listed date of loss. Attached is a copy of our client's file. Our investigation places liability on your insured. Please review this claim and send payment for the amount listed above to our office payable to our client.

Thank you for your cooperation. If you require additional information, please contact the undersigned representative.

Sincerely,

Raymond Wolter III

Direct Dial: 631-585-8887 E-Mail: rwolter@2ndlook.net





## For Customer Support refer to the appropriate platform below:

OrderPoint 800-934-9698

Orderpoint.support@lexisnexis.com

Accurint for Insurance 866-277-8407 Accurint.support@lexisnexis.com

Lexis.com
Law Firm accounts

PAGE COUNT: 10			Law Firm accounts 800-543-6862
CLIENT : AUTO ADJUSTER : CLAIM :			
TRANSACTION # : DATE :	835598212 10/18/2019		
DATE OF LOSS: STREET: CITY: COUNTY: STATE:	10/16/2019 68TH ST AND V WEST ALLIS MILWAUKEE WI	TIME OF LOSS : 16:1 WEST GREENFIELD AVI	12 PM E
INVESTIGATING AGEI REPORT NUMBER : REPORT TYPE : PARTY 1 : PARTY 2 : PARTY 3 :	19041 Auto A	ALLIS PD .262 Accident UA ALEXIE MIRANDA	
CAR : CAMRY	MAKE : TOYO TAG :	YEAR : 2009	
DRIVER LICENSE : ADDITIONAL INFO :			
NOTE :			

#### WISCONSIN MOTOR VEHICLE CRASH REPORT

	Document Number Overrige		Primary Crash Document#					gating Officer/Deputy			
S	Crash Date		Crash Time		Date Ar	rived		INVESTIGATOR R. TUSCHL			
X	10/16/2019		04:12 PM			10/16/2019		04:12 PM			
7	Date Notified 10/16/2019		Time Notified		Total Units		Total Injured Total Killed				
$\leq$	10/10/2019		04:12 PM	1	03		01	00			
1SL0SVWDKS	On Emergency	Hit	and Run	Lane Closu		Work Zone	Trail	ler or Towed	Reporting Threshold		
1SI	Government Property			hool Zane	NO NO	Bus Related	Tags SUPPLE	EMENTAL			
	→ Reportable		Crash Type DT4000 (STA	NDARD CRASH	1)		Ame	nded	Secondary Crash		
	Description										
	W. GREEN	FIELD		n.: #1 Units	Unit #3		Photos By BORREE				
					. (	S. 681 H ST.					
	√ I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.										
S	✓ I, a sworn law enford  NIT'S 2 AND 3 WERE TRA  ITOPPED DUE TO TRAFFIC  ANE ONE IN THE 6800BLK  EHICLE THAT HAD TURNE  TOP IN TIME AND STRUCK  OCATION	VELING C CONG C OF W. (	E/B IN THE 6800 ESTION IN THAT GREENFIELD AV	DBLK OF W. GREE LANE OF TRAVE /E. UNIT #1 HAD	NFIELD A	VE IN LANE ONE, WITH #1 WAS AN UNMARKED THEIR HEAD TO LOOK	HUNIT #3 IN POLICE SQ AT A LICENS	UAD AND WAS AL SE PLATE OF A DIF	SO TRAVELING E/B IN FFERENT MOTOR		
0	N 6800BLK W GREEN	FIELD A	VE/ STH59 EF	3		Latitude		1			
12	26 FT W	- 7				43.016685257		Longitude -87.99871	5028		
	F S 68TH ST THER 6800BLK)					X Coordinate		Y Coordina	ite		
	N THE CITY OF WEST ALLIS N MILWAUKEE COUNTY			418618.125 Structure Type OTHER			4763151.5				
isconei	n Motor Vehicle Crash			Things							
rm DT				mis report does	not inclu	de any CJIS data. )			10/16/2019 04:12 PM		

#### WISCONSIN MOTOR VEHICLE CRASH REPORT

WEST ALLIS POLICE DEPARTMENT 11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

	Cr	ash Scene 💻								
	Fii	rst Harmful Event				First Har	mful Even	t Location		
	М	OTOR VEH IN TRANS	SPORT			1	ADWAY	it Location		
	Ma	anner of Collision				Light Co				
	02	FRONT TO REAR				DAYLIC				
	Ro	oad Surface Condition(s)				Roadway Factor(s)				
	DF	RY								
	Εn	vironment Factor(s)								
	N	ONE				BACKUP DUE TO REGULAR CONGESTION				
	We	eather Condition(s)		<del></del>		1				
	CL	.EAR								
	An	imal Type				Relation 1	To Trafficy	vav		
								ON ROAD		
	Çra	ash Classification - Locatio	on					- Jurisdiction		
	PL	IBLIC PROPERTY				ı		RISDICTION		
	Trii	oal Land				Access C				Special Study
						NO COL	NTROL			opeoid Stady
		hin Interchange Area	Junction Location		Intersectio					
	NC		NON-JUNCTION		NOT AN	INTERSE	CTION			
		it Summary 💻								
	1	t Status		Vehicle Op	erating As Cl	assification	1	Unit Type		
		TRANSIT		D CLASS	ì			AUTOMO	BILE	
01		nicle Type				Operating As Endorsements			ments	
		PORT) UTILITY VEHIC						1		
	Total	al Occs	Train/Bus # Recorded	i i	Total # Citations Issued 0		Total Trailers		Total HazMat Types	
	Inst	rance?		Pre CrashTire			Speed Limit		Total Lanes	
$\vdash$	YE	S	EASTBOUND	FIE	30			4		
LINI	Mos	st Harmful Event: Collision	With	Special Fur	Mark netion			Emergency Motor Vehicle Use		de Use
		TOR VEH IN TRANSP	PORT	POLICE	POLICE			NOT APPLICABLE		
	ı	fic Way		Traffic Cont	trol			Traffic Control Inoperative/Missing		ive/Missing
		IDED HWY W/O TRAF	FIC BARRIER	NO CONT	NO CONTROL			NO		
		ace Type		Road Curva	ature			Road Grade LEVEL		
		NCRETE		STRAIGH	Т					
	1	k Bus or HazMat								
	NO									
		Vehicle								
		License Plate Number		Plate Type			St	Country of Iss	suance	
				MUN - MI	UNICIPAL	i	WI	UNITED ST	ATES	
01	01	Vehicle Identification Nu	mber	Make			Year	Model		
_	0			FORD			2016	EXR		
		Color		Body Style				Bus Use		
		GRY - GRAY			RT UTILITY	/ VEHICL	.E	NOT A BUS	5	
<u></u>	J.	Initial Contact Point		Vehicle Dar	mage					
LINO	$\stackrel{\circ}{=}$	12FRONT								
$\supset$	/EHIC	Extent Of Damage MINOR DAMAGE		12FRON	ΝT					
		Towed Due To Damage		Vehicle Rei	noved By					
		NOT TOWED		OPERATO	-					
		What Driver Was Doing		Vehicle Fac	tors					
		GOING STRAIGHT		1						
		Driver Prior Action Other		NOT APP	LICABLE					
	[									

Wisconsin Motor Vehicle Crash Form DT4000 This report does not include any CJIS data.

2 of 9

Crash Date 10/16/2019
Crash Time 04:12 PM

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT **CRASH REPORT**

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227

1		Driver Actions		(414) 302-800
UNIT	VEHICLE			
0.1	01	Owner Name CITY OF WEST ALLIS (414) 302-8000	Owner Address 7525 W GREENFIELD AVE WEST ALLIS, WI 53227 , US	
		Sequence Of Events		
	01	Event MOTOR VEH IN TRANSPORT		
	02	Event		
	03	Event		
		Event		
	9			
UNIT		Policy Holder		
Ś		Insurance Company CITIES-&-VILLAGES-MUTUAL-INS-CO	Government CITY OF WEST ALLIS	
		Individual		
	_	Driver ADAM J NIEMUTH	Citations Issued Sc	ex ALE
	INDIMIDUAL	(414) 302-8000	Date of Rirth	ALE
EN S	M	Address	Driver License Number	
_	2	11301 W LINCOLN AVE		
	_	WEST ALLIS, WI 53227 , US		
		On Duty Crash	Safety Equipment	
		ety Equipment POLICE Seat Position	Safety Equipment SHOULDER & LAP BELT	
		ety Equipment On Duty Crash POLICE		
		ety Equipment POLICE Seat Position 1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use	SHOULDER & LAP BELT  Helmet Compliance	
	Saf	ety Equipment POLICE Seat Position 1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use	SHOULDER & LAP BELT	
		ety Equipment On Duty Crash POLICE Seat Position 1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use Eye Protection	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Arrbag	
	Saf	ety Equipment POLICE Seat Position 1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Injury Severity NO APPARENT INJURY Ejected Ejection Path	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag  NON DEPLOYED	pped/Extricated
	Saf	ety Equipment On Duty Crash POLICE Seat Position 1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Injury Severity NO APPARENT INJURY	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  Tra	OT TRAPPED
	Saf	ety Equipment On Duty Crash POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Injury Severity NO APPARENT INJURY  Ejected Ejection Path NOT EJECTED NOT AP  Medical Transport NOT TRANSPORTED	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  EM	OT TRAPPED S Run #
	Saf	ety Equipment POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Injury Severity NO APPARENT INJURY  Ejected Ejection Path NOT EJECTED NOT AP  Medical Transport	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  EM	OT TRAPPED
	Saf 000	ety Equipment POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury NO APPARENT INJURY  Ejected NOT EJECTED NOT EJECTED/NOT AP  Medical Transport NOT TRANSPORTED  Hospital  Distracted By Source EXTERNAL (TO VEHICLE/NON-	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  Date of Death  Tim	OT TRAPPED S Run #
	Saf 000	ety Equipment POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Injury Severity NO APPARENT INJURY  Ejected Fjection Path NOT EJECTED NOT AP  Medical Transport NOT TRANSPORTED  Hospital  Distracted By Source	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  Date of Death  MOTORIST AREA)	OT TRAPPED S Run #
	Saf 000	ety Equipment POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury NO APPARENT INJURY  Ejected Fjected NOT EJECTED NOT AP  Medical Transport NOT TRANSPORTED  Hospital  Distracted By Distracted By Source EXTERNAL (TO VEHICLE/NON-Distracted By Action	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  Date of Death  MOTORIST AREA)	OT TRAPPED S Run #
	Saf 000	ety Equipment On Duty Crash POLICE  Seat Position  1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY Helmet Use  Eye Protection  Injury Severity NO APPARENT INJURY  Ejected Ejection Path NOT EJECTED NOT EJECTED/NOT AP  Medical Transport NOT TRANSPORTED Hospital  Distracted By Distracted By Source EXTERNAL (TO VEHICLE/NON-Distracted By Action OTHER ACTION (LOOKING AWAY FROM TASK E)	SHOULDER & LAP BELT  Helmet Compliance  Tint Compliance  Airbag NON DEPLOYED  PLICABLE  EMS Agency Identifier  Date of Death  MOTORIST AREA)	OT TRAPPED S Run #

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT 11301 WEST LINCOLN AVENUE **CRASH REPORT**

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

1		Action									
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1	_										
	INDIVIDUAL										
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15	⋾										
1-	$\overline{\Box}$										
1	$\geq$										
ı,											
Ί											
1		Action Other									To/From School
1											T CONTROLLED
j		Sus	spected Alcohol L	Jse	Suspe	cted Drug Use					
}		Drug & Alcohol No	)		NO	·					
1		Alcohol Test Given		Alcohol Test Tyr	ne				Alcohol Tes	t Danista	
1		TEST NOT GIVEN							Alcohol res	a results	
1		Drug Test Given		Drug Test Type			DELLO	Toot Genul	*-		
		TEŠT NOT GIVEN					Drug	Test Resul	ts		
I	$\vdash$	Drug Type		<u> </u>							
01	001										
	_										
		Individual Condition									
ĺ											
1		APPEARED NORMAL									
]											
	Uni	t Summary 🖚									
	Unit	Status		T	/ehicle Op	perating As Classif	ication	1	Unit Type		
	IN T	RANSIT			CLASS				1	DILE	
	Vehi	cle Type							AUTOMOBILE Operating As Endorsements		
02	PAS	SENGER CAR							Operating A	s Endorseme	ents
		Occs	Train/Bus # Red	corded In	otal # Cita	ations Issued	_	Total Trai		<del></del>	
	2					alions issued			iers	Total HazM	at Types
		ance?	Direction Of Tra					0		0	
_	YES		EASTBOUND		Pre	CrashTire		Speed Lir	nit	Total Lanes	
UNIT		Harmful Event: Collision Wi	L			Mark		30		4	
5		TOR VEH IN TRANSPOR			pecial Fur	nction CIAL FUNCTION	.I		Emergency		e Use
		c Way					<u> </u>	_	NOT APPL	ICABLE	
		•	0.04.001=-	1	raffic Con				Traffic Contr	ol Inoperativ	e/Missing
		DED HWY W/O TRAFFI	CBARRIER		IO CONT				NO		
ĺ		ice Type			oad Curva				Road Grade		
		ICRETE		S	TRAIGH	IT			LEVEL		
- 1		Bus or HazMat									
	NO										
	\	/ehicle									
	Г	License Plate Number			Plate Type			St	Country of Iss	uanco	
						JTOMOBILE	- 1	WI	UNITED ST.		
٥.		Vehicle Identification Number	er		Лаке		$\rightarrow$	Year		A1E3	
02	8		Ī		OYOTA		- 1		Model		
	- 1	Color						2009	CAMRY		
		WHI - WHITE			Body Style BD - SED				Bus Use NOT A BUS		
	ա է	Initial Contact Point									
<u>.</u>		6REAR		1,	ehicle Da	mage					
UNIT	¥⊦	Extent Of Damage									
$\supset$	山山	-	-	6	REAR,	12FRONT					
		FUNCTIONAL DAMAGE	<u> </u>								
		Towed Due To Damage		V	ehicle Rei	moved By					
		NOT TOWED			PERAT						
	- 1	What Driver Was Doing		V	ehicle Fac	ctors					
	_ L	STOP IN TRAFFIC									
		Driver Prior Action Other		N	IOT APP	LICABLE					
	L										
	_										

Wisconsin Motor Vehicle Crash Form DT4000

This report does not include any CJIS data. 4 of 9

Crash Date 10/16/2019 Crash Time 04:12 PM

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT **CRASH REPORT**

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

						(414) 302-800
UNIT	VEHICLE	Driver Actions NO CONTRIBUTING AC	CTION			
02	02	Owner Name MELITZA O COLON (414) 736-0263		Owner Address 2427 W HOLT AVE MILWAUKEE, WI 53215	, US	
		Sequence Of Events	3			
	01	Event MOTOR VEH IN TRANS	PORT			
	02	Event MOTOR VEH IN TRANS	PORT			
		Event				
	03	Frank				
	9	Event				
╘		Policy Holder				
UNIT		Insurance Company ERIE-INS-CO		Individual MELITZA COLON		
	ļ	Individual		MELITZA COLON		
	.	Driver JOSHUA ALEXIE MIRAN	JDA	Citations Issued	Sex	
	JAL	(414) 817-2805		Date of Birth	MALE Race	
LINO	JQK	A -1-10				
5	INDIMIDUAL	Address 2427 W HOLT AVE MILWAUKEE, WI 53215	, US	Driver License Number		
	Saf	ety Equipment On Dut	y Crash	Safety Equipment		
	1	Seat Position		SHOULDER & LAP BELT		
		1FRONT SEAT-LEFT SI Helmet Use	IDE (DRIVER/MOTORCY			
				Helmet Compliance	<u> </u>	
		Eye Protection		Tint Compliance		
05	200	Injury S		Airbag		
_	_	Injury NO AF	PPARENT INJURY   Ejection Path	NON DEPLOYED	Tenno d/Extrinoted	
		NOT EJECTED	NOT EJECTED/NOT APP	LICABLE	Trapped/Extricated NOT TRAPPED	
		Medical Transport NOT TRANSPORTED		EMS Agency Identifier	EMS Run #	
		Hospital		Date of Death	Time of Death	
	L	Distracted By NOT A	ed By Source			
	_	Distracted By Action	PPLICABLE (NOT DISTRA	(CTED)		
		NOT DISTRACTED				
		Non Motorist Striking	Unit # Location			
	Γ	Prior Action				
	L					

#### WISCONSIN MOTOR VEHICLE CRASH REPORT

WEST ALLIS POLICE DEPARTMENT 11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

11		Action						(414) 302-800
	JAL							
LINO	9							
Į∍	INDIVIDUAL							
	Z							
		Action Other						To/From School
		Drug & Alcohol NO	cted Alcohol (	Jse	Suspected Drug Use			
ŀ		Alcohol Test Given		Alcohol Test Type	NO		I Alesta LT 100	
		TEST NOT GIVEN		Theories rest type			Alcohol Test Results	
		Drug Test Given TEST NOT GIVEN		Drug Test Type		Drug Test Results		
02	002	Drug Type						<del></del>
	0							
		Individual Condition	-					
		APPEARED NORMAL						
		Individual						
		Passenger			Citations Issued		Sex	
	_	TAMADA A FEFERTZ			0		FEMALE	
	A				Date of Birth		Race	
≒	9				(			
LNO	INDIVIDUAL	Address 1365 S 96TH ST			Driver License Number			
	=	WEST ALLIS, WI 53214	, US					
	Saf	ety Equipment On Dut	y Crash		Safety Equipment			
		Seat Position			SHOULDER & LAP B	El T		
		3FRONT SEAT-RIGHT S	SIDE (TRAIN	N ENGINEER	SHOULDER & LAF B	CLI		
		Helmet Use			Helmet Compliance			
		Eye Protection			Tint Compliance			
	_ [							
05	003	Injury S	EVERITY BLE INJUR	·	NON DEPLOYED			
		Ejected	Ejection Pat	1			Trapped/Extricated	
		NOT EJECTED  Medical Transport	NOT EJEC	TED/NOT APPLI			NOT TRAPPED	
		NOT TRANSPORTED			EMS Agency Identifier		EMS Run#	
	ı	Hospital			Date of Death		Time of Death	
	L	Distracte	ed By Source					
	_	Distracted By						
		Distracted By Action						
	L	Non Motorist Striking	Unit#	Location				
	_		1					
	- 1	Prior Action						

Wisconsin Motor Vehicle Crash Form DT4000 This report does not include any CJIS data. 6 of 9

Crash Date 10/16/2019
Crash Time 04:12 PM

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT **CRASH REPORT**

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

ı		Action								
		1100011								
		1								
	A									
上	$\prec$									
I N	₹									
17	INDIVIDUAL									
1	Z									
]										
1		Action Other								T. 10
1										To/From School
1		L Su	spected Alcahol U	Jse	Suspected Drug Use					<u> </u>
1		Drug & Alcohol No	O O		NO					
1		Alcohol Test Given		Alashal Tast T						
1		TEST NOT GIVEN		Alcohol Test T	ype			Alcohol Tes	st Results	
ł		Drug Test Given								
		TEST NOT GIVEN		Drug Test Typ	е	Drug	Test Resu	its		
1										
02	003	Drug Type								
-	0									
		Individual Condition								
ĺ		morridadi Certalilori								
ł		APPEARED NORMAL	_							
	Uni	t Summary 📥								
		Status			Vehicle Operating As Clas	cification				
	IN -	TRANSIT			D CLASS	SIIICALIUI	ri .	Unit Type		
		icle Type			D CLASS			AUTOMO		_
03		ORT) UTILITY VEHICLI	=					Operating A	s Endorsem	ents
		al Occs	Train/Bus # Red	andad -						
	1	11 0003	I I all / Dus # Rei	orded	Total # Citations Issued Total Traile			ilers	Total HazM	at Types
			D:		0		0		0	
	ı	rance?	Direction Of Tra		Pre CrashTire		Speed Li	mit	Total Lanes	
UNIT	YES		EASTBOUND	)	Mark		30		4	
5	ı	t Harmful Event: Collision W			Special Function			Emergency		e Use
	L	TOR VEH IN TRANSPO	PRT		NO SPECIAL FUNCTION	ON		NOT APPL	ICABLE	
		ic Way		7	Traffic Control			Traffic Contr	ol Inoperativ	e/Missing
		DED HWY W/O TRAFF	IC BARRIER		NO CONTROL			NO		
	Surf	асе Туре			Road Curvature	-		Road Grade		
	COI	NCRETE		1	STRAIGHT			LEVEL		
	Truc	k Bus or HazMat								
	NO									
	,	Vehicle								
		License Plate Number			District T					
		Electrise Frage (Marriage)			Plate Type	- 1	St	Country of Iss		
		Vehicle Identification Numb			AUT - AUTOMOBILE		WI	UNITED ST	ATES	
8	ဗ	vehicle identification numb	jer •		Make	- 1	Year	Model		
		0.1			FORD		2003	ESCAPE XI	.S	
		Color			Body Style			Bus Use		
		SIL - SILVER (ALUMIN	IUM)		UT - SPORT UTILITY \	/EHICL	_E	NOT A BUS		
	VEHICLE	Initial Contact Point			Vehicle Damage					
LINI	$\cup$	6REAR								
Ś	프	Extent Of Damage			6REAR					
	7	MINOR DAMAGE								
	Γ	Towed Due To Damage			Vehicle Removed By					
		NOT TOWED		l	OPERATOR					
	Ì	What Driver Was Doing			Vehicle Factors					
		STOP IN TRAFFIC		j						
	ŀ	Driver Prior Action Other			NOT APPLICABLE					
	L									

Wisconsin Motor Vehicle Crash Form DT4000

This report does not include any CJIS data. 7 of 9

Crash Date 10/16/2019 Crash Time 04:12 PM

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT **CRASH REPORT**

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227 (414) 302-8000

1		Driver Action		(414) 302-600			
TINO	VEHICLE	Driver Actions NO CONTRIBUTING ACTION					
ı	>						
İ		Owner Name	Owner Address				
03	03	ANGELA M ARTUSO	1801 S 72ND ST MILWAUKEE, WI 53214, US				
		Sequence Of Events					
	01	Event MOTOR VEH IN TRANSPORT					
	02	Event					
	~	Event					
ļ	03						
	94	Event					
UNIT		Policy Holder					
5		Insurance Company AMERICAN-FAMILY-INS-CO	Individual				
		Individual	ANGELA ARTUSO				
		Driver	Citations Issued	To			
	_	GLENN LAWRENCE SCHENK	0	Sex MALE			
	S		Date of Birth	Race			
LINO	<u>A</u>	Address					
5	INDIVIDUAL	1801 S 72ND ST	Driver License Number				
	=	MILWAUKEE, WI 53214 , US					
			1				
	Saf	ety Equipment On Duty Crash	Safety Equipment				
		Seat Position	SHOULDER & LAP BELT				
		1FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY	OHOOLBERG EAF BLET				
		Helmet Use	Helmet Compliance				
		Eye Protection					
		Lyc i rotection	Tint Compliance				
03	904	Injury Severity	Airbag				
0	ō,	Injury NO APPARENT INJURY	NON DEPLOYED				
		Ejection Path NOT EJECTED NOT EJECTED/NOT APPL	JOAN F	Trapped/Extricated			
	-	NOT EJECTED NOT EJECTED/NOT APPL Medical Transport	EMS Agency Identifier	NOT TRAPPED			
		NOT TRANSPORTED	LMS Agency Identine	EMS Run #			
	ľ	Hospital	Date of Death	Time of Death			
	L						
	Г	Distracted By NOT APPLICABLE (NOT DISTRAC	CTED)				
		Distracted By Action NOT DISTRACTED					
		Non Motorist Striking Unit # Location					
	Γ	Prior Action					
	L						

#### WISCONSIN MOTOR VEHICLE WEST ALLIS POLICE DEPARTMENT CRASH REPORT

11301 WEST LINCOLN AVENUE WEST ALLIS, WI 53227

	Action					(414) 302-8000
INDIVIDUAL						
	Action Other					To/From School
Ε	Drug & Alcohol NO	se	NO Suspected Drug Use			
	Alcohol Test Given TEST NOT GIVEN	Alcohol Test Type			Alcohol Test Results	
	Drug Test Given TEST NOT GIVEN	Drug Test Type		Drug Test Results		
004	Drug Type	<del></del>				
	Individual Condition					
	APPEARED NORMAL					
	004	Action Other  Drug & Alcohol NO  Alcohol Test Given TEST NOT GIVEN  Drug Test Given TEST NOT GIVEN  Drug Type  Individual Condition	Action Other  Drug & Alcohol Suspected Alcohol Use NO Alcohol Test Given TEST NOT GIVEN Drug Test Given TEST NOT GIVEN Drug Type  Drug Type  Individual Condition	Action Other  Drug & Alcohol Suspected Alcohol Use NO Suspected Drug Use NO	Action Other  Drug & Alcohol   Suspected Alcohol Use   NO   NO   NO    Alcohol Test Given   TEST NOT GIVEN   Drug Test Given   TEST NOT GIVEN   Drug Test Given   TEST NOT GIVEN   Drug Test Type   Drug Test Results   Drug Type   Drug T	Action Other  Drug & Alcohol Suspected Alcohol Use NO

Claim: A00002193761

Category	Amount
	\$4,115.37

#### **Check Details**

Status Issued

Pay To MELITZA COLON

 Net Amount
 \$4,115.37

 Scheduled Send Date
 10/24/2019

 Status Date
 10/24/2019

Check Number
Date of Service

Payment Method System Check

Payment Group Code Other

Invoice Number MELITZA COLON

**Tracking** 

Status Submitted

Created By Joshua LeCavalier

Created On 10/24/2019

**Approval History** 

### Financials (Total Incurred: \$11,600.00): Checks

			<del>-/</del>					
Check Number	Pay To	Gross Amount	Issue Date	Scheduled Send Date	Service Period Start	Service Period End	Status	Bulk Invoice

User: Caitlin Fitzpatrick Page 53 10/30/2019 1:12 PM

Claim: A00002193761

Check Number	Рау То	Gross Amount	Issue Date	Scheduled Send Date	Service Period Start	Service Period End	Status	Bulk Invoice
Chook Date	MELITZA COLON			10/24/2019			Issued	

#### **Check Details**

Check

Pay To The Order Of EDUCATORS CREDIT UNION

Mailing Address 1326 WILLOW RD, Attn: CLAIMS, MOUNT PLEASANT, WI 53177-1909

Net Amount \$2,906.01

Memo Collision, Erie Auto Plus, MELITZA COLON, Total loss 2009 TOYOTA CAMRY

\*\*Mail title to Erie Insurance PO BOX 867 Waukesha, WI 53187

**Payment Details** 

Gross Amount \$2,906.01

**Details** 

Check Number

Bank Account

Invoice Number MELITZA COLON Claimant MELITZA COLON

Date of Service Benefit ACR Reason

Comments
Joint Payees

Payee	Туре	Payee Tax ID
EDUCATORS CREDIT UNION	Other	

Instructions

Recipient EDUCATORS CREDIT UNION

Payment Method System Check

User: Caitlin Fitzpatrick Page 54 10/30/2019 1:12 PM

Claim: A00002193761

Payment Group Code Check Delivery

Other Send

**Special Instructions** 

Tracking

Status

Issued

Issue Date When To Pay

10/24/2019 10/24/2019

Created By

Joshua LeCavalier

Created On

10/24/2019

Recurrence

Description

N/A

Total Recurrence Amount Created via STP Process

**Approval History** 

#### **Payments**

Scheduled Send Date	Payment Category	Amount	Exposure	Coverage	Cost Type	Cost Category	Status	Pmt Type
10/24/2019	Loss	\$2,706.01	1	Collision	Claim Cost	Collision	Submitted	_l Partial
10/24/2019	Loss	\$200.00	5	Erie Auto Plus	Claim Cost	Collision	Submitted	Partial

#### **Documents Linked to Checks**

Name	View	Туре	Status	Author	Date
LOG Colon	View	Vehicle Damage		J941A	Modified

User: Caitlin Fitzpatrick

Page 55

10/30/2019 1:12 PM

Claim: A00002193761

Name	View	Туре	Status	Author	Date Modified
	View	Vehicle Damage		J233E	

### **Check Details**

Check

Pay To The Order Of MELITZA COLON

Mailing Address 2427 W HOLT AVE, MILWAUKEE, WI 53215-4825

Net Amount \$4,115.37

Memo Collision, MELITZA COLON, Total loss 2009 TOYOTA CAMRY

**Payment Details** 

Gross Amount \$4,115.37

**Details** 

Check Number

Bank Account Invoice Number

Claimant
Date of Service
Benefit ACR Reason

Comments
Joint Payees

MELITZA COLON MELITZA COLON

Payee	Туре	Payee Tax ID
MELITZA COLON	Claimant	

Instructions

Recipient MELITZA COLON

User: Caitlin Fitzpatrick Page 56 10/30/2019 1:12 PM

| Pol: Q021015558 | Ins: MELITZA COLON | DoL: 10/16/2019 | St: Open | State Regulations

Claim: A00002193761

Payment Method

System Check

Payment Group Code Check Delivery

Other Send

Special Instructions

**Tracking** 

Status

Issued

Issue Date When To Pay

10/24/2019 10/24/2019

Created By

Joshua LeCavalier

Created On

10/24/2019

Recurrence

Description

N/A

Total Recurrence Amount Created via STP Process

#### **Approval History**

#### **Payments**

Scheduled Send Date	Payment Category	Amount	Exposure	Coverage	Cost Type	Cost Category	Status	Pmt Type
10/24/2019	Loss	\$4,115.37	1	Collision	Claim Cost	Collision	Submitted	Partial

#### **Documents Linked to Checks**

| Pol: Q021015558 | Ins: MELITZA COLON | DoL: 10/16/2019 | St: Open | State Regulations

Name	View	Туре	Status	Author	Date Modified
Market Valuation Report	View	Vehicle Damage	Approved	Manuel Medina	10/18/2019 12:54 PM

### **Subrogation**

Claim: A00002193761

#### General

Fault Other Liability

Uninsured Motorist? No **Subrogation Status** Open Externally Owned? No

Subrogation Owner Alissa Cramblitt Subrogation Supervisor James Newcamp

Referral

Refer to Subro? Yes

Referral Date 10/29/2019 10:20 AM

Referral Comment Unable to file a claim with CC until ERIE claim is complete with demand amount. Please fill out form from

CC when you send demand. Thanks.

#### **Responsible Parties**

Party	Government Involved?	Liability %	Classification	Strategy
CITY OF WEST ALLIS	No	100.0%		Strategy
100.0%				

#### Resources

User: Caitlin Fitzpatrick Page 58 10/30/2019 1:12 PM Claim: A00002193761

Category	Description	Action	Estimate	Comment	Source
Repairs	Parts	Approved	\$736.25	LKQ	Initial Estimate - Material Damage Adjuster
Repairs	Parts	Approved	\$143.95 (	Other	Initial Estimate - Material Damage Adjuster
Repairs	Parts	Approved	\$3,587.36 F	Parts Total	Initial Estimate - Material Damage Adjuster

#### **Total Loss Settlement**

**Settlement Summary** 

Settlement Based on

CCC

Unrelated Prior Damage?

Settlement Agreed With

**MELITZA COLON** 

New/Better Car Endorsement

**Total Loss Valuation Breakdown** 

Condition Adjustment

Total Pre-Tax Adjustment

Vehicle Value

\$6,730.00

Sales Tax

Total Post-Tax Adjustment

**Total Amount** 

\$6,730.00

**Settlement Details** 

Market Value

\$6,730.00

Prior Damage

Other Adjustments

Actual Cash Value

\$6,730.00

User: Caitlin Fitzpatrick

Claim: A00002193761

 Tax Type
 State

 %Tax
 5.600%

 Tax Amount
 \$376.88

 State Fees
 \$214.50

Gross Settlement 7321.38
Deductible \$300.00

Owner Retained Salvage

**Net Settlement** 7021.38
Settlement Adjustments 0

**Total Amount Owed**Total Amount Paid
\$7,021.38
\$7,021.38

**Dealer/Other Quotes** 

Average Quote

**Pre-Tax Adjustments** 

Total 0

**Post-Tax Adjustments** 

Total 0

**Total Loss Events** 

User: Caitlin Fitzpatrick Page 26 10/30/2019 1:12 PM

Prepared for ERIE INSURANCE GROUP





#### **CLAIM INFORMATION**

Owner Colon, Melitza 2427 W Holt Ave

Milwaukee, WI 53215-4825

Loss Vehicle 2009 Toyota Camry LE Manual

Loss Incident Date 10/16/2019 Claim Reported 10/18/2019



#### **INSURANCE INFORMATION**

Report Reference Number 95073717

Claim Reference A00002193761-3 Adjuster Medina, Manuel

Odometer 104,480

Last Updated 10/18/2019 08:26 AM



#### **VALUATION SUMMARY**

Base Vehicle Value \$6,730.00 Adjusted Vehicle Value \$6,730.00

Total \$6,730.00

The total may not represent the total of the settlement as other factors (e.g. license and fees) may need to be taken into account.

The CCC ONE® Market Valuation Summary reflects CCC Information Services Inc.'s opinion as to the value of the loss vehicle, based on information provided to CCC by ERIE INSURANCE GROUP

Loss vehicle has 22% fewer than average mileage of 133 100

#### BASE VEHICLE VALUE

This is derived per our Valuation methodology described on the next page

#### ADJUSTED VEHICLE VALUE

This is determined by adjusting the Base Vehicle Value to account for the actual condition of the loss vehicle and certain other reported attributes, if any, such as refurbishments and after factory equipment

#### Inside the Report

Valuation Methodology	
	2
Vehicle Information	3
Vehicle Condition	6
Comparable Vehicles	7

Owner: Colon, Melitza Claim: A00002193761-3

### VALUATION METHODOLOGY

### How was the valuation determined?



#### **CLAIM INSPECTION**

ERIE INSURANCE GROUP has provided CCC with the zip code where the loss vehicle is garaged, loss vehicle VIN, mileage, equipment, as well as loss vehicle condition, which is used to assist in determining the value of the loss vehicle.



#### DATABASE REVIEW

CCC maintains an extensive database of vehicles that currently are or recently were available for sale in the U.S. This database includes vehicles that CCC employees have physically inspected, as well as vehicles advertised for sale by dealerships or private parties. All of these sources are updated regularly.

#### SEARCH FOR COMPARABLES

When a valuation is created the database is searched and comparable vehicles in the area are selected. The zip code where the loss vehicle is garaged determines the starting point for the search. Comparable vehicles are similar to the loss vehicle based on relevant factors.



#### CALCULATE BASE VEHICLE VALUE

Adjustments to the price of the selected comparable vehicles are made to reflect differences in vehicle attributes, including mileage and options. Dollar adjustments are based upon market research.

Finally, the Base Vehicle Value is the weighted average of the adjusted values of the comparable vehicles based on the following factors:

- Source of the data (such as inspected versus advertised)
- Similarity (such as equipment, mileage, and year)
- Proximity to the loss vehicle's primary garage location
- Recency of information



Owner: Colon, Melitza Claim: A00002193761-3



#### **VEHICLE DETAILS**

Location MILWAUKEE, WI 53215-4825

2009

Toyota

Camry

Manual

Sedan

LE

4

2.4L

EFI

0 lbs

Gasoline

5 Speed Transmission Overdrive

VIN

Trim

Year

Make Model

Body Style Body Type

Engine -

Cylinders
Displacement

Fuel Type
Carburation

Transmission

Curb Weight

**VEHICLE ALLOWANCES** 

Odometer

**Options** 

104,480

Power Driver Seat

Not Present

Reported\* Option(s) added after initial valuation

Vehicles sold in the United States are required to have a manufacturer assigned Vehicle Identification

Number(VIN) This number provides certain specifications of the vehicle

Please review the information in the Vehicle Information Section to confirm the reported mileage and condition, and to verify that the information accurately reflects the options, additional equipment, refurbishments or other aspects of the loss vehicle that

may impact the value.

+ 1,309

- 53

Allowances are factors influencing the value of the loss vehicle when compared to a typical vehicle. The typical vehicle is a vehicle of the same year, make, and model as the loss vehicle, including average mileage, and all standard equipment. These allowances are displayed for illustrative purposes only.

The Base Vehicle Value is calculated from the comparable vehicles with adjustments to reflect the loss vehicle configuration

Owner: Colon, Melitza Claim: A00002193761-3



### VEHICLE INFORMATION

#### **VEHICLE EQUIPMENT**

Odometer	104,480	
Transmission	5 Speed Transmission	~
	Overdrive	~
Power	Power Steering	~
	Power Brakes	4
	Power Windows	~
	Power Locks	4
	Power Mirrors	~
	Power Trunk/Gate Release	4
Decor/Convenience	Air Conditioning	4
	Tilt Wheel	4
	Cruise Control	~
	Rear Defogger	4
	Intermittent Wipers	4
	Console/Storage	V
	Overhead Console	~
	Keyless Entry	· V
	Telescopic Wheel	4
Seating	Cloth Seats	4
	Bucket Seats	4
Radio	AM Radio	~
	FM Radio	4
	Stereo	V
	Search/Seek	V
	CD Player	✓.
	Steering Wheel Touch Controls	~
	Auxiliary Audio Connection	✓
Wheels	Wheel Covers	✓
Safety/Brakes	Air Bag (Driver Only)	✓
	Passenger Air Bag	4
	Anti-lock Brakes (4)	<b>V</b>
	4-wheel Disc Brakes	4

To the left is the equipment of the loss vehicle that ERIE INSURANCE GROUP provided to CCC.

- Standard This equipment is included in the base configuration of the vehicle at time of purchase.
- Additional Equipment that is not Standard but was noted to be on the loss vehicle

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Owner: Colon, Melitza Claim: A00002193761-3



VEHICLE EQUIPMENT			
	Front Side Impact Air Bags	~	
	Head/Curtain Air Bags	4	
Exterior/Paint/Glass	Dual Mirrors	~	
	Tinted Glass	4	
	Clearcoat Paint		
Other - Cars	California Emissions	4	

Owner: Colon, Melitza Claim: A00002193761-3



### VEHICLE CONDITION

#### **COMPONENT CONDITION**

	Condition	Inspection Notes	Value Impact
MECHANICAL	L		
Engine	AVERAGE PRIVATE	Belts and hoses firm, show minimal wear.	\$ 0
Transmission	AVERAGE PRIVATE	Fluid slightly discolored.	\$0
PAINT			
PAINT	AVERAGE PRIVATE	No significant peeling and/or flaking.	\$0
TIRES			
Front Tires	AVERAGE PRIVATE	Typical new car tires are 11/32, loss measures at 5/32 = 46% (5/11)	\$ 0
Rear Tires	AVERAGE PRIVATE	Typical new car tires are 11/32, loss measures at 5/32 = 46% (5/11)	\$0
BODY/GLASS	3		
BODY/ GLASS	AVERAGE PRIVATE	All panels intact and properly aligned.	\$0
INTERIOR			
INTERIOR	AVERAGE PRIVATE	CARPETS STAINED DASHBOARD CLEAN HEADLINER LIGHTLY STAINED SEATS LIGHLY STAINED	\$0
Total Cond	lition Adjustments	A PERSONAL PROPERTY.	\$0

ERIE INSURANCE GROUP uses condition inspection guidelines to determine the condition of key components of the loss vehicle prior to the loss. The guidelines describe physical characteristics for these key components, for the condition selected based upon age. Inspection Notes reflect observations from the appraiser regarding the loss vehicle's condition.

CCC makes dollar adjustments that reflect the impact the reported condition has on the value of the loss vehicle as compared to Average Private condition. These dollar adjustments are based upon interviews with dealerships across the United States.

# CCC SONE MARKET VALUATION SUMMARY

Owner: Colon, Melitza Claim: A00002193761-3

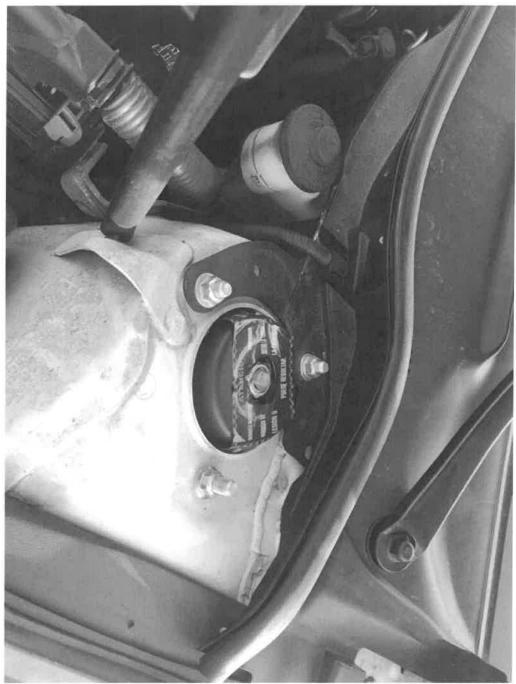
Comparable vehicles used in the



# COMPARABLE VEHICLES

# COMPARABLE VEHICLES

Source	Vehicle	Price	Adjusted Comparable Value	determination of the Base Vehicle Value are not intended to be replacement vehicles but are reflective of the market value, and may no longer be available
		1 1100	raido	for sale.
Comp 1 Source: Inspected Inventory Wilde Chry Jeep Dodg Subaru Waukesha, WI (262) 544-5400 13 Miles From Milwaukee, WI	2009 Toyota Camry Le Automatic 4 2.4l Gasoline Efi Odometer: 68,937 Updated Date: 07/26/2019	\$ 8,311 (Take)	\$ 6,486	List Price is the sticker price of an inspected dealer vehicle and the advertised price for the advertised vehicle.  Take Price is the amount that the dealership will accept to sell the inspected vehicle, though a lower price may be obtainable through negotiation.
Source: Dealer Ad Classic Toyota Waukegan, IL (847) 565-1492 44 Miles From Milwaukee, WI	2009 Toyota Camry Le Automatic 4 2.4l Gasoline Efi Odometer: 107,529 Updated Date: 10/06/2019	\$ 6,999 (List)	\$ 6,060	Distance is based upon a straight line between loss and comparable vehicle locations.  Adjusted Comparable Value represents the price of the comparable vehicle with adjustments for options, mileage, condition, and year/model/trim as compared to the loss vehicle.
Comp 3 Source: Autotrader Millennium Motor Sales Milwaukee, WI (414) 383-6666 0 Miles From Milwaukee, WI	2009 Toyota Camry Le Automatic 4 2.4l Gasoline Efi Odometer: 130,512 Updated Date: 10/06/2019	\$ 6,995 (List)	\$ 7,213	A condition adjustment is also made to set the comparable vehicle to Average Private condition, which the loss vehicle is also compared to in the Vehicle Condition section.



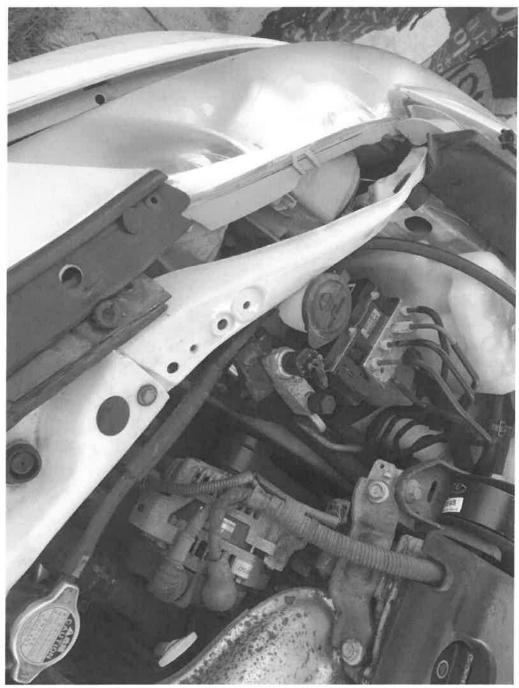
3 MONTH OLD STRUTS

File Name: PHOTO7 File Date: 10/18/2019

Label: 3 MONTH OLD STRUTS

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA,COLONILossDate:10/16/201 9|F

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



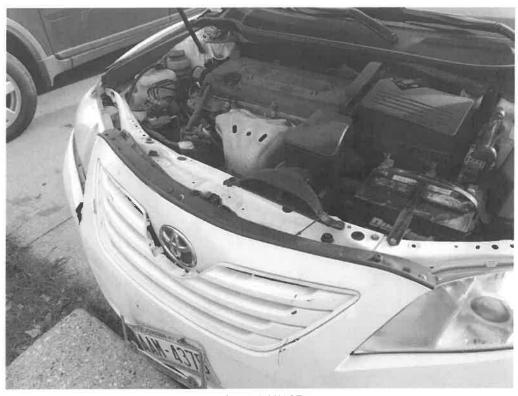
# **ACTUAL DAMAGE**

Claim Reference Id: A00002193761-3

File Name: PHOTO15 File Date: 10/18/2019 Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA COLON|LossDate:10/16/201
9| ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



**ACTUAL DAMAGE** 

File Name: PHOTO22 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manual|Insured:MELITZA,COLON|LossDate:10/16/201 9|PolicyNumber: ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



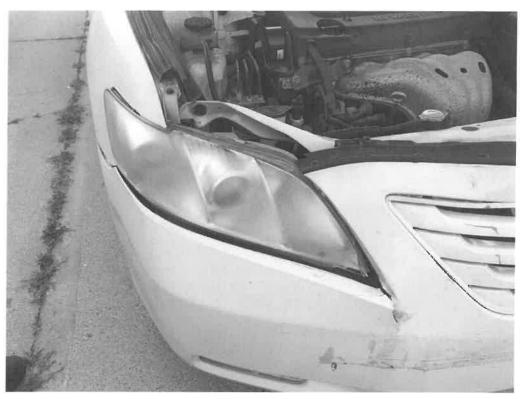
**ACTUAL DAMAGE** 

File Name: PHOTO13 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA.COLON|LossDate:10/16/201 9|I laimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



ACTUAL DAMAGE

File Name: PHOTO18 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manual|Insured:MELITZA,COLON|LossDate:10/16/201 9 ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



**ACTUAL DAMAGE** 

File Name: PHOTO19 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA.COLON|LossDate:10/16/201
9| claimRepresentative:me

187

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



**ACTUAL DAMAGE** 

File Name: PHOTO27 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE ManuallInsured:MELITZA.COL ON|LossDate:10/16/201 9 LaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



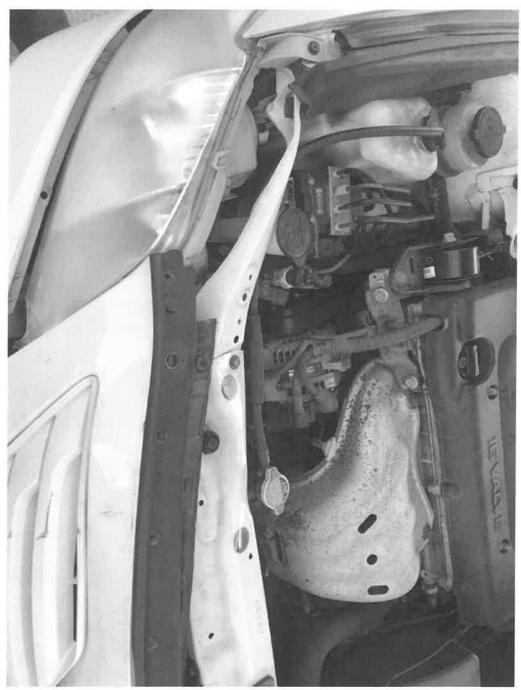
**ACTUAL DAMAGE** 

File Name: PHOTO1 File Date: 10/18/2019

Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manual|Insured:MELITZA,COLON|LossDate:10/16/201
9|
ClaimRepresentative:me

Photo Location: Don Jacob's Toyota
Photo Taken By: MANUEL MEDINA



ACTUAL DAMAGE

File Name: PHOTO2
File Date: 10/18/2019
Label: ACTUAL DAMAGE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE ManuallInsured:MELITZA.COLON|LossDate:10/16/201 9 | ClaimRepresentative:me

Photo Location: Don Jacob's Toyota
Photo Taken By: MANUEL MEDINA



AIR BAG LIGHT ON

File Name: PHOTO5 File Date: 10/18/2019

Label: AIR BAG LIGHT ON

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA COLON|LossDate:10/16/201
ClaimRepresentative:me

191

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



**FRONT** 

File Name: PHOTO20 File Date: 10/18/2019 Label: FRONT

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA.COLON|LossDate:10/16/201 9 ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



#### INTERIOR

Claim Reference Id: A00002193761-3

File Name: PHOTO3
File Date: 10/18/2019
Label: INTERIOR

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
ManuallInsured:MELITZA,COLON|LossDate:10/16/201
9 | ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



#### INTERIOR

Claim Reference Id: A00002193761-3

File Name: PHOTO11
File Date: 10/18/2019
Label: INTERIOR

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA,COLON|LossDate:10/16/201
9| ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



#### INTERIOR

Claim Reference Id: A00002193761-3

File Name: PHOTO12 File Date: 10/18/2019 Label: INTERIOR

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA.COLON|LossDate:10/16/201
9 ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



LICENSE PLATE

File Name: PHOTO26
File Date: 10/18/2019
Label: LICENSE PLATE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE ManuallInsured:MELITZA.COLON|LossDate:10/16/201 9| ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



LT SIDE

File Name: PHOTO8 File Date: 10/18/2019 Label: LT SIDE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
ManuallInsured:MELITZA COLON|LossDate:10/16/201
9 | ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



LT SIDE

File Name: PHOTO28 File Date: 10/18/2019 Label: LT SIDE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manual|Insured:MELITZA,COLON|LossDate:10/16/201
GlaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



LT SIDE

File Name: PHOTO6 File Date: 10/18/2019 Label: LT SIDE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuallinsured:MELITZA COLON|LossDate:10/16/201
9| | ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



MANUAL

File Name: PHOTO21 File Date: 10/18/2019 Label: MANUAL

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
ManuallInsured:MELITZA.COLON|LossDate:10/16/201
9|| ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



MILEAGE

File Name: PHOTO23 File Date: 10/18/2019 Label: MILEAGE

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



#### **RADIO**

Claim Reference Id: A00002193761-3

File Name: PHOTO9
File Date: 10/18/2019
Label: RADIO

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA.COLON|LossDate:10/16/201 9 ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



#### **REAR**

Claim Reference Id: A00002193761-3

File Name: PHOTO10 File Date: 10/18/2019 Label: REAR

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA.COLON|LossDate:10/16/201 9|| ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



RT FENDER GAP

File Name: PHOTO14 File Date: 10/18/2019 Label: RT FENDER GAP

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



RT SIDE

File Name: PHOTO17 File Date: 10/18/2019 Label: RT SIDE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE
Manuelllacus de l'Alle LIZZA COLON|LossDate:10/16/201
9 ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



RT SIDE

File Name: PHOTO25 File Date: 10/18/2019 Label: RT SIDE

Note: Owner:MELITZA,COLONIStyle:2009,TOYO,Camry LE
Manuallinsured:MELITZA,COLONILossDate:10/16/201
aimRepresentative:me

Photo Location: Don Jacob's Toyota
Photo Taken By: MANUEL MEDINA

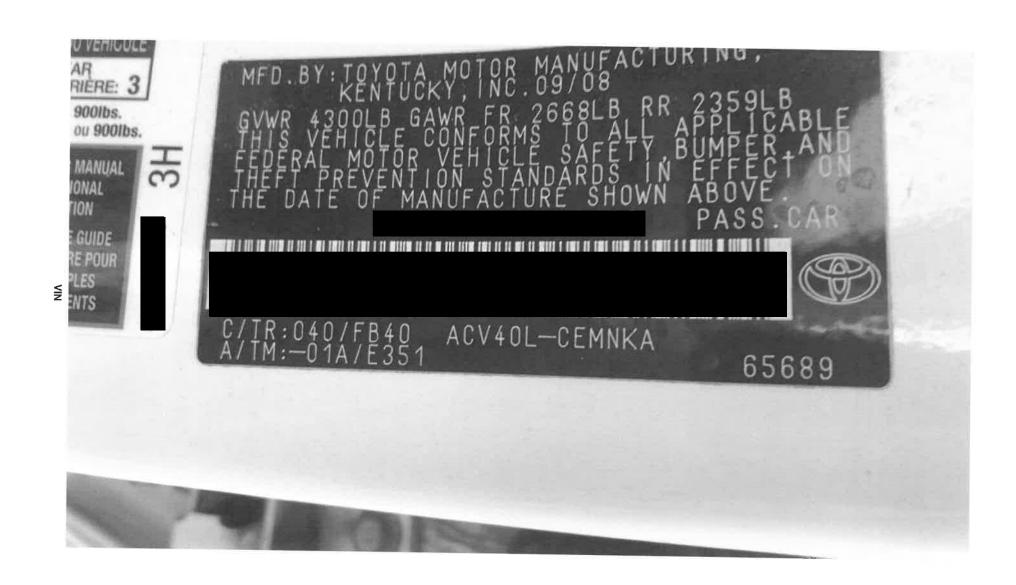


RT SIDE

File Name: PHOTO16 File Date: 10/18/2019 Label: RT SIDE

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manuallinsured:MELITZA COLON|LossDate:10/16/201 | ClaimRepresentative:me

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA



File Name: PHOTO4 File Date: 10/18/2019 Label: VIN

Note: Owner:MELITZA,COLON|Style:2009,TOYO,Camry LE Manual|Insured:MELITZA,COLON|LossDate:10/16/201

Photo Location: Don Jacob's Toyota Photo Taken By: MANUEL MEDINA

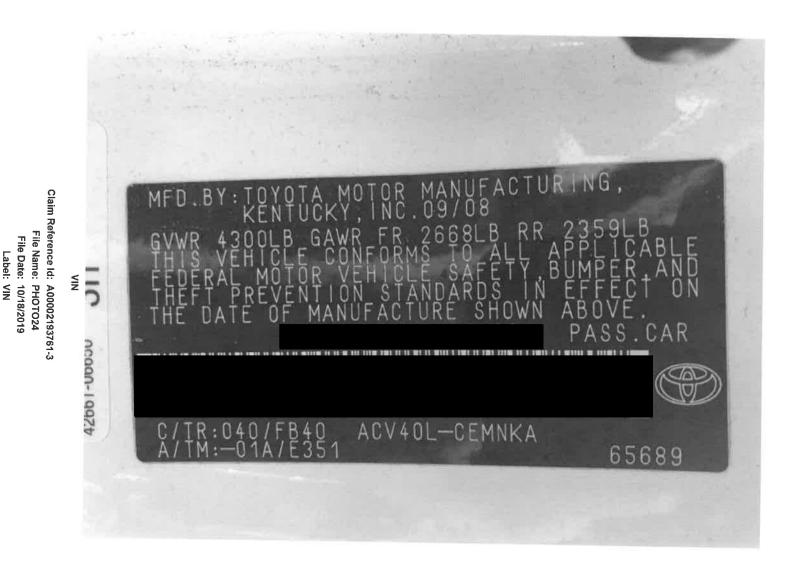


Photo Taken By: MANUEL MEDINA Estimate Indicator: E01

Photo Location: Don Jacob's Toyota

Note: Owner:MELITZA,COLONIStyle:2009,TOYO,Camry LE Manuallinsured:MELITZA,COLONILossDate:10/16/201

# **ERIE INSURANCE GROUP**

Wisconsin Branch Claims PO Box 867 Waukesha, WI 53187

Phone: (262) 328-7320 Fax: (877) 741-3743

Claim #: Workfile ID:

A00002193761-3

08eb4e00

### **Estimate of Record**

Written By: MANUEL MEDINA, 10/18/2019 8:54:46 AM Adjuster: medina, manuel, (877) 740-3743 Business

Insured:

MELITZA COLON

Owner Policy #:

Q021015558

Claim #;

A00002193761-3

Type of Loss:

Collision

Date of Loss:

10/16/2019 12:05 PM

Days to Repair:

Point of Impact:

18 Front & Rear

Deductible:

300.00

Owner (Insured):

MELITZA COLON 2427 W HOLT AVE

**Inspection Location:** 

home home

2427 W HOLT AVE

MILWAUKEE, WI 53215-4825

Field

**Appraiser Information:** 

Manuel.Medina@Erieinsurance.com

(262) 328-7320

Repair Facility: Don Jacob's Toyota

0

5727 s 27th street Milwaukee, WI 53221 (414) 281-3100 Business 391288187 Federal ID kevin@donjacobstoyota.com

#### **VEHICLE**

2009 TOYO Camry LE Manual 4D SED 4-2.4L Gasoline EFI WHITE

VIN: License:

State:

WI

Production Date:

Odometer:

Condition:

09/2008 104480

Interior Color:

Exterior Color:

WHITE

**TRANSMISSION** 

Overdrive

5 Speed Transmission

**POWER** 

Power Steering Power Brakes

Power Windows

Power Locks Power Mirrors

**DECOR** 

**Dual Mirrors** Tinted Glass Console/Storage

Overhead Console

CONVENIENCE

Air Conditioning Intermittent Wipers

Tilt Wheel Cruise Control Rear Defogger

Keyless Entry

Steering Wheel Touch Controls

Telescopic Wheel

**RADIO** 

AM Radio

FM Radio Stereo

Search/Seek CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag Passenger Air Bag Anti-Lock Brakes (4) 4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

**SEATS** Cloth Seats

**Bucket Seats WHEELS** 

Wheel Covers **PAINT** 

Clear Coat Paint

**OTHER** 

California Emissions Power Trunk/Gate Release

# **Estimate of Record**

2009 TOYO Camry LE Manual 4D SED 4-2.4L Gasoline EFI WHITE

Line		Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	HOOD							
2	*	Repl	LKQ hood +25%	00931743	1	518.75	0.8	2.8
3			Add for Clear Coat				3.3	1.1
4			Refn underside					1.4
5		Repl	Latch assy US built w/o anti-theft	5351006180	1	61.69	Incl.	2.1
6	FRONT BUM	PER & G	RILLE					
7			O/H front bumper				2.3	
8	**	Repl	A/M CAPA Bumper cover US built w/o SE	TO1000329PP	1	243.00	Incl.	2.6
9			Add for Clear Coat					1.0
10	**	Repl	A/M CAPA Upper retainer	TO1031107C	1	58.00	Incl.	-14
11		Repl	Upper seal US built	5339506010	1	51.72	Incl.	
12	*	Repl	LKQ Energy absorber US built +25%	~232737741	1	50.00	Incl.	
13	*	Repl	LKQ Reinf beam US Built (UHS) +25%	~230501964	1	167.50	Incl.	
14		Repl	Emblem	7531106060	1	44.85	Incl.	
15		Repl	Grille Base, CE, LE white	5311106090A0	1	209.24	Incl.	1.0
16			Overlap Major Non-Adj. Panel					-0.2
17			Add for Clear Coat					0.2
18	**	Repl	A/M RT Hole cover Base CE LE	TO2599103	1	13.00	Incl.	
19	RADIATOR S	UPPORT						
20			Refinish Components					1.8
21			Add for Clear Coat					0.4
22		Repl	Radiator support	5320133162	1	602.44 s	8.4	Incl.
23			Evacuate & recharge			m	1.4 M	
24			Refrigerant recovery			m	0.4 M	
25			Refrigerant recovery 2.4 liter			m	0.2	
26			Aim headlamps				0.5	
27			Latch support	5320806020	1	58.58	Incl.	Incl.
28			RT Side seal	5329306040	1	58.44	Incl.	
29		•	LT Side seal	5329406030	1	61.83	Incl.	
30 31	FRONT LAMP		DT Handleyer and DC L 19 - 4					
			RT Headlamp assy US built w/o SE	8111006B90	1	349.71	0.5	
32		R&I	LT R&I headlamp assy	8115006B90			0.3	
33 34	COOLING		Radiator assy OEM, US built, w/o towing pkg manual trans	164000H240		m	Incl.	
35	REAR BUMPE		g ping manada dang					
36	**	Repl	A/M CAPA Bumper cover US built 2.4 liter	TO1100243PP	1	256.00	1.2	3.0
37			Add for Clear Coat					1.2

Claim #:

A00002193761-3

Workfile ID:

08eb4e00

# **Estimate of Record**

38	FENDER							
39		Repl	RT Rail end (HSS)	5711706030	1	69.73	1.5	0.3
40			Add for Clear Coat				213	0.1
41		Blnd	RT Fender	5380106110				0.9
<b>4</b> 2		Blnd	LT Fender	5380206120				0.9
43		R&I	RT Fender liner	5387506060			0.4	
44		R&I	LT Fender liner	5387606060			0.4	
45	RESTRAINT	SYSTEM	1S					
46		Repl	RT Ft impact sensor US built	8917309400	1	135.39 m	0.3 M	
47		Repl	Diagnostic unit	8917006200	1	293.15 m	0.8 M	
48		Repl		8917309400	1	135.39 m	0.3 M	
49	MISCELLANI							
50	#	Repl			1	79.95 T		
51	#	Repl	Restore Corrosion Protection/Rust Proof		1	10.00 T	0.1	
52	#	Subl	Hazardous Waste Removal Fee		1	5.00 ⊤		
53	#	Repl	Cover Vehicle/Bag & Mask		1	10.00 T	0.2	
54	#	Rpr	Mask jambs (per panel)				0.2	
55	#	Repl	Flex Agent (per panel)		2	24.00 T		
56	#		PRE-DIAGNOSTIC SCAN CHARGE		1		1.0 M	
57	#		POST -DIAGNOSTIC SCAN CHARGE		1		0.5 M	
58	AIR CONDIT	IONER 8	& HEATER					
59		R&I	Condenser assy OEM	8846006210		m	Incl.	
60	#	Repl	COOLANT		1	20.00		
61	#	Rpr	SET UP				1.0	
62	#	Rpr_	PULL TIME				1.5	
				SUBTOTALS		3,587.36	24.2	18.5

## **NOTES**

#### Estimate Notes:

VEHICLE IS A TOTAL LOSS DISCUSSED WITH MELITZA I ALSO DISCUSSED THE VEHICLE OPTIONS..

Claim #:

Workfile ID:

A00002193761-3

08eb4e00

# **Estimate of Record**

2009 TOYO Camry LE Manual 4D SED 4-2.4L Gasoline EFI WHITE

#### **ESTIMATE TOTALS**

nrs @ nrs @ nrs @	\$ 58.00 /hr \$ 58.00 /hr \$ 107.00 /hr	Cost \$ 3,458.41 1,131.00 1,073.00 502.90 550.00
irs @	\$ 58.00 /hr	1,131.00 1,073.00 502.90
irs @	\$ 58.00 /hr	1,073.00 502.90
		502.90
	Ψ 107.00 /III	
		330,00
		128.95
		6,844.26
26 @	5.6000 %	383.28
	3.0000 70	7,227.54
		300.00
		300.00 6,927.54

THIS IS NOT AN AUTHORIZATION TO REPAIR. The vehicle owner must authorize all repairs. Erie Insurance reserves the right to reinspect all supplements before payment is made. Costs above the appraisal amount may be the responsibility of the vehicle owner. There is NO requirement to use any specified repair shop. Information regarding repair facilities which will be able to repair the vehicle for the appraised amount may be available from Erie Insurance upon request.

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

Estimate calculated using a preset user threshold amount for the paint and material cost.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Workfile ID:

#### **Estimate of Record**

2009 TOYO Camry LE Manual 4D SED 4-2.4L Gasoline EFI WHITE

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide AEM8522, CCC Data Date 9/16/2019, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2020 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

#### SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

# SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

# OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Claim #:

A00002193761-3 08eb4e00

Workfile ID:

# **Estimate of Record**

2009 TOYO Camry LE Manual 4D SED 4-2.4L Gasoline EFI WHITE

# **ALTERNATE PARTS SUPPLIERS**

Price
\$ 415.00
Ψ 113.00
\$ 243.00
Ψ 2 13.00
\$ 58.00
4 30.00
\$ 40.00
Ψ 10.00
\$ 134.00
, ==
\$ 13.00
Ţ
\$ 256.00
7 200.00
_



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock

Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
Melitza Colon	10/16/19	\$10,000.00	2019-0920	19-2343
Willie McBride (18-CV-2032)_	4/13/18	\$25,000.00	2021-0022	?
Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

Name of Claimant	Date of Claim (Incident)	Claim Amount	Legistar No.	CVMIC Incident No.
Anne Braunsdorf	12/9/20	\$12,500.00	2021-0143	20-2170
Demeteria Chaney	1/26/21	\$352.98	2021-0111	21-232
Thudah Cole by Atty Motley	10/8/20	\$2,000,000.00	2021-0133	20-2168
Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

**Principal Assistant City Attorney** 

cc: City Clerk

UNITED STATES DISTRICT COURT 2010 FEB -4 P 12: 24 Eastern District of Wisconsin Willie Martez McBride Plaintiff Civil Action No. McBride v. Mitchell et al Defendant NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS To: Chief Patrick Mitchell (Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service) Why are you getting this? A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached. This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) waiver within from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy. What happens next? If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States). If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service. Please read the enclosed statement about the duty to avoid unnecessary expenses. I certify that this request is being sent to you on the date below. Date: 02/07/2019 Signature of the attorney or unrepresented party Willie Martez McBride Printed name

Address

E-mail address

Telephone number

### UNITED STATES DISTRICT COURT

for the

Easte	ern District of Wisconsin	2019 FEB -4 ₱ 12: 2U
Willie Martez McBride  Plaintiff  v.  McBride v. Mitchell et al  Defendant	) ) () () Civil Action No. 1	
WAIVER OF	THE SERVICE OF SUMMONS	S
To: Willie Martez McBride  (Name of the plaintiff's attorney or unrepresented)	d plaintiff)	
I have received your request to waive servitwo copies of this waiver form, and a prepaid mean		
I, or the entity I represent, agree to save the	e expense of serving a summons ar	nd complaint in this case.
I understand that I, or the entity I represent jurisdiction, and the venue of the action, but that I	sent, will keep all defenses or ol waive any objections to the absenc	bjections to the lawsuit, the court's e of a summons or of service.
I also understand that I, or the entity I represent the following states of the entity I represent the following states of the entity I represent the entity I r	te when this request was sent (or 9	0 days if it was sent outside the_
Date:	Signature of th	ne attorney or unrepresented party
Chief Patrick Mitchell		
Printed name of party waiving service of summons		Printed name
		Address
		E-mail address
		Telephone number
Duty to Avoid U	Innecessary Expenses of Serving a Summons	

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

		2019 FEB -4 P 12: 21
Willie Martez McBride		
Plaint	iff(s),	U.S. MARSHAL MILWAUKEE, WI
v.	Case N	No. 2:18-CV-02032
Chief Patrick Mitchell, et al		
Defen	dant(s).	
CONSENT TO P	ROCEED BEFORE A M	AGISTRATE JUDGE
	agistrate judge is optiona	days of receipt. Although choosing to all and refusal will not have adverse d form is mandatory.
Aside from cases subject to the	Prison Litigation Reform	se, a district judge will hear your case. Act, magistrate judges in this district district judges and do not issue reports
Magistrate judges do not conductivith scheduling and processing of		fore felony trials do not interfere
Check one:	cuses before magistrate just	
Nancy Joseph cond	uct all proceedings in this c	nt <b>consents</b> to have Magistrate Judge ase, including a bench or jury trial, and Federal Rule of Civil Procedure 73(b).
The undersigned attorney final judgment in this matter. I ur further proceedings in this matter.	nderstand that this means th	refuses to have a magistrate judge enter nat a district judge alone will handle all
Signed this day of (month)	(year) Signatu □ Plainti	are of counsel of record or pro se litigant iff / petitioner (attorney or pro se litigant) dant / respondent (attorney or pro se litigant) party

## ASSIGNMENT OF CIVIL CASES EASTERN DISTRICT OF WISCONSIN

At the time a new civil action is filed, it is assigned by random selection to either a district judge or a magistrate judge in accordance with the local rules. Pursuant to the provisions of 28 U.S.C. §636(c) and Rule 73 of the Federal Rules of Civil Procedure, a United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial and order the entry of judgment. The statute provides for direct appeal to the U.S. Court of Appeals for the Seventh Circuit.

Once the assigned district or magistrate judge has been selected, the local rules of this district require that each party to the action receive a copy of the "consent form." Each party shall complete the form and file it with the Clerk of Court within 21 days after its receipt.

If this case has been randomly assigned to a **district judge** and all parties consent to have the magistrate judge conduct all proceedings in the case, the district judge may enter an order transferring the case to the magistrate judge.

If this case has been randomly assigned to a **magistrate judge** and not all parties consent, then the case will be reassigned by random selection to a district judge. If all parties consent, the magistrate judge will conduct all proceedings in the action.

While the decision to consent or not to consent to the exercise of jurisdiction by the magistrate judge is entirely voluntary, the duty to respond to this order is **mandatory**. Your response shall be made to the Clerk of Court only on the form on the reverse side of this notice.

IT IS THEREFORE ORDERED, that you complete this form and file it with the Clerk of Court within twenty-one (21) days from receipt.

UNITED STATES DISTRICT COURT

s/William C. Griesbach
Honorable William C. Griesbach,
Chief Judge

# UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

2019 FEB -4 P 12: 24

WILLIE MARTEZ MCBRIDE, Plaintiff,

٧.

Case No. 18-C-2032

STEVE KUHNMUENCH,
JASON VANDERWERFF,
CAPTAIN CHAD A. EVENSON,
CHIEF PATRICK MITCHELL,
and JOHN DOES,
Defendants.

#### **ORDER**

Plaintiff Willie Martez McBride, a pro se inmate at the Milwaukee County House of Corrections, filed this action under 42 U.S.C. § 1983 alleging that defendants violated his constitutional rights. (Docket No. 1.) The plaintiff also filed a motion to proceed without prepayment of the filing fee (*in forma pauperis*). (Docket No. 2)

After reviewing plaintiff's certified trust account statements filed in support of his motion and determining that plaintiff had zero assets and means, I did not assess him an initial partial filing fee. See 28 U.S.C. § 1915(b)(1). To that end, I will grant his motion to proceed without prepayment of the filing fee. He must pay the \$350 filing fee over time in the manner described at the end of this Order.

Regarding plaintiff's complaint: I am required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). I must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state

a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

To state a cognizable claim under the federal notice pleading system, plaintiff is required to provide a "short and plain statement of the claim showing that [he] is entitled to relief[.]" Fed. R. Civ. P. 8(a)(2). It is not necessary for plaintiff to plead specific facts and his statement need only "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). However, a complaint that offers mere "labels and conclusions" or a "formulaic recitation of the elements of a cause of action will not do." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 555). To state a claim, a complaint must contain sufficient factual matter, accepted as true, "that is plausible on its face." *Id.* (quoting *Twombly*, 550 U.S. at 570). "A claim has facial plausibility when [] plaintiff pleads factual content that allows the court to draw the reasonable inference that [] defendant is liable for the misconduct alleged." *Id.* (citing *Twombly*, 550 U.S. at 556). The complaint's allegations "must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 555 (citation omitted).

In considering whether a complaint states a claim, I follow the principles set forth in *Twombly* by, first, "identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth." *Iqbal*, 556 U.S. at 679. Legal conclusions must be supported by factual allegations. *Id.* If there are well-pleaded factual allegations, the court must, second, "assume their veracity and then determine whether they plausibly give rise to an entitlement to relief." *Id.* 

To state a claim for relief under 42 U.S.C. § 1983, a plaintiff must allege that: 1) he was deprived of a right secured by the Constitution or laws of the United States; and 2) the deprivation was cause by defendants acting under color of state law. *Buchanan-Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009) (citing *Kramer v. Village of North Fond du Lac*, 384 F.3d 856, 861 (7th Cir. 2004)); see also Gomez v. Toledo, 446 U.S. 635, 640 (1980). I am obliged to give plaintiff's *pro se* allegations, "however inartfully pleaded," a liberal construction. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)).

#### I. Complaint's Allegations

Plaintiff alleges that on April 13, 2018, several West Allis Police officers forcibly entered the hotel room that he and his child's mother were occupying. He states that after they entered, they pulled the mother out of the room and asked plaintiff if there was anyone else in the room. Plaintiff responded yes.

Plaintiff was then told to get on his knees, put his hands in the air, and face away from the officers. The plaintiff complied. Moments later, plaintiff states that he was "rushed from behind." (Docket No. 1 at 3.) Specifically, he says he was "knocked forward onto [his] chest," and his "face crashed the floor." (*Id.*) An officer than kneeled onto plaintiff's back, choked plaintiff, and "yelled 'you thought you were gonna get away with this motherfucker." (*Id.*) Plaintiff states that other officers punched and kicked him, and he eventually lost consciousness. He was later taken to West Allis Memorial Hospital.

Plaintiff seeks compensatory and punitive damages.

#### II. Court's Analysis

The Due Process Clause of the Fourteenth Amendment "protects a pretrial detainee from the use of excessive force that amounts to punishment." *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2473 (2015) (citing *Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989)). To prevail on such a claim, "a pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable." *Id.* at 2472–73. I find that plaintiff has sufficiently alleges that John Doe officers from the West Allis Police Department used excessive force against him. He may, therefore, proceed with this claim against them.

Plaintiff, however, may not proceed with a claim against the remaining defendants. To be sure, plaintiff names Steve Kuhnmuench, Jason Vanderwerff, Captain Chad Everson, and Chief Patrick Mitchell in the caption of his complaint, but he does not state what these individuals did or failed to do in violation of his constitutional rights. "An individual cannot be held liable in a § 1983 action unless he caused or participated in [the] alleged constitutional deprivation." *Starzenski v. City of Elkhart*, 87 F.3d 872, 879 (7th Cir. 1996) (citations omitted); *George v. Smith*, 507 F.3d 605, 609 (7th Cir. 2007) ("Only persons who cause or participate in the violations are responsible."). In other words, there is no liability unless the defendant is personally involved in the violation of plaintiff's rights. *See Morfin v. City of East Chicago*, 349 F.3d 989, 1001 (7th Cir. 2003). Thus, plaintiff may not proceed against, and I will dismiss Kuhnmuench, Vanderwerff, and Captain Everson as defendants. I, however, will have Chief Mitchell remain as a defendant for the limited purpose of helping plaintiff identify the names of the Doe defendants. *See Donald v. Cook County Sheriff's Dept.*, 95 F.3d 548, 556 (7th Cir. 1996).

After Chief Mitchell's attorney files an appearance in this case, plaintiff may serve discovery upon Chief Mitchell (by mailing it to the attorney at the address in his notice of appearance) to get information that will help him identify the names of the John Doe defendants. For example, plaintiff may serve interrogatories (written questions) under Fed. R. Civ. P. 33 or document requests under Fed. R. Civ. P. 34.

After plaintiff identifies the names of the John Doe defendants, he must file a motion to substitute the names for the John Doe placeholders. The court will then dismiss Chief Mitchell as a defendant and serve the identified John Doe defendants with plaintiff's complaint and this order. Once the identified John Doe defendants have had an opportunity to respond to the complaint, the court will issue a scheduling order setting deadlines for the completion of all other discovery and for filing dispositive motions. Plaintiff should not start the discovery process for all other discovery until after all of the defendants have been identified, have filed their answer, and the court has issued a scheduling order.

Plaintiff must identify the names of the John Doe defendants within forty-five days of Chief Mitchell's attorney appearing in the case. If he does not or does not explain to the court why he is unable to identify their names, I may dismiss his case based on his failure to diligently pursue it. Civil L.R. 41(c).

#### CONCLUSION

IT IS THEREFORE ORDERED that plaintiff's motion for leave to proceed without prepayment of the filing fee (Docket No. 2) is **GRANTED**.

IT IS FURTHER ORDER that Steve Kuhnmuench, Jason Vanderwerff, and Captain Chad Everson are **DISMISSED** as defendants.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the complaint and this order upon Chief Patrick Mitchell pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). The U.S. Marshals will give plaintiff information on how to remit payment. The court is not involved in collection of the fee.

IT IS FURTHER ORDERED that Chief Patrick Mitchell does not have to respond to plaintiff's complaint; however, he must respond to plaintiff's discovery requests as described in this order.

IT IS FURTHER ORDERED that plaintiff shall identify the names of the John Doe defendants within forty-five days of Chief Patrick Mitchell's attorney appearing in the case. If plaintiff does not or does not explain to the court why he is unable to identify the names of the John Doe defendants, the court may dismiss his case based on his failure to diligently pursue it. Civil L.R. 41(c).

IT IS FURTHER ORDERED that the agency having custody of plaintiff shall collect from his institution trust account the \$350 filing fee by collecting monthly payments from plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2).

The payments shall be clearly identified by the case name and number assigned to this

action. If plaintiff is transferred to another county, state, or federal institution, the

transferring institution shall forward a copy of this order along with plaintiff's remaining

balance to the receiving institution.

IT IS ALSO ORDERED that a copy of this order be sent to the officer in charge of

the agency where plaintiff is confined. A copy should also be sent to Dennis Brand at the

Milwaukee County Safety Building.

IT IS FURTHER ORDERED that plaintiff shall submit all correspondence and legal

material to:

Office of the Clerk

United States District Court

Eastern District of Wisconsin

362 United States Courthouse 517 E. Wisconsin Avenue

Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. It will

only delay the processing of the matter.

Plaintiff is further advised that failure to make a timely submission may result in the

dismissal of this action for failure to prosecute. In addition, the parties must notify the

Clerk of Court of any change of address. Failure to do so could result in orders or other

information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin, this 31st day of January, 2019.

s/Lynn Adelman

LYNN ADELMAN

United States District Judge

7

( Please See additional attach Documents)

2019 FEB -4 P 12: 211

COMPLAINT

U.S. DISTRICT COURT EASTERN DISTRICT-WI FILED

(for filers who are prisoners without lawyers)

2018 DEC 28 A 11: 56

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

	•	SIEF	CLE	C. DRI RK	<u> </u>
_					

(Full name of plaintiff(s))	
Willie Martez McBride	
2018009499	
v.	Case Number:
(Full name of defendant(s))	18-C-2032
Steve Kuhnmuench, Jason Vanderwerff	(to be supplied by Clerk of Court)
Caption Chad Evenson, Chief Patrick Mi	itchell,
John Doc's	•
	<u> </u>
A. PARTIES	
1. Plaintiff is a citizen of US. Milwadke (State)	e, Wisconsin, and is located at
House of Correction, 8885 S. 68th (Address of prison	St. Franklin, WI. 53132
(Address of prison	or jail)
(If more than one plaintiff is filing, use another	er piece of paper.)
2. Defendant Steve Kuhnmuench,	
	(Name)

is (if a person or private corporation) a citizen of	
	(State, if known)
and (if a person) resides at	
	(Address, if known)
and (if the defendant harmed you while doing the defendant's job)	
worked for West Allis Police Department	
(Employer's name an	d address, if known)
(If you need to list more defendants, use another piece of pa	per.)

### B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

- 1. Who violated your rights;
- What each defendant did;
- 3. When they did it;
- 4. Where it happened; and
- 5. Why they did it, if you know.

was with some friends & located village Inn Hotel Milwauhee, WI. Sometime between Allis the West 5am and leam, Mours Hotel entry into the room that at coutes. Staving as Were Cousin Lindell Howard. mother Brittony Vaillancourt the room. The police then proceeded to ask anyone else in this room?" To which I responded

I was told to get on my knees with my hands up in the air and face away from them, I did exactly what was asked of me, seconds later as I was on my knees facing away, I was rushed from behind, I was knocked foward onto my chest and my face croshed the floor. There was an officer Kneeling on my back as he choked me he yelled "You thought you were going get away with this mother Fucker". Other officers were punching me and Kicking me, I eventually lost consciousness and can not speak on what happend immediately there after. I was taken to The West Allis Memorial Hospital

#### C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_\_.

#### D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

The Plaintiff is suring for the following - I am Suring the defendants for violation of the 8th amendment, acts of cruel and uriusual punishment, violation of the 5th amendment, Essesive force, liability, Pain and suffering, mental and Emotion trama, (Damages) The Plaintiff Secks the following amounts from the defendants, for damages, - 1) Steve Kuhnmuench, The Plaintiff seeks 2) Jason Vander werff Hundre'd Thousand Dollars. (300.000.00) The Plaintiff seeks Three Hundred Thousand Dollars, (300,000,00) four Hundred and The Plaintiff Seeks 3.) Patrick Mitchell, Dollars (450,000,00) 4.) Chad Evenson Thousand four Hundred and tifty Thousand SeeKS Dollars (450.000.00) 5) All John Doels) The seeks Two Hundred Thousand Dollars, (200,000,00). From each John Doc. (Punitive Domages) seeks the following amounts from the defendants for Punitive Damages. 13 Steve Kuhnmuench, The Plaintiff seeks Six Hundred Thousand Dollars (600,000,00) 2.) Joson Vanderweiff, The Plaintiff seeks six Hundred Thousand Dollars, (600,000,00) 3.) Patrick Mitchell, The plaintiff seeks Nine Hundred Thousand Dollars, (900,000,00) 4) Chad Evenson, The Plaintiff seeks Nine Hundred Thousand Dollars (900,000,00) 5) All John Doe(s), The Plaintiff Seeks four Hundred Thousand Dollars (400,000,00) from each John Doe

Complaint - 4

E.	JURY DEMAND
	I want a jury to hear my case.
	YES
I decla	re under penalty of perjury that the foregoing is true and correct.
Comp	laint signed thisZ5'" day ofDecember20_18.
	Respectfully Submitted,
	Willia M'Bride
	Signature of Plaintiff
	2018009699
	Plaintiff's Prisoner ID Number
	8885 5, 68+ St
	Franklin, Wl. 53212
	(Mailing Address of Plaintiff)
	(If more than one plaintiff, use another piece of paper.)
_	JEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE
X	I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.
	I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

EX. 1 ATT. 1

### AFTER VISIT SUMMARY



Willie McBride DoB: 1991

4/13/2018 • AWAMC Emergency Services 414-328-6111

### Instructions

Your personalized instructions can be found at the end of this document.



### Follow up with Amy M Moschell, MD in 1 week (around 4/20/2018)

Why: As needed, If symptoms worsen Specialty: Ophthalmology Contact: 2424 S 90TH ST STE 204 West Allis WI 53227

414-328-8760

### What's Next

You currently have no upcoming appointments scheduled.

### Disclaimer

Follow-up Care: It is your responsibility to arrange for follow-up care with your healthcare provider or as instructed. Call to get an appointment time.

### Preventive care and screening

Your blood pressure was today. If your blood pressure is higher than 120/80, we recommend follow up with your primary care provider to obtain basic health screening, including reassessment of your blood pressure, within three months.

### What to Do with Your Medications

No changes were made to your prescriptions during this visit.

### Today's Visit

You were seen by Stephanie R Petrucci, DO

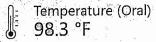
#### Diagnoses

- Injury of head, initial eńcounter
- Contusion of face, initial encounter
- Contusion of rib on left side, initial encounter

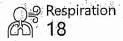
#### Imaging Tests

Head CT Rib X-ray

#### Your End of Visit Vitals







Oxygen Saturation 99%



Willie McBride (MRN: 3404814) • Printed at 4/13/18 11:23 AM

Page 1 of 7 Epic

EX.1.ATT.2

### Patient Portal

Send messages to your doctor, view your test results, renew your prescriptions and more!

Go to my.aurorahealthcare.org, click "Sign up Now" and enter your personal activation code:

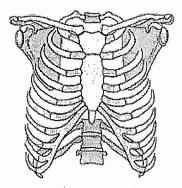
4TD68-Q7SS8

Expires: 5/13/2018 11:23 AM

EX. 1. ATT. 3

### Instructions

#### **Rib Contusion**



A rib contusion is a bruise to one or more rib bones. It may cause pain, tenderness, swelling and a purplish discoloration. There may be a sharp pain while breathing

You will be assessed for other injuries. You will likely be given medication for pain. Rib contusions heal on their own, without further treatment. However, pain may take weeks to months to go away.

Note that a small crack (fracture) in the rib may cause the same symptoms as a rib contusion. The small crack may not be seen on a chest x-ray. However, the two conditions are managed in the same way.

#### Home care

- Rest. Avoid heavy lifting, strenuous exertion, or any activity that causes pain.
- Ice the area to reduce pain and swelling. Put ice cubes in a plastic bag or use a cold pack. (Wrap the cold source in a thin towel. Do not place it directly on your skin.) Ice the injured area for 20 minutes every 1-2 hours the first day. Continue with ice packs 3-4 times a day for the next two days, then as needed for the relief of pain and swelling.
- Take any prescribed pain medication. If none was prescribed, take acetaminophen, ibuprofen, or naproxen to control pain.

### Follow-up care

Follow up with your healthcare provider during the next week or as directed.

### When to seek medical advice

Call your healthcare provider for any of the following:

- Shortness of breath or trouble breathing
- Increasing chest pain with breathing
- Coughing
- · Dizziness, weakness, or fainting

Page 3 of 7 Epic

EX. 1 ATT.4

- · New or worsening pain
- Fever of 100.4°F (38°C) or higher, or as directed by your healthcare provider © 2000-2015 The StayWell Company, LLC. 780 Township Line Road, Yardley, PA 19067. All rights reserved. This information is not intended as a substitute for professional medical care. Always follow your healthcare professional's instructions.

#### **Facial Contusion**

A contusion is another word for a bruise. It happens when small blood vessels break open and leak blood into the nearby area. A facial contusion can result from a bump, hit, or fall. This may happen during sports or an accident. Symptoms of a contusion often include changes in skin color (bruising), swelling, and pain.

The swelling from the contusion should decrease in a few days. Bruising and pain may take several weeks to go away.

#### Home care

- If you have been prescribed medicines for pain, take them as directed.
- To help reduce swelling and pain, wrap a cold pack or bag of frozen peas in a thin towel. Put it on the injured area for up to 20 minutes. Do this a few times a day until the swelling goes down.
- If you have scrapes or cuts on your face requiring stiches or other closures, care for them as directed
- For the next 24 hours (or longer if instructed):
  - Don't drink alcohol, or use sedatives or medicines that make you sleepy.
  - Don't drive or operate machinery.
  - Avoid doing anything strenuous. Don't lift or strain.
  - Do not return to sports or other activity that could result in another head injury.

#### Note about concussion

Because the injury was to your head, it is possible that a concussion (mild brain injury) could result. You don't have signs of a concussion at this time. But symptoms can show up later. Be alert for signs and symptoms of a concussion. Seek emergency medical care if any of these develop over the next hours to days:

- Headache
- · Nausea or vomiting
- Dizziness
- · Sensitivity to light or noise
- Unusual sleepiness or grogginess
- Trouble falling aşleep
- · Personality changes

Page 4 of 7 **Epic** 

EX.1 ATT,5

- Vision changes
- Memory loss
- Confusion
- Trouble walking or clumsiness
- · Loss of consciousness (even for a short time)
- · Inability to be awakened

### Follow-up care

Follow up with your healthcare provider or our staff as directed.

#### When to seek medical advice

Call your healthcare provider right away if any of these occur:

- Swelling or pain that gets worse, not better
- · New swelling or pain
- Warmth or drainage from the swollen area or from cuts or scrapes
- Fluid drainage or bleeding from the nose or ears
- Fever of 100.4°F (38°C) or higher, or as directed by your healthcare provider

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### **Imaging Results**

### XR Ribs Left W Pa Chest (Final result)

Result time 04/13/18 11:12:57

Final result

Narrative:

EXAM: XR RIBS LEFT W PA CHEST

CLINICAL HISTORY: trauma

COMPARISON:None.

FINDINGS: The cardiac silhouette and vascularity are within normal limits.

The lungs are well aerated and clear. No consolidations or effusions are noted.

There is no pneumothorax.

No acute displaced left rib fractures are noted.

Page 5 of 7 Epic

EX.1 ATT.7

### Medication Safety: What you need to know (continued)

Recent studies show measurable amounts of medication have been found in drinking water and wildlife due to flushing or throwing away medications

Medication strength changes over time and is not typically safe after one year

Proper disposal removes the medication from your home in a safe way so that others don't have access to it. Use your local drug drop site.

Your local pharmacy can provide information on medication disposal options in your community. The Department of Justice Drug Enforcement Administration website also has information on safe medication disposal:

www.deadiversion.usdoj.gov/drug\_disposal/index.html

me resisting or even attemption

was with me Britany Vaillancourt. (20180091699)

I also have a withness!

Franklin, W. 53132

Correction

240

EX.3 ATT. 9



#### **DEPARTMENT OF POLICE**

Patrick S. Mitchell Chief of Police

Robert Fletcher Deputy Chief of Police

Christopher Botsch Deputy Chief of Police

July 17, 2018

Willie M. McBride 8885 S. 68 St. Franklin, WI 53132

Mr. McBride,

This letter is to inform you that we have received your Citizen Complaint form. Lt. Nick Pye has been assigned to investigate your complaint and may choose to speak with you regarding the incident.

If you have a change of address, please contact us. At the conclusion of the investigation, you will be notified in writing.

Sincerely,

Chad Evenson Captain of Police



**DEPARTMENT OF POLICE** 

Patrick S. Mitchell Chief of Police

Robert Fletcher Deputy Chief of Police

Christopher Botsch Deputy Chief of Police

August 14<sup>th</sup>, 2018

Willie M. McBride Inmate – House of Correction 8885 S. 68 St. Franklin, WI 53132

RE: Citizen Complaint

Dear Mr. McBride:

On or about July 13<sup>th</sup>, 2018, the West Allis Police Department received a citizen complaint from you in regards to an incident that occurred on April 13<sup>th</sup>, 2018. I have been informed that Lt. Nick Pye reviewed your citizen complaint and determined that arresting Detectives Todd Kurtz and Lucas Binter were justified in their actions and did not violate any laws or department rules. I concur with his findings.

The investigation into your complaint is now concluded. If you have any further questions regarding this, please contact Lt. Pye at (414) 302-8000.

Sincerely,

Patrick Mitchell Chief of Police

### EX.S. ATT. 11



### Wisconsin State Public Defender

819 N. 6<sup>th</sup> St. – Room 908 Milwaukee, WI 53203-1606

Office Number: 414-227-4130 / Fax Number: 414-227-1801 www.wisspd.org

Kelli S. Thompson
State Public Defender
Jennifer Bias
Trial Division Director
Thomas Reed
Office Supervisor

December 10, 2018

Atty. Annamarie A. Wineke Annamarie Wineke Attorney at Law 7245 S 76th St Franklin WI 53132-9041

Re: Willie McBride, 5/27/1991

Attorney Wineke,

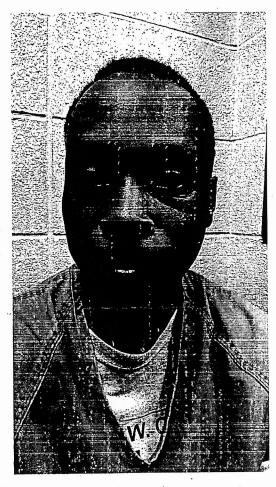
Enclosed please find pictures I took of the client at Intake court on April 19, 2018 on Case Number 18CF001809. Please let me know if you need anything further. Thanks.

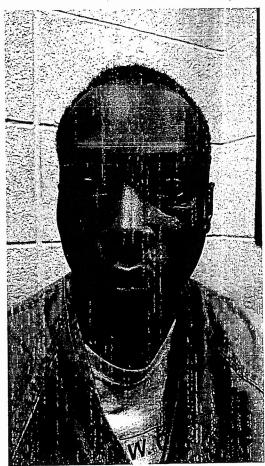
Sincerely

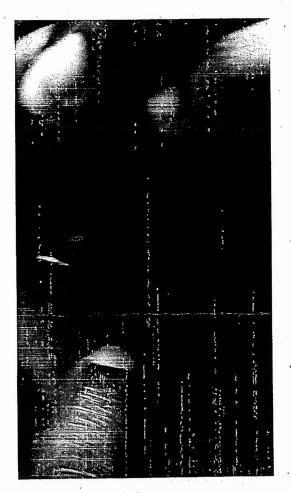
Bridget J. Krause Attorney at Law

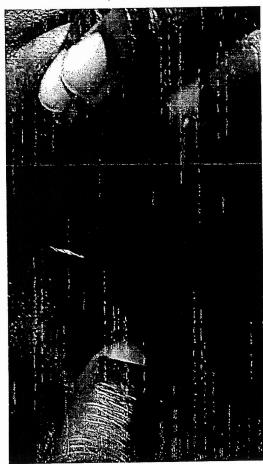
Enclosures

cc: Willie McBride, 8885 S. 68<sup>th</sup> Street, Franklin, WI 53132

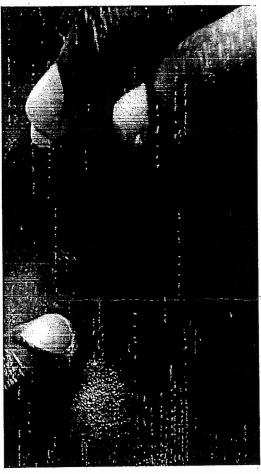


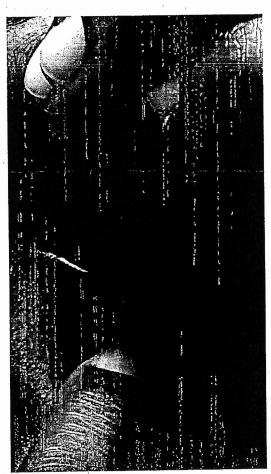


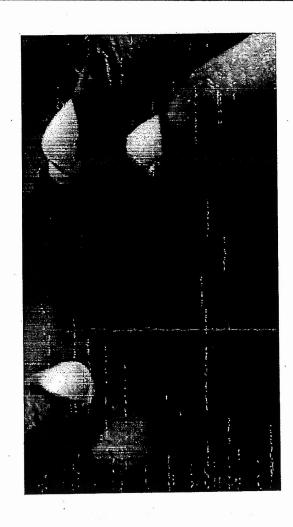




Ex. 5 ATT 13







Ex. 6. ATT. 14

Certified mail

# Pursuant to Section 893.82, Wis. Stats.

This notice must be served by certified mail within 120 days (180 days for medical malpractice claims) of the event giving rise to the claim

7857.	East, State Capitol, Post Office Box 7857, Madison, Wisconsin 53707-
Claimant's Name, Address and Phone	Time and Date of Occurrence
Willie Marter McBride	Sam-6am, April, 13+4 2018
8885 S. C8th St	
Franklin, Wl. 53/32	Location
	Location The Village Inn Hotel
	Milwaukee, WI.
Name(s) of State Officer(s), Agent(s) or Employee(s), (If additional On April, the 13th of 2018, I am	
village Inn Hotel located on 3	io". Misconsin AVE, Milwaukee
Village Inn Hotel located on 3 WI. Some time between the	re hours of sam and cam,
the West Allis Police force	entry into the Hotel
room that my child's moth	er Brittand Vallancours and
L WILL MA MARLETAR	
of my cousin hand	e staying in as a courtes,
pulled my child's male	they entered, they
Then posses I was morner of	the room. The police
" Proceeded to ask Is	there andone de
Then proceeded to ask "Is responded	"Yes." I was told to get on
I hereby certify that all statements contained herein are true and that	t the injury, damage or death actually occurred.
Date: 12 - 7 - 2018	Ville Yld-for M/Brich
	gnature of Claimant
Being first duly sworn, on oath, deposes and says that he/she is the	claimant above named, that he/she has read the above foregoing notice
of injury and claim and that the same is true to his/her own knowled and as to those matters, he/she verily believes the same to be true.	ige except as to those matters therein stated upon information and belief
Date:	T T T T T T T T T T T T T T T T T T T
No	otary Public, State of Wisconsin y commission:
The House of Correction do	es not noterize or due

my knees with my hands up in the air and face away from them. I did exactly what was asked of me, Seconds later as I was on my knees facing away. I was rushed from. I was knocked forward onto my chest and my face crashed the floor. There was an officer kneeling on my Back as he chocked me. Other officers were punching me and kicking me I eventually lost consciousness and can not speak on what happened Immediately there after. I was taken to The West Allis Memorial Hospital.

-I am Sueing for Violation of the 8th amendment Acts of cruel and unusual Punishment, Pain and suffering, deliberate and difference, Mental and emotional Trauma, and Linkling.

Statement of claim cont.d West allis memorial Hospital, on 4-13-2018. By Stephanie R Petrucci, Do I was diagnosed with a o Head injury, initial encounter, 2. controlog of face, initional encounter 3. Contusion of ribon the left side initial enceunter. I also recived a Head(CT), and Rib X-ray, (See Ex. 1, Pages 1-7) I was suppose to be seen on a Follow up, by Amy m. moschell, MD on 4-20-2018, Put I was not. ( see, EX. ) Page 1 of 7), After my medical Visit I was Sent to the country sail for Processing.
On Duly 19th 2018 I contacted captain of police Chad Evensor, and submitted a citizen complait about what was done to me (see Ex, 2, ATT 8, 3 EX 3/ATT 9). On August 14th 2018 I recieved a letter from the chief of police Patrick Mitchell Stating that the officers didn't break any laws see EX.4 ATT. 10), enclosed is also Photo's of my injury's. ( See Ex 5 ATT. 11-13

On 12-8-2018 I put in to Milwaukee County Corrections Health Care form to follow up because continued problems with my injury's I sustained at the Hand of the West Allis police see Ex. 7 ATT. 13 I was given a follow up medical appointment 12-9-2018.

End of statement of claim

Respectfully Submitted

On this, 25", day of December 2018

The Plaintiff also submitted a notice of Claim to the attorney general, alledging State claims, and the plaintiff Submitted a copy of such claim to the court. Lsee Ex. 6 ATT. 12



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock
Principal Assistant City Attorneys

January 19, 2021

West Allis Common Council 7525 W. Greenfield Ave West Allis, WI 53214

RE: File # 2021-0022 (McBride v. City of West Allis)

**Dear Common Council:** 

The above file is on the consent agenda for the common council meeting tonight. The City's outside counsel has negotiated a proposed settlement in this matter for the amount of \$25,000. This settlement offer would result in the plaintiff waiving all future claims and moving for dismissal of the case with no costs to either party.

Due to the cost and uncertainly of litigation, I recommend approving settlement of this matter as presented above. If you have any questions regarding this case or the terms of the settlement, please contact me. Thank you.

Sincerely,

Kail Decker City Attorney



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock

Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
Melitza Colon	10/16/19	\$10,000.00	2019-0920	19-2343
Willie McBride (18-CV-2032)_	4/13/18	\$25,000.00	2021-0022	?
Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

Name of Claimant	Date of Claim (Incident)	Claim Amount	Legistar No.	CVMIC Incident No.
Anne Braunsdorf	12/9/20	\$12,500.00	2021-0143	20-2170
Demeteria Chaney	1/26/21	\$352.98	2021-0111	21-232
Thudah Cole by Atty Motley	10/8/20	\$2,000,000.00	2021-0133	20-2168
Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

**Principal Assistant City Attorney** 

cc: City Clerk





Name:	Eric Weier	Phone: 262-844-8114
Address:	926 S 111th Street West Allis WI 53214`	Email: eweier84@gmail.com
Complete you have assist you	questions about how to fill out this form	hard copy upon the West Allis City Clerk. If n, please contact a private attorney who can
	cident: <u>11/11/2020</u> Front Yard at 926 S 111th Street West Allis W	Time of day: <u>07:00</u> // 53214
Some he diagram	lpful information may be the police report of the location, a list of injuries, a list of incident, an	ou may attach additional sheets or exhibits. or, pictures of the incident or damage, a tof property damage, names and contact dany other information relevant to the
in Septembo personal ite around 7PN sculpture the	er, but a potential date of tree removal was not promes of value out of my yard and away from my porce. I found out the tree had been cut down. In inspect	the fall season. This sculpture was located up by my
broken scul	e emails between my alderperson and the City Wat oture which was left along the side of my driveway seeking reimbursement for the cost of the item in h	
<u> </u>		
1 1 1 1 1 1	m seeking damages at this time (complete	a and agree in the element to the controller and
Signed:	5 N	Date: 01/04/2021
	CLAIM AMC ete this claim, attach an itemized statemer o property, include at least 2 estimates fo	nt of damages sought. If any damages are
The total a	mount sought is: \$ 169.99	
*		
SAVE	PRINT	



420 Maple Avenue, Mukwonago, WI 53149

262-363-3807

12/23/20

Occopy of Straight Scare Converge Control of Straight Scare Crown Wystraight

To whom it may concern

A Large Scarecrow Chimenea that is purchased at our store costs \$169.99 plus tax.

Please contact us at 262-363-3807 if you have any further questions.

**Thanks** 

Becky Esser

**Assistant Manger** 



Eric Weier <eweier84@gmail.com>

# Re: Online Form Submittal: Alderperson Suzzette Grisham, Third Aldermanic District

7 messages

Suzzette Grisham <SGrisham@westalliswi.gov>

Thu, Nov 12, 2020 at 1:43 PM

To: "eweier84@gmail.com" <eweier84@gmail.com>

Cc: Mike Rushmer <a href="mailto:wm.gov">mrushmer@westalliswi.gov</a>>, Dave Wepking <a href="mailto:dwepking@westalliswi.gov">dwepking@westalliswi.gov</a>>, Danna Kuehn

<DKuehn@westalliswi.gov>

Mr. Weier,

I am sorry to hear the frustration you are feeling regarding this issue.

I am forwarding your email/complaint to the respective department head to offer you the proper assistance.

I am asking for a follow up to assure this matter is resolved to your satisfaction.

Best regards, Alderwoman Grisham

Get Outlook for Android

From: noreply@civicplus.com <noreply@civicplus.com>

**Sent:** Thursday, November 12, 2020 9:29:29 AM **To:** Suzzette Grisham <SGrisham@westalliswi.gov>

Subject: Online Form Submittal: Alderperson Suzzette Grisham, Third Aldermanic District

## Alderperson Suzzette Grisham, Third Aldermanic District

Use this form to send an email message to Alderperson Grisham.

If you are experiencing a life threatening emergency, call 911 to receive immediate attention. If you have an urgent or time sensitive matter that is not a life threatening emergency, please call the Police Communication Center non-emergency number, (414) 302-8000.

First Name	Eric	
Last Name	Weier	
Street address:	926 S 111th street	
Email:	eweier84@gmail.com	
Phone:	2628448114	
Please respond by:	Email	
Subject:	Complaint Around a Process	
Message:	Good Morning:	

I am not sure if you are my alderperson or if it is Danna, or both

of you, but I would like to express my frustration and disappointment in a process carried out by the City of West Allis Water Utility. Back in late July/August there was some work being done in front of my house. I found out from neighbors that there was an issue with a city water line and that it might have something to do with the tree in my front yard (a tree the city owns). About three weeks later I finally came home from work to a pink post-it note stuck to my door with a business card from Michael Brofka that said "Please call the West Allis water utility about your water service". When I called he said they had been trying to get ahold of me for a few weeks to let me know that they need to do emergency work on the water line and that the tree may need to come down in order to do that work. This is where my first issue comes up. Knocking on my door daily, during the day, is not "trying to get ahold of me". Either a letter should have been sent or a note left on my door long before the three plus weeks of "trying to get a hold of me". About a week later, they dug a huge hole in my front yard to examine the root system of the tree and they used a giant sheet of plywood to cover it. I then found out that the tree had to come down, but was told it would be a couple weeks. This was in September. Roughly 3 days after the hole was dug, I came home to find the hole filled, the road patched, and the temporary no parking signs removed. However, the giant piece of plywood was still laying in my yard. To this day, that piece of wood has not been picked up! Now fast forward to yesterday... Between mid September and Yesterday, there was no communication on the status of the work needed to done, however I came home around 7PM from work and found out that they cut the tree down. In inspecting the work, I realized last night that they damaged my personal property and broke a \$100 ceramic sculpture that my fiancé bought for the fall season. This sculpture was located up by the porch, not out in the yard. I also noticed that they moved the small table on my porch as well as some other items near the walkway and porch. I am extremely frustrated about this and would like to know what route I need to go in order to seek reimbursement for the cost of the damage. I am a very flexible person and had I received notice of the work that was going to be done, I would have made sure that everything on my porch was removed and out of the way just to be safe and to allow for adequate work space. I think it is appalling that the city would not communicate to its tax paying citizens about the work that will be going on that directly impacts their property and its disheartening to come home to damage and not even had a note apologizing for it. I did call Michael last night and left a message, but his voicemail says he is out of the office until Monday. I look forward to hearing from you.

Email not displaying correctly? View it in your browser.

City of West Allis operations continue during COVID-19. City offices have reopened with limited hours. City Hall public hours are 11:30 a.m. - 4:30 p.m., Monday - Friday. Access to the building will only be available through the south entrance. Visitors to the building will be greeted at our new customer service center and, if needed, escorted to their destination within the building. Many City services can be accessed online at www.westalliswi.gov/eservices or by

appointment with specific departments.

The City of West Allis is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of West Allis e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of West Allis full e-mail disclaimer at http://www.westalliswi.gov/emaildisclaimer

Eric Weier <eweier84@gmail.com>

Fri, Nov 13, 2020 at 6:50 PM

To: Suzzette Grisham <SGrisham@westalliswi.gov>

Thank you for your reply. I look forward to hearing from someone. I will definitely follow up with you like you requested.

Thanks again Eric [Quoted text hidden]

Dave Wepking <dwepking@westalliswi.gov>

Sat, Nov 14, 2020 at 9:31 AM

To: Suzzette Grisham <SGrisham@westalliswi.gov>, "eweier84@gmail.com" <eweier84@gmail.com>

Cc: Danna Kuehn < DKuehn@westalliswi.gov>

Ald. Grisham and Mr. Weier,

I had the opportunity to look at the area in question yesterday morning at the residence where the water leak and City tree was removed. I have reached out to staff and I am awaiting for the Water Superintendent to return on Monday to seek additional clarification. My understanding is the Water Superintendent reviewed the issue of a possible service line leak under the area of the tree. Our Water Division staff attempted to hydro excavate on the back side of the tree but couldn't locate the leak. Our Forester was consulted by the Water Division and he recommended the City tree be removed so we could excavate further. Staff indicates the decision to remove the tree was communicated verbally and the removal would be addressed in the next two weeks. During this timeframe, the Water staff did place plywood over the filled hole as a safety measure but did not remove in a timely fashion. The forestry staff initially went to remove the tree but there was decorations placed in the yard and did cancel the removal. After Halloween they returned and one employee attempted to lift a decoration and the head of the decoration rolled off/fell. The Forester was informed but apologized that he didn't notify you directly when this occurred. He indicates he didn't have your contact information at that time and then had to address the wind storm the following day which lead him to forget. I apologize that staff didn't alert you right away for the damage when attempting to move the decoration via placing a note at your front door and giving you a contact number. Also, making you aware of the scheduled work would have allowed to remove those items within close proximity of the tree. I have discussed this with our staff today to rectify future issues. At this time, it appears the diggers hot line request will be approved and we will be removing the stump at your address this Monday.

If possible you can submit a claim submitting your damages that had occurred during the removal of the City tree or contact me directly.

Again, I apologize for the lack of communication of staff and will address for future service tasks for our patrons. Thank you for making us aware of this issue. Have a good weekend.

**Dave Wepking** 

Director | DPW - Administrative Office City of West Allis 6300 W. McGeoch Ave. | West Allis, WI 53219 Office: 414-302-8832 | Dept: 414-302-8888 thatswhywestallis.com [Quoted text hidden]

Eric Weier <eweier84@gmail.com>

Mon, Nov 16, 2020 at 8:56 AM

To: Dave Wepking <a href="mailto:dwepking@westalliswi.gov">dwepking@westalliswi.gov</a>

Cc: Suzzette Grisham <SGrisham@westalliswi.gov> Danna Kuehn <DKuehn@westalliswi.gov>

Good Morning Mr. Wepking:

Thank you for your response. I did leave a message with Mr. Brofka when I came home and found the damage. I look forward to speaking with him hopefully later today. We were notified on September 14th that the tree had to come down. I have pictures of the work and the hydro excavated root system from that day. We were told two weeks as the removal crew was a bit backed up. I apologize that when they did come, we had some Halloween decorations up which kept them from being able to do their work. We waited until into the first full week of October to put anything up, thinking that either the work was no longer going to occur this year, as we were over the two week window originally communicated or that we would be notified of a new scheduled time frame.

I know that accidents can happen, especially when trying to take down a tree as large as the one we had in our yard. My frustration comes more from feeling like there was virtually no communication on this process, which did not allow me to take the steps to protect my personal items from potential damage. Not to mention the initial work started in late August/early September when we received two water shut off notices. I was given more updates around what might happen from retired neighbors than the actual city as they were home and talked to the workers. Roughly 10 days after the last shut off notice, is when I received a posit-it note on the door saying I should call the water utility as they had been "trying" to contact me. However those attempts were not via phone or written notice. I hope the the City of West Allis reviews their protocol and works to develop systems going forward that allows for communication of work that needs to be done. I have family that live in Milwaukee and one of them just had a city tree taken down as well and the City of Milwaukee left written notice of the work as well as projected time frames. When the initial time frame was not able to be met, they received an updated notice.

Please let me know how I would submit a claim or what I need to do/include in that claim. Unfortunately who ever did the removal, cleaned up and took with them the broken pieces, so I can't even see if I could try and glue them together. I was just left with the base of the broken part. Again, I appreciate you reaching out and I look forward to positive changes to come with communication around city work. West Allis has a lot to be proud of, which is why I chose to purchase a house here.

Thanks again,

Eric Weier
[Quoted text hidden]

Dave Wepking < dwepking@westalliswi.gov>

Mon, Nov 16, 2020 at 9:07 AM

To: Eric Weier <eweier84@gmail.com>

Cc: Suzzette Grisham <SGrisham@westalliswi.gov>, Danna Kuehn <DKuehn@westalliswi.gov>, Mike Brofka <mbr/>brofka@westalliswi.gov>, Mike Rushmer <mrushmer@westalliswi.gov>

Good Morning Mr. Weier,

Mr. Brofka and Mr. Rushmer will be contacting you shortly regarding the unfortunate event that occurred. I will have Mr. Rushmer verify the damaged pieces and forward them to you. You can send a communication indicating what was damaged and replacement costs for such.

Thank you.

Dave Wepking
Director | DPW - Administrative Office
City of West Allis
6300 W. McGeoch Ave. | West Allis, WI 53219

12/18/2020

Gmail - Re: Online Form Submittal: Alderperson Suzzette Grisham, Third Aldermanic District

Office: 414-302-8832 | Dept: 414-302-8888

thatswhywestallis.com

[Quoted text hidden]

Mike Brofka <mbrofka@westalliswi.gov>

Tue, Nov 17, 2020 at 8:19 AM

To: Eric Weier <eweier84@gmail.com>

Cc: Suzzette Grisham <SGrisham@westalliswi.gov>, Danna Kuehn <DKuehn@westalliswi.gov>, Mike Rushmer <mrushmer@westalliswi.gov>, Dave Wepking <dwepking@westalliswi.gov>

Mr. Weier.

Thank you for speaking with me yesterday about the broken item and your communication concerns. The Forestry Superintendent indicated that all of the broken pieces were left at your property. Please use the link listed below to fill out the form we spoke about to file a claim for reimbursement. We will be taking a look at our various means of communicating to residents and will use your feedback in evaluating how we can improve.

We will be at your property again tomorrow to fix the water leak. We will be leaving a door hanger indicating the time of shutoff and instructions on how to remove any air in your internal plumbing after we repair the service line. Thank you for your understanding and please let me know if there is anything else we can do.

https://www.westalliswi.gov/1622/Claims-Process

#### Michael Brofka

Water Systems Superintendent | DPW - Water Division City of West Allis 6300 W. McGeoch Ave. | West Allis, WI 53219 Office: 414-302-8827 | Dept: 414-302-8827 thatswhywestallis.com

[Quoted text hidden]

Mike Brofka <mbrofka@westalliswi.gov>
To: Eric Weier <eweier84@gmail.com>

Wed, Nov 18, 2020 at 1:54 PM

Cc: Suzzette Grisham <SGrisham@westalliswi.gov>, Danna Kuehn <DKuehn@westalliswi.gov>, Mike Rushmer <mrushmer@westalliswi.gov>, Dave Wepking <dwepking@westalliswi.gov>

Good afternoon Mr. Weier,

The City's Water crew was able to complete the repair of your water service today. The leak was on the house side of the water shutoff, which would normally be something that the owner would have to fix. Because the shutoff was embedded in the tree we couldn't determine whose side the leak was on until we started to excavate the area. We found a kink in the copper, which caused the material to weaken and start to leak. This looks like something that may have occurred when installed back in the early 1950's. We were able cut the bad area out and replace it with new copper water line. We also wanted to take a look at your sanitary lateral, which is usually located in the immediate area of the water service. We didn't have any water surfacing on this leak, so we wanted to investigate whether or not it was going into your sanitary lateral. We found a piece broken on the sanitary lateral and repaired that as well. I have attached pictures for your reference. We will be back in tomorrow to place topsoil in the area. We weren't able to complete this today due to the street lighting cables also being embedded in the old stump. The City's Electrical division will be out tomorrow to make any necessary repairs to the line and we will follow them. We will also rake any pieces of wood that might have gotten into your lawn from the stumping machine. The topsoil will settle during the winter, so we will be back out in the spring to

place more topsoil and seed the entire excavation area. Please let me know if you have any further questions or concerns.

#### Michael Brofka

Water Systems Superintendent | DPW - Water Division City of West Allis 6300 W. McGeoch Ave. | West Allis, WI 53219 Office: 414-302-8827 | Dept: 414-302-8827 thatswhywestallis.com

[Quoted text hidden]

#### 2 attachments



**IMG\_0033.jpg** 178K



IMG\_0036.jpg 1794K







City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock

Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
Melitza Colon	10/16/19	\$10,000.00	2019-0920	19-2343
Willie McBride (18-CV-2032)_	4/13/18	\$25,000.00	2021-0022	?
Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

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Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

Principal Assistant City Attorney

cc: City Clerk





Name: A	nne Braunsdort	Phone: 262-364-6048	
Address: 1	311 S 115th Street	Email: thebraunsdorfs@gmail.com	
V	Vest Allis, WI 53214		
	14	ICTRICATIONS	
Complete t		NSTRUCTIONS	
		d serve a hard copy upon the West Allis City Clerk. If	
assist you.	juestions about now to fill out	t this form, please contact a private attorney who can	
assist you.	NO	OTICE OF CLAIM	
	110	THOE OF OED WIN	
Date of inci	dent: 12/09/2020	Time of day: 09:00	
Location: 13	311 S. 115th Street, West Allis, W	/ 53214	
D " "		- L V	
		m here. You may attach additional sheets or exhibits.	
		police report, pictures of the incident or damage, a	
		ies, a list of property damage, names and contact	
		ident, and any other information relevant to the	
circumstan			1
1		sewage issues at our home. Sewage was backing up into our	
		ated, Badger Underground came on December 9, 2020 and dug up	
		ed to dig up the street. Once they excavated, they found that our	
The second of the second of the second of the		of the pipe was found in the area. The excavation site had been ts 6 inches above our sewer line. It appeared that the work done on	
Charles and the Charles of the Charles and the Charles of the Char	n had caused our pipe to break.	is o findles above our sewer line. It appeared that the work done on	
uio wator mai	in had caused out pipe to break.		,
Please find th	e city engineer's inspection report. B	adger Underground's proposal/receipt (also serves as list of	
	d additional photos attached.	g., c., s., g., c., c., c., c., (, c., c., c., c., c., c., c., c., c.,	
Check one:			
✓ I am	n seeking damages at this time	e (complete Claim Amount section below)	
		a claim for damages. This claim is not complete and	
will will	not be processed until I submi	t a claim for damages on a later date.	
/	$\Lambda$ , $\mathcal{D}$	4	
Signed:(/	Mut all	Date: 02/16/2021	
	1		
<b>-</b>		LAIM AMOUNT	
		d statement of damages sought. If any damages are	
tor repair to	property, include at least 2 es	stimates for repairs.	
The total ar	mount sought is: \$ 12,500.00		
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OAVE	FIXIN		CILK OF WEST AL
		31.1	IA TATIL TO HITTO

#### **MEMORANDUM**

### 1311 S 115th St

Sanitary Lateral Repair in street

TO: Mike Brofka, Peter Daniels, Dave Wepking, and Heath Brozovich, Mike Romens

FROM: Greg Bartelme DATE: 12/11/2020

#### PROBLEM:

Residents at 1311 S 115th Street had been experiencing septic backup into the basement.

Originally, Diggers Hotline Emergency Ticket 20205006460 was received on 12-9-2020.

#### **RESOLUTION:**

Badger Underground Plumber repairs failing 6" clay lateral, originally installed in 1949 (4 man crew).

#### Wednesday, December 9, 2020

Jeff P. (Badger Underground) informed me (by phone) that he was hired for a project to repair the sanitary sewer lateral failure due to blockage at address above.

He proceeded to apply for the Engineering permit to excavate the road.

#### Thursday, December 10, 2020

Expedited permit for construction in the City ROW for Badger Underground. Badger crews begin excavation in S. 115<sup>th</sup> Street to expose broken lateral, releasing the blockage and returning flow from the home. 6" clay lateral failure was directly west, and beneath the 6" water main (WM was installed in 1960). I observed the sanitary lateral exposure by crews hand digging. First exposure of the failed lateral was approximately 4' – 5' west of the 6" water main. Hand digging continued towards the water main where it was discovered the sanitary lateral was non-existent for approximately 4 -5 feet. Throughout the entire excavation, 5/8" stone chips were primarily the material excavated. These chips were the cause of the blockage towards the house.

The stone chips were used for backfilling a previous excavation, above and around the sanitary collapse for a water main break (see NOTE). The existing failed sanitary pipe was cut cleanly for the repair connection.

Prior to repairing the sanitary lateral, Roto-Rooter came out and jetted the existing lateral towards the house and towards the 1941, 8" sewer main.

54" of 6" PVC was used to repair the lateral to City standards.

Flexible couplings with stainless steel shear ring and clamps meeting ASTM C 1173 standards shall be used
to connect existing Clay or concrete pipe to new PVC pipe. PVC couplings shall be used to connect existing
PVC pipe to proposed PVC pipe. All couplers shall be approved by the Engineer before installation.

#### NOTE:

- Main Sewer may now require jetting.
- Badger Underground had already excavated and opened up the sanitary lateral on the private side and pulled out a broken sewer cable. I am unaware of how exactly this was performed. There was an excavation hole in the front yard on the private side already

backfilled prior to my inspection. This most likely occurred on Wednesday, December 9, 2020.

The City of West Allis Water Division performed an emergency repair to the broken 1960, 6" cast iron water main on August 9<sup>th</sup> of 2018. The water main break was located over the 6" sanitary lateral. A repair sleeve was observed on the water main. I am unsure if the sanitary lateral was ever uncovered during the emergency water repair. The proximity of the excavation to the sanitary lateral was close; hence the 5/8" chips in the lateral and around the excavation. Whether the lateral was compromised due to the water from the main break or the excavation due to the main break is inconclusive.

## Conclusion/Recommendation:

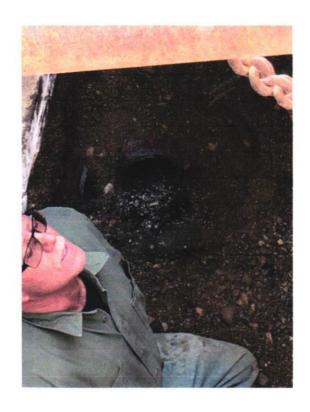
I recommend the water department investigate further and initiate reimbursement as they see fit.



















More pictures located in file: L:\Engineering PERMITS\PermitAttachments\Attachments\2020\Excavation\Plumbing\115 St 1311s (Badger)\PICS

# **Proposal**



N59 W14604 Bobolink Ave. Menomonee Falls, WI 53051 Phone: (262) 502-1220

Phone: (262) 502-1220

ET Email: badgerundergroundinc@gmail.com

Date 12-9-2

Proposal NO.

Underground Inc.
The Subterrances Planters Www.badgerunderground.com

Proposal Submitted To:	Work To Be Performed At:
NAME: Cohy Bransdorf ADDRESS: 311 5 115	ADDRESS:
West Allis Wi	
PHONE NO. 708 /203	CONTACT:
EMAIL:	PHONE NO.:
We hereby propose to furnish the materials and perform the	ne labor necessary for the completion
Repair smithy sewer	on let
· Excapte 4x7x8	3' deep
· Remove 5' section	of pipe
· Remove sewer cal	ble from sower
· Vider sever to m	air
· Replace 5' Section · Backfill excavat	1 of pipe
· Packtill excavat	P7
· 0+1m, 45	
Additional Work	
Remove 13'x 9' section	en of road
· Replice 8 section of Repair, rond 13'x5	PIPE
Kepnin, road 13'x	) /
Palm. TS	
Add + 6,900 to the pic	e of 3,610. AD 10tal 12,500.00
submitted for above work and completed in a substantial v	we work to be performed in accordance with the drawings and specifications workmalike manner for the sum
of the flows and six him here With payments to be made as follows: 2500.78	Dollars (\$ 3,670
Respectfully Submitted_	Man
Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes.	PerNote — This proposal may be withdrawn by us if not accepted withindays.
accidents, or delays beyond our control.	O. D. Jacobski
	acceptance Of Proposal accepted. You are authorized to do the work as specified.
payments will be made as outlined above.	
signature:	
<b>A</b>	Date: 13/1/2020
Mark .	





the front yard of house.



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock
Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
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Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

Principal Assistant City Attorney

cc: City Clerk





	Name: Demeleria Chaney Phone: 616-9798 Address: 1216 5-103225T Email: 2849546@9MAIL.com
	Complete this form, print and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.
	NOTICE OF CLAIRA
	Date of incident: 1/28/2021 Time of day: MORNING before 9  Location: 2162 S. 102 NOST GRANT COURT Apt.
	Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.
	4
	Check one:  Lam seeking damages at this time (complete Claim Amount section below)  I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until submit a claim for damages on a later date.
S	Signed: Venta Cy Date: 1/31/2021
T fo	CLAIM AMOUNT To complete this claim, attach an itemized statement of damages sought. If any damages are per repair to property, include at least 2 estimates for repairs.
	he total amount sought is: \$ 352.98
	SAVE







# **CALIBER - WEST ALLIS**

RESTORING THE RHYTHM OF YOUR LIFE 1434 SOUTH 113TH STREET, WEST ALLIS, WI

53214

Phone: (414) 607-8810 FAX: (414) 607-8830

**Preliminary Estimate** 

**Customer: CHANEY, DEMETERIA** 

Written By: Shannon Mikolajczyk

Insured:

Owner:

CHANEY, DEMETERIA

Type of Loss:

CHANEY, DEMETERIA

(616) 516-9790 Cell

Point of Impact:

Policy #:

Date of Loss:

Inspection Location: CALIBER - WEST ALLIS

1434 SOUTH 113TH STREET

WEST ALLIS, WI 53214

Repair Facility

(414) 607-8810 Business

Claim # ·

Days to Repair: 0

**Insurance Company:** 

CUSTOMER PAY

**VEHICLE** 

2015 TOYO Camry LE Automatic 4D SED 4-2.5L Gasoline Sequential MPI BLUE

VIN: License:

State:

Interior Color:

Exterior Color: Production Date:

BLUE

Mileage In:

Mileage Out:

Condition:

Vehicle Out:

Workfile ID:

Federal ID:

Federal EPA:

67663614

33-0730794

WIR000108381

Job #:

**TRANSMISSION** 

Automatic Transmission

**POWER** 

Power Steering

Power Brakes

Power Windows

Power Locks

Power Mirrors

Heated Mirrors

Power Driver Seat

**DECOR** 

**Dual Mirrors** Tinted Glass

Console/Storage

Overhead Console

Wood Interior Trim

CONVENIENCE

Air Conditioning

Intermittent Wipers

Tilt Wheel

Cruise Control

Rear Defogger

Keyless Entry

Steering Wheel Touch Controls

Telescopic Wheel

Backup Camera

RADIO

AM Radio

FM Radio

Stereo

Search/Seek

CD Player

Auxiliary Audio Connection

SAFETY

Drivers Side Air Bag

Passenger Air Bag

Anti-Lock Brakes (4)

4 Wheel Disc Brakes

Front Side Impact Air Bags

Head/Curtain Air Bags

Hands Free Device

Rear Side Impact Air Bags

**SEATS** 

Cloth Seats

**Bucket Seats** 

WHEELS

Wheel Covers

PAINT

Clear Coat Paint

OTHER

Traction Control

Stability Control

California Emissions

Power Trunk/Liftgate

## **Customer: CHANEY, DEMETERIA**

2015 TOYO Camry LE Automatic 4D SED 4-2.5L Gasoline Sequential MPI BLUE

Line		Oper	Description	Part Number	Qty	Extended	Labor	Paint
1	FRONT DOOR					Price \$		
2		Repl	LT Mirror base w/o blind spot mntr	8790606040	1	121.97	0.4	
3		R&I	LT R&I trim panel					
4	*		LT Mirror cover blue crush	070 450 450			0.6	
			Bide crusii	8794506060J2	1	49.30	Incl.	0.0
				SUBTOTALS		171.27	1.0	0.0

ESTI	MA.	FE 7	ГОТ	ALS
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Category	Pagin		
Parts	Basis	Rate	Cost \$
Body Labor			171.27
Subtotal	1.0 hrs @	\$ 63.00 /hr	63.00
Sales Tax			234.27
Grand Total	\$ 234.27 @	5.5000 %	12.88
Deductible			247.15
CUSTOMER PAY			0.00
INSURANCE PAY			0.00
			247.15

Caliber Collision is the industry I people just like you back on the sure we do everything possible t

> Personalized, high quali Consistently ranked ame Approved by every majo Expedited car rental and Repair work backed by a 24/7/365 customer serv

This is a preliminary estimate bas vehicle is taken apart by our I-CA

If an insurance company has writ insurance company checks are we acceptance of personal checks.

our highest purpose has been to get the rhythm of your life. You can be

iny in the U.S. he industry.

ain in no time. ation.

se.

repairs needed once the al damage.

a copy. Properly endorsed . Caliber Collision gladly accepts all

major credit cards, debit cards, cannot and traveler's checks. See your camper Collision center for details on

Before leaving your vehicle with us, please remove all important personal and valuable items from your vehicle. Caliber Collision is not responsible for belongings left in your vehicle.

Please let us know how we can be of further assistance, and when we can schedule an appointment for your vehicle

## **Customer: CHANEY, DEMETERIA**

2015 TOYO Camry LE Automatic 4D SED 4-2.5L Gasoline Sequential MPI BLUE

Caliber Collision - Restoring The Rhythm Of Your Life?

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide ARM8526, CCC Data Date 01/18/2021, and potentially other third party sources of data; and (b) the parts presented are OEM-parts. OEM parts are manufactured by or for the vehicle's Original Equipment Manufacturer (OEM) according to OEM's specifications for U.S. distribution. OEM parts are available at OE/Vehicle dealerships or the specified supplier. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships with discounted pricing. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2021 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

## SYMBOLS FOLLOWING PART PRICE:

 $\label{eq:memoral} \begin{tabular}{ll} m=$MOTOR Mechanical component. & s=$MOTOR Structural component. & T=$Miscellaneous Taxed charge category. & T=$Miscellaneous Non-Taxed charge category. & T=$Miscella$ 

## SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

## OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

## **Customer: CHANEY, DEMETERIA**

2015 TOYO Camry LE Automatic 4D SED 4-2.5L Gasoline Sequential MPI BLUE

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

## **Customer: CHANEY, DEMETERIA**

2015 TOYO Camry LE Automatic 4D SED 4-2.5L Gasoline Sequential MPI BLUE

## **PARTS SUPPLIER LIST**

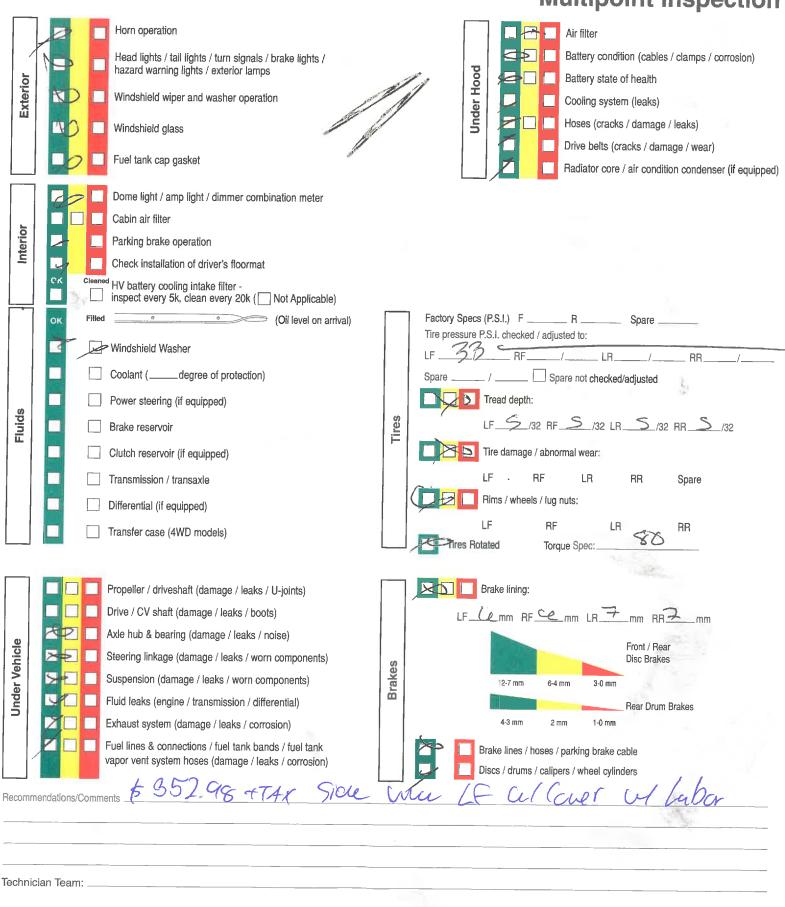
Line	Supplier	Description	Price
2	Wilde Toyota	#8790606040	\$ 121.97
	32252 S. 108th St.	LT Mirror base w/o blind spot mntr	ф 121.9/
	West Allis WI 53227	Quote: 798413375	
		Expires: 02/25/21	
4	Wilde Toyota	#879450606012	\$ 49.30
	32252 S. 108th St.	LT Mirror cover blue crush	٥٥.٤٢ و
	West Allis WI 53227	Quote: 798413334	
		Expires: 02/25/21	

## **WILDE TOYOTA**

3225 S. 108th St. **WEST ALLIS, WI 53227** (414) 545-8010



# **Multipoint Inspection**



282

Checked and OK at this time

May require future attention



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock
Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

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For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

Principal Assistant City Attorney

cc: City Clerk



Afghanistan and United States Afghan Tel: +93 (0) 788 887 887 Int'l Tel: +1 (704) 765-4887

U.S. Tel: +1 (704) 763-4887 Website: motleylegal.com

February 5, 2021

Wauwatosa Police Department Chief Barry Weber 1700 N 116th Street Wauwatosa, WI 53226

City of Wauwatosa Attorney George Schimmel 7725 W. North Avenue Wauwatosa, WI 53226

West Allis Police Chief Patrick Mitchell 11301 W. Lincoln Ave. West Allis, WI 53227

Re: Notice of claims for Tahudah Cole

City of Wauwatosa Mayor Dennis McBride 7725 W. North Avenue Wauwatosa, WI 53213

Cindi Dulaney Interim City Clerk 7725 West North Avenue Wauwatosa, WI 53213

Wauwatosa Police Department Lt. Jeffrey Farina 1700 N 116<sup>th</sup> Street Wauwatosa, WI 53226

Dear Parties,

I write on behalf of our client, Tahudah Cole, an adult individual who resides at 4876 N 24<sup>th</sup> PI Milwaukee, WI 53209 and County of Milwaukee, pursuant to Wisconsin Statute § 893.80 to provide notice of state law claims that claimant has against the City of Wauwatosa, the Wauwatosa Police Department, the Waukesha Police Department, and as-yet unknown employees or former employees of the City of Wauwatosa, the Wauwatosa Police Department, and the Waukesha Police Department.

My client may be contacted through her attorney (Kimberley Motley) at the following address:

Motley Legal Services P.O. Box 1433 Matthews, North Carolina 28106 Office: (704) 765-4887

Mobile: (704) 763-5413 Fax: (704) 582-6229 kmotley@motleylegal.com



#### **Factual Background:**

Following the George Floyd killing in Minneapolis on May 25, 2020, Wauwatosa (along with other cities across the country), began to experience protests calling for police reform. On Sunday, August 23, 2020, Jacob Blake was attacked by an officer of the Kenosha Police Department ("KPD"). The events of Mr. Blake's attack were captured on video by a bystander and have renewed our national debate on systematic racism and police brutality directed at Black Americans. Mr. Blake was transported to a local hospital, where he underwent multiple surgeries. He remains paralyzed.

On February 2, 2020 former Wauwatosa Police Department ("WPD") Officer Joseph Mensah shot and killed 17-year-old Alvin Cole at Mayfair Mall. Alvin Cole was the third person killed by Mensah in a five-year time period. The prior two persons Jay Anderson, Jr. was killed on June 23, 2016 and Antonio Gonzales killed on July 15, 2015 all occurred while Mensah was an officer with the WPD. From February 2, 2020 through October 7, 2020 the Milwaukee County District Attorney was investigating the death of Alvin Cole.

On September 30, 2020, in anticipation of protests arising out of the announcement from Milwaukee County District Attorney's Officer regarding the shooting of Alvin Cole by Joseph Mensah, Mayor McBride signed a "Proclamation of Emergency" for the City of Wauwatosa. McBride reasoned that there would be protests on the basis of the experiences in Kenosha, Wisconsin and Louisville, Kentucky. There was no emergency in Wauwatosa and McBride did not provide any specific concrete evidence that there would be civil unrest in Wauwatosa during the dates listed in the Emergency Proclamation. He appeared to base his decision on an unsubstantiated belief that there would be unrest. McBride, in unilaterally declaring the Proclamation of Emergency and then failing to bring the proclamation of emergency to the first available meeting with the Common Council on October 6, 2020 invalidated the curfew. The curfew enacted restricted "pedestrian and vehicular traffic on Wauwatosa streets" from 7pm to 6am, to commence on October 7 and continue to October 12, 2020.

The Wauwatosa Common Council, the local governing body for the City of Wauwatosa, met on October 6, 2020. The Proclamation and curfew was not discussed nor taken up on official business. At this point, the Common Council was not aware of the Proclamation or pending curfew. Chief Weber knew that McBride did not inform the Common Council and Weber is legally required to not follow unlawful orders. Despite that, we believe Chief Weber relied on the Emergency Proclamation in requesting the assistance of at least fifteen other law enforcement agencies, the U.S. Marshalls, and the FBI. McBride announced the Proclamation to the public on October 7, 2020 – which also was the first time that Wauwatosa's Common Council became aware of it. Over the following days, approximately 70 individuals were arrested under this curfew. When the Proclamation was brought up in a Special Meeting called by the Mayor and City Attorney Alan Kesner on October 13, 2020, the Common Council refused to ratify the Mayor's declaration.

It should be noted that claimant was arrested by Lt. Jeffrey Farina. After claimant was arrested Tahudah Cole was brought to West Allis Police Station which is under the authority of Chief Patrick Mitchell for a noncriminal municipal ticket of Violation of an Emergency Order.

After arriving at the police station claimant was made to talk to the FBI at West Allis Police Station despite a complete lack of probable cause that they had committed any state or federal crimes, and they were ultimately given an unlawful ticket by Lt. Jeffrey Farina for Violation of an Emergency Order pursuant to Wauwatosa's Municipal Code 7.02.010.50 in the amount of \$1,321, to which the City Attorney George Schimmel brought the matter to Wauwatosa Municipal Court on December 10, 2020. This Wauwatosa Municipal Ordinance was adopted pursuant to Wis. Stat. 323.28 in which the MAXIMUM forfeiture statutorily allowed is \$200. Despite this fact, the City of Wauwatosa through its legal representative Attorney George Schimmel, is still prosecuting the unlawful tickets in the amount of \$1,321 more than an unlawful 600% marked up and to date had refused to dismiss claimants ticket.

#### Claims:

Claimants allege multiple state law claims against the City of Wauwatosa, the Police Chief, and as-yet unknown employees or former employees of the Wauwatosa Police Department and the city of Wauwatosa who were involved in the events resulting in my client being harassed, ticketed, and arrested. We believe that the respondents were negligent in their actions, had negligent supervision and training, negligent and intentional infliction of emotional distress, battery, *respondeat superior*, indemnification, and conspiracy to commit the claims provided.

In addition to these state law claims for which notice may be required, Claimants allege federal claims for which notice is not required.

## **Itemized Damages:**

Claimant requests \$2,000,000 as compensation, for her actual damages as well as her physical and mental injuries. She has suffered significant damages due to the intentional acts and negligence of the City, the Police Chief, and as-yet unknown employees or former employees of the City of Wauwatosa and the Wauwatosa Police Department. Claimant has suffered significant pain and suffering, loss of income, reputation, and future earnings, and other damages to be determined.

Please feel free to contact me if you have any questions or concerns.

State Bar No.: 1047193 2206 Bonnie Butler Way

Charlotte, North Carolina 28270 Email : <u>kmotley@motleylegal.com</u>

Telephone: (704) 763-5413

ATTORNEY FOR TAHUDAH COLE



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450

Fax: 414.302.8444

**Kail Decker** City Attorney Sheryl L. Kuhary Deputy City Attorney Nicholas S. Cerwin Rebecca Hammock Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
Melitza Colon	10/16/19	\$10,000.00	2019-0920	19-2343
Willie McBride (18-CV-2032)_	4/13/18	\$25,000.00	2021-0022	?
Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

Name of Claimant	Date of Claim (Incident)	Claim Amount	Legistar No.	CVMIC Incident No.
Anne Braunsdorf	12/9/20	\$12,500.00	2021-0143	20-2170
Demeteria Chaney	1/26/21	\$352.98	2021-0111	21-232
Thudah Cole by Atty Motley	10/8/20	\$2,000,000.00	2021-0133	20-2168
Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

Principal Assistant City Attorney

City Clerk cc:

### **CLAIM FORM AND INFORMATION**

Important Information: For the City of West Allis to consider your claim, you must follow the Wisconsin statutory procedure for filing a claim. Completing this form does <u>not</u> guarantee compliance with statutory procedure. City employees, including the City Attorney's Office, <u>cannot</u> give you legal advice or instructions on the statutory procedure. Any questions regarding claims should be directed to the City Attorney's Office at 414-302-8450.

NOTICE OF CLAIM  FEB 2
Name: Debota Conco Incident/Accident Information  Address: 5570 N 3+4h St Date: 119 21  Milwadia ut 520 Time: 45+ Z: 40AM  Phone: 4144056769 Place: 108th t greatfield
CIRCUMSTANCES OF CLAIM
In the space below briefly describe the circumstances of your claim. (Attach additional sheets, if
necessary). Some helpful information may be the police report, pictures of the incident or damage, a
diagram of the location, a list of injuries, a list of property damage, names and contact information for
witnesses to the incident, and any other information relevant to the circumstances.
T was wrongfully arrested and my car got towed. I want to be reimbussed for the tow. - Please See Attached -
Signed: Octon com Date: 2/17/71
CLAIM
NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City of West Allis at any time consistent with the applicable statute of limitations. However, no action will be taken by the City of West Allis to formally accept or deny your claim until the following information is provided:
The undersigned hereby makes a claim against the City of West Allis of arising out of the circumstances described above. The amount sought is: \$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
of damages sought including at least 2 estimates for repairs.)
Signed: Description Date: 2/12/21  Address:

Details of Complaint
A about you al was away over for a broken
taillight in New Perlin! The officer gave me
so a busining and told me of coold years. I
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afficer when we came to the winder but instead
didn't even bother looking at it I did not because
I barely speak english he away let me
any onything at all I told him the afficer
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They out my danger and ex morn of we
They forned me over to New Berlin police I kept
PICK AN CONTROL OF THE PROPERTY OF THE PARTY
and menis emotion. I didn't undotted. Wen to
sous that usul explain while when a get to the punco
states a mondy who the left my disabled daysher
who has epilepsy at a gas station and asped it
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book at our nerves where so bad. To top it of
the car got toread and all had to pay to get it of.
the possen brey where looking for,
the torse see the
Filing of False Reports
Pursuant to Wis. Stats. Section 946.66(2), whoever knowingly makes a false complaint regarding the
Pursuant to Wis. Stats: Section 340,00(2), Wheet to a Class A forfeiture.
Signature
and a super Signature: Osfor come
Complainant Signature: Oxfor
Page 2

"DAMAGE FREE" TOWING

1719 So. 83rd Street • West Allis, WI 53214 N & S TOWING, INC. 476-8697 • Fax 476-7828 - 24 HOUR ROAD SERVICE-

I

\*

	1719 S 83rd Inc MILVIAUNEE, W 53214 414-476-8697 39300981856080	Store: 0001 Term: 000	NEF#: 00000004 NN: 101914414673	u6:48:25	9. * 5 *		M	'n
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- 24 HOUR ROAD SERVICE-	Mychaelangelo Ailkera 53269 5530 N.3444 Miluduker, Wy Ro#	LICENSE # 1/8-LIPM STATE WIT LOCATION OD - 5709 108 & COOL	MILEAGE	033009	DL# R 166-5409-2185-00 DOB 5185192 ADVANCE CHARGES	agree to not hold N&S Towing responsible for damages done to my vehicle	agrees to pay total amount of invoice according to card issuers agreement and/or N&S Towngs billing policy if credit voucher C C C C	
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CUSTOMER COPY

X SZ

U3 05-65

-DRIVER

×

OWNER REPRESENTATIVE

you som

THANK YOU!

290



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450

Fax: 414.302.8444

**Kail Decker** City Attorney Sheryl L. Kuhary Deputy City Attorney Nicholas S. Cerwin Rebecca Hammock Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

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Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

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Demeteria Chaney	1/26/21	\$352.98	2021-0111	21-232
Thudah Cole by Atty Motley	10/8/20	\$2,000,000.00	2021-0133	20-2168
Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

Principal Assistant City Attorney

City Clerk cc:





Name:	Kathleen Ka			Phone:	414-708-0072	
Address:	8709 W. A			Email:	katkas816@gmail.	com
	West Allis,	WI. 53227				
Complete you have assist you	questions	print and sign i about how to fi	INSTRUCTI t, and serve a Il out this form,	hard cop please	by upon the West contact a private	t Allis City Clerk. I a attorney who can
Data att	the delice	- 05 0000				
	ncident: <u>Jur</u> 8627, 8629	W. Arthur Ave. W	est Allis, Wl. 532	27T	ime of day: 7 PM	
diagram informatic circumsta  Twas emba of my shoe	of the loc on for with nces.	nation may be ation, a list of nesses to the vening walk with my a divet in the paven	the police repoint injuries, a list incident, and	ort, pictu of prop any o	res of the inciderty damage, nather information	sheets or exhibits. ent or damage, a ames and contact relevant to the abor's house, the toe e from the divet so !
		ning the sidewalk in f	ront of our homes?	,		
l am current from my job	tly in the midd	lle of medical treatm	ent, and will be for	another 3-	-5 weeks. I am also o	on a medical leave
Iso mar mis	ooesn't nappe	onal damages, I am en to any of my other it's likely that this ac	r neighbors. This is	s a verv he	f sidewalk be replace eavily used stretch of	d as soon as possible sidewalk in our
Check one	m seekina	damages at this age this notice with	time (complete nout a claim for bmit a claim for	Claim Ar damage:	mount section bel s. This claim is n s on a later date.	ow) ot complete and
		leen Kasi	*		Date:	
To comple for repair to	te this clair o property,	n, attach an item include at least 2	CLAIM AMOL ized statement 2 estimates for a	of dama	ages sought. If ar	ny damages are
The total a	mount sou	ght is: \$				
SAVE		PRINT				

RECEIVED

FEB 1 9 2021

WEST ALLIS CITY ATTORNEY

> Rebecca Hamock City Attorney's Office

Kathleen Kasinski

FEB 1 9 2021

WEST ALLIS CITY ATTORNEY

accident occurred June 25, 2020

wages lost

hourly rate = \$35.50/hr.

normal 80 hr. pay period gross =
\$2840

Short term disability paid 70%

30% of \$ 2840 = \$852

\$ 852 × 4 pay periods = \$ 3408 \$ 426 × 1 (2 pay period) = 426 \$ 3834

Qut-of-pocket medical

surgent care visit orthopedic visits physical therapy

\$172.58

189.04

150.75

\$ 512.37

\$ 3834

\$ 512

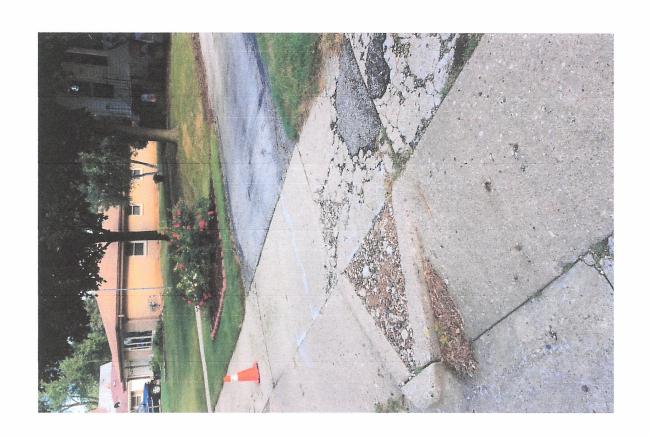
事 4346

total





Name: Address:	Kathleen Kasinski 8709 W. Arthur Ave.	Phone: 414-708-0072 Email: katkas816@gmail.com
Complete you have assist you	questions about how to fill out this form	a hard copy upon the West Allis City Clerk. If m, please contact a private attorney who can
	cident: June 25, 2020 2 doors down from my address on Arthur Ave	Time of day: 7 PM
Some he diagram informatic circumsta My husban broken-up s concrete ar stood up, I house and The next daurgent care I was subset Fortunately good health	alpful information may be the police report the location, a list of injuries, a list of the location, a list of injuries, a list on for witnesses to the incident, are inces.  Indicated and I were taking our usual after-dinner walk are section of sidewalk 2 doors down from our house. In a down stuck there, and I went down on my right si found that it was painful to put weight on my left for put ice on the ankle. It didn't seem to swell up, so any, it was swollen and very painful to stand on. I can near Hwy 100 and Bluemound. They did an x-ray requently off of work until Aug. 31, 2020.  I had a short term disability policy at work that part insurance policy that paid the majority of my medical standard in the surface of the policy at work that part insurance policy that paid the majority of my medical standard in the surface of the policy at work that part insurance policy that paid the majority of my medical standard in the part of the policy at work that part insurance policy that paid the majority of my medical standard in the part of the policy at work that part insurance policy that paid the majority of my medical standard in the part of the policy at work that part insurance policy that paid the majority of my medical standard in the policy at work that part in the policy at work that part insurance policy that paid the majority of my medical standard in the policy at work that part is the policy at work the part is the part	called in sick to work and went to Ascension Wauwatosa y and diagnosed a fracture in my left ankle.  aid me 70% of my wages. Also through work I have a dical expenses.
The damag	es I am seeking are the remaining 30% of my wag	ges and the medical expenses I paid out of pocket.
T l a	am seeking damages at this time (comple	for damages. This claim is not complete and
Signed:	Kathleen M. Kasinsk	Date: 2-15-21
To completor repair	CLAIM AM ete this claim, attach an itemized stateme to property, include at least 2 estimates f	ent of damages sought. If any damages are
The total	amount sought is: \$ 4346	RECEIVED
SAVI	PRINT	FEB 1 9 2021  WEST ALLIS CITY ATTORNEY





Wheaton Franciscan Healthcare P.O. Box 14668, 400 River Woods Parkway Milwaukee, WI 53212-0076

Pay Group: Pay Begin Date: Pay End Date: WHE-Wheaton Franciscan Healthcare 06/28/2020

Business Unit: Advice #: Advice Date: 74016

000000031080390 07/17/2020

125.00

Kathleen M Kasinski 8709 W ARTHUR AVE WEST ALLIS, WI 53227

Employee ID: Department: Location:

Job Title

Pay Rate:

10324110 35925-Lab Chemistry Amb 001

07/11/2020

St. Francis

Medical Lab Scientist (MLS) \$2,840.00 Biweekly TAX DATA: Tax Status; Allowances: Addl. Percent; Addl. Amount; 
 Federal
 WI State

 Married
 Married

 0
 1

HOURS AND EARNINGS TAXES YTD Description Hours Hours **Earnings Earnings** Description Current 141.54 YTD 35 500000 28.58 1,014.59 3,502.81 Fed Withholdng 4.558.30 CALLBACK 1.5 0.00 11.12 592.15 Fed MED/EE 11.98 572.61 **EDUCATION - ORIENTATION** Fed OASDI/EE 0.00 4.00 142.00 51.21 2,448.40 HOLIDAY - WRKD TIME-AND-A-HALF 0.00 8.10 WI Withholding 431.33 11.97 1,717.76 ON CALL OFF PREMISES 0.00 3.88 9.70 OVERTIME 0.00 10.08 537.52 PTO - UNSCHEDULED 0.00 16.00 568.00 PAY CONTINUATION 0.00 4.00 142.00 REGULAR 0.00 1.021.37 36.258.68 SHIFT PAY - NIGHT DIFF 0.00 4.10 10.25 SHIFT PAY - WEEKEND 0.00 83.71 125.57 TOTAL: 28.58 1,014.59 1,265.03 42,320.01 TOTAL: 216.70 9,297,07

					13,020101		210.70	9,497.0
	X DEDUCTIONS			AFTER-TAX DEDUCTIONS		EMPLOYER	PAID BENEFITS	
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD
Medical	164.53	2,467.95				Medical	493.60	7,404,00
Dental	12.77	191.55				Dental	11.63	175.09
Vision	6.40	95.44				Basic Life	2.08	31.20
Voluntary AD & D	2.31	34.65				Basic Life*	7.31	109.65
Short Term Disability	9.92	149.80				Basic AD & D	0.34	5.10
403b	202.92	8,464.00				Short Term Disability	16.08	239.70
						Long Term Disability	5.08	74.81
						403b	30.44	1.269.62
TOTAL:	398.85	11,403.39	TOTAL:	0.00	0.00	*TAXABLE		.,207.02

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	1,014.59	623.05	216.70	398.85	399.04
YTD	42,320.01	31,026.27	9,297.07	11,403.39	21,619.55
	LEAVE PLANS		NET PA	Y DISTRIBUTION	
Description End Balance Paid Time Off 142.83			Account Type Ochecking	<u>Account Number</u> *****9556	Deposit Amount 399.04
		TOTAL:			399.04



oaky

normal 80 hr gross 2840 -852/pp × 4= \$3408

Wheaton Franciscan Healthcare	
P.O. Box 14668, 400 River Woods	Parkway
Milwaukee WI 53212-0076	,

Pay Group: Pay Begin Date: Pay End Date: WHE-Wheaton Franciscan Healthcare 07/12/2020 07/25/2020

Business Unit: Advice #: Advice Date: 74016 000000031273505

125.00

07/31/2020

Kathleen M Kasinski 8709 W ARTHUR AVE WEST ALLIS, WI 53227

Employee ID: Department: Location:

Job Title: Pay Rate: 10324110 35925-Lab Chemistry Amb 001

St. Francis
Medical Lab Scientist (MLS)

\$2,840.00 Biweekly

Tax Status: Allowances: Addl. Percent: Addl. Amount:

TAX DATA:

Federal WI State
Married Married
0 1

HOURS AND EARNINGS TAXES Current YTD Description Short Term Disability CALLBACK 1.5 Rate Description Fed Withholding Hours Earnings 3,266.00 Hours 131.43 Earnings 3,266.00 <u>YTD</u> 4,904.09 617.23 Current 131.43 345.79 44.62 0.00 11.12 592.15 Fed MED/EE **EDUCATION - ORIENTATION** Fed OASDI/EE WI Withholdng 0.00 4.00 142.00 190.79 2,639.19 HOLIDAY - WRKD TIME-AND-A-HALF ON CALL OFF PREMISES 8.10 3.88 431.33 139.82 1,857.58 0.00 9.70 537.52 OVERTIME 0.00 10.08 PTO 0.00 98.67 3,502.81 PTO - UNSCHEDULED 0.00 16.00 568.00 PAY CONTINUATION 0.00 4.00 142.00 REGULAR 1,021.37 0.00 36,258.68 SHIFT PAY - NIGHT DIFF SHIFT PAY - WEEKEND 0.00 10.25 125.57 4.10 83.71 0.00 TOTAL: 131.43 3,266.00 1,396.46 45,586.01 TOTAL: 721.02 10,018.09

	X DEDUCTIONS			AFTER-TAX DEDUCTIONS	EMPLOYER	PAID BENEFITS	
Description	Current	YTD	Description	Current YTD	Description	Current	YTD
Medical	164.53	2,632.48			Medical	493.60	7,897.60
Dental	12.77	204.32			Dental	11.63	186.72
Vision	6.40	101.84			Basic Life	2.08	33.28
Voluntary AD & D	2.31	36.96			Basic Life*	7.31	116.96
Short Term Disability	9.92	159.72			Basic AD & D	0.34	5.44
403b	653.20	9,117.20			Short Term Disability	16.08	255.78
					Long Term Disability	5.08	79.89
					403b	97.98	1,367,60
TOTAL:	849.13	12,252.52	TOTAL:	0.00 0.00	*TAXABLE	Company of the Compan	

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	3,266.00	2,424.18	721.02	849.13	1,695,85
YTD	45,586.01	33,450.45	10,018.09	12.252.52	23.315.40
					23,313.70

	PLANS	NET PAY DISTRIBUTION				
<u>Description</u> Paid Time Off	End Balance 142.83	Advice #000000031273505	Account Type Checking	Account Number *****9556	<u>Deposit Amount</u> 1,695.85	
		TOTAL:			1,695.8	

(3)

13 kgs

Wheaton	Franciscan	Healthcare	
P.O. Box	14668, 400 I	River Woods	Parkway
Milwauke	e. WI 5321	2-0076	

WHE-Wheaton Franciscan Healthcare 07/26/2020 08/08/2020 Pay Group: Pay Begin Date: Pay End Date:

Business Unit: Advice #: Advice Date:

74016 **000000031396343** 08/14/2020

WI State Married

			and the second s	
			TAX DATA:	Federal
Kathleen M Kasinski	Employee ID:	10324110	Tax Status:	Married
8709 W ARTHUR AVE	Department:	35925-Lab Chemistry Amb 001	Allowances:	0
WEST ALLIS, WI 53227	Location:	St. Francis	Addl. Percent:	
	Job Title:	Medical Lab Scientist (MLS)	Addl. Amount:	125.00
	Pay Rate:	\$2,840.00 Biweekly	riddi. rimodiit.	125.00

	HOURS AND EA	RNINGS			***************************************			TAXES	**
	the production belongs to control the desired ten decired and sections are sections.	Current			YTD	***************************************			
Description	Rate	Hours	Earnings	Hours		Earnings	Description	Current	YTD
Short Term Disability		80.00	1,988.00	211.43		5,254.00	Fed Withholdng	307.31	5,211.40
Recognition Payment			500.00			500.00	Fed MED/EE	33.34	650.57
CALLBACK 1.5			0.00	11.12		592.15	Fed OASDI/EE	142.57	2,781.76
EDUCATION - ORIENTATION			0.00	4.00		142.00	WI Withholdng	94.09	1,951,67
HOLIDAY - WRKD TIME-AND-A-HALF			0.00	8.10		431.33			
ON CALL OFF PREMISES			0.00	3.88		9.70			
OVERTIME			0.00	10.08		537.52			
PTO			0.00	98.67		3,502.81			
PTO - UNSCHEDULED			0.00	16.00		568.00			
PAY CONTINUATION			0.00	4.00		142.00			
REGULAR			0.00	1,021.37		36,258.68			
SHIFT PAY - NIGHT DIFF			0.00	4.10		10.25			
SHIFT PAY - WEEKEND			0.00	83.71		125.57			
TOTAL:		80.00	2,488.00	1,476.46		48,074.01	TOTAL:	577.31	10,595.40

	DEDUCTIONS			AFTER-TAX DEDUCTIONS	EMPLOYER PAID BENEFITS			
Description	Current	YTD	Description	Current	YTD	Description	Current	YTD
Medical	164.53	2,797.01				Medical	493.60	8,391.20
Dental	12.77	217.09				Dental	11.63	198.35
Vision	6.40	108.24				Basic Life	2.08	35.36
Voluntary AD & D	2.31	39.27				Basic Life*	7.31	124.27
Short Term Disability	9.92	169.64				Basic AD & D	0.34	5.78
403b	497.60	9,614.80				Short Term Disability	16.08	271.86
						Long Term Disability	5.08	84.97
				S <sub>p</sub> Here and a		403b	74.64	1,442.24
TOTAL:	693.53	12,946.05	TOTAL:	0.00	0.00	*TAXABLE		

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	2,488.00	1,801.78	577.31	693.53	1,217,16
YTD	48,074.01	35,252.23	10,595.40	12,946.05	24,532,56
***************************************					

LEAVE	PLANS	NET PAY DISTRIBUTION						
Description Paid Time Off	End Balance 142.83	Advice #000000031396343	Account Type Checking	<u>Account Number</u> *****9556	<u>Deposit Amount</u> 1,217.16			
		TOTAL:			1,217.16			



Wheaton Franciscan Healthcare
P.O. Box 14668, 400 River Woods Parkway
Milwaukee, WI 53212-0076

Pay Group: WHE-Wheaton Franciscan Healthcare
Pay Begin Date: 08/09/2020
Pay End Date: 08/22/2020

Business Unit: 740 Advice #: 0000

Advice Date:

TAX DATA:

74016 **00000031529008** 08/28/2020

125.00

Kathleen M Kasinski 8709 W ARTHUR AVE WEST ALLIS, WI 53227

Employee ID: Department:

10324110 35925-Lab Chemistry Amb 001 Tax Status:
Allowances:
Addl. Percent:
Addl. Amount:

 Federal
 WI State

 Married
 Married

 0
 1

Location: St. Francis
Job Title: Medical Lab Scientist (MLS)
Pay Rate: \$2,840.00 Biweekly

	HOURS AND EA	RNINGS					TAXES	
	METERS ST. SEC. SEC. SEC. SEC. SEC. SEC. SEC. SEC	Current			YTD	-		
Description	Rate	Hours	<b>Earnings</b>	Hours	Earning	Description	Current	YTD
Short Term Disability		80.00	1,988.00	291.43		Fed Withholdng	223.10	5,434.50
CALLBACK 1.5			0.00	11.12	592.15	Fed MED/EE	26.09	676.66
EDUCATION - ORIENTATION			0.00	4.00	142.00	Fed OASDI/EE	111.56	2,893.32
HOLIDAY - WRKD TIME-AND-A-HALF			0.00	8.10	431.33	WI Withholding	63.99	2,015.66
ON CALL OFF PREMISES			0.00	3.88	9.70			
OVERTIME			0.00	10.08	537.52			
PTO			0.00	98.67	3,502.81			
PTO - UNSCHEDULED			0.00	16.00	568.00	1		
PAY CONTINUATION			0.00	4.00	142.00			
Recognition Payment			0.00		500.00			
REGULAR			0.00	1,021.37	36,258.68			
SHIFT PAY - NIGHT DIFF			0.00	4.10	10.25			
SHIFT PAY - WEEKEND			0.00	83.71	125.57			
TOTAL:		80.00	1,988.00	1,556.46	50,062.01	TOTAL:	424.74	11,020.14

BEFORE-TAX	X DEDUCTIONS		AFTER-TAX DEDUCTIONS			EMPLOYER PAID BENEFITS			
Description	Current	YTD	Description	Current YT	CD	Description	Current	YTD	
Medical	164.53	2,961.54				Medical	493.60	8,884.80	
Dental	12.77	229.86			1	Dental	11.63	209.98	
Vision	6.40	114.64				Basic Life	2.08	37,44	
Voluntary AD & D	2.31	41.58			1	Basic Life*	7.31	131.58	
Short Term Disability	9.92	179.56			-	Basic AD & D	0.34	6.12	
403b	397.60	10,012.40				Short Term Disability	16.08	287.94	
					1	Long Term Disability	5.08	90.05	
						403b	59.64	1,501.88	
TOTAL:	593,53	13,539.58	TOTAL:	0.00 0.	00	*TAXABLE			

	TOTAL GROSS	FED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	1,988.00	1,401.78	424.74	593.53	969.73
YTD	50,062.01	36,654.01	11,020.14	13,539.58	25,502.29

LEAVE	PLANS		NET P	AY DISTRIBUTION	
<u>Description</u> Paid Time Off	End Balance 142.83	Advice #000000031529008	Account Type Checking	<u>Account Number</u> ******9556	Deposit Amount 969.73
	-	TOTAL:			969.7

(6)

Whole

Wheaton Franciscan Healthcare P.O. Box 14668, 400 River Woods Parkway Milwaukee, WI 53212-0076

Pay Group: WHE-Wheaton Franciscan Healthcare Pay Begin Date: 08/23/2020 Pay End Date: 09/05/2020

Business Unit Advice #: Advice Date:

74016 000000031687503 09/11/2020

TAX DATA: WI State Federal Kathleen M Kasinski Employee ID: 10324110 Tax Status: Married Married 8709 W ARTHUR AVE Department: 35925-Lab Chemistry Amb 001 Allowances 0 WEST ALLIS, WI 53227 Location: St. Francis Addl. Percent: Medical Lab Scientist (MLS) Job Title: Addl. Amount: 125.00 \$2,840.00 Biweekly Pay Rate:

	HOURS AND EA	RNINGS					TAXES	
		Current		******	YTD			
Description	Rate	Hours	<b>Earnings</b>	Hours	<u>Earnings</u>	Description	Current	YTD
Short Term Disability		45.71	1,136.00	337.14	8,378.00	Fed Withholdng	278.14	5,712.64
OVERTIME	53.250000	0.10	5.33	10.18		Fed MED/EE	34.41	711.07
REGULAR	35.500000	40.00	1,420.00	1,061.37		Fed OASDI/EE	147.11	3,040.43
CALLBACK 1.5			0.00	11.12	592.15	WI Withholdng	98.50	2,114.16
EDUCATION - ORIENTATION			0.00	4.00	142.00			
HOLIDAY - WRKD TIME-AND-A-HALF			0.00	8.10	431.33			
ON CALL OFF PREMISES			0.00	3.88	9.70			
PTO			0.00	98.67	3,502.81			
PTO - UNSCHEDULED			0.00	16.00	568.00			
PAY CONTINUATION			0.00	4.00	142.00			
Recognition Payment			0.00		500.00			
SHIFT PAY - NIGHT DIFF			0.00	4.10	10.25			
SHIFT PAY - WEEKEND			0.00	83.71	125.57			
TOTAL:		85.81	2,561.33	1,642.27	52,623.34	TOTAL:	558.16	11,578.30

BEFORE-TAX	DEDUCTIONS			AFTER-TAX DEDUCTIONS		EMPLOYER P	AID BENEFITS	
Description	Current	YTD	Description	<u>Current</u>	YTD	Description	Current	YTD
Medical	164.53	3,126.07				Medical	493.60	9,378.40
Dental	12.77	242.63			1	Dental	11.63	221.61
Vision	6.40	121.04				Basic Life	2.08	39.52
Voluntary AD & D	2.31	43.89			1	Basic Life*	7.31	138.89
Short Term Disability	9.92	189.48			1	Basic AD & D	0.34	6.46
403b	512.27	10,524.67			1	Short Term Disability	16.08	304.02
					-	Long Term Disability	5.08	. 95.13
						403b	76.84	1,578.72
TOTAL:	708.20	14,247.78	TOTAL:	0.00	0.00	*TAXABLE		

	TOTAL GROSS F	ED TAXABLE GROSS	TOTAL TAXES	TOTAL DEDUCTIONS	NET PAY
Current	2,561.33	1,860.44	558.16	708.20	1,294.97
YTD	52,623.34	38,514.45	11,578.30	14,247,78	26,797.26
	LEAVE PLANS		NET PA	Y DISTRIBUTION	
Paid Time Off	End Balan 146.		Account Type Checking	Account Number *****9556	Deposit Amount 1,294.97

TOTAL:

Partial
1 wk STD

 $35.50 \times 40 = 1420$   $\times 30\% = 426$  3408  $\pm 3834$ 

302

1,294.97



Guarantor Name Guarantor Number Statement Date

08/08/20

Due

\$172.58

**Payment** 

KATHLEEN M KASINSKI

322954

. . .

Your Balance Forward	\$82.34
New Charges (Summary Below)	\$1,602.00
Amount Paid By You	-\$82.34
Your Current Account Balance	\$172.58

CONTACT US FOR QUESTIONS ABOUT YOUR BILL (Llamanos si tiene preguntas sobre su factura.)

他

Online: www.ascension.org/billing

To the second

Phone: 1-877-304-6332. Mon-Fri: 8:00am - 5:00pm CST

PATIENT NAME	ACCOUNT NUMBER	PRIMARY/ SECONDARY INSURANCE	DATE	PROVIDER/ LOCATION	SUMMARY	AMOUNT
(II) HOSPITAL SEE	RVICES					
Kathleen M Kasinski	40006006120	WI Anthem Blue Cross	5/29/2020	BOBAN, IVICA/ Ascension St. Francis Hospital		to the second
and the second s			7/13/2020		PATIENT PAYMENT - Thank You	-\$82.34
					HOSPITAL SERVICES BALANCE	\$0.00
(I) HOSPITAL SER	RVICES					
Kathleen M Kasinski	40006087432	WI Anthem Blue Cross	6/26/2020	PASCHAL, GEHRES Ascension SE Wisconsin Hospital - St Joseph	Erhergency Room	548.00
		WI Anthem Blue Cross	6/26/2020	PASCHAL GEHRES/ Ascension SE Wisconsin Hospital - St Joseph	Radiology - Diagnostic	746.00
Contraction to the department of the section of the department of			6/30/2020		CONTRACTUAL ADJUSTMENT - WI Anthem Blue Cross	-\$698.76
			7/27/2020		INSURANCE PAYMENT - WI Anthem Blue Cross	-\$422.66
	and the second s	(Color of the color of the colo	ar confunción a maneramo, em por en episco en places en constitución en en en el entre en el entre en el entre		HOSPITAL SERVICES BALANCE	\$172.58

Opt 8695

### Orthopedic Institute of Wisconsin

Page 1 of 2

Thank you for choosing ORTHOPEDIC SURGEONS OF WISCONSIN, S.C. for your health care needs.

Statement Date: Responsible Party: Account Number: Due Date:

08/20/20 KATHLEEN M KASINSKI 5961\*410453 Upon Receipt

### REQUEST FOR PAYMENT

Summary	of	Account
---------	----	---------

Total Charges	\$1.034.00
Insurance Payments	-\$282.81
Insurance Adjustments	-\$664.70
Patient Payments	\$0.00
Account Adjustments	\$0.00

AMOUNT DUE

\$86.49

Amount you owe may include deductible amounts. Your prompt payment is appreciated! PLEASE SEE BACK SIDE FOR ADDITIONAL DETAIL ON SERVICES.

### Payment, Insurance & Billing Information





Pay by credit card online anytime, day or night!

WWW.PERYOURHEALTH.COM

Pay by credit card via phone: 1-844-221-4806 Certified, safe, and secure credit card processing.



Visit us at <a href="www.PerYourHealth.com">www.PerYourHealth.com</a> to update your insurance, address, view your account or send a message to our billing office.

ID: 5961\*410453 Access Key: 9PT8QV



Contact the Billing Office. Please call 844-221-4806 8AM-4PM CST, MON-FRI

### Important Messages:

Thank you for using our services. Your insurance has processed your claim and the balance due is your responsibility.

Ck # 8697 9-1-20

性時間性冷塵绘图 10318-MCKSTM1-3541

10318-MCKSTM1-354188-150795467-P; 744371-1-86; 32168606-1; 1

658610 (PC2)

# 000009810-B

# Pay by credit card online anytime, day or night! WWW.PERYOURHEALTH.COM

Statement Date: Responsible Party: Account Number: Due Date:

11/24/20 KATHLEEN M KASINSKI 5961\*410453 Upon Receipt

Patient: KA	ATHLEEN KASINSKI	Site of Service: OIOW MAYFAIR	Primary: ASCENSION MISSION P				
Account: 59	961*410453.4	Refer Prov: MCCARTY, BRIAN			Secondary:		
Service Dt.	Provider	Service Description	Qty	Charges	Payments	Adjustments	You Owe
08/04/20	MCCARTY, BRIAN MD	L4350,LT-DME	1	177.00		obstruction confidence in the contract of the	
08/04/20	MCCARTY, BRIAN MD	73610.LT-X RAY EXAM OF ANKLE	1	175.00			
08/04/20	MCCARTY, BRIAN MD	99213.25-OFFICE/OUTPATIENT VISIT EST	1	150.00			
		ASCENSION MISSION POINT	-		-143.42	-302.65	
		You Owe	)				55.93

Total Amount You Owe \$55.93

OR# 3016 12/15/20

Please be aware that the above summary represents Orthopedic services from your medical provider. You may receive a separate statement for services provided by the hospital.

# 000005683-В

Pay by credit card online anytime, day or night! WWW.PERYOURHEALTH.COM

Statement Date: Responsible Party: Account Number: Due Date:

10/27/20 KATHLEEN M KASINSKI 5961\*410453 Upon Receipt

Patient: KA	ATHLEEN KASINSKI	Site of Service: OIOW MAYFAIR	Primary: ASCENSION MISSION P				
Account: 59	961*410453.3	Refer Prov: MCCARTY, BRIAN			Secondary:		
Service Dt.	Provider	Service Description	Qty	Charges	Payments	Adjustments	You Owe
08/25/20	MCCARTY, BRIAN MD	73610.LT-X RAY EXAM OF ANKLE	1	175.00		terroren erin erroren	The state of the s
08/25/20	MCCARTY, BRIAN MD	99213.25-OFFICE/OUTPATIENT VISIT EST	1	150.00			
		ASCENSION MISSION POINT	•		-90.69	-187.69	
		You Owe	<b>)</b>				46.62

Total Amount You Owe \$46.62

Please be aware that the above summary represents Orthopedic services from your medical provider. You may receive a separate statement for services provided by the hospital.



Guarantor Name

KATHLEEN M KASINSKI

Guarantor Number

322954

Statement Date

11/08/20

**Payment** Due

\$190.75

Your Balance Forward \$100.30

New Charges (Summary Below)

\$1,880.00

Amount Paid By You

\$0.00

Your Current Account Balance

\$190.75

CONTACT US FOR QUESTIONS ABOUT YOUR BILL

(Llamanos si tiene preguntas sobre su factura.) 唐

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Online: www.ascension.org/billing

Phone: 1-877-304-6332.

Mon-Fri: 8:00am - 5:00pm CST

PATIENT NAME	ACCOUNT NUMBER	PRIMARY/ SECONDARY INSURANCE	DATE	PROVIDER/ LOCATION	SUMMARY	AMOUNT
(E) HOSPITAL SER	WICES					
Kathleen M Kasinski	40006219010	WI Anthem Blue Cross	8/6/2020 8/15/2020	LUECHT, KIMBERLY K/Ascension SE Wisconsin Hospital - St Joseph		
					PAST DUE	\$60.30
HOSPITAL SER Kathleen M Kasinski	40006223738	WI Anthem Blue Cross	8/6/2020	BOBAN, IVICA/ Ascension SE		
	TOTAL PROPERTY AND A PROPERTY OF THE PROPERTY		Color de la constante de la co	Wisconsin Hospital - St Joseph		
					HOSPITAL SERVICES BALANCE	\$0.00
Kathleen M	7438850	WI Anthem Blue	8/13/2020	Boban, Ivica, MB/		
Kasinski		Cross	071372020	Ascension St. Francis Hospital		
					PAST DUE	\$40.00
				-	SUMMARY CONTINUED	ON NEXT PAGE
			n lo-	£ 3013	2.0	
			Or	11-21-	MO	

307



Guarantor Name

Guarantor Number

322954

Statement Date

11/08/20

HOSPITAL SERVICES BALANCE

**TOTAL PAYMENT DUE: \$190.75** 

Payment Due

\$190.75

KATHLEEN M KASINSKI				
	2 A *** 1 3 2	San San D' 2	B # 15	A PRESENTE

PATIENT NAME	ACCOUNT NUMBER	PRIMARY/ SECONDARY INSURANCE	DATE	PROVIDER/ LOCATION	SUMMARY	AMOUNT
(I) HOSPITAL SEI	IVICES					
Kathleen M Kasinski	40006227272	WI Anthem Blue Cross	8/19/2020/ 9/15/2020	MCCARTY, BRIAN A, Ascension SE Wisconsin Hospital - St Joseph	Physical Therapy	1,319.00
			9/21/2020	The same of the sa	CONTRACTUAL ADJUSTMENT - WI Anthem Blue Cross	-\$893.00
			10/15/2020	Conference of the second secon	INSURANCE PAYMENT - WI Anthem Blue Cross	-\$341.70
			10/15/2020		CONTRACTUAL ADJUSTMENT - WI Anthem Blue Cross	-\$24.00
				The property of the second sec	HOSPITAL SERVICES BALANCE	\$60.30
HOSPITAL SEI Kathleen M	to gradual memory and the public modern control and provided and the gradual provided the control of the provided and the control of the cont	TAIL A SI	10.000.0000			
Kasinski	40006272165	WI Anthem Blue Cross	8/20/2020	BOBAN, IVICA/ Ascension SE Wisconsin Hospital - St Joseph		
					HOSPITAL SERVICES BALANCE	\$0.00
III HOSPITAL SEI	Charles in the control of the contro			/		
Kathleen M Kasinski	40006274461	WI Anthem Blue Cross	8/24/2020	Ascension St. Francis Hospital		
(in)					HOSPITAL SERVICES BALANCE	\$0.00
(II) HOSPITAL SEI Kathleen M	40006303573	WI Anthem Blue	9/1/2020 -	MACCARTY PRIANA	100	Service of Burnston Services
Kasinski	40006303373	Cross	9/1/2020	MCCARTY, BRIAN A./ Ascension SE Wisconsin Hospital - St Joseph	Physical Therapy	561.00
			9/21/2020		CONTRACTUAL ADJUSTMENT - WI Anthem Blue Cross	-\$348.00
			10/14/2020		INSURANCE PAYMENT - WI Anthem Blue Cross	-\$170.85
			10/14/2020		CONTRACTUAL ADJUSTMENT - WI Anthem Blue Cross	-\$12.00



City Attorney's Office attorney@westalliswi.gov Office: 414.302.8450 Fax: 414.302.8444

Kail Decker
City Attorney
Sheryl L. Kuhary
Deputy City Attorney
Nicholas S. Cerwin
Rebecca Hammock

Principal Assistant City Attorneys

March 26, 2021

West Allis Common Council 7525 West Greenfield Avenue West Allis, WI 53214

RE: Monthly Claims Report - April 7, 2021

Dear Common Council:

Pursuant to §2.15(3)(b) of the West Allis Revised Municipal Code, I am submitting the following report of claims paid and claims recommended for disallowance for the month identified above.

#### Claims Recommended to be Placed on File

Name of Claimant	Date of Claim (Incident)	Amount Paid	Legistar No.	CVMIC Incident No.
Melitza Colon	10/16/19	\$10,000.00	2019-0920	19-2343
Willie McBride (18-CV-2032)_	4/13/18	\$25,000.00	2021-0022	?
Eric Weier	11/11/20	\$169.99	2021-0062	20-2111

Claims Recommended to Deny (Disallowance)

Name of Claimant	Date of Claim (Incident)	Claim Amount	Legistar No.	CVMIC Incident No.
Anne Braunsdorf	12/9/20	\$12,500.00	2021-0143	20-2170
Demeteria Chaney	1/26/21	\$352.98	2021-0111	21-232
Thudah Cole by Atty Motley	10/8/20	\$2,000,000.00	2021-0133	20-2168
Debora Correa	1/19/21	\$158.25	2021-0159	21-299
Kathleen Kasinski	6/25/20	\$4,346.00	2020-0473	20-1114

Any claims in excess of \$10,000 are reported out separately for the committee and council's consideration. I ask that this report be accepted and placed on file.

For additional information on any of the above-reference claims, please do not hesitate to contact my office.

Sincerely,

Rebecca Hammock

**Principal Assistant City Attorney** 

cc: City Clerk



### **City of West Allis**

### **Master Report**

File Number: 2020-0418

File ID: 2020-0418 Type: License Application(s) Status: Granted

Version: 1 Reference: In Control: License & Health

Committee

File Created: 12/01/2020

Name: Final Action: 11/17/2020

Title: Expedited Temporary Extensions

A list of applicants is available online at <a href="https://westalliswi.legistar.com/">https://westalliswi.legistar.com/</a> or by contacting

the city clerk's office.

#### **Internal Notes:**

Sponsors: Enactment Date:

Attachments: Expedited Temporary Extension of Class B Licensed

Premises, BRASS MONKEY.2020 Expedited Extension of Alcohol Beverage Premises form, LAYMAN BREWING.2020 Expedited Extension of Alcohol Beverage Premises form, LYNCHS.2020 Expedited Extension of Alcohol Beverage Premises form, NATTY OAKS.2020 Expedited Extension of

Alcohol Beverage Premises form,

SLURP-N-BURP.2020 Expedited Extension of Alcohol Beverage Premises form, STINGERS.2020 Expedited Extension of Alcohol Beverage Premises form, JUNE 16 PACKET.2020 Expedited Extension of Alcohol Beverage Premises form, July 14, 2020 Expedited Temporary Extension Packet, July 14, 2020 Expedited Temporary Extension List, DOPP'S BAR

7/14/2020, DA BAR 7/14/2020, LIMANSKI'S PUB 7/14/2020, SHAMROX 7/14/2020, STALLYWOOD 7/1/42020, Expedited Temporary Extension List for August 4, 2020, BARCODE 8-4-2020, JUST J'S 8-4-2020, RUPENA'S 8-4-+2020, TANDOOR RESTAURANT 8-4-2020, THE CROOKED CROW 8-4-2020, Expedited Temporary Extension List for 09-01-2020, CAMINO, RED WHITE AND BREWS 09-01-2020, STATION NO. 6, THE DRUNK UNCLE

Expedited Temporary Extension applications for October 6, 2020 Common Council Agenda, Expedited Temporary Extension of Class B Licensed Premises. October 20, 2020, No New Applications submitted for the November 4, 2020 Common Council Agenda,

09-01-2020, THE NETWORK 09-01-2020, No New

Expedited Temporary Extensions 11-17-2020

Enactment Number:

lecommendation: Hearing Date:

Drafter: Effective Date:

Related Files:

### **History of Legislative File**

Ver-	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Common Council		Referred	License & Health Committee			
	Action Text:	This matter was Referred	d.to the License & Health	Committee			
1	License & Health Committee Action Text:	06/16/2020  A motion was made by S Approval. The motion ca	Recommended For Approval Stefanski, seconded by G rried unanimously.	risham, that this matter l	oe Recommende	d For	Pass
1	Common Council Action Text:	ŕ	ed on a Block Vote.	Kuehn, Lajsic, Reinke, I	Roadt, Stefanski,	Tenorio,	Pass
1	License & Health Committee Action Text:		To Be Discussed	License & Health Committee & Health Committee			
1	License & Health Committee Action Text:	07/14/2020  A motion was made by 0 Approval. The motion ca	Recommended For Approval Grisham, seconded by Re rried unanimously.	inke, that this matter be	Recommended I	For	Pass
1	Common Council Action Text:	·	ed on a Block Vote.	Kuehn, Lajsic, Reinke, I	Roadt, Stefanski,	Vitale, and	Pass
1	License & Health Committee Action Text:		To Be Discussed	License & Health Committee & Health Committee			
1	License & Health Committee Action Text:	08/04/2020  A motion was made by F Approval. The motion ca	Recommended For Approval Reinke, seconded by Gris rried unanimously.	ham, that this matter be	Recommended l	For	Pass
1	Common Council Action Text:	08/04/2020 This matter was Approve Aye	Approved ed on a Block Vote.	Kuehn, Lajsic, Reinke, I	Roadt, Stefanski,	Tenorio,	Pass
1	License & Health Committee Action Text:		To Be Discussed	License & Health Committee & Health Committee			
1	License & Health Committee	09/01/2020	Recommended For Approval				Pass

Action Text: A motion was made by Stefanski, seconded by Grisham, that this matter was Recommended For

Approval. The motion carried by the following vote:

Aye: 5 Vitale, Grisham, Reinke, Roadt, and Stefanski

No: 0

1 Common Council 09/01/2020 Approved

Action Text: This matter was Approved on a Block Vote.

Aye: 9 Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio, and

Pass

Vitale

No: 0

1 License & Health 10/20/2020 To Be Discussed License & Health

Committee Committee

Action Text: This matter was To Be Discussed.to the License & Health Committee

1 License & Health 10/20/2020 Recommended For Pass

Committee Approval

Action Text: A motion was made by Grisham, seconded by Stefanski, that this matter was Recommended For

Approval. The motion carried by the following vote:

Aye: 5 Vitale, Grisham, Reinke, Roadt, and Stefanski

No: 0

1 Common Council 10/20/2020 Approved Pass

Action Text: This matter was Approved on a Block Vote.

Aye: 10 Grisham, Haass, Kuehn, Lajsic, Reinke, Roadt, Stefanski, Tenorio,

Vitale, and Weigel

No: 0

1 License & Health 11/04/2020 To Be Discussed License & Health

Committee Committee

Action Text: This matter was To Be Discussed.to the License & Health Committee

1 Common Council 11/17/2020 Approved Pass

Action Text: This matter was Approved on a Block Vote.

Aye: 0

No: 0

1 License & Health 11/17/2020 Recommended For Pass

Committee Approval

Action Text: A motion was made by Stefanski, seconded by Grisham, that this matter be Recommended For

Approval. The motion carried unanimously.

### **Expedited Temporary Extension of Class B Licensed Premises:**

2020-2021 Expedited Temporary Extension of Class B License Premises application of ZJ Squared Ventures LLC, John Mackowski, Agent, d/b/a Brass Monkey, 11904 W. Greenfield Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Layman Brewing, LLC, Kyle Ida, Agent, d/b/a Layman Brewing, 6001 W. Madison St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of 5<sup>th</sup> District Pub, Inc., Joseph Lynch, Agent, d/b/a Lynch's, 2300 S. 108 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Calhoun BBQ, Inc., John Roots, Agent, d/b/a Natty Oaks Pub & Eatery, 11505 W. National Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of R & K Entertainment Enterprises, LLC, Robert Lucas, Agent, d/b/a Slurp-N-Burp Fun Bar, 1454 S. 92 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of HMSR, LLC, Heather Rodriguez, Agent, d/b/a Stinger's, 9524 W. Greenfield Ave.

Clerk-ETempExt 6/9/20



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types:   Class B   Food   Music/Entertainment, list type:				
Name of Applicant: ZJ SQUANES VENTURES UC (AGENT: JOHN MOCKOW)				
Trade Name: BRASS MUNKEY				
Address of Premises: 11904 W. GREEN FIED AVE.				
Phone Number: 414-418-8389				
Email Address: JEMACK 73@ YAKOO. COM				
Current Licensed Premises Description:				
Bar Restavant				
Proposed Temporary Premises Description:				
Partie w/ arthor senting for arthur Sexul distanced eating + driving.				
(a copy of the floor plan for both current and proposed premises must accompany the application)				
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises				
☐ Batio (concrete surface) at the ☐ North ☐ South ☐ West ☐ East side of the premises ☐ PARKING SPACES				
Beer garden (soil/grass surface) at the North South West East side of the premises				
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises				
Other: Describe area(s):				
Does extension area have an additional street address? No Yes If yes, list address:				
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)				
Sunday loam to Afm Thursday law to Am				
Monday Mam to Apm Friday Wam to Worm				
Tuesday Nam to 10pm Saturday Dam to 10pm				
Wed. <u>Man</u> to <u>9pm</u>				
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.				
124 Occupancy 124 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy				
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets # of Men's Urinals # of Temporary Toilets				

Clerk-ETempExt 6/9/2



### **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
    obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the informatio	n submitted in this application is	true and understand that false	statements or failure to adhere
to the conditions may res	ult in denial of future licenses/pe	rmits and/or revocation of this e	extension.
Manager Manager and Manager and	ult in denial of future licenses/pe	_	6/11/2020
Applicant Name:	VQ N X V VV )	Date:	6/11/000

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

**Submit Form** 

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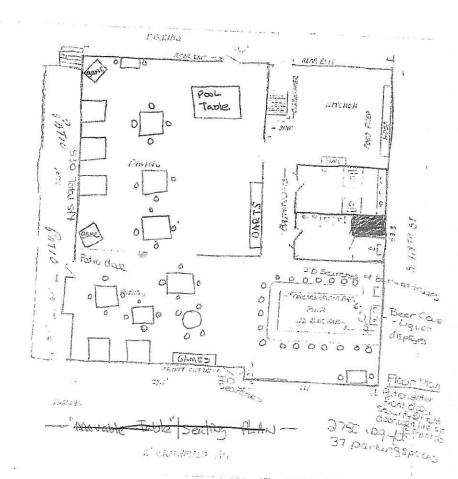
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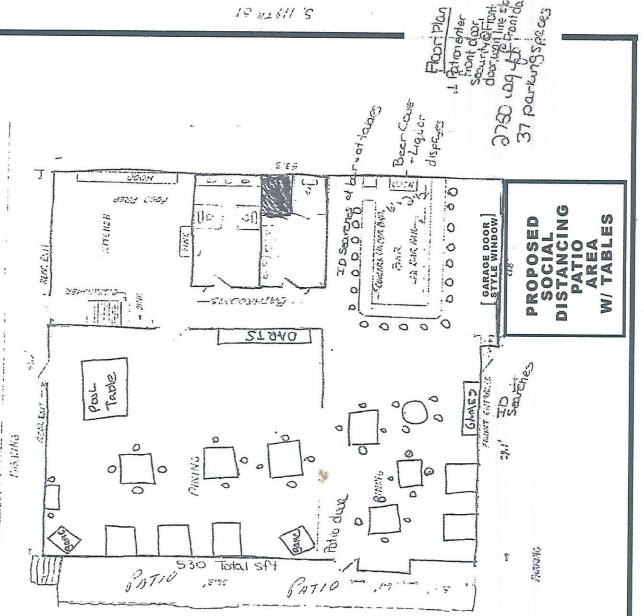
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### **Expedited Temporary Extension of Class B Licensed Premises**

Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your licensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

**Purpose:** Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: If passed by the Common Council, this Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

**Application Submittal Requirements:** Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

**Other Licenses:** Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

**Objections:** If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### **Conditions:**

1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

(2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

### Payment and Posting Required:

If granted, licenses will not be issued until a payment of TBD has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types:  Class B  Food  Music/Entertainment, list type:			
Name of Applicant:			
Trade Name:			
Address of Premises:			
Phone Number:			
Email Address: beer@laymanbrewing.com			
Current Licensed Premises Description:			
Proposed Temporary Premises Description:			
(a copy of the floor plan for both current and proposed premises must accompany the application)			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises			
☐Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
□Deck (attached to building) at the □ North □ South □West □ East side of the premises			
Other: Describe area(s):			
☐Does extension area have an additional street address? No Yes If yes, list address:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday to Thursday to			
Monday to to to			
Tuesday to to to			
Wed to			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets			
# of Men's Urinals # of Temporary Toilets			

Clerk-ETempExt 6/9/20

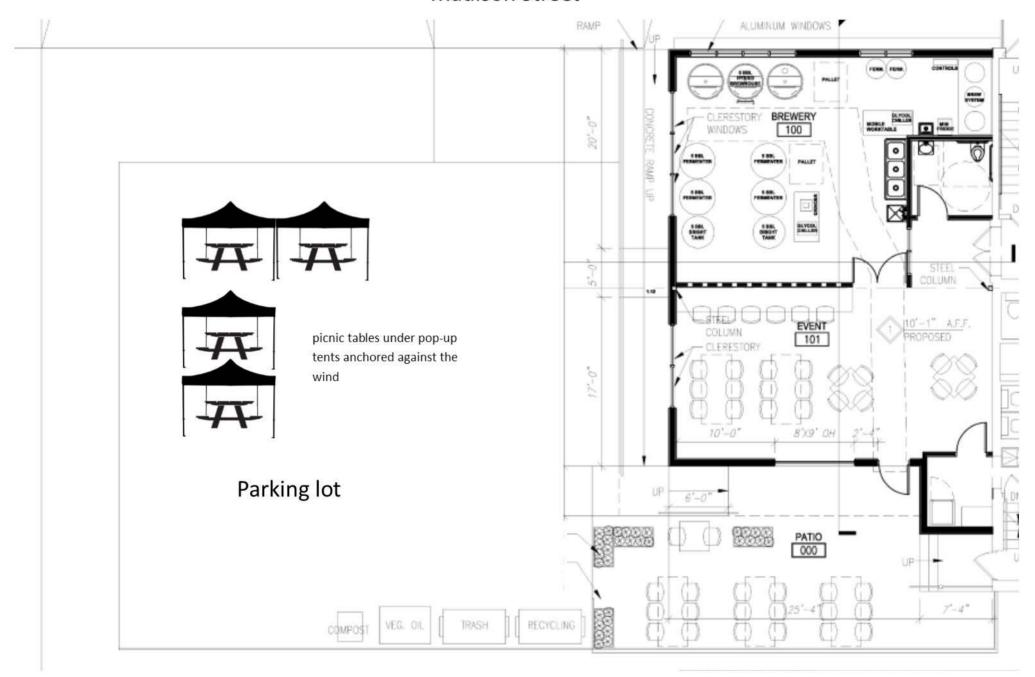


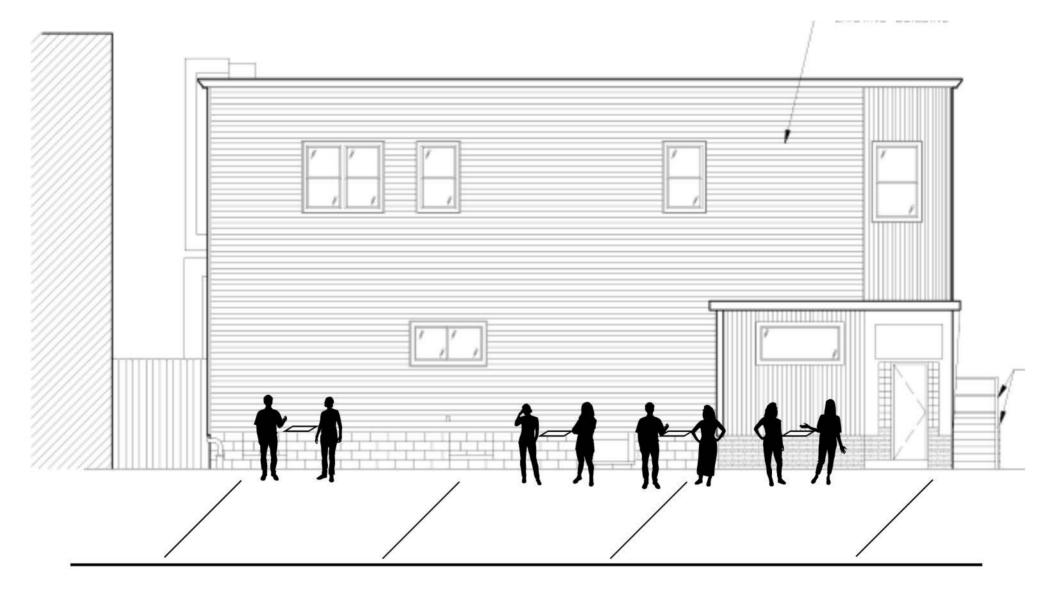
# **Expedited Temporary Extension of Class B Licensed Premises**

☐ I understand that the following conditions apply if granted the extension:
<ul> <li>The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.</li> <li>The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.</li> </ul>
<ul> <li>I understand that the hours of operation are limited to the following:</li> <li>Sunday – Thursday operations must cease at 9:00 p.m.</li> <li>Friday – Saturday operations must cease at 10:00 p.m.</li> </ul>
For applications requesting the use of public sidewalk:
<ul> <li>I understand that the following conditions apply if granted the extension:</li> <li>Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.</li> <li>The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.</li> <li>The licensee assumes primary liability for damages to person or property. No bond is required.</li> <li>The licensee is obligated to immediately remove any obstructions upon notice by the city</li> <li>The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.</li> <li>Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.</li> <li>I certify the information submitted in this application is true and understand that false statements or failure to adhere</li> </ul>
to the conditions may result in denial of future licenses/permits and/or revocation of this extension.
Applicant Name: Date:

Submit application to <a href="clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

## **Madison Street**





60th Street

Clerk-ETempExt 6/9/20



### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extended and permanently licensed premises must be attached for the application to be processed. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: Class B 🗓 Food Music/Entertainment, list type: D.J. BANDS
Name of Applicant: JOSEDIA E LYNCIA
Trade Name: LYMCH'S
Address of Premises: 2300 So. 108 57, W.A. 53227
Phone Number: 414 321-73.70 CEC 414 617-4450
Email Address: Jhynch 2 6 WI. RR. Com
Current Licensed Premises Description:
BLOCK BUILDING ABOUT 1500 SQ FT. BARIN MIDDLE 2 BATHROOMS
Proposed Temporary Premises Description:
ABOUT 4000 SQ FT. AREA Z-ZOX40 TENTS 3 METROS TABLES (a copy of the floor plan for both current and proposed premises must accompany the application) STAGE
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
☐ Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
MOther: Describe area(s): ASPHALT PARKING LOT SOUTH SIDE
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday <u>/2</u> : <u>CU</u> . M. to <u>&amp;</u> : <u>&amp;O</u> . M. Thursday: M to: M
Monday: M. to: M. Friday 12: ₩M. to 9: ₩. M.
Tuesday: M. to: M Saturday 12: 60 M. to 4: 60 M.
Wed: M to: M
Requested Period of Operation (check all that apply):  June 17 to July 15 July 16 to August 5 August 6 to September 2 September 2 to September 16 September 17 to October 7 October 8 to October 21 October 22 to November 5 November 6 to November 18
/ <u>DO</u> Occupancy <u>50</u> 2020 Proposed Inside Occupancy <u>/oo</u> 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities 3 METROS WASH S MK

Clerk-FTempExt 6/9/20

# **Expedited Temporary Extension of Class B Licensed Premises**



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I understand that the hours of operation are limited to the following:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

For applications requesting use of public sidewalk:

I understand that the following conditions apply if granted the extension:

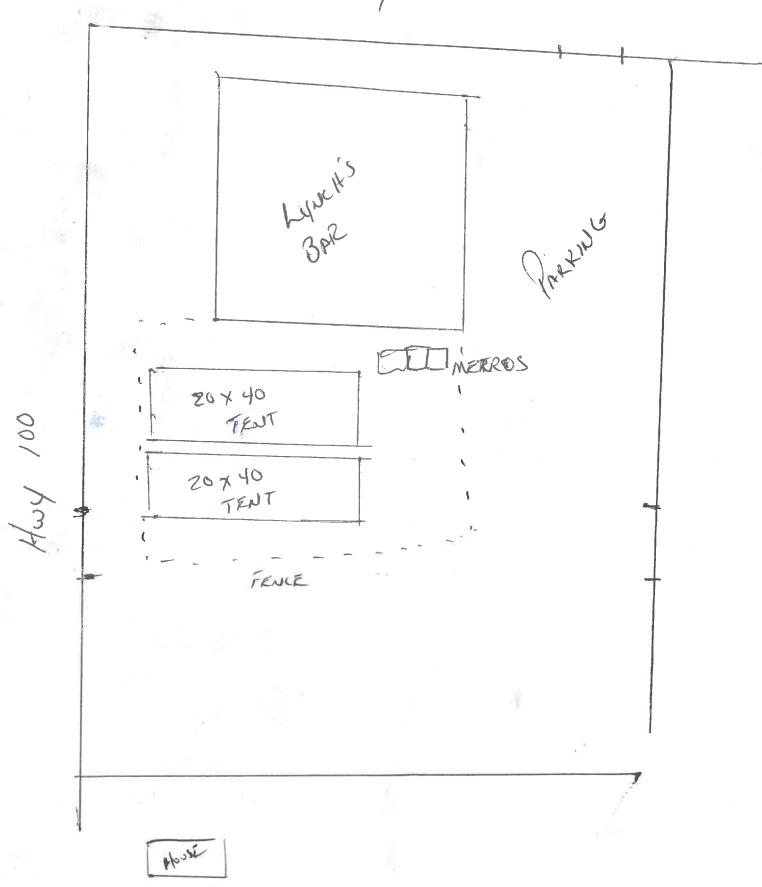
- Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
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- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

🔀 I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name/Signature:

Submit application to clerk@westalliswi.gov. Please note - this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

HWY LINCOLN AVE



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OUTSIDE

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# **Expedited Temporary Extension of Class B Licensed Premises**

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Check List all license types: Class B Food Music/Entertainment, list type:
Name of Applicant:  John Roots
Trade Name:
Address of Premises:
Phone Number: 414.543.2255
Email Address: nattyoaks@gmail.com
Current Licensed Premises Description: Class B , Instrumental Music License
Proposed Temporary Premises Description: Live music to be on a platform, to be kept, on the ground and not to exeed more than 2 feet above the ground. South side of the lot, facing north. beer garden to be at north side of lot, facing south
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
☐Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the  ■ North ☐ South ■West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s):
□Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 9am to 9pm Thursday 11a to 9pm
Monday 11am to 9pm Friday 11a to 10p
Tuesday 11am to 9pm Saturday 9am to 10p
Wed. 11am to 9pm
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
9 Occupancy 9 2020 Proposed Inside Occupancy 1 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets
# of Men's Urinals_2 # of Temporary Toilets _1



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■ I certify the information s to the conditions may result	ubmitted in this applic in denial of future lice	cation is true and understand that false nses/permits and/or revocation of this	e statements or failure to adhere extension.
Applicant Name:	John Roots	Date:	6/15/2020

Submit application to <u>clerk@westalliswi.gov</u>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

June 15, 2020

City of West Allis

Natty Oaks, 11505 W National Ave, is requesting the ability to use a stage, or platform, to have on the south end of the grass area on the west end of the lot. This platform area, will be placed on the ground, with no significant height, only to make level. All speakers used by performers will be placed in the direction north, to prevent noise echoing to the neighbors to the south.

We are also requesting the use of a "beer garden" on the north side of same grass lot, facing south, to allow for beer distribution.

We have built a temporary waitress station to provide assistance to the staff and to allow us to provide a food safe station, in the grass area.

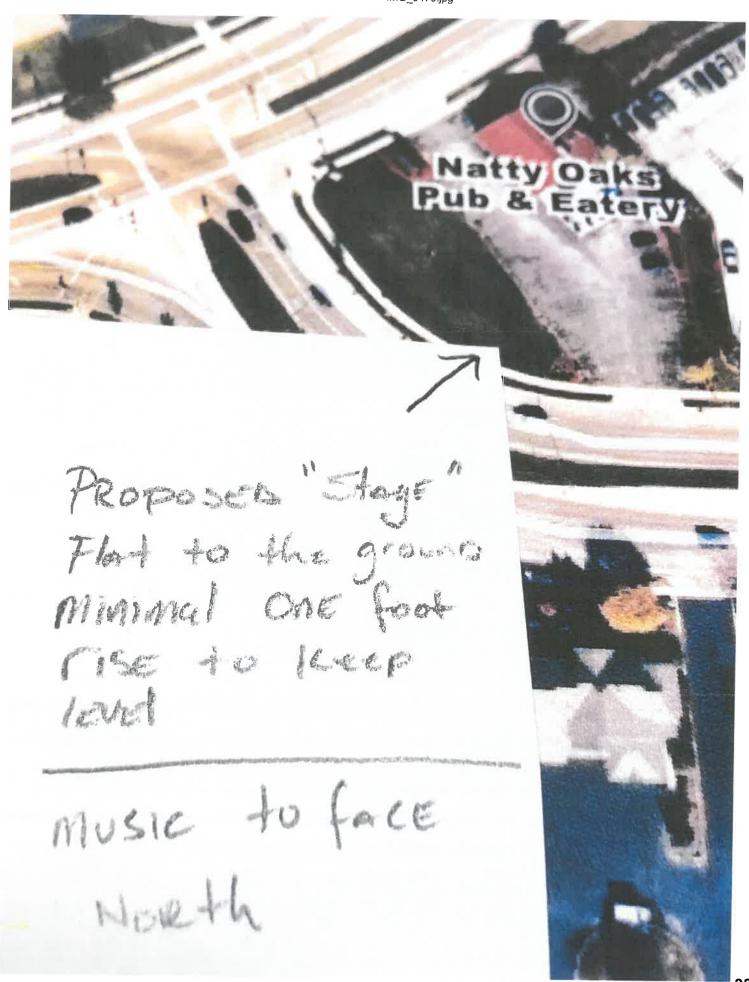
Our request will not exceed any hours that have been posted by the city, 9pm Sunday through Thursday and 10pm on Friday or Saturdays.

Thank you for this consideration.

John Roots

**Natty Oaks** 

6/16/2020 IMG\_0470.jpg







# **Expedited Temporary Extension of Class B Licensed Premises**

Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your licensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

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Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

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Toilet Facilities: Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

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Check List all license types: ☐Class B ☐ Food ☐Music/Entertainment, list type:
Name of Applicant: LAK ENTERTAINMENT ENTERPRISES LLC
Trade Name: Scurp-N-BURP FUN BAR
Address of Premises: 1454 S. 92ND ST.
Phone Number: 414-210-5454 / 414-614-7625 (CELL)
Email Address: ROBMLUCAS @ yahoo.com
Current Licensed Premises Description:  BINGLE Proun BAN ANEM / Uppen Pour Koom ANEM
Proposed Temporary Premises Description:
SEE ATTACHED - PAWING
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)
Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
Patio (concrete surface) at the North South West East side of the premises
Beer garden (soil/grass surface) at the North South West East side of the premises
□ Deck (attached to building) at the □ North □ South □ West □ East side of the premises □ Other: Describe area(s):
□ Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday <u>//am</u> to <u>9pm</u> Thursday <u>fpm</u> to <u>9pm</u>
Monday 10m to 90m Friday 10m to 10pm
Tuesday 1/2m to 10pm Saturday 1/4m to 10pm
Wed. $f_{pm}$ to $g_{pm}$
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals # of Temporary Toilets



### **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false state	ements or	r failure to adhere
to the conditions may result in denial of future licenses/permits and/or revocation of this exter	ision.	/

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Bulloing EDEK 7,81 WENTERN FRONTAGE ENTRY NUAP-N-BURP FUN BAR 1454 S. 92NO ST. EWTRY 5/4/ ST ALLOYSIUS SONO PAPIZING LOT 920 ST 00 TABLES 区 SEATING 图 ASOMED PUBLIC SOFWACK - BEWCH 国图 COGLEE LURB 20, APAZOK. 24' E LOSSEE COSSEE 国国 COSCEE 国 TABLE T 8 335 BUILDING EDGE



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

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Check List all license types: 🗹 Class B 🗌 Food 🦳 Music/Entertainment, list type:
Name of Applicant: UMSR LLC
Trade Name: 5tingers
Address of Premises: 9524 West Greenfield
Phone Number: 414-453-4330
Email Address: hmer/10@ smail.com
Current Licensed Premises Description: First floor tavern, basement
Storage, Fenced in back yard Smoking area
Proposed Temporary Premises Description:
Fenced in back yard
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the
current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
Patio (concrete surface) at the North South West East side of the premises
Beer garden (soil/grass surface) at the North South West East side of the premises
Deck (attached to building) at the North South West East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 82m to 1990m Thursday 82m to 90m
Monday 8am, to 9 pm Friday 8am to 100m
Tuesday 82m to 9pm Saturday 82m to 100m
Wed. Sam to 90m
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
70 Occupancy 35 2020 Proposed Inside Occupancy 15 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets/# of Men's Toilets/
# of Men's Urinals/# of Temporary ToiletsQ_



## **Expedited Temporary Extension of Class B Licensed Premises**

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  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

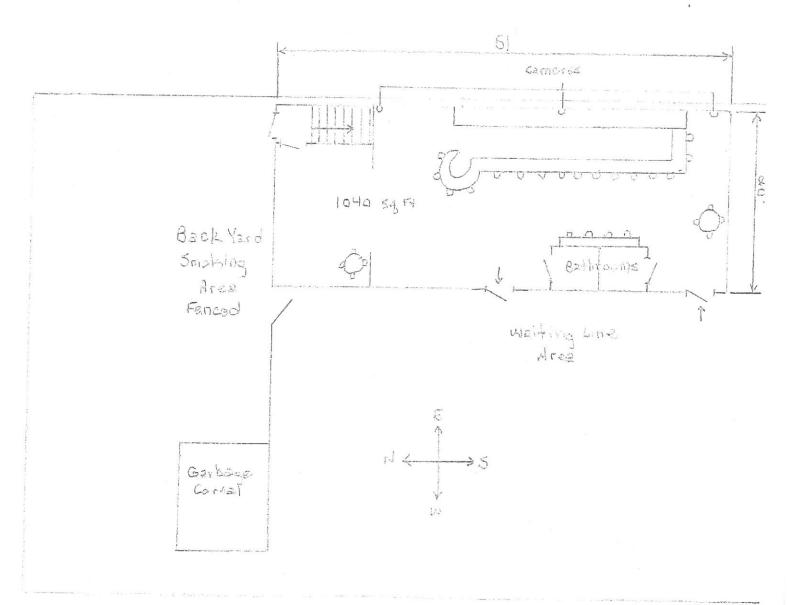
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  - . The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

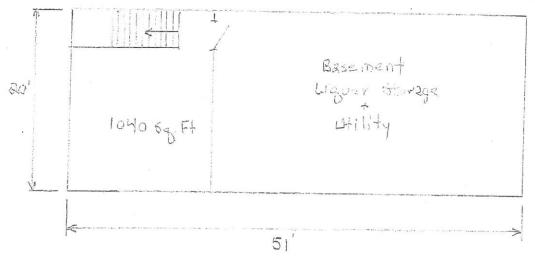
I certify the information submitte	in this application is true and understand that false statements	or failure to adhere
to the conditions may result in deplia	of future ligenses/permits and/or revocation of this extension.	1

Applicant Name:

\_ Date: \_\_\_6/14/30

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.





Stingers
9524 W. Greenfield



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types:   Class B   Food   Music/Entertainment, list type:
Name of Applicant: ZJ SQUANED VENTURES LLC (AGENT: JOHN MOCOUS
Trade Name: BRASS MUNKEY
Address of Premises: 11904 W. GREEN FIED AVE.
Phone Number: 414-418-8389
Email Address: JGMACK73@YAHOO.COM
Current Licensed Premises Description:
Bar/Restavent
Proposed Temporary Premises Description: Partie w/ artdar senting for artdar sixtal distanced eating + driving.
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the
current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)
☐Sidewalk café (public sidewalk) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐ Batio (concrete surface) at the ☐ North ☐ South ☐ West ☐ East side of the premises ☐ PARETNG SPACES
Beer garden (soil/grass surface) at the ☐ North ☐ South ☐ West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday Law to APM Thursday Wave to AM
Monday Van to Opm Friday Van to Lopm
Tuesday Nam to 10pm Saturday Dam to 10pm
Wed. <u>Uan</u> to <u>9pm</u>
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
124 Occupancy 124 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets
# of Men's Urinals # of Temporary Toilets



### **Expedited Temporary Extension of Class B Licensed Premises**

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    obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

	on submitted in this application is t		
to the conditions may re-	sult in denial of future licenses/per	mits and/or revocation of this e	extension.
	John Mari		
Applicant Name:	And Was	Date:	6/11/2020

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

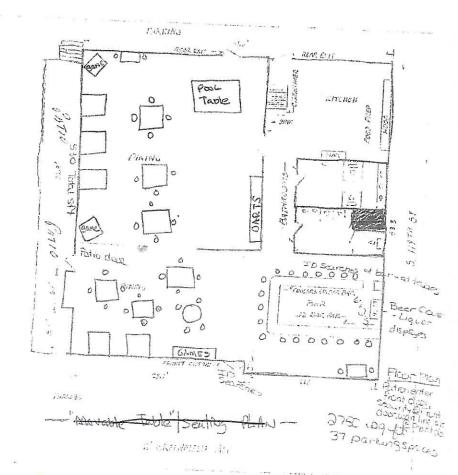
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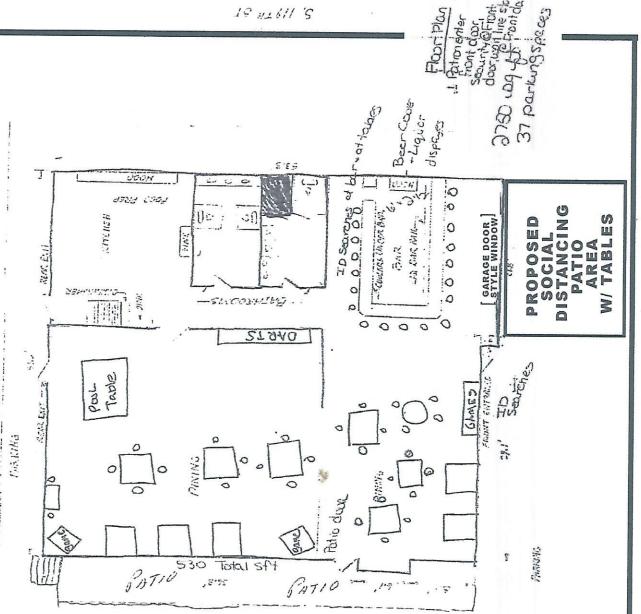
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### **Expedited Temporary Extension of Class B Licensed Premises**

Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your licensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

**Purpose:** Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: If passed by the Common Council, this Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

**Application Submittal Requirements:** Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

**Other Licenses:** Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

**Objections:** If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### **Conditions:**

1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

(2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of TBD has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

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Check List all license types:  Class B  Food  Music/Entertainment, list type:
Name of Applicant:
Trade Name:
Address of Premises:
Phone Number:
Email Address: beer@laymanbrewing.com
Current Licensed Premises Description:
Proposed Temporary Premises Description:
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
☐Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday to Thursday to
Monday to Friday to
Tuesday to Saturday to
Wed to
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals # of Temporary Toilets

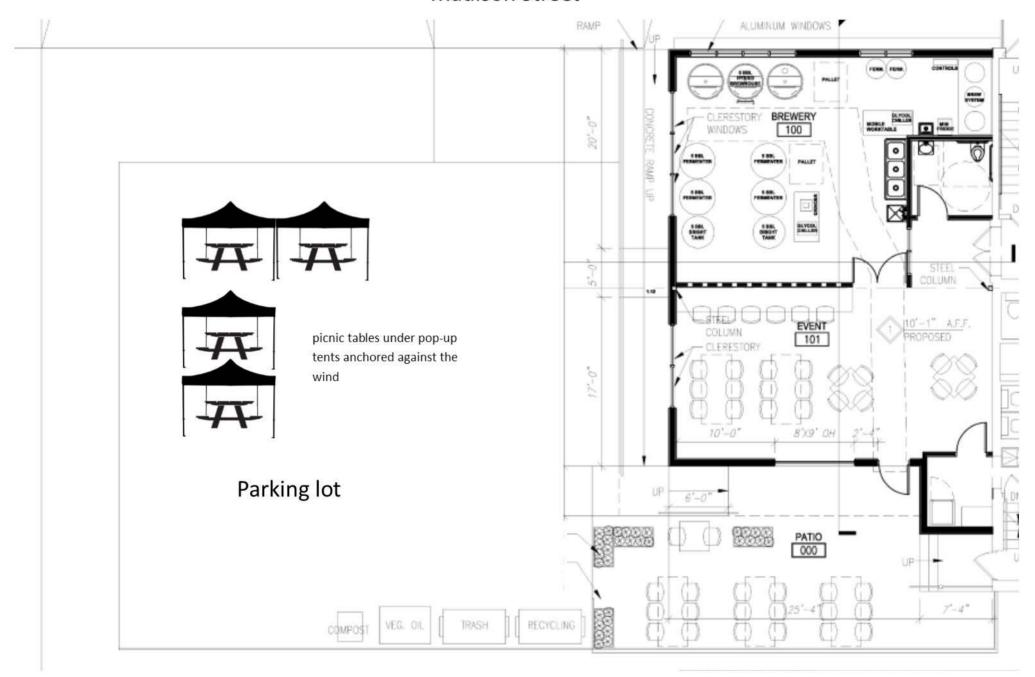


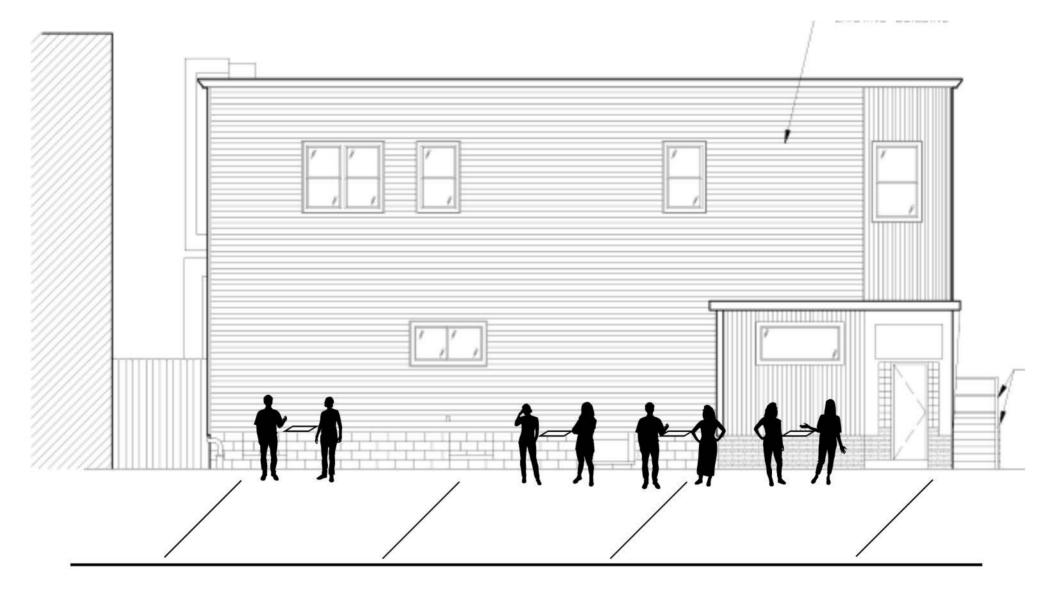
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<ul> <li>The extended premises must be contiguous to the licensed premises and must either be owned by or be unde the control of the licensee or extend on to a public sidewalk.</li> <li>The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.</li> </ul>	
<ul> <li>I understand that the hours of operation are limited to the following:</li> <li>Sunday – Thursday operations must cease at 9:00 p.m.</li> <li>Friday – Saturday operations must cease at 10:00 p.m.</li> </ul>	
For applications requesting the use of public sidewalk:	
<ul> <li>I understand that the following conditions apply if granted the extension:</li> <li>Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.</li> <li>The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.</li> <li>The licensee assumes primary liability for damages to person or property. No bond is required.</li> <li>The licensee is obligated to immediately remove any obstructions upon notice by the city</li> <li>The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.</li> <li>Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.</li> </ul>	
☐ I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.	<del>)</del>
Applicant Name: Date:	

Submit application to <a href="clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

# **Madison Street**





60th Street



### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extended and permanently licensed premises must be attached for the application to be processed. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: Class B 🗓 Food Music/Entertainment, list type: D.J. BANDS
Name of Applicant: JOSEDIA E LYNCIA
Trade Name: LANCH'S
Address of Premises: 2300 So. 108 57, W.A. 53227
Phone Number: 414 321-73.70 CEC 414 617-4450
Email Address: Jhynch 2 6 WI. RR. Com
Current Licensed Premises Description:
BLOCK BUILDING ABOUT 1500 SQ FT. BARIN MIDDLE 2 BATHROOMS
Proposed Temporary Premises Description:
ABOUT 4000 SQ FT. AREA Z-ZOX40 TENTS 3 METROS TABLES (a copy of the floor plan for both current and proposed premises must accompany the application) STAGE
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
☐ Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
MOther: Describe area(s): ASPHALT PARKING LOT SOUTH SIDE
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday <u>/2</u> : <u>CU</u> . M. to <u>&amp;</u> : <u>&amp;O</u> . M. Thursday: M to: M
Monday: M. to: M. Friday 12: ₩M. to 9: ₩. M.
Tuesday: M. to: M Saturday 12: 60 M. to 4: 60 M.
Wed: M to: M
Requested Period of Operation (check all that apply):  June 17 to July 15 July 16 to August 5 August 6 to September 2 September 2 to September 16 September 17 to October 7 October 8 to October 21 October 22 to November 5 November 6 to November 18
/ <u>DO</u> Occupancy <u>50</u> 2020 Proposed Inside Occupancy <u>/oo</u> 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities 3 METROS WASH S MK

## **Expedited Temporary Extension of Class B Licensed Premises**

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For applications requesting use of public sidewalk:

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  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
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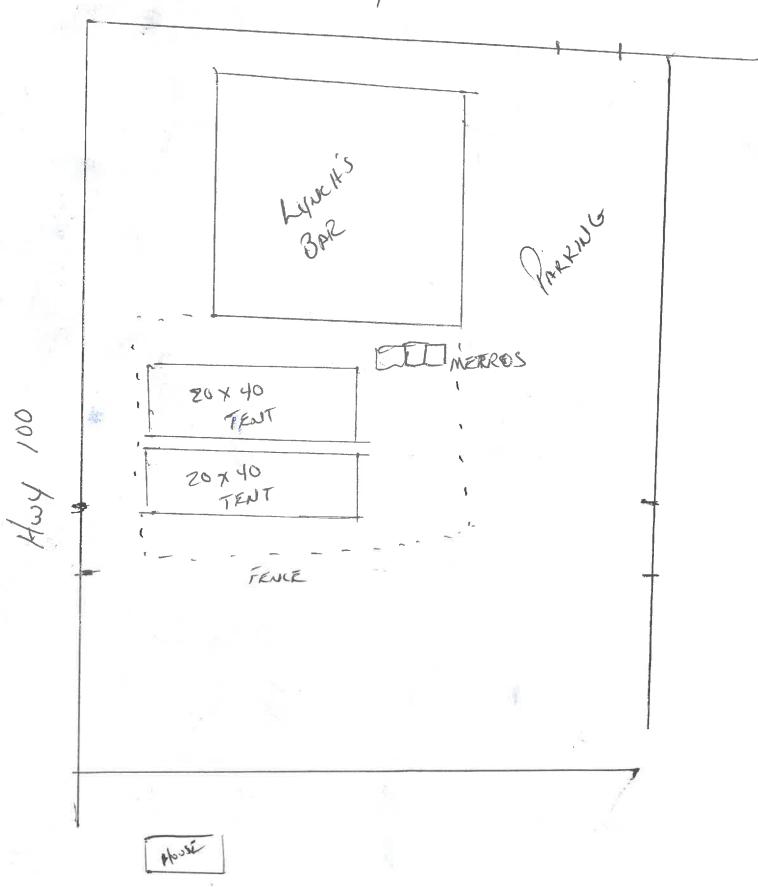
I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name/Signature:

Date: 6-11-

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

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## **Expedited Temporary Extension of Class B Licensed Premises**

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Check List all license types: ☐Class B ☐ Food ☐Music/Entertainment, list type:
Name of Applicant: LAK ENTERTAINMENT ENTERPRISES LLC
Trade Name: Scurp-N-BURP FUN BAR
Address of Premises: 1454 S. 92ND ST.
Phone Number: 414-210-5454 / 414-614-7625 (CELL)
Email Address: ROBMLUCAS @ yahoo.com
Current Licensed Premises Description:  BINGLE Proun BAN ANEM / Uppen Pour Koom ANEM
Proposed Temporary Premises Description:
SEE ATTACHED - PAWING
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)
Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
Patio (concrete surface) at the North South West East side of the premises
Beer garden (soil/grass surface) at the North South West East side of the premises
□ Deck (attached to building) at the □ North □ South □ West □ East side of the premises □ Other: Describe area(s):
□ Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday <u>//am</u> to <u>9pm</u> Thursday <u>fpm</u> to <u>9pm</u>
Monday 10m to 90m Friday 10m to 10pm
Tuesday 1/2m to 10pm Saturday 1/4m to 10pm
Wed. $f_{pm}$ to $g_{pm}$
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals # of Temporary Toilets



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- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false state	ements or	r failure to adhere
to the conditions may result in denial of future licenses/permits and/or revocation of this exten	ision.	/

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Bulloing EDEK 7,81 WENTERN FRONTAGE ENTRY NUAP-N-BURP FUN BAR 1454 S. 92NO ST. EWTRY 5/4/ ST ALLOYSIUS SONO PAPIZING LOT 920 ST 00 TABLES 区 SEATING 图 ASOMED PUBLIC SOFWACK - BEWCH 国图 COGLEE LURB 20, APAZOK. 24' E - BENCH SEATING-国国 COSCEE 国 TABLE T 8 355 BUILDING EDGE



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note - this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: VClass B  Food Music/Entertainment, list type:				
Name of Applicant: UMSR LLC				
Trade Name: 5tingers				
Address of Premises: 9524 West Greenfield				
Phone Number: 414-453-4330				
Fred Address /				
Current Licensed Premises Description: 51 V. L. Ci				
Starage, Fenced in Oack yard Smoking area				
Proposed Temporary Premises Description:				
Fenced in back yard				
(a copy of the floor plan for both current and proposed premises must accompany the application)				
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)				
Sidewalk café (public sidewalk) at the North South West East side of the premises				
Patio (concrete surface) at the North South West East side of the premises				
Beer garden (soil/grass surface) at the X North South West East side of the premises				
Deck (attached to building) at the North South West East side of the premises				
Other: Describe area(s):				
Does extension area have an additional street address? No Yes If yes, list address:				
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)				
Sunday 82m to 1990m Thursday 82m to 90m				
Monday 8am, to 9 pm Friday 8 am to 10 pm				
Tuesday Ram to 9pm Saturday Sam to 10pm				
Wed. Sam to 9pm				
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.				
70 Occupancy 35 2020 Proposed Inside Occupancy 15 2020 Proposed Outside Occupancy				
Number and Type of Toilet Facilities # of Women's Toilets/# of Men's Toilets/				
# of Men's Urinals/ # of Temporary Toilets				
THE PROPERTY AND ADDRESS OF THE PROPERTY ADDRESS OF THE PROPERTY AND ADDRESS OF THE PROPERTY A				



### **Expedited Temporary Extension of Class B Licensed Premises**

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  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

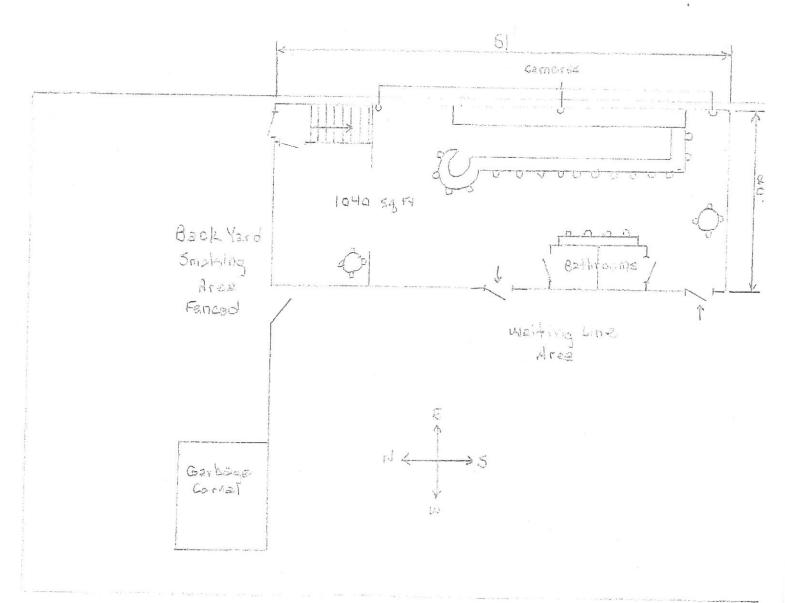
#### For applications requesting the use of public sidewalk:

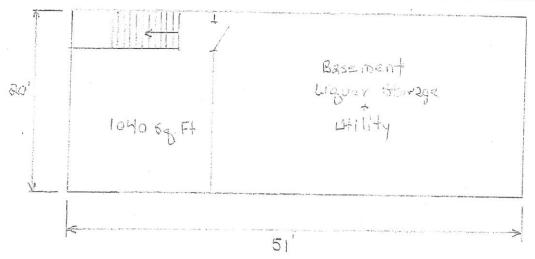
- I understand that the following conditions apply if granted the extension:
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  - The licensee assumes primary liability for damages to person or property. No bond is required.
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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitte	I in this application is true and understand that false statements	or failure to adhere
to the conditions may result in deplia	of future ligenses/permits and/or revocation of this extension.	1

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.





Stingers
9524 W. Greenfield



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List a	Il license t	ypes: 🔳	]Class B 🔳	Food Music	c/Entertainm	ent, list ty	/pe:	
Name of App	olicant:	John F	Roots					
Trade Name		Natty (						
Address of P	remises:	11505	W National A	ve				
Phone Numb	er:	414.54	3.2255					
Email Addres	3S:	nattyoa	iks@gmail.co	m				
Current Licer Class B , Instr	าsed Prem umental Mu	ises De Isic Licer	scription: ise					
lacing north.	beer garder	n to be a	it north side o	r lot, racing sout	ın			above the ground. South side of the lo
							_	ne application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises								
☐Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises								
							-	
□ Beer garden (soil/grass surface) at the ■ North □ South ■West □ East side of the premises □ Deck (attached to building) at the □ North □ South □ West □ East side of the premises								
temporary stage  Other: Describe area(s):								
		` /	an additiona	street addres	s? No Yes I	f yes, list	addres	NO ss:
Hours of Oper	ration for t	he <i>prop</i>	osed exten	sion (may not	be later than	n 9pm Su	n – Th	nur; 10 pm Fri – Saturday)
Sunday	9am	to	9pm	` ,	Thursday	11a	to	9pm
Monday	11am	to	9pm	•	Friday	11a	to	10p
Tuesday	11am	to	9pm		Saturday	9am	_	10p
Wed.	11am	to	9pm					
Your application	on will be o our applica	consider	red at each	council meetin	g until Nove	mber 18	unless	s you inform the clerk that you wish
9 Occupar	ncy 9 2	2020 Pro	posed Insid	le Occupancy	1 2020	Proposed	Outsid	de Occupancy
	-							
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets#  # of Men's Urinals # of Temporary Toilets#								



# **Expedited Temporary Extension of Class B Licensed Premises**

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  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
    obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information to the conditions may resi	n submitted in this ap ult in denial of future l	olication is true and understand that false statements or failure to adher censes/permits and/or revocation of this extension.
Applicant Name:	John Roots	6/15/2020

Date:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

June 15, 2020

City of West Allis

Natty Oaks, 11505 W National Ave, is requesting the ability to use a stage, or platform, to have on the south end of the grass area on the west end of the lot. This platform area, will be placed on the ground, with no significant height, only to make level. All speakers used by performers will be placed in the direction north, to prevent noise echoing to the neighbors to the south.

We are also requesting the use of a "beer garden" on the north side of same grass lot, facing south, to allow for beer distribution.

We have built a temporary waitress station to provide assistance to the staff and to allow us to provide a food safe station, in the grass area.

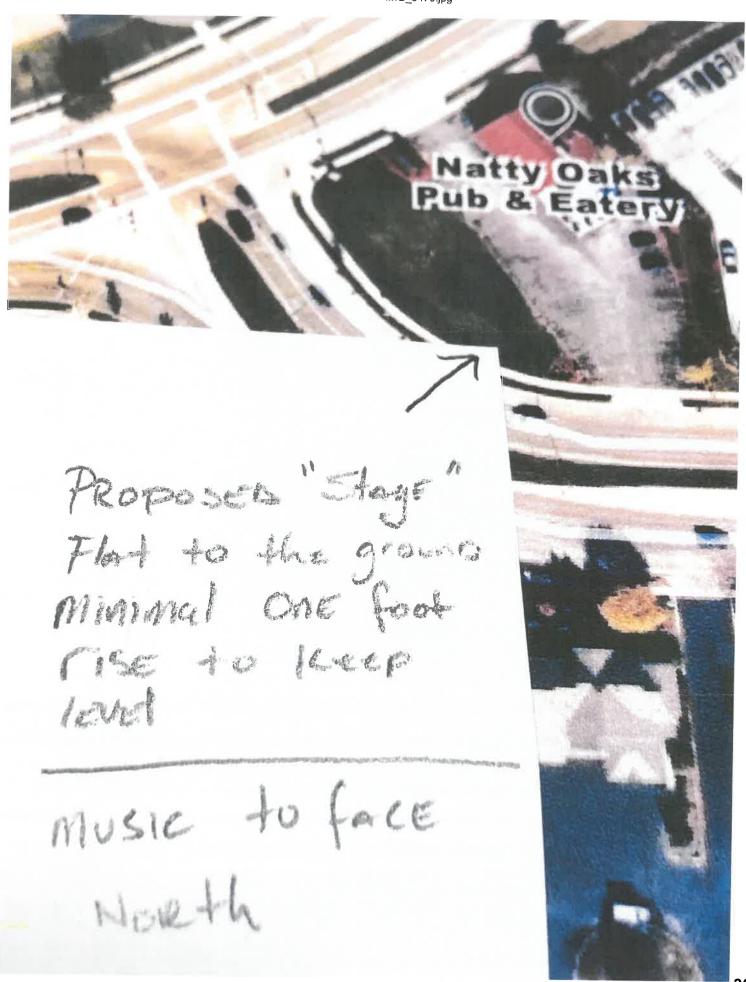
Our request will not exceed any hours that have been posted by the city, 9pm Sunday through Thursday and 10pm on Friday or Saturdays.

Thank you for this consideration.

John Roots

**Natty Oaks** 

6/16/2020 IMG\_0470.jpg







Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your licensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: If passed by the Common Council, this Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

(2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

Toilet Facilities: Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

Public Right of Way/Sidewalk: Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
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- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

### Payment and Posting Required:

If granted, licenses will not be issued until a payment of TBD has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.

Derk-ETempExt 6/9/20



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: 区Class B 区 Food 区Music/Entertainment, list type: <u>B みた / アみve.R ル</u>			
Name of Applicant: MARKUS GORSIC			
Trade Name: DA BAR			
Address of Premises: 1900 S GOTH ST WEST ALLIS			
Phone Number: 4/4 722 3998			
Email Address: MARKUSSLO74P, GMAIL. GOM			
Current Licensed Premises Description:			
BAR - TAVERN			
Proposed Temporary Premises Description:			
(a copy of the floor plan for both current and proposed premises must accompany the application)			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)			
☐ Sidewalk café (public sidewalk) at the ☐ North ☐ South ☐ West ☐ East side of the premises			
☑Patio (concrete surface) at the ☑ North ☐ South ☐West ☐ East side of the premises			
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
□Deck (attached to building) at the □ North □ South □West □ East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, list address: Yes 1902 S. GOTH S7			
Hours of Operation for the proposed extension (may not be later than 9pm Sun - Thur; 10 pm Fri - Saturday)			
Sunday 11 Am to 2Am Thursday 11 Am to 2Am			
Monday Upm to 2Pm Friday Upm to 2:30Pm			
Tuesday 1147 to 247 Saturday 11477 to 2:30 Am			
Wed. I Am to 2 Am			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
99 Occupancy 99 2020 Proposed Inside Occupancy 99 2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets			
# of Men's Urinals 1 # of Temporary Toilets _ ca			

Clerk-ETempExt 6/9/20

Date: 06/15/2020



### **Expedited Temporary Extension of Class B Licensed Premises**

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- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

For applications requesting the use of public sidewalk:

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  - . The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name:

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Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your ticensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: If passed by the Common Council, this Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

 The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk. (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday -- Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

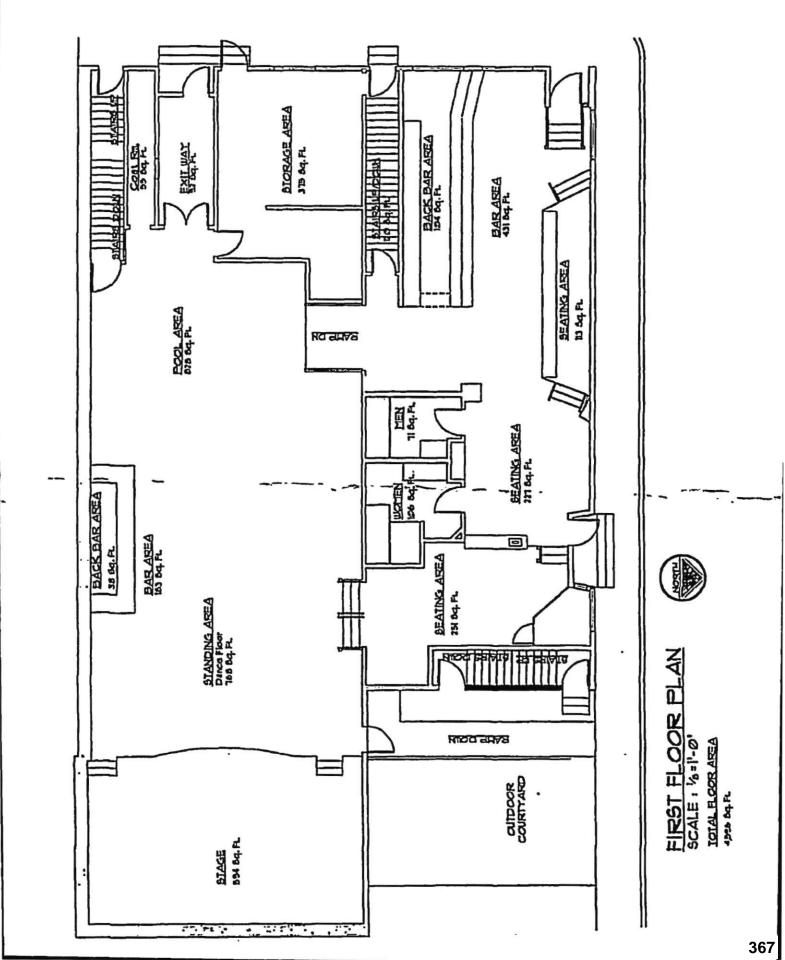
Toilet Facilities: Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

Public Right of Way/Sidewalk: Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of TBD has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.





pd 7.8.20

# Expedited Temporary Extension of Class B Licensed Premises

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

p.m.			
Check List all license types: ☑Class B ☑ Food ☑Music/Entertainment, list type:			
Name of Applicant: TAMMY DOPP			
Trade Name: Dopp's BAR & GRill			
Address of Premises: 1753 S. 68th Street			
Phone Number: 414-257-1400 pm 1416 530-1170 701011			
Phone Number: 414-257-1400 BAR 414-530-1170 TAMMY Email Address: team tam 3. + de gmail. com			
Current Licensed Premises Description:			
Proposed Temporary Premises Description:			
OUTSIDE 4' Area in GOODT OF BAR, CORNER AREA - GARR PORTION OF			
(a copy of the floor plan for both current and proposed premises must accompany the application) Parking lot			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)			
A Sidewalk care (public sidewalk) at the X North South West X East side of the premises			
☑Patio (concrete surface) at the ☐ North ☐ South ☑West ☐ East side of the premises - Consec N/S			
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
□Deck (attached to building) at the □ North □ South □West □ East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, list address:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday I Am to 9 Pm Thursday II Am to 9 Pm			
Monday I AM to 9PM Friday 7AM to 10 PM			
Tuesday // AM to 9 PM Saturday / AM to 10 PM			
Wed. $\frac{I/AM}{I}$ to $\frac{9PM}{I}$			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets O VNIESS NECCE			
V			





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  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
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  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.
- I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Clerk-ETempExt 6/17/20



### **Expedited Temporary Extension of Class B Licensed Premises**

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Check List all license types: Class B Food Music/Entertainment, list type:			
Name of Applicant: CRE Linvest Ments			
Trade Name: Limanski's Pub			
Address of Premises: 8900 W. Ereenfield Ave			
Phone Number: 414 453 9211			
Email Address: limanskis pub @ gmail.com			
Current Licensed Premises Description:			
Proposed Temporary Premises Description:			
(a copy of the floor plan for both current and proposed premises must accompany the application)			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)			
Sidewalk café (public sidewalk) at the North South West East side of the premises			
Patio (concrete surface) at the North South West East side of the premises  Beer garden (soil/grass surface) at the North South West East side of the premises			
Deck (attached to building) at the North South West East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, listaddress:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday   AM to APM Thursday   AM to APM			
Monday 3PM to 9PM Friday JAM to 10 PM			
Tuesday 30M to 9pM Saturday 11AMto 10pm			
Wed. IAM to 9PM			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy2020 Proposed Inside Occupancy2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets			

Clerk-ETempExt 6/9/2



## Expedited Temporary Extension of Class B Licensed Premises

I understand that the following conditions apply if granted the extension:			
0	The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.  The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons maybe monitored.		
l ur	derstand that the hours of operation are limited to the following: Sunday – Thursday operations must cease at 9:00 p.m. Friday – Saturday operations must cease at 10:00 p.m.		
For applications requesting the use of public sidewalk:			
• I ur	derstand that the following conditions apply if granted the extension:  Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.  The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.  The licensee assumes primary liability for damages to person or property. No bond is required.  The licensee is obligated to immediately remove any obstructions upon notice by the city  The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.  Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.		
certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.			
Applica	ant Name: Kathy Gredde Date: 4/24/2020		





Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: The Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

- The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
- (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

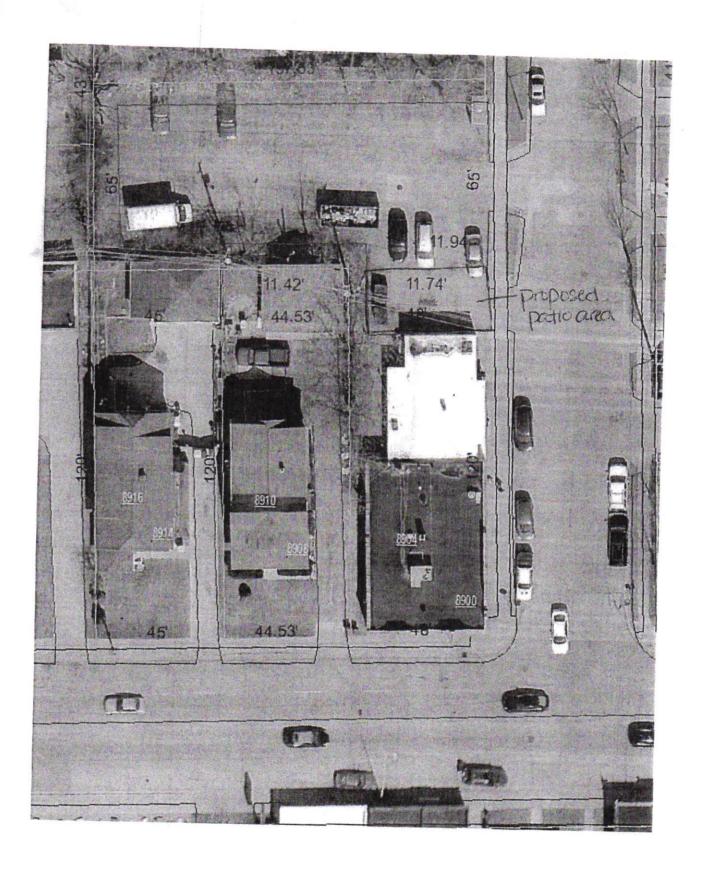
**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

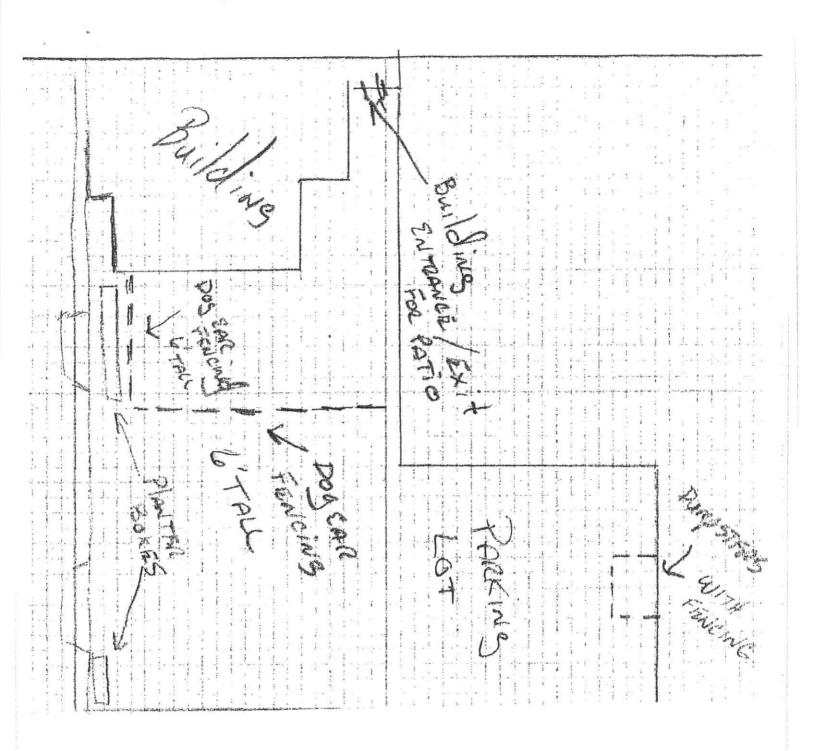
**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of \$50 has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.





pd 7-2-20



## **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:			
Name of Applicant: Shamvox (JHay LLC)			
Trade Name: Shawny			
Address of Premises: 6851 W Belat Rd West Allis			
Phone Number: 414-988-5625 N Ver 211-0487			
Email Address: )(- Hay 03 @ aol. cm			
Current Licensed Premises Description:			
Bar with indar sealing			
Proposed Temporary Premises Description: Satire on the ortdar palso			
(a copy of the floor plan for both current and proposed premises must accompany the application)			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises			
pratio (concrete surface) at the ☐ North ☐ South ☐West premises			
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, listaddress:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday to Thursday( to9			
Monday $1$ to $9$ Friday $1$ to $10$			
Tuesday 1 to 9 Saturday 1 to 10			
9			
Wed to			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy 53 2020 Proposed Inside Occupancy 10 2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets			
# of Men's Urinals_\# of Temporary Toilets			

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# Expedited Temporary Extension of Class B Licensed Premises

I understand that the following conditions apply if granted the extension:
<ul> <li>The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.</li> <li>The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.</li> </ul>
<ul> <li>I understand that the hours of operation are limited to the following:</li> <li>Sunday – Thursday operations must cease at 9:00 p.m.</li> <li>Friday – Saturday operations must cease at 10:00 p.m.</li> </ul>
For applications requesting the use of public sidewalk:
<ul> <li>I understand that the following conditions apply if granted the extension:</li> <li>Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.</li> <li>The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.</li> <li>The licensee assumes primary liability for damages to person or property. No bond is required.</li> <li>The licensee is obligated to immediately remove any obstructions upon notice by the city</li> <li>The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.</li> <li>Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.</li> </ul>
■ I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.
Applicant Name: Jodie Hay Date: 7/2/2020

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### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: Class B  Food Music/Entertainment, list type:
Name of Applicant: ROBERT ANDERSON
Trade Name: STALLYW 00 A
Address of Premises: 6927 W. National AVE
Phone Number: 414 881 8833 / 414 388 1533
Email Address: Stallywood. Westallis@gmail.com
Current Licensed Premises Description:  double sided par w/ back patio
Proposed Temporary Premises Description:  fenced in parking 10†  (a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises  Patio (concrete surface) at the North South West East side of the premises  Beer garden (soil/grass surface) at the North South West East side of the premises  Deck (attached to building) at the North South West East side of the premises  Other: Describe area(s): NORKING OF (CAST)  Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday to to
Monday to to
Tuesday to Saturday NOON to NOOM
Wed to
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets



- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.

• Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name:

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Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Jagers LLC, Markus Gorsic, Agent, d/b/a Da Bar, 1900 S. 60 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Doppelganger's Inc., Tammy Dopp, Agent, d/b/a Dopp's Bar & Grill, 1753 S. 68 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of CRG Investments, LLC, Kathy Goedde, Agent, d/b/a Limanski's Pub, 8900 W. Greenfield Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of J. Hay LLC, Jodie G. Hay, Agent, d/b/a Shamrox, 6851 W. Beloit Rd.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Stallywood LLC, Robert Anderson, Agent, d/b/a Stallywood, 6827 W. National Ave.



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# Expedited Temporary Extension of Class B Licensed Premises

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

p.m.			
Check List all license types: ☑Class B ☑ Food ☑Music/Entertainment, list type:			
Name of Applicant: TAMMY DOPP			
Trade Name: Dopp's BAR & GRill			
Address of Premises: 1753 S. 68th Street			
Phone Number: 414-257-1400 pm 1416 530-1170 701011			
Phone Number: 414-257-1400 BAR 414-530-1170 TAMMY Email Address: team tam 3. + de gmail. com			
Current Licensed Premises Description:			
Proposed Temporary Premises Description:			
OUTSIDE 4' Area in GOODT OF BAR, CORNER AREA - GARR PORTION OF			
(a copy of the floor plan for both current and proposed premises must accompany the application) Parking lot			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)			
A Sidewalk care (public sidewalk) at the X North South West X East side of the premises			
☑Patio (concrete surface) at the ☐ North ☐ South ☑West ☐ East side of the premises - Consec N/S			
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises			
□Deck (attached to building) at the □ North □ South □West □ East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, list address:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday I Am to 9 Pm Thursday II Am to 9 Pm			
Monday I AM to 9PM Friday 7AM to 10 PM			
Tuesday // AM to 9 PM Saturday / AM to 10 PM			
Wed. $\frac{I/AM}{I}$ to $\frac{9PM}{I}$			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets O VNIESS NECCE			
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- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.
- I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Derk-ETempExt 6/9/20



## **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: 区Class B 図 Food 図Music/Entertainment, list type: <u>B みた / Tみve.R</u> む				
Name of Applicant: MARKUS GORSIC				
Trade Name: DA 1312R				
Address of Premises: 1900 S GOTH ST WEST ALLIS				
Phone Number: 4/4 722 3898				
Email Address: MARKUSSLO74P, GMAIL. GOM				
Current Licensed Premises Description:				
BAR - TAVEEN				
Proposed Temporary Premises Description:				
(a copy of the floor plan for both current and proposed premises must accompany the application)				
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)				
☐Sidewalk café (public sidewalk) at the ☐ North ☐ South ☐West ☐ East side of the premises				
☑Patio (concrete surface) at the ☑ North ☐ South ☐West ☐ East side of the premises				
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises				
□Deck (attached to building) at the □ North □ South □West □ East side of the premises				
Other: Describe area(s):				
Does extension area have an additional street address? No Yes If yes, list address: Yes 1902 S. 60TH S				
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)				
Sunday II Am to 2Am Thursday II Am to 2Am				
Monday 4 <sup>Mn</sup> to 2 <sup>Mn</sup> Friday 11 <sup>Mn</sup> to 2:30 <sup>Mn</sup>				
Tuesday 11 477 to 2 477 Saturday 11 477 to 2: 50 A77				
Wed. II AM to 2 AM				
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.				
99 Occupancy 99 2020 Proposed Inside Occupancy 99 2020 Proposed Outside Occupancy				
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets				
# of Men's Urinals_1 # of Temporary Toilets _ca				

Clerk-ETempExt 6/9/20

Date: 06/15/2020



### **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
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- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

For applications requesting the use of public sidewalk:

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  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - . The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the
    obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certif	y the information submi	tted in this application	on is true and understand	that false statements or	failure to adher
to the con	ditions may result in de	nial of future license	s/permits and/or revocat	ion of this extension.	

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note -- this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.





Ordinance Pending Common Council Approval: On June 16, the Common Council is considering an ordinance that creates a streamlined way for you to temporarily expand your ticensed premises. If the council approves this ordinance, it can consider on that same night any applications it has received by June 15 at 5:00 p.m. If you wish to be considered under this program at the same meeting, please apply using the form below by Monday, June 15, 2020 at 5 p.m. Applications received after that time will be considered at the next regular Common Council meeting.

Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: If passed by the Common Council, this Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

 The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk. (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday -- Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

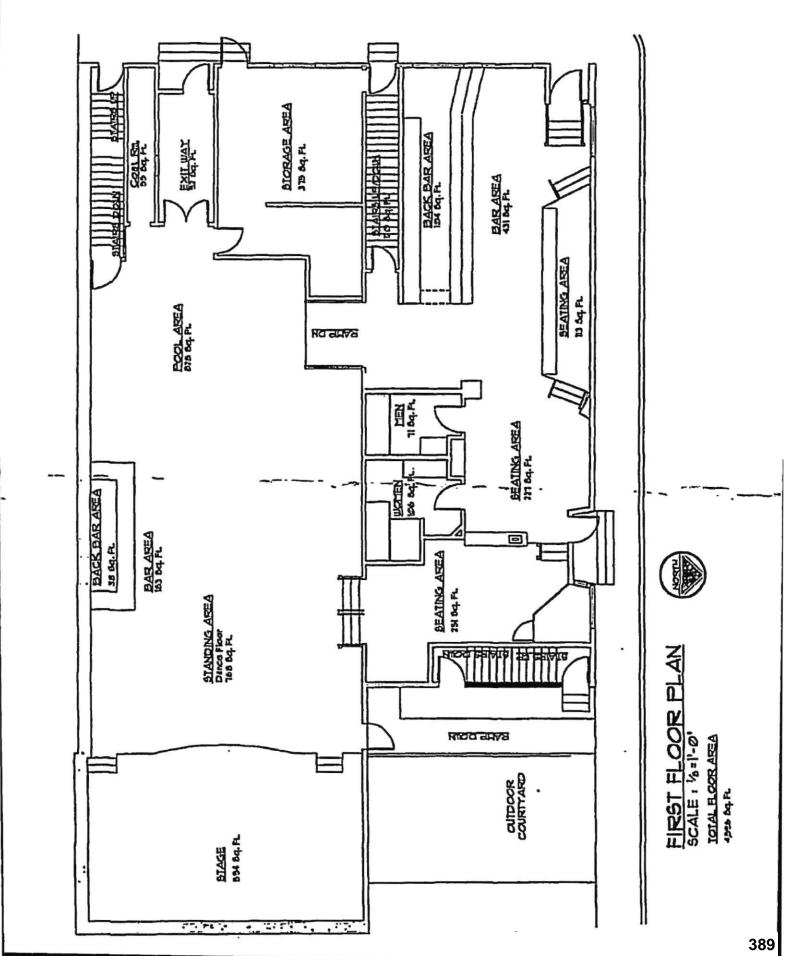
Toilet Facilities: Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

Public Right of Way/Sidewalk: Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be Issued until a payment of TBD has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.



Clerk-ETempExt 6/17/20



### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:			
Name of Applicant: CR6 Livest Ments			
Trade Name: Limanski's Pub			
Address of Premises: 8900 W. Ereenfield Ave			
Phone Number: 414 453 9211			
Email Address: Imanskis Dub @ gmail.com			
Current Licensed Premises Description:			
Proposed Temporary Premises Description:			
(a copy of the floor plan for both current and proposed premises must accompany the application)			
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises			
Patio (concrete surface) at the North South West East side of the premises			
Beer garden (soil/grass surface) at the North South West East side of the premises			
□Deck (attached to building) at the □ North □ South □West □ East side of the premises			
Other: Describe area(s):			
Does extension area have an additional street address? No Yes If yes, listaddress:			
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)			
Sunday IIAM to 4PM Thursday IIAM to 4PM			
Monday 3pm to 9pm Friday 11Am to 10pm			
Tuesday 30M to 90M Saturday 11AMto 100M			
Wed. IAM to 9PM			
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.			
Occupancy2020 Proposed Inside Occupancy2020 Proposed Outside Occupancy			
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets			
# of Men's Urinals_2# of Temporary Toilets			

Clerk-ETempExt 6/9/2



## Expedited Temporary Extension of Class B Licensed Premises

I ur	derstand that the following conditions apply if granted the extension:	
0	The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.  The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons maybe monitored.	
l ur	derstand that the hours of operation are limited to the following: Sunday – Thursday operations must cease at 9:00 p.m. Friday – Saturday operations must cease at 10:00 p.m.	
For applications requesting the use of public sidewalk:		
• I ur	derstand that the following conditions apply if granted the extension:  Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.  The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.  The licensee assumes primary liability for damages to person or property. No bond is required.  The licensee is obligated to immediately remove any obstructions upon notice by the city  The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.  Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.	
I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.		
Applicant Name: Kathy 6vedde Date: 4/24/2020		





Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: The Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

Objections: If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

- The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
- (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

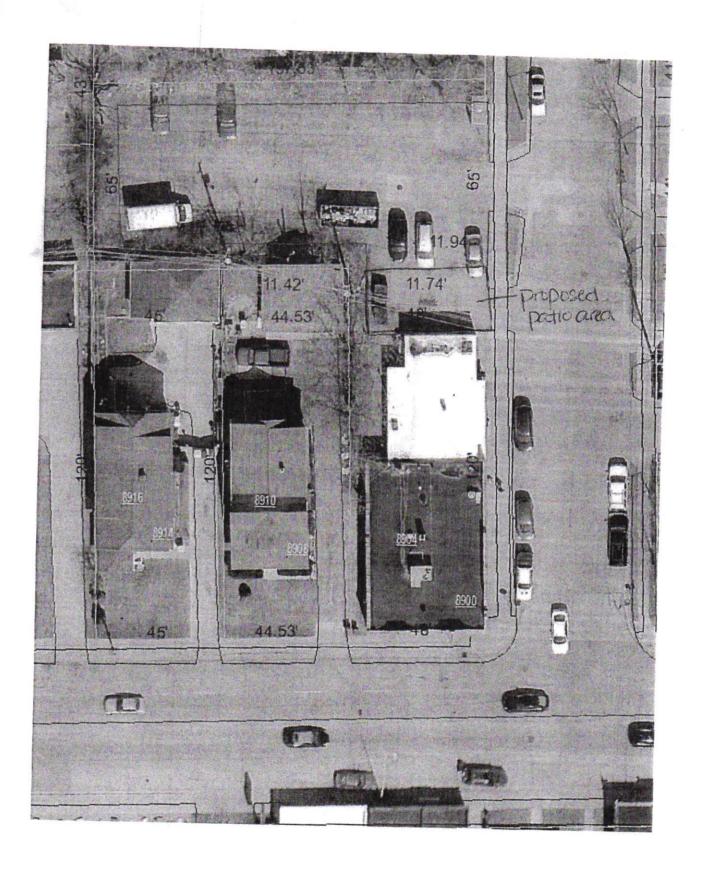
**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

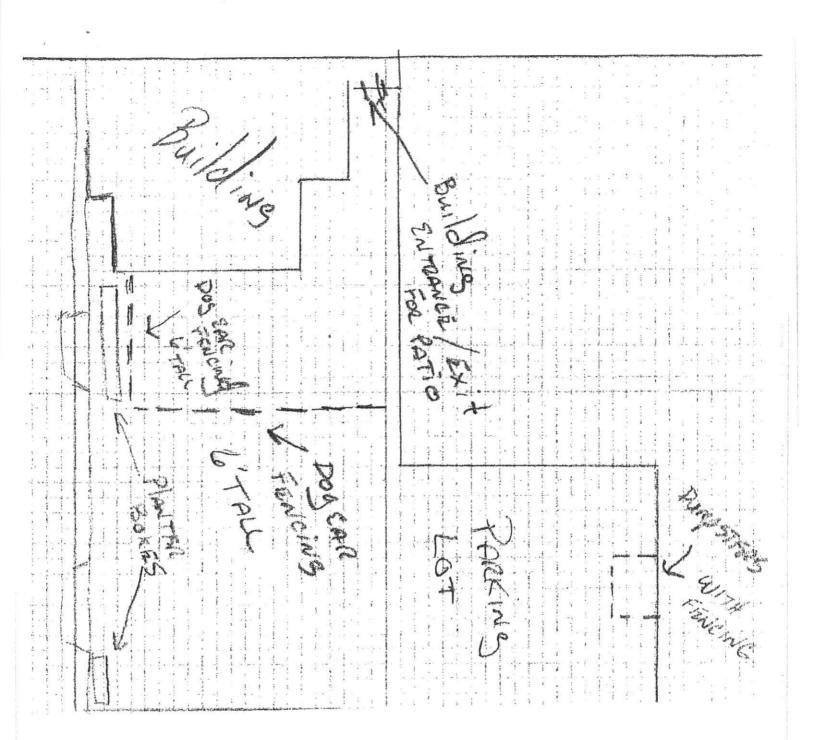
**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of \$50 has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.





pd 7-2-20



### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:		
Name of Applicant: Shamrox (JHay LC)		
Trade Name: Shawny		
Address of Premises: 6851 W Belat Rd West Allis		
Phone Number: 414-988-5625 N 202-211-0487		
Email Address: ) GHzy03 @ aol. cm		
Current Licensed Premises Description:		
Bar with indus sealing		
Proposed Temporary Premises Description: Stating on the ortdar patro		
(a copy of the floor plan for both current and proposed premises must accompany the application)		
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  Fast side of the premises		
Patio (concrete surface) at the North South West East side of the premises		
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises		
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises		
Other: Describe area(s):		
Does extension area have an additional street address? No Yes If yes, listaddress:		
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)		
Sunday to Thursday to		
Monday 1 to 9 Friday 1 to 10		
Tuesday to Saturday to		
Wed. $11$ to $9$		
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.		
Occupancy 53 2020 Proposed Inside Occupancy 10 2020 Proposed Outside Occupancy		
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets		
# of Men's Urinals_1# of Temporary Toilets		

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# Expedited Temporary Extension of Class B Licensed Premises

I understand that the following conditions apply if granted the extension:
<ul> <li>The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.</li> <li>The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.</li> </ul>
<ul> <li>I understand that the hours of operation are limited to the following:</li> <li>Sunday – Thursday operations must cease at 9:00 p.m.</li> <li>Friday – Saturday operations must cease at 10:00 p.m.</li> </ul>
For applications requesting the use of public sidewalk:
<ul> <li>I understand that the following conditions apply if granted the extension:</li> <li>Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.</li> <li>The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.</li> <li>The licensee assumes primary liability for damages to person or property. No bond is required.</li> <li>The licensee is obligated to immediately remove any obstructions upon notice by the city</li> <li>The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.</li> <li>Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.</li> </ul>
I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.
Applicant Name: Jodie Hay Date: 7/2/2020

### Expedited Temporary Extension of Olacs B Licenced Franciscs

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### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

Check List all license types: Class B  Food Music/Entertainment, list type:
Name of Applicant: ROBERT ANDERSON
Trade Name: STALLYW 00 A
Address of Premises: 6927 W. National AVE
Phone Number: 414 881 8833 / 414 388 1533
Email Address: Stallywood, Westallis@gmail.com
Current Licensed Premises Description:  double sided par w/ back patio
Proposed Temporary Premises Description:  fenced in parking 10†  (a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises  Patio (concrete surface) at the North South West East side of the premises  Beer garden (soil/grass surface) at the North South West East side of the premises  Deck (attached to building) at the North South West East side of the premises  Other: Describe area(s): NORKING OF (CAST)  Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday to to
Monday to to
Tuesday to Saturday NOON to NOOM
Wed to
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets



- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.

• Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

Applicant Name:

Date: 4 70 20

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

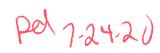
2020-2021 Expedited Temporary Extension of Class B License Premises application of BS Dollar LLC, Sally Dollar, Agent, d/b/a Barcode, 2110 S. 60 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of 1309 Bar LLC, Taylor Rusniak, Agent, d/b/a The Crooked Crow, 1309 S. 60 St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Jayders LLC, Jason Powelski, Agent, d/b/a Just J's, 9033 W. National Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Rupena's, Inc.,d/b/a Rupena's Food, Maria Rupena Karczewski, Agent 7641 W. Beloit Rd

2020-2021 Expedited Temporary Extension of Class B License Premises application of Akar, Inc., Sohan Singh, Agent, d/b/a Tandoor Restaurant, 1117 S. 108 St.





Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:
Name of Applicant: Sally Dollar
Trade Name: Baccode
Address of Premises: 2110 S. (a) St.
Phone Number: 414-763-5644
Email Address: bdollar 5735 @ att, net
Current Licensed Premises Description:
Indoor Tayera
Proposed Temporary Premises Description:
Indoor Outdong Taylor
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)
Sidewalk café (public sidewalk) at the North South West East side of the premises
☑Patio (concrete surface) at the ☐ North ☐ South ☐West ☒ East side of the premises
Beer garden (soil/grass surface) at the North South West East side of the premises
Deck (attached to building) at the North South West East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, listaddress:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 12pm to 9pm Thursday (Am 9pm
Monday 120m to 9pm Friday 6Am to 10pm
Tuesday LoAm to 9 PT Saturday 12 Pm to 10 Pm
Wed. LoAm to 9 pm
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets# # of Men's Urinals# of Temporary Toilets#



I understand that the following conditions apply if granted th	e extension
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- The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
- The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons maybe monitored.

# I understand that the hours of operation are limited to the following:

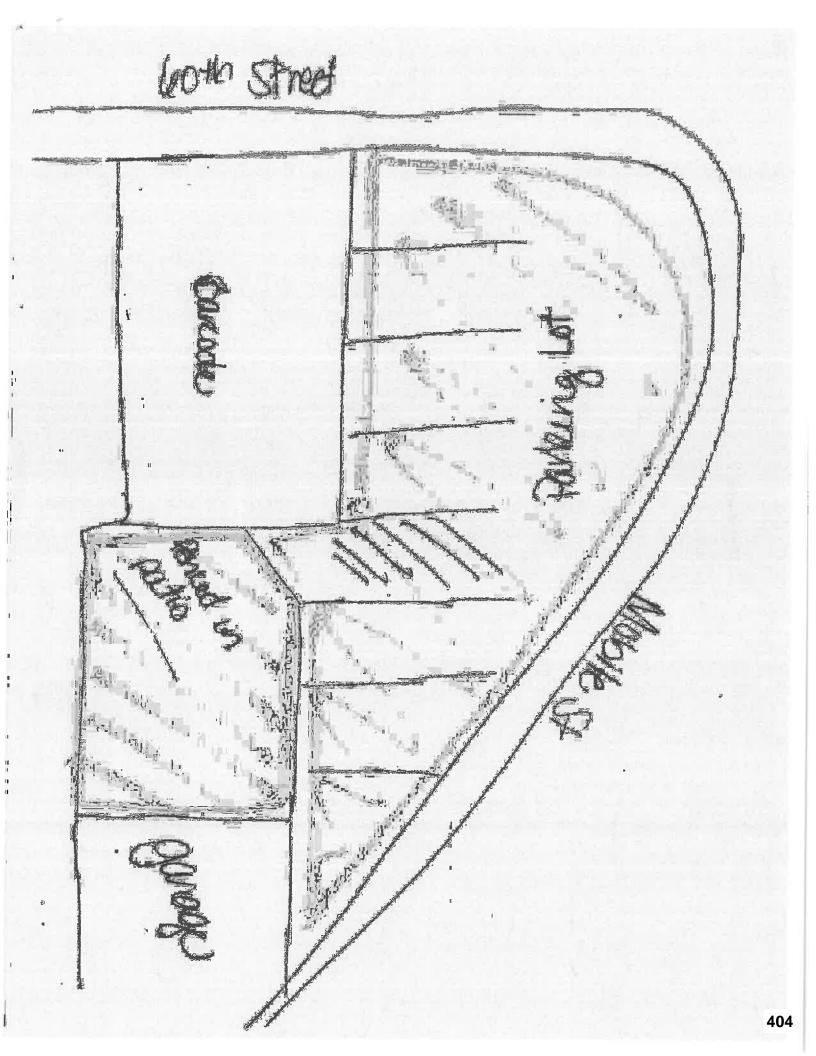
- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

## For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the

I certify the information submitted to the conditions may result in denial	in this application is true and understand that f of future licenses/permits and/or revocation of	alse statements or failure to adhere this extension.
A 15		

Applicant Name:





# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B  Food Music/Entertainment, list type:
Name of Applicant: Jayders LLC Jason Powelski
Trade Name: Just J's
Address of Premises: 9033 W. National ave.
Phone Number: 4/4 - 491-1/02
Email Address: JPowelstra hot mail.com
Current Licensed Premises Description:
Proposed Temporary Premises Description:  See attached  (a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises  Patio (concrete surface) at the North South West East side of the premises  Beer garden (soil/grass surface) at the North South West East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises  South □ Describe area(s): Parking Lot East of Building □Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday Alon to 9pm Thursday to
Monday to Friday Noon to 9pm
Tuesday to Saturday Noon to 9pm
Wed to
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets#  # of Men's Urinals# of Temporary Toilets#



### **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
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- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

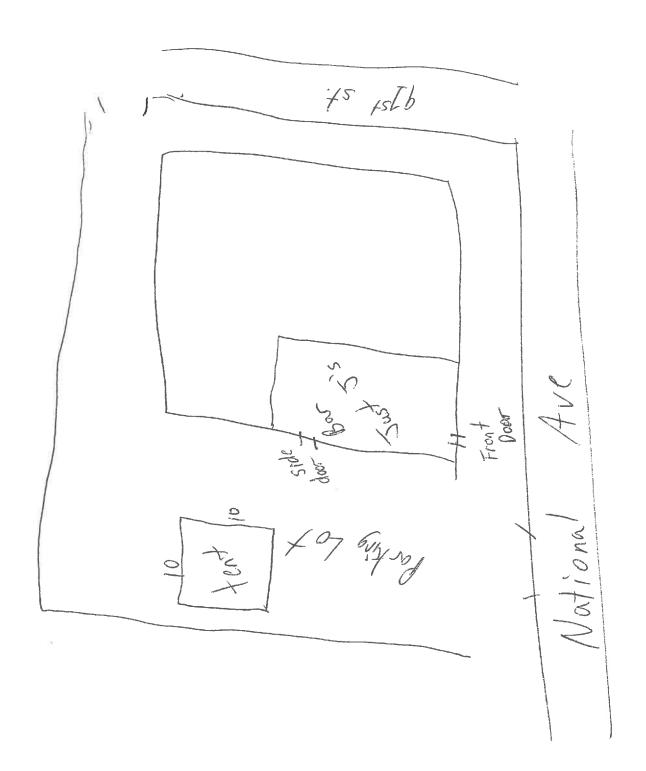
#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
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  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in th	is application is true and unders	stand that false statements or failure to adhe	re
to the conditions may result in denial of fu	ture licenses/permits and/or rev	ocation of this extension,	
to the conditions may result in denial of fu	for allfa	7/27/20	

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note — this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.



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Clerk-ETempExt 6/9/20

## **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

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Check List all license types: Class B  Food  Music/Entertainment, list type:
Name of Applicant: Maria Rupena Harris Harris Rupena
Trade Name: Rupona's Caker 7645 U. Ro
Address of Premises: 7641 W. Robit Rd. Stoce (Calorine office)
Phone Number: 414 - 543 - 7447
Email Address: rupenamar Kot Pamail com
Current Licensed Premises Description:
Proposed Temporary Premises Description:
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises  Beer garden (soil/grass surface) at the  North  South  West  East side of the premises
Deck (attached to building) at the North South West East side of the premises
Other: Describe area(s):
□Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 12pm to 3pm. Thursday 12pm to 4pm
Monday 12pm to 6pm Friday 2pm to 9pm
Tuesday 120m to 60m Saturday 120m to 100m
Wed. 12pm to Lepm
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals # of Temporary Toilets



## **Expedited Temporary Extension of Class B Licensed Premises**

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#### For applications requesting the use of public sidewalk:

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    obstruction upon notice, it may be removed at the licensee's expense.
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I certify the information submitted in this application is true and understand that false statements or failure to	adhere
to the conditions may result in denial of future ripenses/permits and/or revocation of this extension.	, admore

period right after the council meeting (June 17 to July 15), your electronic application must be submitted by

Applicant Name:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time

**Submit Form** 

Monday, June 15 at 5:00 p.m.

50 1017 Rysolas 5 Foods Sold From Som · ENEXIOUS 1000 45001 /20 1694/201 . 1900) Turke JUCKING 410



### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

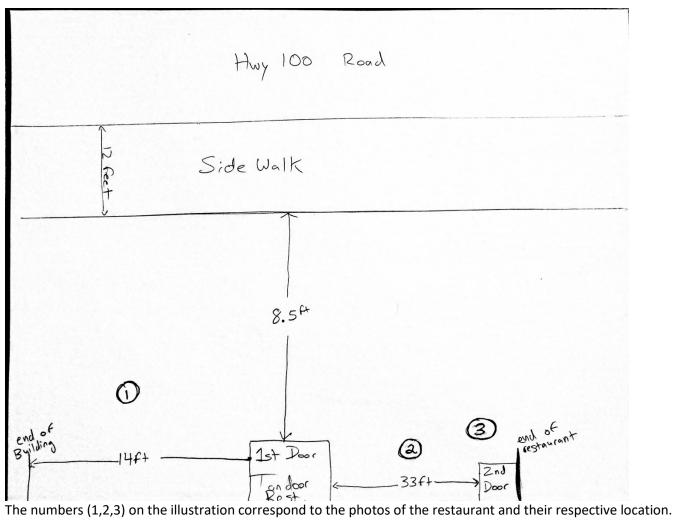
Check List all license types: Class B 🔀 Food Music/Entertainment, list type:
Name of Applicant: SoHAN SINGH
Trade Name: TANDOOR RESTAURANT
Address of Premises: 1117 S 108 St. WEST PLLI'S. WIS3214
·
Phone Number: 414-777-1600-414-551-6373  Email Address: Sohan Singh 52a ya Noo. Com
Current Licensed Premises Description:
TANDOUR RESTAURANT IFLOOR - GIGPERSON OCCUPANCY
Proposed Temporary Premises Description:
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)
☐Sidewalk café (public sidewalk) at the ☐ North ☐ South ☐West ☐ East side of the premises
patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday //-3 to <u>U30-/0</u> Thursday //-230 to <u>U30-/0</u>
Monday Closs to Closs Friday 1/-930 to 430-10
Tuesday 1/- 330 to 430-10 Saturday 1/-3 to 430-10
Wed. 11-236 to 1130-10
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy 2020 Proposed Inside Occupancy / 6 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals # of Temporary Toilets



### **Expedited Temporary Extension of Class B Licensed Premises**

understand that the following conditions apply if granted the extension:
<ul> <li>The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.</li> <li>The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.</li> </ul>
<ul> <li>I understand that the hours of operation are limited to the following:</li> <li>Sunday – Thursday operations must cease at 9:00 p.m.</li> <li>Friday – Saturday operations must cease at 10:00 p.m.</li> </ul>
For applications requesting the use of public sidewalk:
<ul> <li>I understand that the following conditions apply if granted the extension:</li> <li>Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.</li> <li>The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.</li> <li>The licensee assumes primary liability for damages to person or property. No bond is required.</li> <li>The licensee is obligated to immediately remove any obstructions upon notice by the city</li> <li>The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.</li> <li>Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.</li> </ul>
I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.
Applicant Name: Sohan Singh Date: 67/27/20

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note — this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.



Numbers 1 and 2 are the spaces we intend to use





Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

V
Check List all license types: ☐ Class B ☐ Food ☐ Music/Entertainment, list type:
Name of Applicant: 1309 Bar LLC
Trade Name: The Crooked Crow
Address of Premises: 1389 S. 60th St.
Phone Number: 262-787-7105
Email Address: TRusniak l @ gmail-com
Current Licensed Premises Description:
Main Bar Floor Croughly 1000 59.94.)
Proposed Temporary Promises Description:
Patio w/ 4 tables adjacent to parking lot (8ft x30ft)
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
☑Patio (concrete surface) at the ☐ North ☑ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Deck (attached to building) at the ☐ North ☐ South ☐West ☐ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 1 am to 9 m Thursday 1 am to 9 em
Monday 11am to 9pm Friday 11am to 10pm
Tuesday I am to 9pm Saturday I am to 10pm
Wed. (law to 9pm
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
99 Occupancy 99 2020 Proposed Inside Occupancy 6 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets# of Men's Urinals# of Temporary Toilets#



### **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
  - The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
  - The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- ! understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- l understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

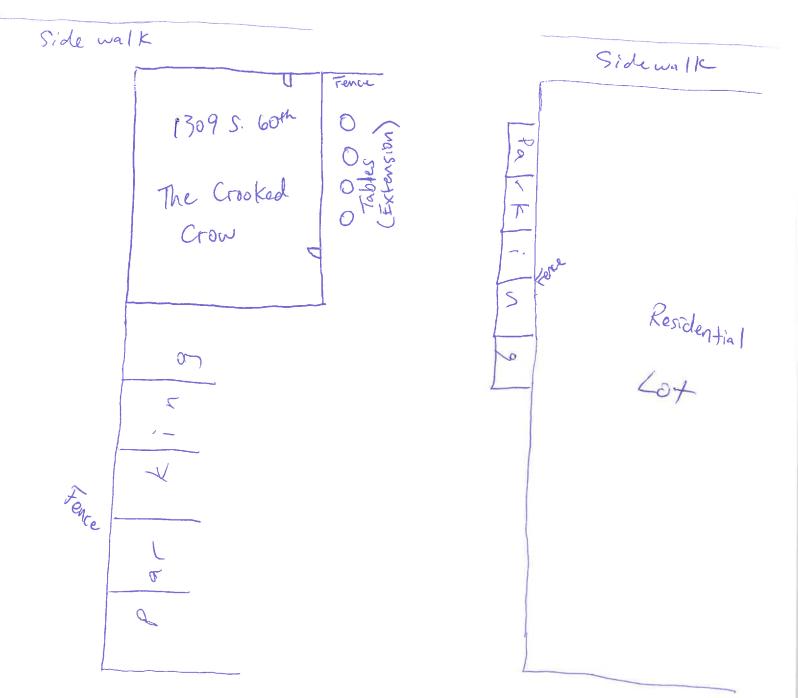
I certify the information submitted in this application is true and understand that false statem	ents or failure to adhere
to the conditions may result in denial of future licenses/permits and/or revocation of this extension	on.

Applicant Name:

Taylor Rusniak Tyl Mil Date: 7/29/2020

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

# 60th St.



2020-2021 Expedited Temporary Extension of Class B License Premises application of Caminobarwestallis LLC, Casey A. Ratacza, Agent, d/b/a Camino, 7211 W. Greenfield Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Red, White & Brews, LLC, Eric Millard, Agent, d/b/a Red, White and Brews, 7127 W. National Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of WA Cheese & Sausage Shoppe, Inc., Mark S. Lutz, Agent, d/b/a Station No. 6, 6800 W. Becher St.

2020-2021 Expedited Temporary Extension of Class B License Premises application of The Network, LLC, Jacob M. Silber, Agent, d/b/a The Network, 9541 W. Cleveland Ave.

2020-2021 Expedited Temporary Extension of Class B License Premises application of Steffek LLC, Neal Steffek, Agent, d/b/a The Drunk Uncle, 1902 S. 68 St.



## **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Class Control Maria Forest States
Check List all license types: Class B Food Music/Entertainment, list type:
Name of Applicant: Caminobar westallis LLC
Trade Name: Camino
Address of Premises: 7211 W. Greenfield Aug West Alliz, W1 53214
Phone Number: 414 793 7966
Email Address: Caninonke a grail.com
Current Licensed Premises Description:
indoor restaurant
Proposed Temporary Premises Description: 5-6 2-top tables on Greenfield Ave
sidewalt.
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
□Patio (concrete surface) at the □ North □ South □West □ East side of the premises
Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, listaddress:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday Ilam to 9pm Thursday Ilam to 9pm
Monday <u>Nam</u> to <u>9pm</u> Friday <u>Nam</u> to <u>9pm</u>
Tuesday Ilam to 9pm Saturday Ilam to 9pm
Wed. Ilam to 9pm
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
65 Occupancy 2020 Proposed Inside Occupancy 12 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets



## **Expedited Temporary Extension of Class B Licensed Premises**

■ I understand	d that the following conditions apply if granted the extension:			
the cor	ttended premises must be contiguous to the licensed premises and must either be owned by or be under ntrol of the licensee or extend on to a public sidewalk. ttended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner e ingress and egress of patrons may be monitored.			
Sunda	d that the hours of operation are limited to the following: y – Thursday operations must cease at 9:00 p.m. – Saturday operations must cease at 10:00 p.m.			
For applications requesting the use of public sidewalk:				
<ul> <li>Any pri</li> <li>The lic</li> <li>The lic</li> <li>The lic</li> <li>The lic</li> <li>obstruction</li> <li>Third pri</li> </ul>	d that the following conditions apply if granted the extension: emises extended into a public sidewalk may place only movable tables and chairs on that premises. ensee shall maintain a clear path 3 feet wide for pedestrian traffic. ensee assumes primary liability for damages to person or property. No bond is required. ensee is obligated to immediately remove any obstructions upon notice by the city ensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the ction upon notice, it may be removed at the licensee's expense. earties whose rights are interfered with by the granting of a privilege have a right of action against the ee only.			

■ I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

**Submit Form** 

Applicant Name:

atop 2 top Camino West Allis 3 Soot walkway atap Greensield Ave. 2 400 dat & a top

Z ->



Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:
Name of Applicant: Eric millard
Trade Name: Red White & Brews
Address of Premises: 7/27 W National Ave
Phone Number: 414 - 704 - 5769
Email Address: CC (unner 4450 @ aol. Com
Current Licensed Premises Description:
Tavern
Proposed Temporary Premises Description:
use of Back Patrio
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
Patio (concrete surface) at the North South West East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, listaddress:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday <u>Voon</u> to <u>8Pn</u> Thursday <u>2</u> to <u>8-PM</u>
Monday to Friday 2 to 8 PM
Monday to Friday 2 to 8 PM  Tuesday 2 to 8 PM  Saturday to 8 PM
Wed. 2 to 8PM
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy2020 Proposed Inside Occupancy2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals# of Temporary Toilets



Purpose: Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: The Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

Application Submittal Requirements: Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

**Objections:** If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

- 1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.
- (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

#### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of \$50 has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.



# **Expedited Temporary Extension of Class B Licensed Premises**

	l un	derstand that the following conditions apply if granted the extension:
		The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.  The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
	l un	derstand that the hours of operation are limited to the following: Sunday – Thursday operations must cease at 9:00 p.m. Friday – Saturday operations must cease at 10:00 p.m.
For	ap	plications requesting the use of public sidewalk:
	l un	derstand that the following conditions apply if granted the extension:  Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.  The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.  The licensee assumes primary liability for damages to person or property. No bond is required.  The licensee is obligated to immediately remove any obstructions upon notice by the city  The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.  Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.
		rtify the information submitted in this application is true and understand that false statements or failure to adhere conditions may result in denial of future licenses/permits and/or revocation of this extension.
App	olica	nt Name: Date: 8-2+2020

 Oper: WALSIML
 Type: OC Drawer: I

 Date: 8/24/20 01 Receipt no: 48443

 2020 2619 RED WHITE AND BREWS

 7127 W WATIONAL AVE

 WEST ALLIS, WI 53214

 CA CASH PAYMENT

 CA CASH PAYMENT

 TOTAL Tendered
 \$50.00

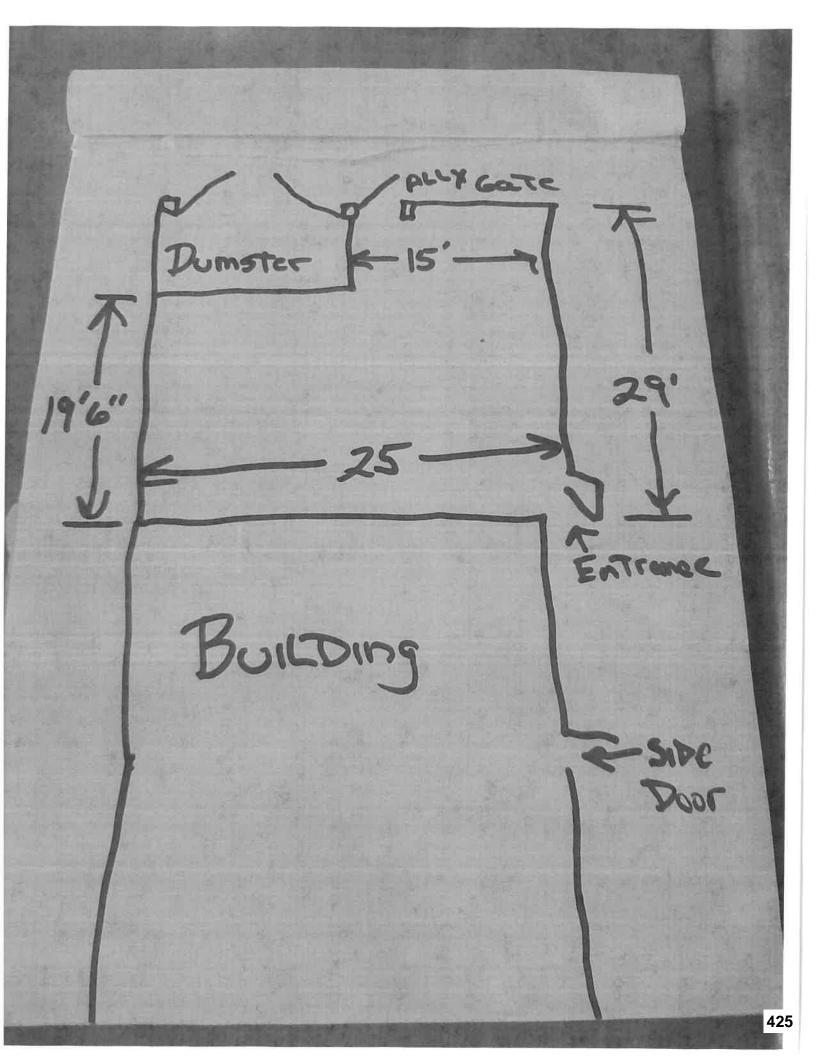
 Total tendered
 \$50.00

 Total payment
 \$50.00

 Total tendered
 \$50.00

 Total tendered
 \$50.00

 Total tendered
 \$50.00





### **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <u>clerk@westalliswi.gov</u>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B Food Music/Entertainment, list type:
Name of Applicant: MANGE S. CUTZ
Trade Name: STATION NO OC
Address of Premises: 6850 D. BCCHER ST
Phone Number: 262-617-3276
Email Address: MLUTZ 12368 @ GMAIC. COM
Current Licensed Premises Description:
STATION NO OC
Proposed Temporary Premises Description: PLACE TEXT IN PARICING LET
20' × 40' FOR ANIVERSELT CELBRATION AND SOCIAL
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
☐Patio (concrete surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s): EAST PANKING LOT AUJACCET TO PATIO
Does extension area have an additional street address? No Yes If yes, listaddress:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 10 to 5 Thursday 4 to 9
Monday to Friday /2 to /2
Tuesday to Saturday / to
Wed. 4 to 6
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy2020 Proposed Inside Occupancy2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets
# of Men's Urinals# of Temporary Toilets



### **Expedited Temporary Extension of Class B Licensed Premises**

1	understand	that the	following	conditions	apply if	aranted	the e	extension:
	dillore le control	CITOTE FITO	101101111119	CONTRICTOR	~P P	91011100		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons maybe monitored.

- I understand that the hours of operation are limited to the following:
  - Sunday Thursday operations must cease at 9:00 p.m.
  - Friday Saturday operations must cease at 10:00 p.m.

#### For applications requesting the use of public sidewalk:

- I understand that the following conditions apply if granted the extension:
  - Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.
  - The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - The licensee assumes primary liability for damages to person or property. No bond is required.
  - The licensee is obligated to immediately remove any obstructions upon notice by the city
  - The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

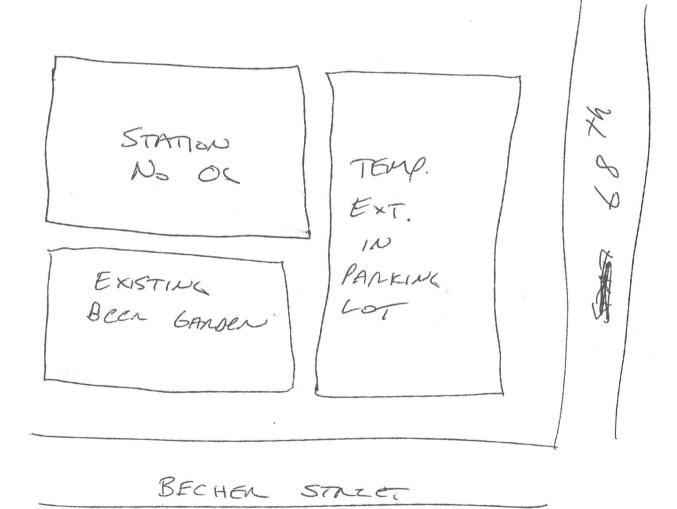
I certify the information submitted in this application is true and understand that false statements or fa	ailure to	adhere
to the conditions may result in denial of future licenses/permits and/or revocation of this extension.	1	

Applicant Name:

**Submit Form** 

428







# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Cass/B Food Music/Entertainment, list type:
Name of Applicant: Negl Steffek
Trade Name: Steff ex LLC 'The Drunk Uncle"
Address of Premises: 1902 5 68 th
Phone Number: 414-704-1461
Email Address: Steffek @ Aol. com
Current Licensed Premises Description:
Proposed Temporary Premises Description:
The bacic Parking lot (a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
☑Patio (concrete surface) at the ☐ North ☐ South ☐West ☒ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
☐Other: Describe area(s):
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday to Thursday to
Monday to Fridayto
Tuesday to Saturday to
Wed. $\underline{4}$ to $\underline{9}$
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Occupancy2020 Proposed Inside Occupancy2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
# of Men's Urinals 2 # of Temporary Toilets

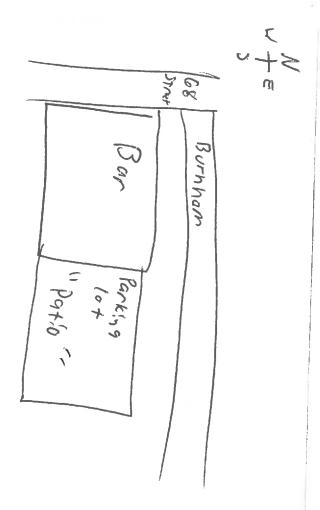


# **Expedited Temporary Extension of Class B Licensed Premises**

	l un	derstand that the following conditions apply if granted the extension:
		The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.  The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
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For	ap	plications requesting the use of public sidewalk:
	und	derstand that the following conditions apply if granted the extension:  Any premises extended into a public sidewalk may place only movable tables and chairs on that premises.  The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.  The licensee assumes primary liability for damages to person or property. No bond is required.  The licensee is obligated to immediately remove any obstructions upon notice by the city  The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.  Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.
l to th	cer ne c	tify the information submitted in this application is true and understand that false statements or failure to adhere onditions may result in denial of future licenses/permits and/or revocation of this extension.

**Submit Form** 

Applicant Name:





# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: Class B K Food Music/Entertainment, list type:
Name of Applicant: JQ-Col3 5. LBISIR
Trade Name: THE NETWONK.
Address of Premises: 9541 W. CLEAVE GANG AVE.
Phone Number: 4/4-543- 5480
Email Address: THENTWINGN9541@ AOL. COM
Current Licensed Premises Description: BAIM UNT STUTAGO, MAIN 26004, SOLVONIS + STAND
Proposed Temporary Premises Description: Non 76 FACE BUILDING. 2743 LES
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises  Patio (concrete surface) at the North South West East side of the premises
☐ Beer garden (soil/grass surface) at the ☐ North ☐ South ☐ West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s):
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday 7 to 7 Thursday 7 to 9
Monday 7 to 9 Friday 3 to 18
Tuesday 3 to 4 Saturday 7 to 10
Wed. <u>3</u> to <u>9</u>
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
Cocupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy /6
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets # of Men's Urinals # of Temporary Toilets # of Men's Toilets
# of Men's Urinals # of Temporary Toilets # of Temporary Toilets # of Men's Urinals # of Temporary Toilets # of Te



# **Expedited Temporary Extension of Class B Licensed Premises**

- I understand that the following conditions apply if granted the extension:
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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

I certify the information submitted in this application is true and understand that false statements or failure to adhere to the conditions may result in denial of future licenses/permits and/or revocation of this extension.

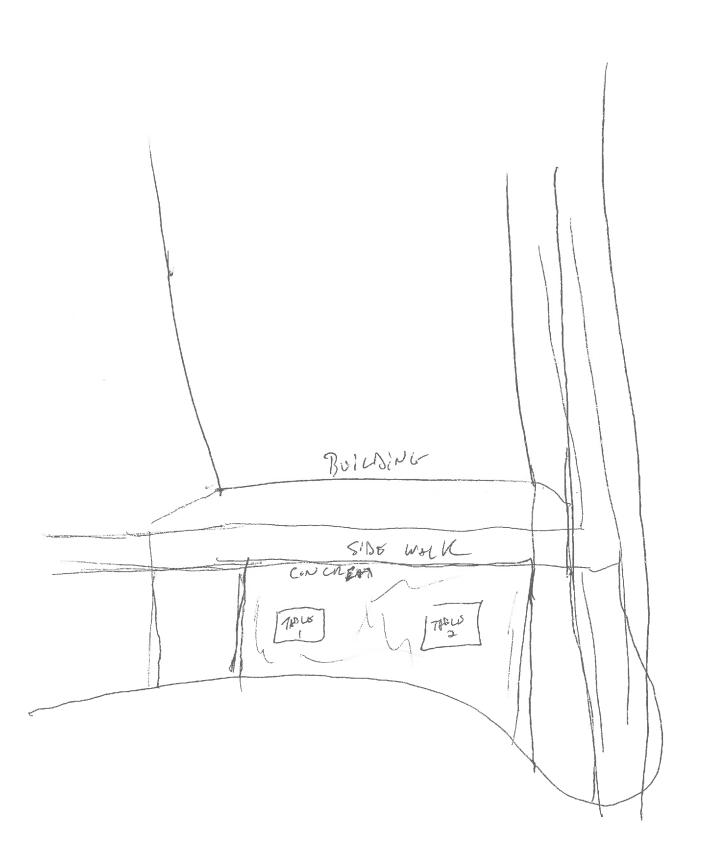
Applicant Name:

JACOR S.UBER N

ite: 8/12/2020

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

**Submit Form** 



No new applications submitted for the October 6, 2020 Common Council Agenda.

No new applications submitted for the October 20, 2020 Common Council Agenda.

No new applications submitted for the November 4, 2020 Common Council Agenda.

No completed applications received for November 17, 2020 consideration.



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license types: ⊠Class B ☑ Food ☑Music/Entertainment, list type:
Name of Applicant: OAR LLC
Trade Name: O'Connors Perfect Pint O'CONNORS PERFECT PINT
Address of Premises: 8423 W. Greenfield Aue
Phone Number: 414-395-7468 - 414-254-4000
Email Address: Oconnors perfect pinte Yahoo con
Current Licensed Premises Description: Patio Service  1 st floor Service and Storage Basevent Storage
Proposed Temporary Premises Description: Patio Service
1st Floor Scruice Istorige Baserent Storage (a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises
☑Patio (concrete surface) at the ☐ North ☑South ☐West ☐ East side of the premises
☐Beer garden (soil/grass surface) at the ☐ North ☐ South ☐West ☐ East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
Other: Describe area(s):
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday $12$ to $9$ Thursday $12$ to $9$
Monday 12 to 9 Friday 12 to 10
Tuesday 12 to 9 Saturday 12 to 10
Wed. 17 to 9
Your application will be considered at each council meeting until November 18 unless you inform the clerk that you wish to withdraw your application.
93 Occupancy 2020 Proposed Inside Occupancy 40 202 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets # of Men's Toilets
# of Men's Urinals l # of Temporary Toilets



# **Expedited Temporary Extension of Class B Licensed Premises**

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  - Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

■ I certify the information submitted in this application is true and unders	stand that false statements or failure to adhere
to the conditions may result in denial of Juty're licenses/permits and/or rev	ocation of this extension.
to the conditions may result in denial of future licenses/permits and/or rev  Applicant Name:	Date: 3-26-21

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. Please note – this program is subject to approval of the related ordinance. It will be considered by the Common Council on June 16. If you wish to be considered for the time period right after the council meeting (June 17 to July 15), your electronic application must be submitted by Monday, June 15 at 5:00 p.m.

**Submit Form** 



# **Expedited Temporary Extension of Class B Licensed Premises**

**Ordinance Common Council Approval:** On June 16, the Common Council passed an ordinance that creates a streamlined way for you to temporarily expand your licensed premises.

If you wish to be considered under this program please apply using the form below. Applications will be considered at the next regular Common Council meeting.

**Purpose:** Class B licensees who wish to expand their premises in order to maintain social distancing for the health and wellbeing of their patrons and staff may apply for the expedited temporary extension. If granted, approved extensions expire the day after the next Common Council meeting. Applications will be automatically reapproved unless an objection has been filed or any alderperson wishes to consider the reissuance of the extensions.

Effective Date: This Ordinance shall be in full force and effect on June 17, 2020, and shall be repealed on November 18, 2020. After such time the licensed premises will return to that which was granted with the annual renewal application or any subsequent permanent extensions.

**Application Submittal Requirements:** Only completed applications with a floor plan of the proposed extension and permanently licensed premises will be processed for consideration.

Other Licenses: Licensees may be permitted to extend their existing entertainment and music licenses into the extension area upon approval by the Common Council. (Licenses must already be issued to the licensees.)

**Objections:** If objection is received, the council will consider the special extension application at its next regular meeting just like any new license application and may reject it or place special restrictions on the extended premises (hours, number of people, etc.)

#### Conditions:

1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee or extend on to a public sidewalk.

(2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.

### Hours of Operation Limitation:

- Sunday Thursday operations must cease at 9:00 p.m.
- Friday Saturday operations must cease at 10:00 p.m.

**Toilet Facilities:** Sufficient number of toilet facilities shall be provided to accommodation the total capacity of the permanent and temporary license premises. Put another way, please limit the maximum number of people indoors and outdoors to your normal indoor capacity to ensure you have enough toilet facilities.

**Public Right of Way/Sidewalk:** Expedited Extensions which include use of Public Sidewalk must comply with the following requirements and may not have items in the public right-of-way for more than 90 days.

- Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises.
- The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
- The licensee assumes primary liability for damages to person or property. No bond is required.
- The licensee is obligated to immediately remove any obstructions upon notice by the city
- The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
- Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.

#### Payment and Posting Required:

If granted, licenses will not be issued until a payment of \$50 has been received by the Clerk's office. Submit Payments by mail or in the overnight dropbox of City Hall. Extensions will not be valid unless the license extension is posted in the licensed area.



# **Expedited Temporary Extension of Class B Licensed Premises**

Fill out the following application and submit to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>. A copy of the floor plan of the proposed extension along with a plan of the permanently licensed premises must be attached for the application to be processed.

Check List all license	types:	Class B 🔳 F	ood Music/	Entertainme	ent, list type	: <u></u>	DUNTRY, ROCK N ROLL
Name of Applicant:	PAULIE	'S PUB AND	EATERY LLC				
Trade Name:	PAULIE	S PUB AND	EATERY				RECEIVED
Address of Premises	8031 W	GREENFIEL	D AVE				MAR <b>2 5</b> 2021
Phone Number:	(414) 25	57-2854					CITY OF WEST ALLIS CITY CLERK
Email Address:	Daul	capib A	Le W1,1	1. ( on	$\sim$		
Current Licensed Pre PATIO, INTERIOR DINI	mises De	scription:					3
Proposed Temporary ENTIRE PARKING LO	TAT PAUL	IE'S	•				d on the outdoor premises (i.e.tents) ne application)
	mises. Chublic sidevurface) at /grass sur building)	eck all that a valk) at the the  North face) at the at the  No	pply and select North ☐ Soo South ☐ V North ☐ Soo rth ☐ South ☐	et the location  uth □West  Vest ■ Ease  outh □West □West □ E	on of the are East side st side of the t East si East side ast side of	ea (e le of e pre de o the	emises of the premises premises
Hours of Operation for	or the <i>pro</i>	posed exten	sion (may not l	oe later tha	n 9pm Sun -	– Th	nur; 10 pm Fri – Saturday)
Sunday <u>6AM</u>	_ to	9PM		Thursday	6AM	to	<u>9PM</u>
Monday 6AM	_ to	9PM	•1	Friday	6AM	to	10PM
Tuesday 6AM	to	9PM		Saturday	6AM	to	10PM
Wed. 6AM	to	9PM	**				
Your application will to withdraw your app		ered at each	council meetin	g until Nove	ember 18 ur	nles	s you inform the clerk that you wish
	2020 P	roposed Insid	de Occupancy	1125 2020	Proposed C	outsi	ide Occupancy Vie Cow
Number and Type of # of Men's Urinals 2				s <u>3</u> #	of Men's T	oilet	s <u>1</u>



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		rue and understand that false statements or failure to adhere
to the conditions may result	in denial of future licenses/per	mits and/or revocation of this extension.
Applicant Name:		Date: <u> </u>

Submit application to clerk@westalliswi.gov.

**Submit Form** 

RECEIVED

MAR 2 5 2021

CITY OF WEST ALLIS CITY CLERK RECEIVED

MAR 2 5 2021

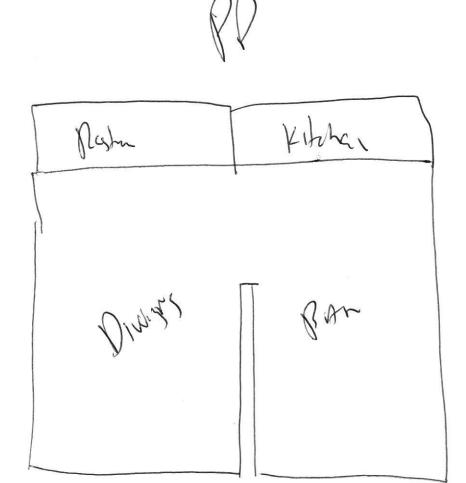
CITY OF WEST ALLIS

CITY CLERK

# RECEIVED

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Check List all license types: Class B  Food Music/Entertainment, list type: Trestruing 19-0000 1967
Name of Applicant: Lawrence Pryon
Trade Name: Tur- BUZZARO'S NEST, LLC
Address of Premises: 6000 W. MITCHELL ST., WEST ALLIS, WZ 53214
Phone Number: Business: (414) 546-1040 CELL: (312) 203-6439
Email Address: LPCHICAGO & HOTMAIL.Com
Current Licensed Premises Description:
SEE ATTACHED SKETLIF
Proposed Temporary Premises Description. Include any structures that will be erected on the outdoor premises (i.e.tents)
SEE ATTACHED SKETUT
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the  North  South  West  East side of the premises  Beer garden (soil/grass surface) at the  North  South  West  East side of the premises
□Deck (attached to building) at the □ North □ South □West □ East side of the premises
MOther: Describe area(s): PARKING LOT - NORTH + WEST OF BUILDING
Does extension area have an additional street address? No Yes If yes, list address:
Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
Sunday
Tuesday to Saturday to CITY OF WEST ALLIS
Wed. to
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to the conditions may resu	ult in denial of future	licenses/permits an	d/or revocation of this	extension.	

Applicant Name:

Date: 3/25-/21

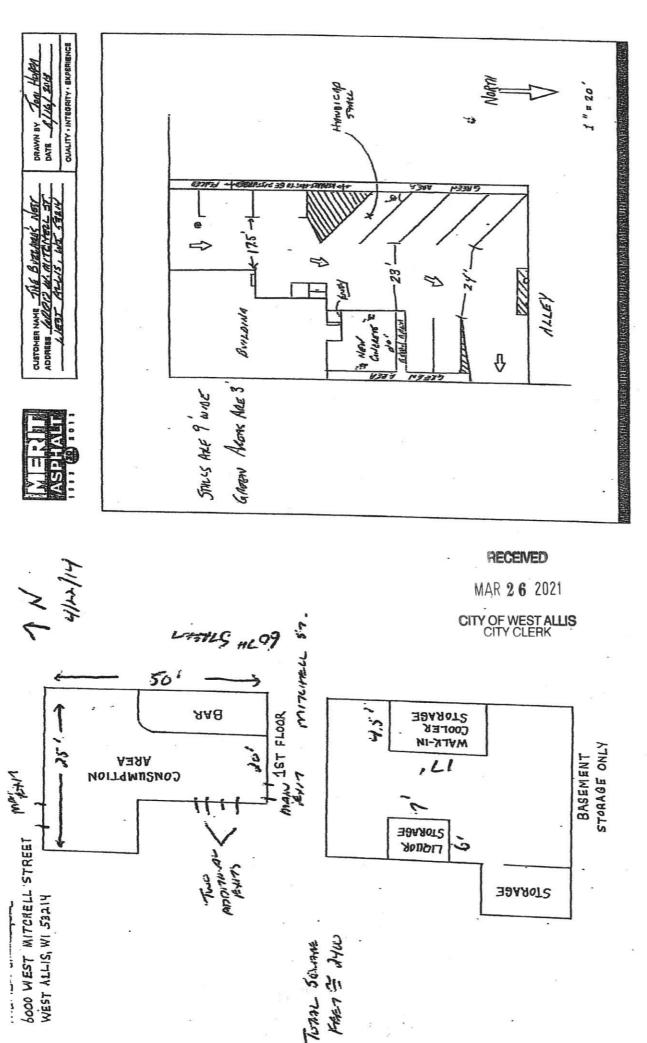
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**Submit Form** 

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CITY OF WEST ALLIS



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MAR 26 2021

CITY OF WEST ALLIS CITY CLERK



# **Expedited Temporary Extension of Class B Licensed Premises**

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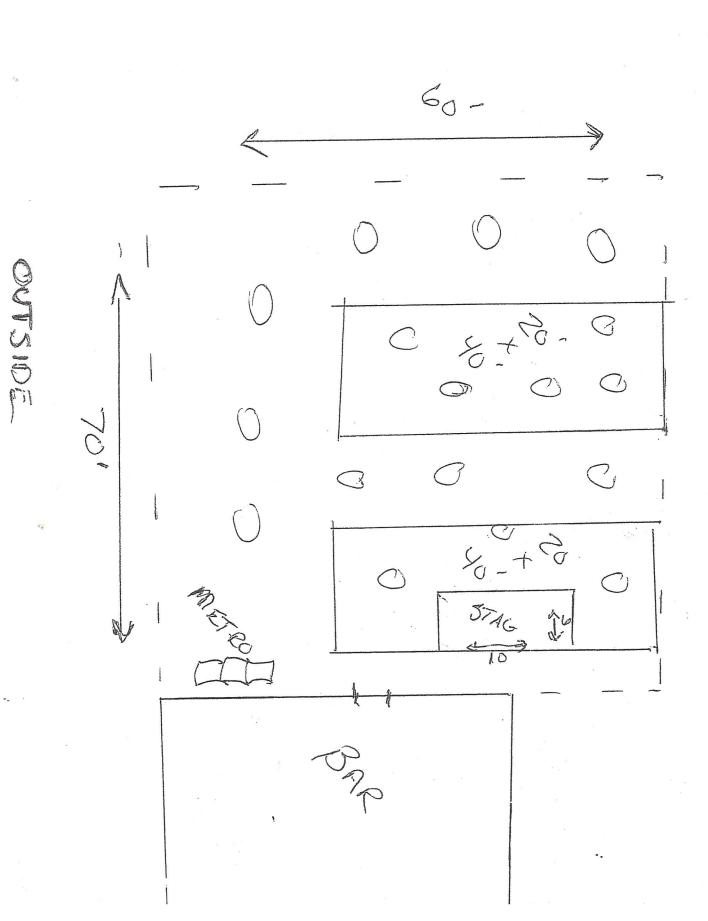
Check List all license types:  Class B  Food  Music/Entertainment, list type:
Name of Applicant:
Trade Name:
Address of Premises:
Phone Number:
Email Address:
Current Licensed Premises Description:
Proposed Temporary Premises Description. Include any structures that will be erected on the outdoor premises (i.e.tents):
(a copy of the floor plan for both current and proposed premises must accompany the application)
Identify the specific area(s) for which the special extension of premises is requested. Area must be contiguous to the current licensed premises. Check all that apply and select the location of the area (example: north side, front, etc.)  Sidewalk café (public sidewalk) at the North South West East side of the premises
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Hours of Operation for the <i>proposed</i> extension (may not be later than 9pm Sun – Thur; 10 pm Fri – Saturday)
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Occupancy 2020 Proposed Inside Occupancy 2020 Proposed Outside Occupancy
Number and Type of Toilet Facilities # of Women's Toilets# of Men's Toilets
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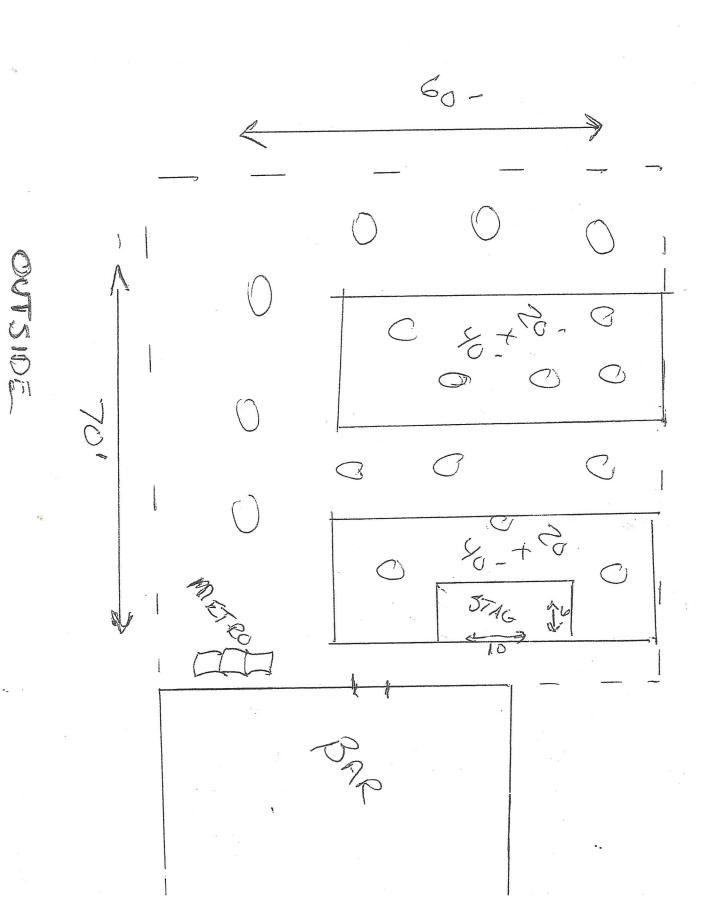


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<ul> <li>Sunday – Thursday ope</li> </ul>	of operation are limited to the following: erations must cease at 9:00 p.m. ations must cease at 10:00 p.m.
For applications requesting the	ne use of public sidewalk:
<ul> <li>Any premises extended</li> <li>The licensee shall main</li> <li>The licensee assumes p</li> <li>The licensee is obligate</li> <li>The licensee is not entity obstruction upon notice.</li> <li>Third parties whose right licensee only.</li> </ul>	into a public sidewalk may place only movable tables and chairs on that premises. Itain a clear path 3 feet wide for pedestrian traffic.  In primary liability for damages to person or property. No bond is required. It is immediately remove any obstructions upon notice by the city led to damages for removal of an obstruction, and if the licensee does not remove the it may be removed at the licensee's expense. Its are interfered with by the granting of a privilege have a right of action against the suitted in this application is true and understand that false statements or failure to adhere
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Applicant Name:	Date:

Submit application to <a href="mailto:clerk@westalliswi.gov">clerk@westalliswi.gov</a>.





# CITY OF WEST ALLIS RESOLUTION R-2021-0195

# RESOLUTION RELATIVE TO AMENDING THE CITY OF WEST ALLIS POLICIES & PROCEDURES MANUAL NO. 2601, BULK COLLECTION

**NOW THEREFORE**, be it ordained by the Council of City Of West Allis, in the State of Wisconsin, as follows:

**SECTION 1:** <u>AMENDMENT</u> "2601 Bulk Collection" of the City Of West Allis Policies & Procedures is hereby *amended* as follows:

#### BEFORE AMENDMENT

#### 2601 Bulk Collection

- 1. PURPOSE: To describe the standard policies that are followed by the Sanitation and Street Division of the Department of Public Works, for bulk collection materials.
- 2. ORGANIZATIONS AFFECTED: This policy applies to all City of West Allis departments, boards, commissions, and the general public.
- 3. POLICY: It is the policy of the Department of Public Works to follow a uniform policy in providing its bulk refuse collection service.
- 4. REFERENCES: Section 7.05, City of West Allis Revised Municipal Code. Legacy Ecycling Accepted Items List.
- 5. PROCEDURES:
  - a. RESPONSIBILITY The Sanitation and Street Division of the Department of Public Works, or their designee, shall be responsible for administering the City's bulk collection program.

#### b. GENERAL POLICIES

## I. Drop Off

1. The Department will not accept drop offs from commercial properties, multifamily properties containing four or more living units or mixed-use buildings.

## 2. Small Quantities

a. The following items may be dropped off at no charge, one drop off per day per household.

Page 1 455

- 1. Brush Quantities less than 1 cubic yard may be disposed of at the Municipal Yard or a specified alternate site if cut up in lengths no greater than 5 feet.
- 2. Household Debris, Construction/Demolition Debris, Concrete, Stone, Ground and Asphalt Quantities less than 1 cubic yard may be disposed of at the Municipal Yard or a specific alternate site.

## 3. Large Quantities and Fee Related Items

- a. DPW can require a Special Permit at their discretion.
- b. A maximum of 8 cubic yards will be accepted per day of bush, household debris, construction, demolition debris, concrete, stone, ground and asphalt.
- c. Tires and Electronics requiring a fee will not be collected and must be dropped off at the Municipal yards.

The following schedule of fees will apply to large quantities.

Type of Material	Fee	Units
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$15	1-3 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$30	3-6 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$50	6-8 cubic yards
Tires - off rims, 16" or smaller	\$ 5	Each
Tires - off rims, greater than 16"	\$15	Each
Tires - off rims, tractor tires	\$60	Each
TVs, Computer Monitors	\$25	Each
Damaged TVs Damaged Computer Monitors, console TVs, projection TVs	\$40	Each
Microwave Ovens	\$ 5	Each

Page 2 456

\*\*\*All loads are priced separately,, determined by staff, and are nonnegotiable. Staff reserves right to deny access depending on vehicle type, load type, or conduct.\*\*\*

## 4. Electronics

a. The City will allow items to be dropped off that appear on the Legacy E-cycling Accepted Items List. ALL fees and accepted items are subject to change and at Vendor's discretion.

# 5. Other Items Accepted

- a. The following items will only be accepted in the drop off area at the Municipal yard (not collected).
  - 1. Used motor oils
  - 2. Used anti-freeze
  - 3. Latex (water based) paint, when the contents are dried
  - 4. Liquid cell batteries (i.e. such as auto, lawn tractor, motorcycle)
  - 5. Industrial Debris (i.e. large car parts, wood pallets, etc. from residential properties)

## 6. Items Not Accepted

- a. This list is for illustrative purposes only and, as such, is not all inclusive. These items will not be accepted at the drop off area or collected from residential properties. Please see Milwaukee Metropolitan Sewerage District Household Hazardous Waste collection information.
  - 1. Propane and other pressurized types of tanks
  - 2. Hazardous wastes such as, but not limited to
    - 1. Solvent/oil based paints, thinners, stains, sealers, etc.
    - 2. Automotive chemicals
    - 3. Explosives, ammunition, etc.
    - 4. Acids, oxidizers and other deleterious substances
  - 3. Medical Wastes See information on the Sharps Collection Program

Page 3 457

## 4. Large appliances

- 1. Large appliances (white goods) such as washers, dryers, water heaters etc. are not collected on regular refuse collection or at the Municipal drop-off site. Property owners may contact a private hauler and arrange for a collection. The Department may provide names of haulers offering white goods pickup service.
- 2. Unites/appliances containing Freon such as air conditioners, dehumidifiers, freezers, refrigerators, etc.

#### II. Collection

1. The Department will not collect or remove materials from commercial properties, multifamily properties containing four or more living units or mixed-use buildings.

# 2. Small Quantities

a. The following items may be collected on scheduled collection days

#### 1. Brush

- a. Less than 1 cubic yard, cut up in 5 foot lengths and placed at the curb, will be taken on residents' regularly scheduled recycle collection weeks as designated by the department at no charge.
- b. No brush collection will take place during Holiday weeks.

#### 2. Household Debris

- a. One large bulky item weighing less than 150 pounds will be taken during regular collection when located at the point of collection, at no charge. (i.e. alley edge or curbside, whichever is appropriate). At the discretion of the Department a charge may be issued for large amounts/bulk/heavy items.
- b. Less than 1 cubic yard of household debris will be taken with the regular refuse collection when properly prepared, contained and located at the point of collection (alley edge or curbside), at no charge.

#### 3. Construction/Demolition Debris

Page 4 458

- a. Small quantities of construction debris, less than 1 cubic yard, when properly prepared, contained, and located, will be taken with the regular refuse collection from residential properties containing three or less living units, at no charge.
- 4. Concrete, Stone, Ground, and Asphalt
  - a. Small amounts of less than 1 cubic yard will not be collected.

## 3. Large Quantities

- a. DPW can require a Special Permit at their discretion.
- b. A maximum of 8 cubic yards will be accepted per collection of brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt.
  - 1. Brush must be stacked parallel to the curb and/or a property waiver signed by the property owner.
  - 2. Brush resulting from city-wide storm damage may be collected without charge when properly prepared and located. City has discretion to determine when storm damage is such that free collection is warranted.
  - 3. Amounts in excess of 8 cubic yards will require residents to obtain private dumpster service.
- c. Collection of household debris, construction/demolition debris, concrete, stone, ground and asphalt will be at the discretion of the Department. A maximum of 72 hours will be given for payment of collection. If payment is not received or the debris is declared a Public Nuisance, the Department will collect materials and place the cost on the home owner's property tax bill.
  - 1. Construction debris generated by a contractor will not be accepted, collected or disposed of by the Department.
  - 2. Large, heavy or bulky pieces of furniture requiring mechanical collection will be subject to a minimum charge of \$50.00 per item to offset equipment costs.
  - 3. The following schedule of fees will apply to large quantities/heavy items.

Page 5 459

Type of Material	Fee	Units
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$ 50	1-4 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$100	4-8 cubic yards
Heavy Items - over 150 lbs.	\$ 50+	Minimum, determined case by case

<sup>\*\*\*</sup>All loads are priced separately, determined by staff, and are non-negotiable. Staff reserves right to deny access depending on vehicle type, load type, or conduct.\*\*\*

#### AFTER AMENDMENT

## 2601 Bulk Collection

- 1. PURPOSE: To describe the standard policies that are followed by the Sanitation and Street Division of the Department of Public Works, for bulk collection materials.
- 2. ORGANIZATIONS AFFECTED: This policy applies to all City of West Allis departments, boards, commissions, and the general public.
- 3. POLICY: It is the policy of the Department of Public Works to follow a uniform policy in providing its bulk refuse collection service.
- 4. REFERENCES: Section 7.05, City of West Allis Revised Municipal Code. Legacy Ecycling Accepted Items List.
- 5. PROCEDURES:
  - a. RESPONSIBILITY The Sanitation and Street Division of the Department of Public Works, or their designee, shall be responsible for administering the City's bulk collection program.

#### b. GENERAL POLICIES

## I. Drop Off

1. The Department will not accept drop offs from commercial properties, multifamily properties containing four or more living units or mixed-use buildings.

Page 6 460

## 2. Small Quantities

- a. The following items may be dropped off at no charge, one drop off per day per household.
  - 1. Brush Quantities less than 1 cubic yard may be disposed of at the Municipal Yard or a specified alternate site if cut up in lengths no greater than 5 feet.
  - 2. Household Debris, Construction/Demolition Debris, Concrete, Stone, Ground and Asphalt Quantities less than 1 cubic yard may be disposed of at the Municipal Yard or a specific alternate site.

# 3. Large Quantities and Fee Related Items

- a. DPW can require a Special Permit at their discretion.
- b. A maximum of 8 cubic yards will be accepted per day of bush, household debris, construction, demolition debris, concrete, stone, ground and asphalt.
- c. Tires and Electronics requiring a fee will not be collected and must be dropped off at the Municipal yards.

The following schedule of fees will apply to large quantities.

Page 7 461

Type of Material	Fee	Units
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	<u>free</u>	less than 1 cubic yard
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$15	1-3 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$30	3-6 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$50	6-8 cubic yards
Tires - off rims, 16" or smaller	\$ 5	Each
Tires - off rims, greater than 16"	\$15	Each
Tires - off rims, tractor tires	\$60	Each
TVs, Computer Monitors	\$25	Each
Damaged TVs Damaged Computer Monitors, console TVs, projection TVs	\$40	Each
Microwave Ovens	\$ 5	Each

<sup>\*\*\*</sup>All loads are priced separately,, determined by staff, and are nonnegotiable. Staff reserves right to deny access depending on vehicle type, load type, or conduct.\*\*\*

## 4. Electronics

a. The City will allow items to be dropped off that appear on the Legacy E-cycling Accepted Items List. ALL fees and accepted items are subject to change and at Vendor's discretion.

# 5. Other Items Accepted

- a. The following items will only be accepted in the drop off area at the Municipal yard (not collected).
  - 1. Used motor oils
  - 2. Used anti-freeze
  - 3. Latex (water based) paint, when the contents are dried

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- 4. Liquid cell batteries (i.e. such as auto, lawn tractor, motorcycle)
- 5. Industrial Debris (i.e. large car parts, wood pallets, etc. from residential properties)

# 6. Items Not Accepted

- a. This list is for illustrative purposes only and, as such, is not all inclusive. These items will not be accepted at the drop off area or collected from residential properties. Please see Milwaukee Metropolitan Sewerage District Household Hazardous Waste collection information.
  - 1. Propane and other pressurized types of tanks
  - 2. Hazardous wastes such as, but not limited to
    - 1. Solvent/oil based paints, thinners, stains, sealers, etc.
    - 2. Automotive chemicals
    - 3. Explosives, ammunition, etc.
    - 4. Acids, oxidizers and other deleterious substances
  - 3. Medical Wastes See information on the Sharps Collection Program
  - 4. Large appliances
    - 1. Large appliances (white goods) such as washers, dryers, water heaters etc. are not collected on regular refuse collection or at the Municipal drop-off site. Property owners may contact a private hauler and arrange for a collection. The Department may provide names of haulers offering white goods pickup service.
    - 2. Unites/appliances containing Freon such as air conditioners, dehumidifiers, freezers, refrigerators, etc.

#### II. Collection

- 1. The Department will not collect or remove materials from commercial properties, multifamily properties containing four or more living units or mixed-use buildings.
- 2. Small Quantities
  - a. The following items may be collected on scheduled collection days

Page 9 463

#### 1. Brush

- a. Less than 1 cubic yard, cut up in 5 foot lengths and placed at the curb, will be taken on residents' regularly scheduled recycle collection weeks as designated by the department at no charge.
- b. No brush collection will take place during Holiday weeks.

#### 2. Household Debris

- a. One large bulky item weighing less than 150 pounds will be taken during regular collection when located at the point of collection, at no charge. (i.e. alley edge or curbside, whichever is appropriate). At the discretion of the Department a charge may be issued for large amounts/bulk/heavy items.
- b. Less than 1 cubic yard of household debris will be taken with the regular refuse collection when properly prepared, contained and located at the point of collection (alley edge or curbside), at no charge.

#### 3. Construction/Demolition Debris

- a. Small quantities of construction debris, less than 1 cubic yard, when properly prepared, contained, and located, will be taken with the regular refuse collection from residential properties containing three or less living units, at no charge.
- 4. Concrete, Stone, Ground, and Asphalt
  - a. Small amounts of less than 1 cubic yard will not be collected.

## 3. Large Quantities

- a. DPW can require a Special Permit at their discretion.
- b. A maximum of 8 cubic yards will be accepted per collection of brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt.
  - 1. Brush must be stacked parallel to the curb and/or a property waiver signed by the property owner.
  - 2. Brush resulting from city-wide storm damage may be collected without charge when properly prepared and located. City has discretion to determine when storm damage is such that free collection is warranted.

Page 10 464

- 3. Amounts in excess of 8 cubic yards will require residents to obtain private dumpster service.
- c. Collection of household debris, construction/demolition debris, concrete, stone, ground and asphalt will be at the discretion of the Department. A maximum of 72 hours will be given for payment of collection. If payment is not received or the debris is declared a Public Nuisance, the Department will collect materials and homeowner will be invoiced. place the cost on the home owner's property tax bill Unpaid invoices for such services will be added to the home owner's property tax bill as a special charge as authorized by law.
  - 1. Construction debris generated by a contractor will not be accepted, collected or disposed of by the Department.
  - 2. Large, heavy or bulky pieces of furniture requiring mechanical collection will be subject to a minimum charge of \$50.00 per item to offset equipment costs.
  - 3. The following schedule of fees will apply to large quantities/heavy items.
- d. Collection of brush material shall be placed at curb, in 4' to 5' lengths, and placed parallel to the curb. A maximum of 7 calendar days will be given for payment of collection. If payment is not received or the debris is declared a Public Nuisance, the Department will collect materials and homeowner will be invoiced. Unpaid invoices for such services will be added to the home owner's property tax bill as a special charge as authorized by law.

Type of Material	Fee	Units
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$ 50	1-4 cubic yards
Brush, household debris, construction/demolition debris, concrete, stone, ground and asphalt	\$100	4-8 cubic yards
Heavy Items - over 150 lbs.	\$ 50+	Minimum, determined case by case

<sup>\*\*\*</sup>All loads are priced separately, determined by staff, and are non-negotiable. Staff reserves right to deny access depending on vehicle type, load type, or conduct.\*\*\*

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# PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN		
Ald. Angelito Tenorio			<u></u>			
Ald. Vince Vitale						
Ald. Tracy Stefanski						
Ald. Marty Weigel						
Ald. Suzzette Grisham						
Ald. Danna Kuehn						
Ald. Thomas Lajsic						
Ald. Dan Roadt						
Ald. Rosalie Reinke						
Ald. Kevin Haass						
Attest		Presid	ing Officer			
Rebecca Grill, City Clerk, City Of		Dan De	Dan Devine, Mayor City Of West			
West Allis		Allis				

Page 12 466

# CITY OF WEST ALLIS RESOLUTION R-2021-0168

RESOLUTION TO CONFIRM AND ADOPT THE REPORT OF THE CITY ENGINEER CONTAINING THE SCHEDULE OF PROPOSED ASSESSMENTS FOR IMPROVEMENT OF THE GENERAL AREA BOUNDED BY THE EAST CITY LIMITS TO S. 68 ST. AND W. BURNHAM ST. TO THE SOUTH CITY LIMITS BY MISCELLANEOUS SIDEWALK REPAIR

WHEREAS, The City Engineer, pursuant to Preliminary Resolution No. R-2021-0082, adopted on February 17, 2021, prepared and submitted his report as provided in sec. 66.0703(5) of the Wisconsin Statutes, for the improvement of the general area as hereinafter described; and,

**WHEREAS,** The City Clerk gave due notice that such report was open for inspection at his office and also at the office of the City Engineer, and that all persons interested could appear before the Common Council and be heard concerning the matters contained in the Preliminary Resolution and Report; and,

**WHEREAS,** The Common Council met pursuant to such notice, at the time and place therein named; and having considered all statements and communications concerning the proposed improvements, relating to the matters contained in the City Engineer's report, including the schedule of proposed assessments, the Common Council makes no change in said report.

**NOW THEREFORE,** BE IT RESOLVED By the Common Council of the City of West Allis:

- 1. The report of the City Engineer, including the schedule of the proposed assessments, for the improvement of the general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits by miscellaneous sidewalk repair be and the same is hereby approved and adopted.
- 2. The property against which the assessments are proposed is benefited; the assessments shown on the report are true and correct, have been determined on a reasonable basis and are hereby confirmed.
- 3. The City Engineer is hereby authorized and directed to prepare final plans for the aforesaid area in accordance with the terms of this resolution.

EngP2120W

**SECTION 1:** <u>ADOPTION</u> "R-2021-0168" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

Page 1 467

# ADOPTION

R-2021-0168(Added)

# PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN		
Ald. Angelito Tenorio						
Ald. Vince Vitale						
Ald. Tracy Stefanski						
Ald. Marty Weigel						
Ald. Suzzette Grisham						
Ald. Danna Kuehn			·			
Ald. Thomas Lajsic			<u> </u>			
Ald. Dan Roadt			<u> </u>			
Ald. Rosalie Reinke			<u> </u>			
Ald. Kevin Haass						
Attest		Presid	Presiding Officer			
Pahaga Grill City Clark City Of		Dan Da	wing Mayor City	v Of Wort		
Rebecca Grill, City Clerk, City Of West Allis		Allis	Dan Devine, Mayor City Of West Allis			

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#### PROOF OF PUBLICATION

STATE OF WISCONSIN

S.S

MILWAUKEE COUNTY

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 19, 2021

Joe Yovino, Associate Publisher/Editor

Sworn to me this 19th day of March 2021

Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin My Commission Is Permanent

wy Commision is Fermanem

PROOF OF PUBLICATION

NOTICE OF PUBLIC HEARING April 7, 2021 7:00 PM

This meeting will be held in-person in the Common Council Chambers at City Hall.

You can also watch the meeting as it is livestreamed on the City of West Allis YouTube Channel https://www.youtube.com/user/we stalliscitychannel). Or you can and recorded watch live broadcasts through your cable network, via Spectrum (channel 25. West Allis residents only) and AT&T U-Verse (Channel 99). If you require an alternate format for viewing the meeting, please call 414-302-8294 and leave a message prior to 11:00 a.m. CST on Monday, April 5, 2021.

Members of the public may submit comments or questions to the Common Council regarding this public hearing by emailing your comments or questions to city@westalliswi.gov or drop a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on April 7, 2021. (City Hall - 7525 W. Greenfield Avenue)

PLEASE TAKE NOTICE That the Common Council of the City of West Allis, Wisconsin, has proposed that it is in the best interest of the City and the property affected thereby that The general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits be improved by miscellaneous sidewalk repair.

Properties abutting the above general area for the extents given are proposed as being benefited and are proposed to be assessed.

Reports showing preliminary plans and specifications, an estimate of the entire cost of the proposed improvements, and a schedule of the proposed assessments are located at:

https://www.westalliswi.gov/Docu mentCenter/Home/Index/3 under the file name: Engineering/2021 Engineering Projects/Sidewalk Improve-

NOTICE IS FURTHER GIVEN That such reports are open for inspection and will be so continued for at least ten days after initial publication date of this notice, and that, not more than forty days from the initial publication date of this notice, on Wednesday, the 7th day of April, 2021, the Common Council will be in session to hear all persons inter-

#### **AFFIDAVIT OF PUBLICATION**

ested, their agents or attorneys, concerning the matters contained in the Preliminary Resolution and reports, including the schedules of the proposed assessments.

the proposed assessments.

Dated at West Allis, Wisconsin this 9th day of March, 2021.

City Clerk

11981296/3-19

#### CITY OF WEST ALLIS RESOLUTION R-2021-0169

# FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT BY MISCELLANEOUS SIDEWALK REPAIR IN THE GENERAL AREA BOUNDED BY THE EAST CITY LIMITS TO S. 68 ST. AND W. BURNHAM ST. TO THE SOUTH CITY LIMITS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES

**WHEREAS**, Public necessity requires the improvement of a certain general area as hereinafter described; and,

**WHEREAS,** The Common Council has received final plans and specifications for such proposed improvements; and,

**WHEREAS,** A hearing has been conducted pursuant to Sec. 66.0703(7) of the Wisconsin Statutes; and,

**WHEREAS**, The Common Council finds that each property against which the assessments are proposed is benefited by the improvement.

**NOW THEREFORE,** BE IT RESOLVED By the Common Council of the City of West Allis as follows:

- 1. That the final plans and specifications heretofore submitted for the improvement of the general area bounded by the East City Limits to S. 68 St. and W. Burnham St. to the South City Limits, by miscellaneous sidewalk repair be and the same are hereby approved and adopted.
- 2. That the Board of Public Works be and is hereby authorized and directed to cause said general area to be improved in accordance with the plans and specifications, and it is directed to advertise in the official paper for sealed proposals for all work necessary to be done with the installation of the above described improvements.
- 3. That such improvements be assessed in accordance with the report of the City Engineer as finally approved, and the due date for payment of such assessments, without interest, is the 30th day following the billing date; and
- 4. That each property owner be given the opportunity of paying the assessment against his property by one of the following methods:
- a. Payment of entire assessment, or any portion thereof, without interest at any time prior to due date as noted on the billing.
- b. Payment of the entire assessment with the next tax roll including a 4.0% interest charge from due date to December 31 of the year billed. All assessments of \$100.00 or less will automatically

Page 1 471

fall under category a or b.

- c. Payment in five annual installments on the property tax bill including a 4.0% interest charge on each succeeding unpaid principal amount. All assessments between \$100.01 and \$250.00 which are not paid by due date or elected to be paid under plans a or b above will automatically be extended in this manner.
- d. Payment in ten annual installments on the property tax roll, including a 4.0% interest charge on each succeeding unpaid principal amount. All assessments over \$250.00 which are not paid by due date or elected to be paid under plans a, b or c will automatically be extended in this manner.
- 5. That if, after election to pay to the City Treasurer by November 1st of the year billed said property owner shall fail to make the payment to the City Treasurer, the City Treasurer's office shall place the said assessment, with interest at the rate of 4.0% per annum as applicable from due date, on the next succeeding tax roll for collection; and,
- 6. That if the property owner fails to notify the City Treasurer's office, in writing prior to the due date, of his option, the assessment shall be written in ten annual installments, except that any total assessment or assessment balance of less than \$100.00 against any one property shall be written in one payment, and those between \$100.01 and \$250.00 shall be written in five annual installments; and,
- 7. That a certified list of such assessments and assessment installments be given to the City Treasurer's office, and the City Treasurer's office shall inscribe the same on the tax roll as they become due; and,
- 8. That property owners may submit duly executed waivers prior to or following the passage of the Final Resolution, approving assessments against their properties and waiving all statutory requirements and proceedings in public work of this nature and agreeing to pay all assessments levied against their properties by reason of the installation of the improvements stated therein, in the same manner and in the same effect as if said statutory requirements relating to said work had been complied with, and such waivers are hereby confirmed and adopted by the Common Council; and,
- 9. That the City Clerk is hereby directed to publish this resolution as a Class I Notice in the assessment district.
- 10. That the City Engineer's office is further directed to mail a copy of this resolution and upon completion of the improvement, a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

BE IT FURTHER RESOLVED as follows:

Page 2 472

1. That establishing or re-establishing	grades is not	t required on	this project.	
2. That said work be performed with	funding from	Bond Funds	s and Special As	sessments.
EngP2120W				
SECTION 1: ADOP Resolutions is hereby <i>added</i> as follow		)21-0169" of	the City Of Wes	st Allis Municipal
	ADOPT	ION		
R-2021-0169(Added)				
PASSED AND ADOPTED BY THE	E CITY OF V	WEST ALLI	S COUNCIL	
	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidin	g Officer	

Rebecca Grill, City Clerk, City Of West Allis

Page 3 473

Dan Devine, Mayor City Of West Allis

#### CITY OF WEST ALLIS RESOLUTION R-2021-0208

# RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR WING STOP, A PROPOSED RESTAURANT, TO BE LOCATED AT 10244 W. NATIONAL AVE.

**WHEREAS,** Steven Kolber of Kolbrook Design, Inc., filed with the City Clerk an application for a Special Use Permit, pursuant to Sec.,12.43(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant, located at 10244 W. National Ave.; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on April 7, 2021, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

**WHEREAS**, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The tenant, Asif Rajabali, will operate the proposed restaurant use within an approximate 1,300-sf portion of the existing 79,000-sf multi-tenant commercial building at 10244 W. National Ave. The owner of the property is David Israel (Badger Century Management LLC) for the subject property located at 10230-10288 W. National Ave.

Tax Key No. 485-9990-011:

All that land of the owner being located in the Northwest ¼ of Section 8, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Parcel 1 of the Certified Survey Map No. 2013.

Said land located at 10230-10288 W. National Ave.

- 2. The proposed restaurant space has seating for 8 persons.
- 3. The aforesaid premises is zoned C-4, Regional Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants and outdoor dining as a special use, pursuant to Sec. 12.43(2) and Sec. 12.16 of the Revised Municipal Code.
- 4. The subject property is part of a block along the north side of National Ave. between S. 102 St. and W. Cleveland Ave., which is zoned for commercial uses. Properties to the north and west are developed for commercial uses. Properties to the east are zoned for commercial and residential uses. Properties to the south are developed for commercial and residential uses.
- 5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property has historically been utilized as a multi-tenant commercial use. Sufficient off-street parking will be provided and the area is also served by public transit.

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**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the application of Steven Kolber, to establish a restaurant located at 10244 W. National Ave., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Section 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

- 1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on March 24, 2021, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
- 2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department.
- 3. Business Operations. The grant of this special use is conditioned upon the following:
- A. Excessive odors from cooking on premises shall be controlled within limits of current technology.
- B. Excessive noise and vibrations shall not emanate from the building.
- C. All exterior doors and windows being kept closed after daytime hours to prevent excess noise from entering the adjacent neighborhood.
- D. Exterior pest control shall be contracted on a monthly basis and/or in accordance with the City of West Allis Health department.
- E. Licensed operation. Necessary licenses being obtained in conjunction with the proposed business operations.
- 4. Hours of Operation. The proposed restaurant has indicated hours of operation to be from 10am to midnight seven (7) days per week.
- 5. Off-Street Parking. Eight (8) parking spaces are required for the proposed restaurant use. Total for all tenants at the shopping center is 263 parking spaces. A total of 264 stalls are provided on site.
- 6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be enclosed in accordance with the approved site plan.

Page 2 475

- 7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
- 8. Signage Signage for the overall property shall be in accordance with the City of West Allis Signage Ordinance Section 13.21of the Revised Municipal Code; window signage shall not exceed twenty (20) percent of each window's area and be installed on the inside of the glass.
- 9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within a 4-sided enclosure approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code.
- 10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
- 11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated downward and/or shielded in such a manner that no light splays from the property boundaries.
- 12. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
- 13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
- 14. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
- A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the

special use permit;

D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.

#### 15. Miscellaneous.

- A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.
- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.
- 16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.
- 17. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.
- 18. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Page 4 477

Asif Rajabali, tenant	
D-:111	
David Israel, property owner	
day of	, 2021
City Clerk	
City Clork	
cc: Economic Development	
Dept. of Building Inspections Div. of Planning	and Neighborhood Services
Div. of Flaming	
ZON-R-1263-4-7-21	
<b>SECTION 1:</b>	<b>ADOPTION</b> "R-2021-0208" of the City Of West Allis Municipal
Resolutions is hereby added a	
	ADOPTION
R-2021-0208(Added)	
,	

Page 5 478

#### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis		

Page 6 479

### **Planning Application**



Project Name Wingstop Applicant or Agent for Applicant Agent is Representing (Tenant/Owner) Name Steven Kolber Name Asif Rajabali Company Kolbrook Design, Inc. Company AR Network Address 828 Davis Street - Suite 300 Address 5005 Newport Drive - Suite 501 City Evanston State IL Zip 60201 City Rolling Meadows Zip 60008 State IL Daytime Phone Number 630-300-4699 Daytime Phone Number 847-571-1163 E-mail Address skolber@kolbrook.com E-mail Address asif.rajabali@arnetworkinc.com Fax Number 312-453-0699 Fax Number **Property Information** Application Type and Fee (Check all that apply) Property Address 10244 W. National Avenue, West Allis, WI Tax Key No. Special Use: (Public Hearing Required) \$500 Aldermanic District ☐ Level 1: Site, Landscaping, Architectural Plan Review \$100 Current Zoning C-4 Regional Commercial District (Project Cost \$0-\$1,999) Property Owner Badger Century Management, LLC. ■ Level 2: Site, Landscaping, Architectural Plan Review \$250 Property Owner's Address P.O. Box 2367, Northbrook, Illinois 60065 (Project Cost \$2,000-\$4,999) ☐ Level 3: Site, Landscaping, Architectural Plan Review \$500 (Project Cost \$5,000+) Existing Use of Property The space is currently vacant. Site, Landscaping, Architectural Plan Amendment \$100 Previous Occupant GNC was the previous tenant. Extension of Time \$250 Total Project Cost Estimate \$150,000.00 ☐ Signage Plan Appeal \$100 ■ Request for Rezoning \$500 (Public Hearing Required) Existing Zoning: \_\_\_\_\_\_ Proposed Zoning: \_ In order to be placed on the Plan Commission Request for Ordinance Amendment \$500 agenda, the Department of Development MUST receive the following by the last Friday of the month, Planned Development District \$1,500 prior to the month of the Plan Commission meeting. (Public Hearing Required) □ Subdivision Plats \$1,700 ☑ Completed Application Certified Survey Map \$725 Corresponding Fees ☑ Project Description Certified Survey Map Re-approval \$75 One (1) set of plans (24" x 36") - check all that apply Street or Alley Vacation/Dedication \$500 ■ Site/Landscaping/Screening Plan ☑ Floor Plans Transitional Use \$500 (Public Hearing Required) ■ Elevations Formal Zoning Verification \$200 □ Certified Survey Map □ Other ☑ One (1) electronic copy of plans ☑ Total Project Cost Estimate FOR OFFICE USE ONLY Plan Commission Please make checks payable to:

Applicant or Agent Signature

City of West Allis

Date 02-24-21

Property Owner Signature

Date 02-24-21

Common Council Introduction

Common Council Public Hearing



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#### PROOF OF PUBLICATION

STATE OF WISCONSIN MILWAUKEE COUNTY

S.S.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 19, 2021

Mar. 26, 2021

Associate Publisher/Editor

Sworn to me this 26th day of March 2021

Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin My Commision Is Permanent

CITY OF WEST ALLIS NOTICE OF PUBLIC HEARING Wednesday, April 7, 2021 6:30 P.M.

NOTICE IS HEREBY GIVEN that the Common Council of the City of West Allis will conduct a public hearing virtually on Wednesday, April 7, 2021, at 6:30 P.M., or as soon thereafter as the matter may be heard, on the:

Special Use Permit for Wing Stop, a proposed restaurant, to be located at 10244 W. National Ave.

The City of West Allis will be holding this Common Council Meeting virtually to help protect our community from the Coronavirus (COVID-19) pandemic. Members of the public may view the meeting live using the link below and may submit comments or questions to the Common Council regarding this public hearing by emailing your comments or questions to questions clerk@westalliswi.gov or filing a paper copy addressed to City Clerk in the City Hall drop box by 8:00 a.m. on April 7, 2021 (City Hall, 7525 W. Greenfield Avenue).

If you wish to view the meeting, you can watch the meeting as it is livestreamed on the City of West YouTube Channel https://www.youtube.com/user/westa lliscitychannel/live.

Additional project information, comments or questions or concern can be addressed by contacting the Planning Department

planning@westalliswi.gov or at 414-302-8460.

You may express your opinion in writing to the clerk@westalliswi.gov. prior to the meeting, or orally at such

public hearing.
Dated at West Allis, Wisconsin, this March 15, 2021

City Clerk 21H17

11981314/3-19-26

#### PROOF OF PUBLICATION

Customer: 10093332/City of West Allis

## CITY OF WEST ALLIS RESOLUTION R-2021-0211

# RESOLUTION RELATIVE TO DETERMINATION OF AN APPLICATION FOR A SPECIAL USE PERMIT FOR WRESTLING TACO, A PROPOSED RESTAURANT, TO BE LOCATED AT 1606 S. 84 ST.

**WHEREAS,** Nicole DeBack, filed with the City Clerk an application for a Special Use Permit, pursuant to Sec.,12.41(2) and Sec. 12.16 of the Revised Municipal Code, to establish a restaurant, located at 1606 S. 84th St.; and,

**WHEREAS**, after due notice, a public hearing was held by the Common Council on April 7, 2021, at 7:00 p.m., in the Common Council Chambers to consider the application; and,

Page 1 484

**WHEREAS**, the Common Council, having carefully considered the evidence presented at the public hearing and the following pertinent facts noted:

1. The applicant, Nicole DeBack, will operate the proposed restaurant use within an approximate 3,100-sf portion of the existing 13,000-sf multi-tenant commercial building at 1606 S. 84 St. The owner of the property is Peter Agnos (Agnos Enterprises) for the subject property located at 1606-1650 S. 84th St. and 83\*\* W. Lapham St.

Tax Key No. 452-0431-001 and 452-9999-010:

All that land of the owner being located in the Northeast ¼ of Section 4, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin describes as follows:

Lot 1 of the Certified Survey Map No. 9258 (recorded 9-10-2020)

Said land located at 1606-50 S. 84th St.

- 2. The proposed restaurant space with seating for 68 persons will also utilize an existing drive-thru window (formerly used for the previous credit union use) for carry out/pick up orders.
- 3. The aforesaid premises is zoned C-2 Neighborhood Commercial District under the Zoning Ordinance of the City of West Allis, which permits restaurants and outdoor dining as a special use, pursuant to Sec. 12.41(2) and Sec. 12.16 of the Revised Municipal Code.
- 4. The subject property is part of a block along the east side of 84th St. between W. Lapham St. and W. National Ave., which is zoned for commercial uses. Properties to the north and west are developed for commercial and some residential uses. Properties to the east are zoned for manufacturing uses. Properties to the south are developed for commercial and park uses.
- 5. The proposed development should not adversely contribute to traffic volumes or traffic flow in the area as the property has historically been utilized as a multi-tenant commercial use. Sufficient off-street parking will be provided and the area is also served by public transit.

**NOW THEREFORE,** BE IT RESOLVED by the Common Council of the City of West Allis that the application of Nicole DeBack, to establish a restaurant with drive-thru located at 1606 S 84th St., be, and is hereby granted on the following grounds:

That the establishment, maintenance and operation of the proposed use, with the imposition of certain conditions hereinafter set forth, reasonably satisfies the standards set forth in Section 12.16 of the Revised Municipal Code, so as to permit the issuance of a special use permit as therein provided.

BE IT FURTHER RESOLVED that said special use permit is granted subject to the following conditions:

Page 2 485

- 1. Site, Landscaping, Screening and Architectural Plans. The grant of this special use permit is subject to and conditioned upon the site, landscape, screening and architectural plans approved on March 24, 2021, by the City of West Allis Plan Commission as provided in Sec. 12.13 of the Revised Municipal Code of the City of West Allis. No alteration or modification of the approved plan shall be permitted without approval by the Plan Commission.
- 2. Building Plans and Fire Codes. The grant of this special use is subject to building plans being submitted to and approved by the Department of Building Inspections and Neighborhood Services and by the Fire Department.
- 3. Business Operations. The grant of this special use is conditioned upon the following:
- A. Excessive odors from cooking on premises shall be controlled within limits of current technology.
- B. Excessive noise and vibrations shall not emanate from the building.
- C. All exterior doors and windows being kept closed after daytime hours to prevent excess noise from entering the adjacent neighborhood.
- D. Exterior pest control shall be contracted on a monthly basis and/or in accordance with the City of West Allis Health department.
- E. Licensed operation. Necessary licenses being obtained in conjunction with the proposed business operations.
- F. Outdoor dining option. While not initially proposed, if planned in the future, subject to Plan Commission site, landscaping and architectural approval.
- 4. Hours of Operation. The proposed restaurant has indicated hours of operation to be from 11am to 11pm Monday through Friday, 8am to 1am on Saturday, and 8am to 10pm on Sunday.
- 5. Off-Street Parking. Twenty-one (21) parking spaces are required for the proposed restaurant use. Total for all tenants at the shopping center is 76 parking spaces. A total of 118 stalls are provided on site.
- 6. Litter. Employees shall inspect the area and immediate vicinity and pick up litter on a daily basis. Refuse, recyclables, and other waste materials will be enclosed in accordance with the approved site plan.
- 7. Marketing Displays. The use of pennants, special lighting, flags, streamers or other signage typically temporary in nature, hanging, floating or attached to a structure or vehicle shall not be permitted.
- 8. Signage. Signage for the overall property shall be in accordance with the City of West Allis Signage Ordinance Section 13.21of the Revised Municipal Code; window signage shall not exceed twenty (20) percent of each window's area and be installed on the inside of the glass.
- 9. Deliveries and Refuse Collection. All refuse to be provided by a commercial hauler. All refuse, recyclables and other waste material shall be screened from view within an enclosure

Page 3 486

approved by the Department of Development. All tenants of the property will be required to abide by the City of West Allis health/public nuisance rules per Chapter 7 of the Revised Municipal Code. Because there are residents that live within the residential neighborhood adjacent to the site, delivery operations and refuse pick up shall only be permitted during daytime hours. These functions shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m.

- 10. Pagers, Intercoms. The use of outdoor pagers, intercoms, or loud speakers shall not be permitted on site.
- 11. Outdoor Lighting. The grant of this special use is subject to all lighting fixtures being orientated downward and/or shielded in such a manner that no light splays from the property boundaries.
- 12. Noxious Odors, Etc. The use shall not emit foul, offensive, noisome, noxisome, noxious or disagreeable odors, gases, or effluvia into the air. Mechanical systems shall be maintained to efficiently remove noxious odors.
- 13. Pollution. The use shall not cause any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, or stone refuse or other materials to be deposited upon any public right of way or flow into any sanitary sewer, storm sewer, or water supply system, or onto adjacent properties.
- 14. Expiration of Special Use Permit. Any special use approved by the Common Council shall lapse and become null and void one (1) year from and after that approval if the use has not commenced, construction is not underway, or the owner has not obtained a valid building permit. An extension of these time limitations may be granted without a public hearing by the Common Council by resolution reauthorizing the special use in accordance with the following criteria:
- A. The applicant requesting the extension shall complete a planning application available from the Department of Development and shall submit a \$250.00 extension fee.
- B. A written explanation for the extension of time shall accompany the planning application along with a timeline/schedule for obtaining necessary permits, zoning, state and municipal approvals and a target date for construction start;
- C. The request for extension shall be submitted within sixty (60) days of the expiration of the special use permit;
- br> D. The extension, if granted, shall be valid for a period of six (6) months. If no building permit has been issued and construction has not commenced within six (6) months from and after the extension has been granted, the special use shall become null and void.
- 15. Miscellaneous.

Page 4 487

A. Applicants are advised that the foregoing conditions are reasonably necessary to protect the public interest and to secure compliance with the standards and requirements specified in Sec. 12.16 of the Revised Municipal Code; that the issuance of the special use is expressly subject to compliance with said conditions.

- B. The use, as granted herein, is subject to applicants' compliance with all other state and local laws and regulations which may be applicable to the proposed use of the real estate in question.
- C. The special use, as granted herein, shall run with the land and benefit and restrict all future owners and occupants of the property, unless the use shall lapse or be terminated and the use will not be altered or extended (including structural alterations and/or additions) without the approval of the Common Council, following public hearing, all as provided in Sec. 12.16 of the Revised Municipal Code.
- 16. Lapse. If the applicant does not meet all of the terms and conditions set forth in this grant of a special use within one year of the granting thereof, then the Special Use Permit shall lapse and become null and void and the applicant shall forfeit any right to use the property as conferred by the Special Use Permit. The failure of the applicant to meet the terms and conditions of the Special Use Permit shall subject the permit to being declared void by the Common Council after notice to the applicant and a hearing before the Safety and Development Committee. Upon a finding and recommendation by the Committee to the Common Council on the matter, the applicant and/or any interested person may make comments regarding the matter to the Common Council prior to the Common Council's next regular meeting following the recommendation. Upon the Common Council's finding that the Special Use Permit has lapsed and become void, the applicant shall cease all operations at the property.
- 17. Termination of Special Use. If the person or entity granted the special use violates, allows or suffers the violation of the ordinances of the City of West Allis, the State of Wisconsin or the United States on the premises covered by the special use, then the special use may be terminated.
- 18. Acknowledgement. That the applicants sign an acknowledgment that he has received these terms and conditions and will abide by them.

The undersigned applicant agrees to the terms and conditions and has agreed that the grant of the Special Use Permit is conditioned on meeting the terms and conditions of this resolution.

Nicole DeBack, tenant		

Page 5 488

Peter Agnos, property owner	
day of,	2021
City Clerk	
cc: Economic Development Dept. of Building Inspections a Div. of Planning	and Neighborhood Services
ZON-R-1264-4-7-21	
SECTION 1: A Resolutions is hereby <i>added</i> as	ADOPTION "R-2021-0211" of the City Of West Allis Municipal s follows:
	ADOPTION
R-2021-0211(Added)	

Page 6 489

#### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
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Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis		

Page 7 490

### **Planning Application**



Project Name Wrestling Taco

Property Owner Signature

<b>Applicant or Agent for Applicant</b>		Agent is Representing (Tenant/Owner)
Name Nicole DeBack	No	AME DONALD KURKOWSKI
Company DeBacks Wrestling Taco LLC		ompany ARCHITECTS/FLANNERS
Address 1116 S. 85th St		dress 1545 5. 84TH 5T.
City West Allis State WI Zip 53214		ty COBST ALLIS State WI Zip 53214
Daytime Phone Number <u>414-801-0855</u>		sytime Phone Number 414 - 258 - 9 995
E-mail Address brevenbryce@yahoo.com		mail Address AP. 1102216 @ G MAIL, Co
Fax Number		x Number 414, 258, 7611
Property Information		Application Type and Fee (Check all that apply)
Property Address 1606 S. 84th St		Special Heat / Dublic Heating Descript II & FOO
Tax Key No. 452-0431-001	. 🔟	Special Use: (Public Hearing Required) \$500
Aldermanic District 2	. 🗆	Level 1: Site, Landscaping, Architectural Plan Review \$100 (Project Cost \$0-\$1,999)
Current Zoning Commercial		· · · · · · · · · · · · · · · · · · ·
Property Owner Peter Agnos	. 🗆	Level 2: Site, Landscaping, Architectural Plan Review \$250 (Project Cost \$2,000-\$4,999)
Property Owner's Address 860 E Briar Ridge Dr		Level 3: Site, Landscaping, Architectural Plan Review \$500 (Project Cost \$5,000+)
Existing Use of Property Restaurant		Site, Landscaping, Architectural Plan Amendment \$100
Previous Occupant Wisconsin Pizza Authority		Extension of Time \$250
4		
Total Project Cost Estimate <u> </u>		Signage Plan Appeal \$100
	. D	Request for Rezoning \$500 (Public Hearing Required)  Existing Zoning: Proposed Zoning:
In order to be placed on the Plan Commission		Request for Ordinance Amendment \$500
agenda, the Department of Development <u>MUST</u> receive the following by the last Friday of the month,		Planned Development District \$1,500 (Public Hearing Required)
prior to the month of the Plan Commission meeting.		Subdivision Plats \$1,700
Completed Application		Certified Survey Map \$725
Corresponding Fees Project Description		Subdivision Plats \$1,700  Certified Survey Map \$725  Certified Survey Map Re-approval \$75  Street or Alley Vacation/Dedication \$500  Transitional Use \$500 (Public Hearing Required)  Formal Zoning Verification \$200
(1) set of plans (24" x 36") - check all that apply		Charles An Alley Verelle (Delle United States and Alley V
☐ Site/Landscaping/Screening Plan	- 0	Street of Alley Vacation/Dedication \$500
☐ Floor Plans		Transitional Use \$500 (Public Hearing Required)
☐ Elevations☐ Certified Survey Map		Formal Zoning Verification \$200
☐ Other		
One (1) electronic copy of plans		
™ Total Project Cost Estimate	FOR	OFFICE USE ONLY
Please make checks payable to:		Plan Commission 3/24/2/
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City of West Allis | 7525 W Greenfield Ave. | West Allis WI 52214

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STATE OF WISCONSIN MILWAUKEE COUNTY

S.S.

Joe Yovino, being the first duly sworn on oath, says that he or she is the Associate Publisher/Editor of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Mar. 19, 2021

Mar. 26, 2021

Joe Yovino, Associate Publisher/Editor

Sworn to me this 26th day of March 2021

-Russell A. Klingaman

Notary Public, Milwaukee County, Wisconsin

My Commision Is Permanent

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Special Use Permit Wrestling Taco, a proposed restaurant, to be located at 1606 S. 84 St.

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If you wish to view the meeting, you can watch the meeting as it is livestreamed on the City of West YouTube Channel Allis https://www.youtube.com/user/westa lliscitychannel/live.

Additional project information, comments or questions or concern can be addressed by contacting the Planning Department

planning@westalliswi.gov or at 414-302-8460.

You may express your opinion in writing to the <u>clerk@westalliswi.gov</u>, prior to the meeting, or orally at such public hearing.

Dated at West Allis, Wisconsin,

this March 15, 2021

City Clerk 21H18

11981327/3-19-26

#### PROOF OF PUBLICATION

#### CITY OF WEST ALLIS ORDINANCE 0-2021-0192

## ORDINANCE TO REMOVE SPECIAL EVENT PERMIT EXEMPTION FOR CLASS B LICENSEES

#### **AMENDING SECTION 6.032**

WHEREAS, the common council finds that a special event permit is a proper and necessary requirement for any events in public space held by Class B licensees;

**NOW THEREFORE,** the common council of the City of West Allis do ordain as follows:

**SECTION 1:** <u>AMENDMENT</u> "6.032 Special Events" of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 6.032 Special Events

- (a) Definitions. In this section:
  - 1. "Class 1 special event" means a special event that includes at least one of the following features: alcohol is available for consumption, electronically amplified outdoor sound is utilized, or more than 400 square feet of ground is covered by a tent or other temporary structure that provides shelter from the elements.
  - 2. "Class 2 special event" means any special event that is not a Class 1 special event.
  - 3. "Coordinator" means the sponsor or individual(s) identified by the sponsor that will be on-site at all times during a special event and are authorized to ensure compliance with this section.
  - 4. "Direct costs" means those costs incurred by a department to provide staffing and equipment for a special event, including:
    - a. Wages and fringe benefits of city employees or contractors performing work for the special event
    - b. A reasonable rental rate for any city equipment provided for the special event
    - c. An administrative charge equal to 10% of staffing and equipment expenses
  - 5. "Organize" means set up for, hold, arrange for, or maintain.
  - 6. "Person" means any individual, firm, organization, association, or corporation.
  - 7. "Public property" means any right-of-way or land owned or controlled by a federal, state, or local government.
  - 8. "Special event" means any organized gathering of at least 21 people that

Page 1 495

impedes the normal use of public property by persons not attending the event.

- 9. "Sponsor" means the person who holds a permit to organize a special event.
- (b) Permit Required. No person may organize a special event without a valid special event permit, unless:
  - 1. The person is an entity that has taxing authority;
  - 2. The special event is a funeral or funeral procession;
  - 3. The premises is an extension of an existing Class "B" license under Wis. Stat. § 125.26(1)(Reserved);
  - 4. The person has been issued a park use permit under West Allis Policy and Procedure #2107 Park Regulations and Permits; or
  - 5. The special event is authorized by the West Allis Police Department Crime Prevention Bureau.

#### (c) Application

- 1. Type and Fee
  - a. Regular. Any person seeking a special event permit shall complete an official application, submit it to the city clerk at least 45 days prior to the commencement of the special event, and pay a nonrefundable \$50 special event application processing fee.
  - b. Expedited. Any person seeking a special event permit shall complete an official application, submit it to the city clerk 15 to 45 days prior to the commencement of the special event, and pay a \$200 expedited special event application processing fee.
- 2. Information Required. An application is not complete until the all of the following is filed with the city clerk:
  - a. The name, mobile phone number, and email address of the sponsor or, if the sponsor is not an individual, the individual submitting the application on behalf of the sponsor.
  - b. The name and mobile phone numbers of all coordinators.
  - c. The location and description of the special event premises. The application shall list an address or block number and include a map or diagram of the special event premises.
  - d. The dates and times during which the special event is scheduled to take place, and any alternative dates in case a special event is postponed.
  - e. A description of the characteristics of the special event, including:
    - i. Maximum capacity of people on the premises and expected peak attendance.
    - ii. Whether alcohol will be available for consumption and the type of alcohol license that will cover the premises.
    - iii. Whether electronically amplified outdoor sound will be utilized.
    - iv. Whether more than 400 square feet of ground will be covered by a tent or other temporary structure that provides shelter from the elements.
  - f. For a class 1 special event, a certificate of insurance for the duration of

Page 2 496

- the special event indicating endorsements and liability coverage amounts consistent with city policy.
- g. For a special event that closes a street, a street closure consent form signed by occupants of at least 50 percent of the residential and commercial units on the closed portion of the street
- 3. Indemnification. The sponsor shall indemnify and hold harmless the City against any and all liability and loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of rights-of-way by the sponsor or its employees, agents, or contractors arising out of the rights and privileges granted by a special event permit.
- 4. Transferability. A sponsor may not transfer a special event permit to another person.

#### (d) Application Processing

- 1. Upon receiving a completed application, the clerk shall forward the application to the police department, fire department, department of public works, health department, and city engineer.
  - a. Each department shall review the application received from the city clerk and estimate the department's charges associated with the special event
  - b. Each department's estimated charges shall be the projected direct costs for providing the staffing and equipment for the special event as requested by the sponsor and/or deemed necessary by the department to protect the public health, safety, and welfare.
  - c. In determining staffing and equipment needs, the departments shall consider all the following:
    - i. The anticipated peak attendance.
    - ii. Whether alcohol is available for consumption.
    - iii. Whether outdoor amplified sound is utilized.
    - iv. Particular characteristics of the special event including layout, sight lines, nearby population density, parking availability, and other relevant factors.
  - d. In determining staffing and equipment needs, the departments may not consider the content of any message at the special event.
- 2. The clerk shall determine if the sponsor, coordinator, or any person who has an ownership interest in the sponsor owes any delinquent fees, charges, or other debts to the City.
- 3. Within 15 days after receiving the a regular special event permit application, or as soon as practicable after receiving an expedited special event permit application, all City departments shall supply the city clerk with the amount of the estimated charges.
- 4. If a City department does not timely respond to the city clerk, the city clerk may proceed with processing the application without collecting an advance deposit.
- (e) Payment for Estimated Charges, Permit Issuance, and Appeal
  - 1. Estimated Charges Payment. The payment for the estimated charges shall be made at least 7 days prior to the event or the application will be considered

Page 3 497

- withdrawn.
- 2. Issuance. The city clerk shall issue a special event permit to the sponsor or its agent unless the applicant is disqualified.
- 3. Disqualifiers. A person is not eligible for a special event permit if any of the following applies:
  - a. In the 3 years prior to the date of application, the sponsor or coordinator failed to comply with the requirements of this section.
  - b. The special event permit application contains false information.
  - c. The estimated charges computed by any City department remain unpaid.
  - d. Any delinquent fees, charges, or other debts to the City owed by the sponsor, coordinator, or any person who has an ownership interest in the sponsor remain unpaid.
  - e. The clerk is processing or has issued a different special event permit for the same premise during overlapping times and dates.
- 4. Due Process upon Denial
  - a. Regular application. If the clerk has not issued a special event permit upon a regular application at least 30 days after receipt of the application, the person whose application was not approved may apply for a writ of mandamus.
  - b. Expedited application. If the clerk has not issued a special event permit upon an expedited application at least 7 days prior to the scheduled commencement of the special event, the person whose application was not approved may apply for a writ of mandamus.
- (f) Conditions upon Permit. Upon issuance of a special event permit, each sponsor agrees to the following conditions:
  - 1. The sponsor or at least one coordinator shall be on the special event premises at all times that the special event is open for attendees.
  - 2. The police department, fire department, or department of public works may increase or decrease the staffing or equipment on the premises during the special event based on the actual number of attendees in order to protect the public health, safety, and welfare, and the City may charge the sponsor up to the direct costs of an increase in staffing or equipment under this paragraph.
  - 3. The coordinator shall keep a copy of the special event permit and any other applicable permit or license on the premises for the duration of the special event.
  - 4. The coordinator shall answer at all times that the special event is open for attendees any calls to the mobile phone for the number listed on the application from a city official or employee.
  - 5. The sponsor and coordinator shall comply with all local, state, and federal laws.
- (g) Service Charge Settlement. Within 30 days after the final date indicated on the special event permit or the date on which a special event was closed under sub. (8), each department that incurred staffing and equipment costs for the special event may file with the city clerk an invoice showing the actual direct costs for staffing and equipment

Page 4 498

provided on premises during the special event.

- 1. If the total actual direct costs from all departments did not exceed the deposit for estimated charges, the city clerk shall apply the deposit to the due amount and refund any excess to the sponsor.
- 2. If the total actual direct costs from all departments exceeded the deposit for estimated charges, the city clerk shall apply the deposit to the due amount and invoice the sponsor for the difference. The sponsor shall pay the invoiced amount within 30 days after the invoice date and simple interest shall accrue at 1% per month on the balance due for each month the invoice is delinquent.

#### (h) Penalty

- 1. Forfeiture. Any person convicted of violating any of the provisions of this section shall forfeit not less than \$50 nor more than \$500 for each violation, together with the costs of prosecution.
- 2. Event Closure. A law enforcement officer may summarily invalidate a special event permit and close the special event:
  - a. If the event causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed;
  - b. If there is no sponsor or coordinator on the premises; or
  - c. If the sponsor or coordinator fails to correct noncompliance with a condition of a special event permit after advanced warning to the sponsor or coordinator and reasonable opportunity to comply with that condition.
- 3. Other Remedies. This section does not restrict the City from seeking any other remedies allowed by law.

Note: A special event permit is appropriate for any block party, church festival, concert, parade, carnival, or other large gathering.

**SECTION 2: EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

Page 5 499

#### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio			<u></u>	
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presid	ing Officer	
Rebecca Grill, City Clerk, City Of	_	Dan De	vine, Mayor City	Of West
West Allis		Allis	,, 61 6169	31 11000

Page 6 500

#### CITY OF WEST ALLIS RESOLUTION R-2021-0198

# RESOLUTION TO WAIVE LATE FEES FOR ALCOHOL BEVERAGE LICENSE RENEWAL APPLICATIONS EXPIRING ON JUNE 30, 2021

**WHEREAS**, the City of West Allis is migrating the application and processing of licenses and permits to a new software provider, My Government Online (MGO), and;

**WHEREAS**, the vendor and City staff have had to adjust the timeline for development and testing of alcohol beverage license applications, and;

**WHEREAS**, due to the adjusted timeline, the ability for licensees to apply for renewals will not be until the end of April, and this will not allow for adequate time for licensees to submit their renewal applications.

**NOW THEREFORE,** BE IT RESOLVED, that 2021 alcohol beverage renewal applications submitted on or before May 21, 2021 will not be accessed a late.

BE IT FURTHER RESOLVED, that the Office of the City Clerk is authorized to take appropriate action to implement said actions.

**SECTION 1:** ADOPTION "R-2021-0198" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

Page 1

R-2021-0198(*Added*)

501

#### PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio				
Ald. Vince Vitale				
Ald. Tracy Stefanski				
Ald. Marty Weigel				
Ald. Suzzette Grisham				
Ald. Danna Kuehn				
Ald. Thomas Lajsic				
Ald. Dan Roadt				
Ald. Rosalie Reinke				
Ald. Kevin Haass				
Attest		Presidi	ng Officer	
Rebecca Grill, City Clerk, City Of West Allis		Dan De Allis	vine, Mayor City	Of West

Page 2 502



# Clerk's Office 7525 W. Greenfield Avenue, West Allis, WI 53214 (414) 302-8220 www.westalliswi.gov

#### Liquor License Packet

Included in this portfolio are the necessary documents needed to apply a new Alcohol Beverage license with the City of West Allis. Please print and then sign each of the documents before submitting to the Clerk's Office. For additional copies of a form (i.e. Auxiliary Questionnaire AT-103) print off required copies you need or go to the Quick Link – WI Dept. of Revenue Forms below.

Liquor License fees are prorated as follows. Minimum payment due upon receipt of your application is \$200.00 plus the additional fees (including the Instrumental Music License application of \$140.00, if applicable)

Cash or Check (payable to the City of West Allis):

	Combination B Tavern	Combination Class A	Class A Beer	Class B Beer	Class C Wine
August	£200*	\$600			
September	\$300*	\$550		\$100 \$	
October	*CO\#D	\$500	\$150		\$100
November	*COVID	\$450			
December - June	reduced fee	\$400			

#### Additional fees include:

- o Publication Fee of \$15.00
- o Record Check Fee of \$15.00 for every member listed on the Liquor Application (AT-106)

The checklist of the necessary requirements is provided below. The first three (3) items (Detailed Floor Plan, Plan of Operation, and Public Entertainment Form) are required when submitting the Application.

/
Plan of Operation – To be submitted with application
☑,Public Entertainment Form – To be submitted with application (except for Class A applicants)
Article of Incorporation
Federal Identification Numbers
State Seller Permit or WI Business Tax Registration Certificate with expiration date included
Proof of Liquor or Bartending License/Class
☐ Surrender of Active License with Statement
☐ Fees paid \$
Fees paid \$ Fees due \$

#### Quick Links:

- WI Dept. of Revenue Forms
- o Operators' Licenses Alcohol Beverage Laws
- o Alcohol Beverage Laws for Retailers Licenses
- Wisconsin Alcohol Beverage and Tobacco Laws for Retailers
- o City of West Allis, WI Code Chapter 9: Business And Occupations

FYI - click mouse in 'For the license period beginning' field Save Print Clear to begin and tab throughout. Use mouse to check appropriate boxes, spacebar or enter. Original Alcohol Beverage Retail License Application Applicant's Wisconsin Seller's Permit Number (Submit to municipal clerk.) FEIN Number ending: 03/31/2022 For the license period beginning: 04/01/2021 TYPE OF LICENSE (mm dd vvvv) FEE REQUESTED Town of Class A beer \$ West Allis ☐ Village of To the Governing Body of the: Class B beer S Class C wine \$ Class A liquor \$ County of Milwaukee Aldermanic Dist. No. Class A liquor (cider only) \$ N/A (if required by ordinance) Class B liquor \$ Reserve Class B liquor \$ Check one: Individual ✓ Limited Liability Company Class B (wine only) winery 5 Corporation/Nonprofit Organization Publication fee Partnership TOTAL FEE \$ Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name) The Candle Company LLC An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person. President / Member Last Name (Middle Name) Home Address (Street, City or Post Office, & Zip Code) (First) 3450 South Stonegate Cir 204 New Berlin, WI Timmons Tedrick Vice President / Member Last Name Home Address (Street, City or Post Office, & Zip Code) (First) (Middle Name) Secretary / Member Last Name (First) (Middle Name) Home Address (Street, City or Post Office, & Zip Code) Treasurer / Member Last Name (Middle Name) Home Address (Street, City or Post Office, & Zip Code) (First) Agent Last Name (First) (Middle Name) Home Address (Street, City or Post Office, & Zip Code) Timmons 3450 S. Stonegate Cir 204 New Berli Tedrick Directors / Managers Last Name (First) (Middle Name) Home Address (Street, City or Post Office, & Zip Code) 1. Trade Name The Candle Company LLC Business Phone Number 2022530215 2. Address of Premises 8100 West National Avenue Post Office & Zip Code 53214 3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.) Commerical retail building located on 81st and National Avenue. The facility will house candle making stations and retail space to purchase candle fragrance products. While patrons are creating candles at the different stations or bar, they can also enjoy a glass of wine for a calm, relaxing and stress relief activity. 4. Legal description (omit if street address is given above): ₩ No

AT-106 (R: 3-19) Wisconsin Department of Revenue

(b) If yes, under what name was license issued?

6.	bev	dividual, partners or age erage server training cou sconsin approved	rse for this license period	d? If yes,	explain			✓ Yes	□ No
						3,10,110,			
7.		ne applicant an employe o	or agent of, or acting on	behalf of a	anyone except the	named applicar	it?	☐ Yes	☑ No
	_								
8.	Doe	es any other alcohol beveiness? If yes, explain			permittee have ar			☐ Yes	☑ No
9.		Corporate/limited liabil of registration.	ity company applicants	s only: In	sert state Wisco	nsin and d	ate 07/04/20		
	(b)	Is applicant corporation/ company? If yes, expla	limited liability company in					☐ Yes	<b>№</b> No
	100000	Does the corporation, or member/manager or age		ckholder	or agent or limited	liability compar	ny, or any	☐ Yes	<b>№</b> No
10	Dec		nd they must register as						
10.	gov	ernment, Alcohol and Tol iness? [phone 1-877-88]	acco Tax and Trade Bur	eau (TTB)	) by filing (TTB forr	m 5630.5d) befo	re beginning	✓ Yes	□ No
11.	Do	s the applicant understa	nd they must hold a Wisc	consin Sel	ler's Permit? [pho	ne (608) 266-27	76]	✓ Yes	☐ No
12.		es the applicant understand weries and brewpubs?		se alcoho	l beverages only fr	rom Wisconsin v	vholesalers,	✓ Yes	☐ No
the than assi Con	\$1,0 gned pani	REFULLY BEFORE SIGNIN of the knowledge of the signer 00. Signer agrees to operate to another. (Individual applica as must sign.) Any lack of acc eanor and grounds for revoca	. Any person who knowingly this business according to la ints, or one member of a part ess to any portion of a licens	provides mand that nership app	aterially false informat the rights and respon- licant must sign; one	tion on this applica sibilities conferred corporate officer, o	tion may be require by the license(s), it ne member/manage	ed to forfeit granted, ver of Limite	not more will not be d Liability
-		rson's Name (Last, First, M.I.)		Title/Member  President  Date  02/11/20		Separation of Action of Separation			
	ature			01/2002	President Phone Number		Email Address		
0	Vedrick Verincons				2022530215 tedricktim		mons@tl	necano	
то	BE C	OMPLETED BY CLERK			W2				
Date	recei	ed and filed with municipal clerk Da	ite reported to council / board	Date provis	ional license issued	Signature of Clerk /	Deputy Clerk		
Date	licens	e granted Da	ite license issued	License nu	mber issued				
AT-10	06 (R.	3-19)		1					

## Auxiliary Questionnaire Alcohol Beverage License Application

Submit to municipal clerk.

Individual's Full Name (please print) (last name) (first name) (middle name)	me)								
Timmons Tedrick									
Home Address (street/route) Post Office City State	Zip Code								
3450 S. Stonegate Cir 204 New Berlin WI	53151								
Home Phone Number Age Date of Birth Place of Birth									
(202) 253-0215 North	Dakota								
The above period individual provides the following information as a person who is (about ana):									
The above named individual provides the following information as a person who is (check one):  Applying for an alcohol beverage license as an individual.									
A member of a <b>partnership</b> which is making application for an alcohol beverage license.									
Member of a partnership which is making application for an accide beverage needs.									
(Officer / Director / Member / Manager / Agent) (Name of Corporation, Limited Liability Company or Nonprofit	Organization)								
which is making application for an alcohol beverage license.									
The above named individual provides the following information to the licensing authority:									
1. How long have you continuously resided in Wisconsin prior to this date? 2 years									
2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for									
violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county	violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county								
or municipality?									
If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and									
status of charges pending. (If more room is needed, continue on reverse side of this form.)									
3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages)									
for violation of any federal laws, any Wisconsin laws, any laws of other states or ordinances of any county or									
municipality?	Yes V No								
If yes, describe status of charges pending.  4. De year held are year making application for an area year an efficient director or agent of a corporation/compress.									
<ol> <li>Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol</li> </ol>									
beverage license or permit?	Yes V No								
If yes, identify.	rement in the second of the se								
(Name, Location and Type of License/Permit)									
5. Do you hold and/or are you an officer, director, stockholder, agent or employe of any person or corporation or									
member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin?									
If yes, identify.	🔲 163 📔 140								
(Name of Wholesale Licensee or Permittee) (Address By City and County)									
6. Named individual must list in chronological order last two employers.									
Employer's Name Employer's Address Employed From	To								
Transamerica Insurance 570 Carrillon Parkway St. P Florida 04/01/2005	12/31/2014								
For the state of t									
Employer's Name Employer's Address Employed From 900 S. Pine Island Plantation FI 33: 01/01/2015									
Zurich North America Employer's Address 900 S Pine Island Plantation FL 33: 01/01/2015	01/01/2021								

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the undersigned states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. The signer agrees that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000.

Lidrick Jummons
(Signature of Named Individual)

AT-103 (R. 7-18) Wisconsin Department of Revenue

## SCHEDULE FOR APPOINTMENT OF AGENT BY CORPORATION/NONPROFIT ORGANIZATION OR LIMITED LIABILITY COMPANY

Submit to municipal clerk.

liquor mus	st appoint an agen poration/organiza	t. The following qu	uestions must be answere	ed by the agent. The a	appointn	malt beverages and/or intoxicating nent must be signed by the officer(s) commendation made by the proper
iocai omici	u.,	Town				
To the gov	verning body of:	☐ Village o	of West Allis	Co	unty of	Milwaukee
		X City				
The under	rainmand dully author	prized officer(s)/m	T)	he Candle Comp	any L	LC
rne under	rsigned duly author	onzed onicer(s)/ii	lembers/managers or	(registered name of cor	poration/o	LC rganization or limited liability company)
						ense for a premises known as
			эра,а -рр		J	•
The Car	ndle Company	LLC	(trade nan	ne)		
located at	8100 West N	ational Aver		107		
annainta	Tedrick			Timmons		
appoints			(name of appoint	ed agent)		
	3450 S. Sto	onegate Cir		Berlin WI	5315	1
			(home address of app	pointed agent)		
to alcohol	beverages condu	cted therein. Is a	liability company with full pplicant agent presently a or applying for a beer and/	cting in that capacity	or requ	oremises and of all business relative resting approval for any corporation/ r location in Wisconsin?
Yes	No If s	o, indicate the cor	porate name(s)/limited lia	bility company(ies) a	nd muni	cipality(ies).
· Partition of the same			4 F L			V DN-
	100		e responsible beverage se		1000	Yes No
How long	immediately prior	to making this ap	plication has the applicant	t agent resided contir	nuously	in Wisconsin? 2 years
Place of re	esidence last yea	r Wisconsin				
	For	The Candle	e Company LLC			
	_	11.11.	(name of corp.	oration/organization/limited	d liability c	ompany)
	Ву	Varia	e Jimmon	nature of Officer/Member/fi	Manager)	
	And					
	Alle		(sign	nature of Officer/Member/I	Manager)	
			ACCEPTANCE I	BY AGENT		
Too	irick	n	immons			
I,	ILICK	(print/type age		, her	eby acc	ept this appointment as agent for the
corporatio	on/organization/lin	nited liability com		esponsibility for the	conduc	t of all business relative to alcoho
beverage	J	to premises for th	c corporation/organizatio	0/11/000	1	
De	duck I	mmon-	)	2/11/202		Agent's age
2450 C	. Stonegate	gnature of agent)	New Berlin	WI 53151		B
3430 8	. Stollegate		address of agent)	111 33131		Date of birth
			ROVAL OF AGENT BY N			
I hereby o	certify that I have	checked municipa		rds. To the best of m	y knowl	edge, with the available information
ino onara	otor, record and r	opalation are sati	s.astory and materiol	-,		
Approved	on(date)	by	(signature of proper local	al official)	Title	(town chair, village president, police chief)
	0.50 0.5		15 g. a.a. o o proportion			
AT-104 /R 4-0	191					Wisconsin Department of Revenue

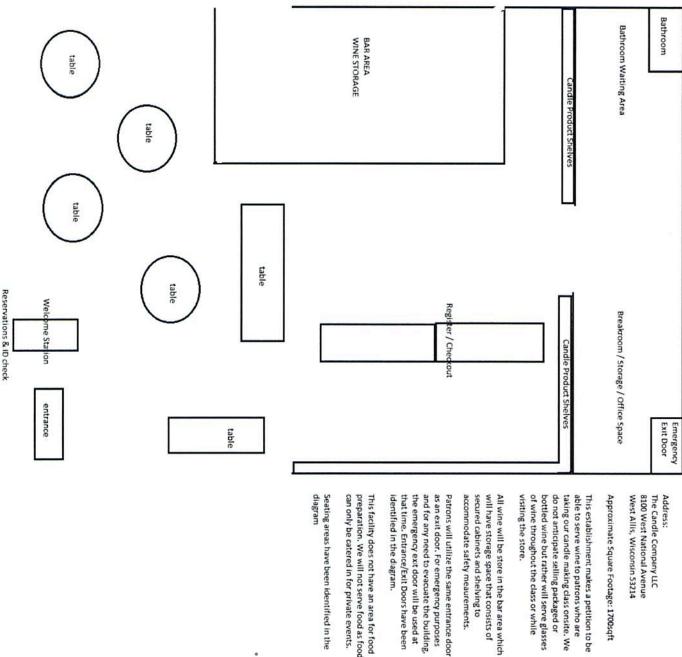
#### FLOOR PLAN

#### -NEW APPLICANTS ONLY-

Name of Busi	rsiness The Candle Company LLC (Name of Individual, Partners, Corporation or LLC)	
Address of Lic	Licensed Premises 8100 West National Avenue	
Trade Name	The Candle Company LLC	

Instructions: In any application for an alcohol beverage retail establishment license, excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 ½ inch by 11 inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:

- Provide a written detailed description indicating the portion of the building or buildings where alcohol beverages
  are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales,
  service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and
  stored only on the premises described).
- 2. Area in square feet and dimensions of the licensed premises.
- Locations of all entrances and exits to the premises together with a description of how patrons will enter the
  premises, the proposed location of the waiting line, and the location where security searches or identification
  verification will occur.
- 4. Locations of all seating areas, bars, and, if applicable, food preparation areas.
- 5. Locations and dimensions of any alcohol beverage storage and display areas.
- Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.
- 7. North point
- 8. Date
- Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.



West National Avenue

Address:

The Candle Company LLC 8100 West National Avenue West Allis, Wisconsin 53214

Approximate Square Footage: 1700sqft

This establishment makes a petition to be able to serve wine to patrons who are taking our candle making class onsite. We do not anticipate selling packaged or of wine throughout the class or while visiting the store. bottled wine but rather will serve glasses

accommodate safety meaurements. secured cabinets and shelving to will have storage space that consists of All wine will be store in the bar area which

as an exit door, For emergency purposes and for any need to evacuate the building, the emergency exit door will be used at that time. Entrance/Exit Doors have been identified in the diagram. This facility does not have an area for food preparation. We will not serve food as food

Seating areas have been identified in the can only be catered in for private events.



WISCONSIN DEPARTMENT OF REVENUE PO BOX 8902 MADISON, WI 53708-8902

#### Contact Information:

2135 RIMROCK RD PO BOX 8902 MADISON, WI 53708-8902 ph: 608-266-2776 fax: 608-224-5761 email: DORBusinessTax@wisconsin.gov website: revenue.wi.gov

Letter ID

L0394864720

TEDRICK TIMMONS
THE CANDLE COMPANY
8100 W NATIONAL AVE
WEST ALLIS WI 53214-4447

#### Wisconsin Department of Revenue Seller's Permit

Legal/real name:

THE CANDLE COMPANY

**Business name:** 

THE CANDLE COMPANY 8100 W NATIONAL AVE WEST ALLIS WI 53214-4447

- This certificate confirms you are registered with the Wisconsin Department of Revenue and authorized in the business of selling tangible personal property and taxable services.
- You may not transfer this permit.
- This permit must be displayed at the place of business and is not valid at any other location.
- If your business is not operated from a fixed location, you must carry or display this
  permit at all events.

Tax Type

**Account Type** 

Account Number

Sales & Use Tax

Seller's Permit



For Office



#### State of Wisconsin

#### **Department of Financial Institutions**

#### **Endorsement**

# ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY THE CANDLE COMPANY, LLC

Received Date: 7/9/2020

Filed Date: 7/14/2020

Filing Fee:

\$170.00

Entity ID#: T085788

**Total Fee:** 

\$170.00

STUDENT ENTREPRENEUR

# Serving Alcohol is proud to present this certificate to

Harana and a state of the state

#### **Tedrick Timmons**

for successful completion of the online course



#### Wisconsin Alcohol Seller/Server Course

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES.

- \* CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- \* OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR TO MANAGEMENT
- \* RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATION
- \* DETERMINE THE PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECARD THEM IF THERE IS ANY QUESTION ABOUT THEIR AGE
- \* ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

This is a Wisconsin Department of Revenue approved Responsible Beverage Server Training Course in compliance with Sec. 125.17 (6), 134.66 (2m), and 125.04 (5) (a) 5. Wis. Stats. Verify online at servingalcohol.com

**Verification Code** 

Jn9OykiPgM

Date Issued

Jan 21st, 2021

**VALID FOR 2 YEARS** 

This is not a Wisconsin operators/bartenders license.

This certificate will be requested to obtain a Wisconsin operators/bartenders license from the Wisconsin city clerk's office in the municipality where you are working. Find your city clerk's office here: https://elections.wi.gov/clerks/directory

Wisconsin Alcohol Seller/Server Course

Name: Tedrick Timmons

Certification Date: Jan 21st, 2021

Certificate Code: Jn9OykiPgM

Verify Online: servingalcohol.com 125.17(6), 134.66 (2m), 125.04(5)(a)5 Wis. Stats.

> SERVING ALCOHOL INC VALID FOR 2 YEARS

Learn more about this wallet card at http://servingalcohol.com/wallet-card

From: Ann Marie Neff
To: Tedrick Timmons

Cc: Rebecca Grill; Janel Lemanske; Nicholas Cerwin

Subject: RE: West Allis Wine License application and occupancy

 Date:
 Thursday, February 11, 2021 2:28:00 PM

 Attachments:
 Scanned-image02-11-2021-183354.pdf

#### Yes, Thank you.

Pending a review by the City Attorney Office and the License & Health Committee, the application appears to be in order.

We accept cash, check or money order only for payments.

When we receive payment either in person or in the night drop box located on the parking lot side of City Hall, to the east of the glass doors, 7525 W. Greenfield Ave., we are required to hold the application for 15 days before the License & Health Committee and Council can act on it.

Here would be the time line for submittal to council introduction:

If we receive payment byIt may go to CouncilFebruary 15, 2021, 5:00 p.m.March 2, 2021March 1, 2021March 16, 2021March 22, 2021April 7, 2021

You will receive an email regarding a virtual appearance with the License & Health Committee to explain discuss your experience, application and business plan.

Be sure to apply for the Occupancy Permit

Business Occupancy Permits link <a href="https://www.westalliswi.gov/133/Business-Occupancy-Permit">https://www.westalliswi.gov/133/Business-Occupancy-Permit</a>
Before you may begin selling alcohol, wine or beer, you must have an approved Occupancy Permit and an alcohol license must be issued and posted,

You are required to have completed inspections from

Fire (414-302-8901),

Health (414-302-8600) (Health is also where you would apply for the food permit) and Building Inspections (414-302-8400) (electrical and or plumbing inspections) and acquired an Occupancy Permit from Building Inspections.

#### **Ann Marie Neff**

Administrative Support Specialist | Clerk's Office City of West Allis 7525 W. Greenfield Ave. | West Allis, WI 53214 Office: 414-302-8202 | Dept: 414-302-8220

thatswhywestallis.com

**From:** Tedrick Timmons [mailto:tedricktimmons@thecandleco.com]

Sent: Thursday, February 11, 2021 2:10 PM

To: Ann Marie Neff

Subject: Re: West Allis Wine License application and occupancy

Here are the updates as you ha e requested. Please let me know if these corrections are appropriate.

Thanks, Tedrick Timmons

#### On Feb 11, 2021, at 12:10 PM, Ann Marie Neff <ANeff@westalliswi.gov> wrote:

Correction on the license fee to \$300. See below. My apologies.

#### **Ann Marie Neff**

Administrative Support Specialist | Clerk's Office City of West Allis 7525 W. Greenfield Ave. | West Allis, WI 53214 Office: 414-302-8202 | Dept: 414-302-8220

thatswhywestallis.com

From: Ann Marie Neff

Sent: Thursday, February 11, 2021 11:01 AM

To: Tedrick Timmons Cc: Rebecca Grill

**Subject:** RE: West Allis Wine License application and occupancy

Tedrick.

Thank you for your application and paperwork. Just a couple things I noticed as I reviewed it.

And the fees due are:

\$15 Publication

\$15 Record Check Fee

\$300 License Fee (remember this license expires June 30, 2021. You will receive a renewal notice in April)

\$330 Total Due

On your auxiliary Questionnaire it asks for your last 2 employers. You left that blank.

Please complete.

On the Appointment of Agent form

"to act for the corporation/organization/limited liability company with full authority and control of the premises and of all business relative to alcohol beverages conducted therein. Is applicant agent presently acting in that capacity or requesting approval for any corporation/organization/limited liability company having or applying for, a beer and/or liquor license for any other location in Wisconsin?"

the yes or no box needs to be checked
a signature of an officer or member needs to sign to appoint you agent.
Even if it is just you, we require your signature there

I noticed you checked The Candle Company is an LLC and the Articles of Incorporation paperwork reflect that name.

However, your Wisconsin Department of Revenue Seller's Permit does not say LLC. Is this just an oversight on the paperwork?

Please update your application in all places to reflect The Candle Company, LLC

The doing business name will be The Candle Company?

What part does (The Vibe Candle Bar) play for the name of the business or the entity?

#### **Ann Marie Neff**

Administrative Support Specialist | Clerk's Office City of West Allis 7525 W. Greenfield Ave. | West Allis, WI 53214 Office: 414-302-8202 | Dept: 414-302-8220

thatswhywestallis.com

**From:** Tedrick Timmons [mailto:tedricktimmons@thecandleco.com]

Sent: Thursday, February 11, 2021 10:30 AM

**To:** Ann Marie Neff **Cc:** Tedrick Timmons

Subject: Re: West Allis Wine License application and occupancy

Here is the completed application for the wine license for The Candle Company.

Thanks,

**Tedrick Timmons** 

On Jan 14, 2021, at 4:51 PM, Ann Marie Neff <ANeff@westalliswi.gov> wrote:

#### Mr. Timmons:

Attached is the application packet (which was previous sent on October 30, 2020) to apply for your alcohol license for the premises at 8100 W. National Ave. Your business plan has a bit confused as to whether you are selling candle with wine for off premise consumption or if you are serving wine for on premise consumption during your classes and for entertainment and recreational purposes.

A Class A Liquor allows samples (free) and bottle purchases for off premise consumption.

A Class B Tavern allows for sales of wine for on premise consumption.

These are 2 different types of licenses. You are only allowed one license per address.

We are required by law to hold an application for 15 days before council can act on the application. Keep that in mind for your timeline. Please let us know if you have any further questions.

#### Ann

Attached you will find the packet for a New alcohol license application. You had stated you were interested in packaging wine with candles. You would be applying for a Combination Class A Liquor License. This is the only type of license that would allow you to sell wine for off premise consumption and allow you to do wine sampling. The fee is prorated depending on the month you submit the application. (see the chart on the first page). You may call or email me for clarification if needed.

There is a publication fee (\$15)

A record check fee (\$15) is charged for each person listed on the application that lives in the state of WI.

Page 2-3 Is the state application

Page 4 Each member including the agent needs to have an auxiliary form filled out and signed.

Page 5 The agent also needs to complete the Schedule for appointment of agent and a member of the organization needs to sign it.

Page 6 We require a detailed floor plan per the instruction sheet Page 7-8 The plan of Operation form needs to be submitted with the application

Page 9-10 Public Entertainment form not needed for a Class A license

We accept cash, check or money order for payment when the application is submitted. (license fee, record check fees, and publication fee). Minimum payment at the time of applying would be \$200 plus, publication, plus record check fees.

We hold an application for fifteen (15) days before it is introduced to the License & Health Committee for recommendation to the Council for the final vote.

Before you may begin selling alcohol, wine or beer, a license must be issued and posted, you are required to have completed inspections from Fire (414-302-8901),

Health (414-302-8600) (Health is also where you would apply for the food permit) and  $\,$ 

Building Inspections (414-302-8400) (electrical and or plumbing inspections) and acquired an Occupancy Permit from Building Inspections.

**Business Occupancy Permits link** 

https://www.westalliswi.gov/133/Business-Occupancy-Permit Please feel free to reach out if you have any further questions or concerns.

#### **Ann Marie Neff**

Administrative Support Specialist | Clerk's Office City of West Allis 7525 W. Greenfield Ave. | West Allis, WI 53214 Office: 414-302-8202 | Dept: 414-302-8220

thatswhywestallis.com

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The City of West Allis is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of West Allis e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of West Allis full e-mail disclaimer at http://www.westalliswi.gov/emaildisclaimer

<New License application packet.pdf>

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<Scanned-image02-11-2021-131427.pdf>

Subject: RE: West Allis Wine License application and occupancy

Date: 2021-02-12 08:28:28

**Download** 

From: Nicholas Cerwin
To/Cc: 'Tedrick Timmons' ±

Tedrick,

Alcohol Licensing is a messy process thanks to a lot of legislation on the State level. I advise on it regularly and still find new areas of the law that make things difficult.

I cannot give you legal advice on your application or how you intend to run the operation but what you propose does not sound unreasonable. Ultimately you'll have to decide how you'd fit into one of the statutory categories under Wis. Stat. 125.32(3m):

- Hotel
- Restaurant
- Sporting goods store and tavern
- Novelty and tavern
- Bowling center or rec premises
- Club
- Movie theatre
- Painting studio

The Novelty and Tavern category may be the best option here but that is up to you if that's the category you'd think you would fall under and the committee if they agree. I should point out that the Department of Revenue (State agency) could void the license if they feel that the issuance of the license is in violation of the statutes. I don't say that to scare you at all and I think that's a very remote issue, but just so you're prepared with identifying how you can comply with the statutes in the future IF the DOR comes knocking.

Regarding specific alcohol sales, if the Class B license were approved without conditions, it would grant you the ability to sell beer, wine, and liquor. As your application indicates, it sounds like you're only interested in wine. The Committee could put conditions on the license to limit to wine only so I only brought that up in case your plan and application were different.

Thanks for reaching out and for the unique ideas! Hopefully everything goes great through committee and the business is lucrative for you. Sounds like a fun idea.

Nick Cerwin

**Assistant City Attorney** 

From: Tedrick Timmons [mailto:tedricktimmons@thecandleco.com]

Sent: Thursday, February 11, 2021 5:34 PM

To: Nicholas Cerwin

**Cc:** Ann Marie Neff; Rebecca Grill; Janel Lemanske; Shaun Mueller **Subject:** Re: West Allis Wine License application and occupancy

Good Evening,

Thank you for sharing this information as it is super beneficial and helpful for me to know. I don't know if I have been explaining how we plan to utilize alcohol but it is in the same manner as a painting with a twist.

We don't want to sell wine as a product per se but our desire is to serve a glass of wine to individuals who have registers for our candle making class. Nothing more than that.

The Health inspector has came out to the property already and we passed the inspection from a health perspective. If the intent is to only serve wine in the capacity with creating candles and utilizing the same concept as pairing with a twist, what class would this fall under? And are there any restrictions or potential concerns around how this particular process would work.

I am completely new to this process so please forgive any of my ignorance, but I do seek to understand more.

Therefore
Thanks,
Tedrick Timmons
On Feb 11, 2021, at 3:16 PM, Nicholas Cerwin < NCerwin@westalliswi.gov> wrote:
Good Afternoon All,
I believe today is the first I am seeing this as far as I recall. That's not problematic since I am not a gate keeper in this process but I want to point out potential issue with the plan of operation. I am leaving the applicant on the email as well so that these concerns may be addressed with the committee if/when they come up. When is this being scheduled for review by the License and Health Committee?
First, Wisconsin Statute section 125.32(3m) limits businesses that can obtain a class B license. Those establishments are limited to the following types of businesses (I am paraphrasing):
- Hotel
- Restaurant

- Movie theatre

Club

Sporting goods store and tavern

Bowling center or rec premises

Novelty and tavern

Painting studio

The Development Department and applicants should be aware of these restrictions and should be able to address how they can comply with state law. This is not a requirement that West Allis created to be

clear. I cannot advise the applicant on how to argue they are valid under the law but there may be sufficient grey area for the committee to approve if presented correctly and if the committee wants to approve this. I do not believe I can advise the committee this would meet the painting studio classification so the applicant may need to sort out another option to explain how this could be in compliance with state regulations.

The second issue is that the licensee has listed that they want to sell wine only. A combination class B license allows for beer and/or liquor as well. Based on the proposed plan of operation, the License and Health Committee may have concerns about how to approve this or if the intent is to just proceed with wine only. The Committee may elect to impose conditions on the license, if granted, to limit to just wine so the applicant should be prepared to address whether their application is accurate or there is an intent to proceed with additional types of alcohol.

Let me know if there are any questions or concerns.

#### **Nicholas Cerwin**

Principal Assistant City Attorney | City Attorney's Office City of West Allis 7525 W. Greenfield Ave. | West Allis, WI 53214 Dept: 414-302-8450 thatswhywestallis.com

From: Ann Marie Neff

Sent: Thursday, February 11, 2021 2:29 PM

To: Tedrick Timmons

Cc: Rebecca Grill; Janel Lemanske; Nicholas Cerwin

Subject: RE: West Allis Wine License application and occupancy

Yes, Thank you.

Pending a review by the City Attorney Office and the License & Health Committee, the application appears to be in order.

We accept cash, check or money order only for payments.

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March 22, 2021 April 7, 2021

You will receive an email regarding a virtual appearance with the License & Health Committee to explain discuss your experience, application and business plan.

Be sure to apply for the Occupancy Permit

Business Occupancy Permits link <a href="https://www.westalliswi.gov/133/Business-Occupancy-Permit">https://www.westalliswi.gov/133/Business-Occupancy-Permit</a>

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thatswhywestallis.com

From: Tedrick Timmons [mailto:tedricktimmons@thecandleco.com]

Sent: Thursday, February 11, 2021 2:10 PM

To: Ann Marie Neff

Subject: Re: West Allis Wine License application and occupancy

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Thanks,

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Correction on the license fee to \$300. See below.

My apologies.

#### **Ann Marie Neff**

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**To:** Tedrick Timmons **Cc:** Rebecca Grill

Subject: RE: West Allis Wine License application and occupancy

Tedrick,

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Just a couple things I noticed as I reviewed it.

And the fees due are:

\$15 Publication

\$15 Record Check Fee

\$300 License Fee (remember this license expires June 30, 2021. You will receive a renewal notice in

April)

\$330 Total Due

On your auxiliary Questionnaire it asks for your last 2 employers. You left that blank.

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On the Appointment of Agent form

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What part does (The Vibe Candle Bar) play for the name of the business or the entity?

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From: Tedrick Timmons [mailto:tedricktimmons@thecandleco.com]

Sent: Thursday, February 11, 2021 10:30 AM

**To:** Ann Marie Neff **Cc:** Tedrick Timmons

Subject: Re: West Allis Wine License application and occupancy

Here is the completed application for the wine license for The Candle Company.

Thanks,

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A Class A Liquor allows samples (free) and bottle purchases for off premise consumption.

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These are 2 different types of licenses. You are only allowed one license per address.

We are required by law to hold an application for 15 days before council can act on the application. Keep that in mind for your timeline.

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#### Ann

Attached you will find the packet for a New alcohol license application.

You had stated you were interested in packaging wine with candles. You would be applying for a Combination Class A Liquor License. This is the only type of license that would allow you to sell wine for off premise consumption and allow you to do wine sampling. The fee is prorated depending on the month you submit the application. (see the chart on the first page). You may call or email me for clarification if needed.

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Page 9-10 Public Entertainment form not needed for a Class A license

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Please feel free to reach out if you have any further questions or concerns.

#### **Ann Marie Neff**

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<New License application packet.pdf>

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<Scanned-image02-11-2021-131427.pdf>

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#### City of West Allis City Clerk's Office 7525 W. Greenfield Avenue, West Allis, WI 53214 (414) 302-8220 www.westalliswi.gov

RECEIVED

MAR 2 5 2021

## CITY OF WEST ALLIS CITY CLERK

#### Application for a **CLASS B TAVERN SPECIAL EVENT PERMIT**

Non-refundable Fee: \$70.00\*

\* Application must be filed at least thirty (30) days prior to the date of granting by the Common Council. Any application submitted within thirty (30) days, and no later than forty-eight (48) business hours, prior to the date of granting by the Common Council must be accompanied by a late fee of fifty dollars (\$50.00) in addition to the license fee.

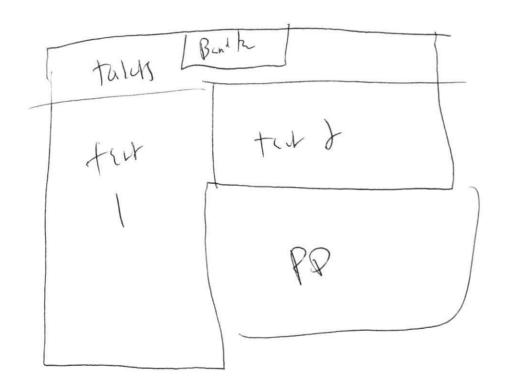
Section 9.02(5)(b) of the Revised Municipal C	(a)
NAME OF LICENSEE (Corporation, LLC, Partners or Individual): Partners or Individual):	aulie's Pub and Eatery LLC
AGENT'S NAME: Kristine M Budiac	
ADDRESS OF LICENSED PREMISES: 8031 W. Greenfie	ld Ave West Allis Wi 53214
<sub>D/B/A:</sub> Paulie's Pub and Eatery	
BUSINESS PHONE: 414-257-2854 HOMI	PHONE: 414-405-7471
DATE OF EVENT: June 1st - Nov 30thTIME	OF EVENT: Open til Specified Close Time
DESCRIBE EVENT TO BE HELD: Music/Food	
HAS THIS EVENT BEEN HELD IN THE PAST? ☐ NO ■ YE	S If Yes, when?
PLEASE CHECK, IF APPLICABLE, TO THIS EVENT AND EXP	AIN: FOOD TENT OUTDOOR MUSIC
IS THE TENT MORE THAN 400 SQ. FT.? INO YES (IFY SPECIFIC DESCRIPTION OF AREA AND PLANS FOR ENCLOENTIRE PARKING LOT ENCLOSED BY SNOW F	SING EXTENDED PREMISES: (ATTACH SKETCH)
IF PREMISES EXTENDS ONTO CITY RIGHT-OF-WAY, A CERTIFIC SECTION 9.02(5)(b)(2) OF THE CITY OF WEST ALLIS REVISED MAPPLICATION.  * Please read other side *	STATE OF WISCONSIN COUNTY OF MILWAUKEE Subscribed and sworn to before me thisday of  Notary Public My commission expires
CLERK'S OFFICE U LICENSE PAID # OF APPROVED PERMITS GRANTED	SE:  DENIED PLACED ON FILE INSPECTIONS

					CLERK'S	OFFICE U	SE:		
LICENSE NO.	PAID		# OF APPROVED PER	RMITS	GRANTED		DENIED	PLACED ON FILE	INSPECTIONS  ☐ HEALTH (food)  ☐ FIRE (tent)
Class B Ta	vern Lic. #	Inst	rumental Music Lic. #	Danc	e Hall Lic. #	Tavern E	ntertainment Lic. #	ISSUED	

MAR 2 5 2021

CITY OF WEST ALLIS

CITY CLERK



RECEIVED

MAR 2 5 2021

CITY OF WEST ALLIS CITY CLERK

#### CLASS B TAVERN SPECIAL EVENT PERMIT REGULATIONS

This permit is granted subject to the following conditions:

- The Licensee shall be responsible for cleaning up the area and providing containers and storage for refuse.
- 2. Usual restrictions shall apply as to sale and/or loitering by minors.
- 3. All outdoors festivities shall be terminated at 11:00 p.m. Monday through Saturday and Sundays 9:00 p.m. except where the following Monday is a legal holiday, the festivities shall terminate at 11:00 p.m.
- 4. Amplifiers and loud speaker shall not create a public nuisance.
- 5. Beer, wine coolers (under 6% alcohol) and soda ONLY are to be dispensed and only in individual paper/plastic containers. No pitchers allowed.
- All sales and consumption of beer and wine coolers must occur in the approved licensed premises (tent).

SEP/kp
Rev. 10/18/01
L:\scott\ClassBTavernSpecialRegulations

#### CITY OF WEST ALLIS ORDINANCE O-2021-0031

## ORDINANCE TO CREATE SEASONAL EXTENSION OF LICENSED PREMISES TO REPLACE TEMPORARY EXPEDITED EXTENSION OF PREMISES

#### **AMENDING SECTION 9.02(5)(C)**

**WHEREAS**, the common council desires to promote a positive recovery from the COVID-19 pandemic by providing an opportunity for Class B establishments to expand their licensed premises for a limited time of the year;

**NOW THEREFORE**, the common council of the City of West Allis do ordain as follows:

**SECTION 1:** <u>AMENDMENT</u> "9.02 Alcoholic Beverages" of the City Of West Allis Municipal Code is hereby *amended* as follows:

#### AMENDMENT

#### 9.02 Alcoholic Beverages

- 1. State Regulations. Except as otherwise provided herein, the provisions of Chapter 125 of the Wisconsin Statutes, relating to the sale of alcohol beverages, are adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.
  - 1m. Pursuant to Wis. Stat. § 125.51(3)(b), a retail "Class B" license authorizes the sale of intoxicating liquor to be consumed by the glass only on the premises where sold and also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold.
- 2. License Required. No person, firm, partnership, corporation or association shall, within the City, sell, barter, exchange, offer for sale or have in possession with intent to sell, deal or traffic in fermented malt beverages or intoxicating liquor, in any quantity whatsoever, or cause the same to be done without having procured a license.
- 3. Applications for Class "A" and "B" Retail License.
  - a. When and Where Filed. A written application for the licenses required by this section shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such license. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. [Ord. O-2018-0037, 9/18/2018]

Such application shall be filed and completed in accordance with Sec.

Page 1 531

- 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.
- b. Original Applications. Applicants seeking to establish a new licensed premise shall, upon application, pay a two hundred dollar (\$200) fee to defray the costs of building, plumbing, electrical, health and fire inspections. The fee shall be nonrefundable, but shall be applied to the license fee.
- c. Publication. The application shall be published at least once in the official City newspaper, and the costs of publication shall be paid by the applicant.
- d. Notice of Change In Application. Whenever anything occurs to change any fact set out in the application of any licensee, including the written premises description, such licensee shall submit a written notice of such changes to the City Clerk within ten (10) days prior to any change in any fact set out in the application and prior to the next available meeting of the License and Health Committee. It is within the discretion of the License and Health Committee and Common Council to approve or disapprove the change in the written premises description. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution. [Ord. O-2018-0037, 9/18/2018]
- e. Late Application. The Common Council may meet to consider and act upon any application for a Combination Class B or Combination Class A license, which has not been timely filed so that the Common Council may act upon the application at its regular meeting prior to the commencement of the license year, provided that any such application has been filed with the City Clerk at least fifteen (15) days prior to the special meeting of the Common Council. A late filing fee of one thousand dollars (\$1,000) shall accompany each such application to defray administrative expenses. The late filing fee shall be nonrefundable unless a quorum of the Common Council is not able to meet and shall be in addition to the license fee. [Ord. O-2005-0033, 6/21/2005]
- f. Provisional Retail License. Pursuant to Wisconsin Statutes Section 125.185, the City Clerk is authorized to issue provisional retail licenses. Licenses shall be granted only to applicants who have possessed a valid retail license for the sale of alcoholic beverages within the past year. The fee for such license shall be fifteen dollars (\$15) and shall be paid to the Clerk before issuance. [Ord. O-2011-0022, 6/21/2011]

#### 3m. Class "C" Licenses. [Ord. 6329, 9/2/1997]

i. Filing of Applications. A written application for a Class "C" license shall be filed with the City Clerk upon forms provided by the City Clerk. The application shall be filed with the City Clerk not less than fifteen (15) days prior to the granting of such licenses. Except as otherwise provided in this chapter, the license fee shall be paid prior to the issuance of the license by the City Clerk. [Ord. O-2018-0037, 9/18/2018]

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- The application shall be filed and completed in accordance with Sec. 125.04(3) of the Wisconsin Statutes. The City Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.
- ii. Publication. The application shall be published at least once in the official City newspaper and the costs of publication shall be paid by the applicant.
- iii. Granting of License. A Class "C" license may be granted to an applicant only if the applicant meets the qualifications set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; and the restaurant does not contain a barroom.
  - (1) No Class "C" license or permit may be issued for premises, the main entrance of which is less than three hundred (300) feet from the main entrance of any public or parochial school, hospital or church, except that this prohibition may be waived by a majority vote of Common Council. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church or hospital to the main entrance of the premises covered by the license or permit.
    - (A) The prohibition in this subsection does not apply to any premises covered by a Class "C" license or permit on the date this ordinance is published or premises covered by a Class "C" license or permit prior to the occupation of real property within three hundred (300) feet thereof by any school, hospital or church building.
- iv. Notice of Change. Whenever anything occurs to change any fact set out in the application of any licensee, including the written premises description, such licensee shall submit a written notice of such changes to the City Clerk within ten (10) days prior to the next available meeting of the License and Health Committee. All changes are subject to approval by the License and Health Committee prior to the granting of the license. It is within the discretion of the License and Health Committee and Common Council to approve or disapprove the change in the written premises description. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution. [Ord. O-2018-0037, 9/18/2018]
- 4. Right to Premises, Floor Plan, and Plan of Operation. [Ord. O-2013-0014, 4/2/2013]
  - a. No applicant will be considered unless the applicant has the right to possession of the premises described in the application for the license. The applicant shall present documentation, in a form acceptable to the City Attorney, of proof of right to possession for the license period. Loss of the right to the premises subjects the license to immediate revocation.
  - b. In any application for an alcohol beverage retail establishment license,

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excepting special Class B Beer and Wine Licenses, the applicant shall file a detailed floor plan on an 8 1/2-inch by 11-inch sized sheet of paper for each floor of the licensed premises. The floor plan shall include:

- i. Area in square feet and dimensions of the licensed premises.
- ii. Locations of all entrances and exits to the premises together with a description of how patrons will enter the premises, the proposed location of the waiting line, and the location where security searches or identification verification will occur.
- iii. Locations of all seating areas, bars, and, if applicable, food preparation areas.
- iv. Locations and dimensions of any alcohol beverage storage and display areas.
- v. Locations and dimensions of any outdoor areas available at the premises for the sale, service or consumption of alcohol beverages.
- vi. North point and date.
- vii. Any other reasonable and pertinent information the License and Health Committee may require either for all applicants or in a particular case.
- c. Plan of Operation. A completed plan of operation on forms provided therefor by the Clerk. The plan of operation shall require: [Ord. O-2014-0019, 4/1/2014; Ord. O-2018-0037, 9/18/2018]
  - i. The current or planned hours of operation for the premises.
  - ii. The legal occupancy capacity of the premises.
  - iii. What plans the applicant has to insure the orderly appearance and operation of the premises with respect to noise and litter. This shall include a description of designated or likely outdoor smoking areas, the number and location of exterior and interior trash receptacles.
  - iv. What other types of business enterprises, if any, are planned or currently conducted at the premises.
  - v. What other licenses and permits, if any, are planned or currently issued for the premises.
  - vi. For applications for premises in locations that have not been licensed previously or within the past year under Section 9.02, whether the premises is less than three hundred (300) feet from any school, hospital, or church, pursuant to Section 9.02(4)(c)1 and Section 125.68(3) of the Wisconsin Statutes.
  - vii. The number of security personnel expected to be on the premises, their responsibilities, and the equipment they will use in carrying out their duties.
  - viii. Any other reasonable information the License and Health Committee may require either for all applicants or in a particular case.
- d. Renewals. For any renewal application for an alcohol beverage retail establishment license for which there is no change in any information that is reported in the floor plan and plan of operation as submitted with the original or previous renewal application, the licensee may re-file the previous documents. The License and Health Committee may require changes to a floor plan or plan

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- of operation based on the licensee's past operation.
- e. Alterations/Amendments. The floor plan and plan of operation are subject to approval by the License and Health Committee prior to the granting of the license and may be subject to the issuance of any building, zoning, or other permits. Applicants seeking such alterations or amendments shall submit a written notice of such changes to the City Clerk within ten (10) days prior to the next available meeting of the License and Health Committee. It is within the discretion of the License and Health Committee and Common Council to approve or disapprove the change in the written premises description and/or floor plan. The License and Health Committee may change all or part of the plan of operation or may impose additional requirements to address problems created by the licensee's operation. Applicants seeking an alteration or amendment to the floor plan or plan of operation shall pay a fee as specified in the most recent Schedule of Fees resolution and upon application. [Ord. O-2014-0078, 11/18/2014; Ord. O-2018-0037, 9/18/2018]

4m. Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to an alcohol beverage license shall be true. Any person who submits in writing any untrue statement to the City in connection with any such license or application shall forfeit not more than five hundred dollars (\$500) together with the costs of prosecution, and in default shall be imprisoned in the Milwaukee County House of Correction for the maximum number of days set forth in Section 800.095(1)(b) of the Wisconsin Statutes. In addition, any license granted shall be subject to revocation and no alcohol beverage license of any kind whatsoever shall thereafter be granted to such person for a period of one year from the date of such revocation. [Ord. O-2013-0014, 4/2/2013]

#### Extension of Premises.

- a. Outdoor Areas.
  - i. Purpose. The licensing of outdoor areas for the possession, sale and consumption of fermented malt beverages and intoxicating liquors involves special considerations not associated with the licensing of building premises. Such considerations include control of public access to the premises, proper visibility, noise, lighting and public safety. Therefore, special regulations to protect the health, safety and welfare of the community are required and are herein set forth as a matter of public policy; however, nothing herein contained should be construed to in any manner act as a limitation upon or restriction of the general licensing authority of the Common Council under state and local laws and ordinances.
  - ii. Authority. Outdoor areas may be included, as part of the licensed premises, subject to the qualifications, conditions and special regulations set forth in this paragraph.
  - iii. Qualifications. An outdoor area, in order to qualify for consideration as

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part of the licensed premises, shall:

- (1) Be located on the same site as the building premises described in the license application. For purposes of this subsection, "same site" means one (1) parcel of property or multiple abutting parcels of property as long as the licensee complies with Section 9.02(5)(a) of this Code. [Ord. O-2018-0037, 9/18/2018]
- (2) The outdoor area shall conform to all setback requirements set forth in Chapter 12. [Ord. 6105, 7/19/1994]
- (3) The outdoor area shall not be located on property which abuts or is within two hundred (200) feet of other property zoned or used for residential purposes. For purposes of this subsection, measurements shall be made from the boundary of the outdoor area to the building on other property zoned or used for residential purposes. [Ord. 6105, 7/19/1994]
- iv. Conditions. Qualified outdoor areas may be included as part of the licensed premises under the following conditions:
  - (1) The outdoor area is screened from off-site view. In addition to planting materials, walls and/or fences shall be utilized to provide screening and to control access to the outdoor area; [Ord. 6105, 7/19/1994]
  - (2) Lighting sources shall be shielded and so arranged to prevent spray onto adjacent properties. Flashing, intermittent or moving light or lights, and lights which are directed at any part of a traveled street or highway or which interfere with or obscure an official traffic device, sign or signal, are prohibited;
  - (3) The site shall be constructed so as to assist in maintaining site noise within the standards set forth in Section 7.035(3) of this Code:
  - (4) The outdoor area shall be constructed and arranged so as to limit the number of patrons to not more than twenty-five percent (25%) of the person per square foot capacity for the licensed building premises.
- v. Special Regulations. The following special regulations shall apply to outdoor areas included as part of the licensed premises:
  - (1) The closing hours during which no patron or guest shall be permitted to enter or remain in the outdoor area shall be between midnight (12:00 a.m.) and 10:00 a.m. [Ord. 6105, 7/19/1994]
  - (2) A service bar from which patrons may, through a waiter or waitress, purchase intoxicating liquor or fermented malt beverages, to be consumed by such patrons while seated at tables, shall be permitted. Patrons shall not be seated or permitted to be seated at the service bar.

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- (3) No live music shall be permitted. Music which is mechanically or electronically reproduced shall be permitted, provided that said music is not audible beyond two hundred (200) feet. [Ord. 6105, 7/19/1994]
- (4) In addition to the special regulations, outdoor areas shall be subject to the provisions of this Code and Wisconsin Statutes relating to the possession, sale and consumption of alcoholic beverages. [Ord. 6105, 7/19/1994]
- vi. Site Plans. Outdoor areas shall be constructed and maintained in accordance with site plans approved by the Common Council.

  Applicants for outdoor areas shall file a site plan with their license application, showing the following information:
  - (1) The arrangement of all structures, paving and landscaping areas;
  - (2) The land uses and general location of improvements on adjoining properties within five hundred (500) feet of the outdoor area;
  - (3) Location and type of screening and/or landscape materials;
  - (4) Location and type of lighting for the outdoor area;
  - (5) Location of service bar, food preparation areas, tables, etc.;
  - (6) Entrances and exits to the outdoor area, including provision for controlled access:
  - (7) Such additional information as the Common Council may reasonably require.
- vii. Prior to acting upon any application to include an outdoor area as part of the licensed premises, the Common Council shall refer said application for recommendations to the Plan Commission, Police and Fire Departments, Health Department and the Department of Building Inspections and Zoning.
- viii. Nothing herein contained shall in any manner abridge the authority of the Common Council to stipulate such other and further qualifications, conditions and regulations as may be necessary to protect the public health, safety and welfare, or affect or limit the authority and discretion of the Common Council, under applicable state laws and local ordinances, to regulate the possession, sale and consumption of fermented malt beverages and intoxicating liquors.
- ix. Prior to granting the license to extend the premises outdoors, the fee shall be paid to the City Clerk. No fee is required for renewal unless the license holder wishes to change the site plan.
- x. This section shall not apply to licensed premises that are also "food establishments" as defined in section 7.04(1)(c) of the Revised Municipal Code. The extension of premises for such establishments shall be governed by Chapter 12. [Ord. 6573, 6/5/2001]
- b. Temporary Extension of Class "B" Tavern Licensed Premises for Special Events.

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- i. Authority. The granting of a temporary extension of Class "B" fermented malt beverage or intoxicating liquor licensed premises for special events shall authorize the licensee to sell or serve fermented malt beverages and intoxicating liquors during the period of time and in the area described in the application for such temporary extension, as expressly approved by the Common Council. [Ord. O-2018-0037, 9/18/2018]
- ii. Eligibility. Any person holding a valid Class "B" tavern license may apply for temporary extension of such licensed premises for a special event. The area which the licensee wishes to include in any temporary extension of the licensed premises must be contiguous to the licensed premises and must either be owned by or be under the control of the licensee, or extend into or encroach upon public property or public thoroughfares. The applicant shall be required to enclose the extended licensed premises so that the ingress and egress of patrons may be monitored. If the extension is onto or in the public right of way, the application shall be accompanied by proof of insurance for comprehensive general liability in at least the following limits of coverage: \$300,000 each occurrence and \$300,000 aggregate for bodily injury; \$300,000 each occurrence and \$300,000 aggregate for property damage. The proof of insurance shall have an endorsement to indemnify and hold the City of West Allis harmless from any and all damages, judgments and claims which may be asserted against the City by reason of any damages or injuries sustained by any person or to any property by the extension onto or in the public right of way. The applicant shall also comply with all other applicable statutes, ordinances, resolutions and conditions.

#### iii. (Reserved)

Editor's Note: Former Subsection (5)(b)2m, Farmers Market, added 2-7-2017 by Ord. O-2017-0004, was repealed 9-18-2018 by Ord. No. O-2018-0037.

- iv. Applicant's Responsibility.
  - (1) Application for the temporary extension of Class "B" tavern licensed premises for special events shall be made by an individual, or authorized agent in the case of a corporation, who shall be personally responsible for compliance with all of the terms and provisions of this Chapter.
  - (2) The applicant shall be responsible for cleaning up the extended licensed area and shall provide containers for storage of refuse.
- v. Application. Application for the temporary extension of Class "B" tavern licensed premises shall be made in writing to the City Clerk on forms provided by the City Clerk. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer, if a corporation or limited liability company, and shall be sworn to by

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the applicant. Such application shall contain the name of the licensee, the address of the existing licensed premises, the particular event or function for which the temporary extension of the licensed premises is sought, the date and period of time sought for the temporary extension of the licensed premises, a specific description of the area for which the temporary extension is sought, plans describing how the extended premises will be enclosed, and such other reasonable and pertinent information as the Common Council or the License and Health Committee of the Common Council may require. The application shall be filed at least thirty (30) days prior to the date of granting by the Common Council. Any application submitted within thirty (30) days, and no later than forty-eight (48) business hours, prior to the date of granting by the Common Council must be accompanied by a late fee of fifty dollars (\$50) in addition to the license fee. [Ord. O-2007-0037, 10/2/2007]

- vi. Council Action. The Common Council may, in its discretion, grant or deny the application. If the application is denied, the City Clerk shall, in writing, notify the applicant of the decision and the Council's reasons for denial. In deciding whether to grant a license, the Common Council may consider, among other factors, the appropriateness of the location for which a temporary extension of licensed premises is sought, whether such location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare. More than three (3) temporary extension permits per licensing year shall be presumed to be unreasonable. [Ord. O-2013-0004, 2/19/2013]
- vii. Issuance. In the event the Common Council grants the application for a temporary extension of licensed premises for special events, the City Clerk shall issue an appropriate document to the applicant confirming the granting of the license and specifying the date, period of time and specific location for which the extended licensed premises shall be in effect. Such document shall also contain any restrictions or conditions which the Common Council may place on such approvals. The City Clerk shall, within twenty-four (24) hours after the issuance of the approving document, inform the Chief of Police of the date, time, place and event.
- c. Expedited Temporary Seasonal Extension of Class "B" and "Class B" Licensed Premises (EFFECTIVE UNTIL 6/30/2021: O-2021-0025)
  - i. Eligibility. Any person holding a valid Class B license may apply under this subsection to the common council for temporary a seasonal extension of such licensed premises and any collateral entertainment licenses under the following conditions:
    - (1) The extended premises must be contiguous to the licensed premises and must either be owned by or be under the control

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- of the licensee or extend on to a public sidewalk.
- (2) The extended premises, other than premises extending on to a public sidewalk, shall be enclosed in a manner that the ingress and egress of patrons may be monitored.
- ii. Use of Public Sidewalk. Any premises extended into a public sidewalk is granted a privilege to place only movable tables and chairs on that premises under the following conditions:
  - (1) The licensee shall maintain a clear path 3 feet wide for pedestrian traffic.
  - (2) The licensee assumes primary liability for damages to person or property and agrees to maintain commercial liability insurance covering all activities on the extended premises. No bond is required.
  - (3) The licensee is obligated to immediately remove any obstructions upon notice by the city
  - (4) The licensee is not entitled to damages for removal of an obstruction, and if the licensee does not remove the obstruction upon notice, it may be removed at the licensee's expense.
  - (5) Third parties whose rights are interfered with by the granting of a privilege have a right of action against the licensee only.
- iii. Application. Licensees seeking to temporarily obtain a seasonal extension of extend their licensed premises under this subsection shall submit to the City Clerk a complete and signed application on approved by the City Clerk.
  - (1) The application shall include at least the following information:
    - (A) The name of the licensee
    - (B) Contact information for the licensee or the agent of a corporate licensee
    - (C) The address of the existing licensed premises
    - (D) A visual depiction of the proposed extended premises and the permanently licensed premises
    - (E) The combined person capacity of the permanent and temporary premises.
  - (2) The City Clerk shall notify the Police, Health, Fire, Planning, and Building Inspection and Neighborhood Services

    Departments of each application, and these officials shall inspect or cause to be inspected each application and the premises, together with such other investigation as shall be necessary to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto, including those governing sanitation in restaurants, and whether the applicant is a proper recipient of a license. These officials shall furnish to the Common Council the information derived from such

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investigation, accompanied by a recommendation as to whether a license should be granted or refused.

- <u>iv.</u> <u>Conditions</u>. The following conditions shall apply to any <u>seasonal</u> extension of licensed premises granted under this subsection unless further limited by the council:
  - (1) No extended premises may remain open after 9:00 p.m. Sunday through Thursday.
  - (2) No extended premises may remain open after 10:00 p.m. Friday through Saturday
  - (3) A sufficient number of toilet facilities shall be provided to accommodate the combined person capacity of the permanent and temporary licensed premises.
- v. Council Action. day The Common Council may, in its discretion, grant or deny the application. If the application is denied, the City Clerk shall, in writing, notify the applicant of the decision and the Council's reasons for denial, if any. In deciding whether to grant a license, the Common Council may consider, among other factors, the appropriateness of the location for which a temporary extension of licensed premises is sought, whether such location will create an adverse impact on other property in the neighborhood, and any other factors which reasonably relate to the public health, safety and welfare.
- <u>vi.</u> Issuance. For any granted applications and upon payment of a fee <u>of</u> \$250, the City Clerk shall issue an appropriate document to the applicant confirming the granting of the <u>seasonal extension</u>. Such document shall also contain any restrictions or conditions which the Common Council may place on such approvals. The City Clerk shall, within twenty-four (24) hours after the issuance of the approving document, provide a copy of the same document to the Chief of Police.
- vii. Duration of Extended Premises and Automatic Re-Application.

  Applications granted under this subsection shall commence no earlier than 6:00 a.m. on the last Saturday of May and expire at 6:00 a.m. on the first Monday in September the day after the subsequent meeting of dthe common council. Any application granted under this subsection shall be automatically resubmitted for council action at the next subsequent council meeting.
- <u>6.</u> Approval of Application. In determining the suitability of an applicant, consideration shall be given to the criteria set forth in § 125.04(5) of the Wisconsin Statutes, the appropriateness of the location and premises proposed, and generally the applicant's fitness for the trust to be reposed.
- 7. Granting of License
  - a. Upon the approval of an application by the Common Council, the City Clerk shall issue to the applicant a license, subject to the provisions of this code.
  - b. In lieu of Common Council approval, the City Clerk is authorized to issue temporary Class "B" licenses and permit underage persons to be on the

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premises as provided in Wis. Stat. § 125.26(6), issue temporary "Class B" licenses and permit underage persons to be on the premises for the purpose of acting as designated drivers as provided in Wis. Stat. 125.51(10), and issue operator's licenses as provided in Wis. Stat. § 125.17(1) to any of the following applicants:

- i. A person who is not a reviewable applicant.
- ii. A reviewable applicant who has been granted an operator's license by the common council on a prior date and has no arrest or conviction record since the prior license was granted.
- c. Under this paragraph, "reviewable applicant" means any person who has any of the following:
  - i. A pending criminal charge for any offense under Wis. Stat. § 111.335(4)(a);
  - ii. A conviction for an offense counted under Wis. Stat. § 343.307 within two years of the application date;
  - iii. A second or subsequent conviction for an offense counted under Wis. Stat. § 343.307 within five years of the application date;
  - iv. Convictions for three or more violations of Wis. Stat. § 343.44 within two years of the application date;
  - v. A conviction for any offense under Wis. Stat. Ch. 125 or any offense for which the consumption, possession, or sale of alcohol is an element within ten years of the application date, except no violation of Wis. Stat. § 125.07 may be considered unless the applicant has committed two ore more violations within one year;
  - vi. A conviction for a felony offense where the sentence for confinement, extended supervision, or probation has ended within five years of the application date; or
  - vii. Convictions for three or more misdemeanors within five years of the application date.
- d. For any temporary Class B license, the clerk shall notify the Alderpersons of the district in which the event is to be held that a license has been issued.
- e. Applications for a temporary license must be received in the Clerk's Office at least five (5) business days prior to the event. An application for a temporary license received in the Clerk's Office five (5) business days prior to the event without approval of the Common Council must be accompanied by a late fee of fifteen dollars (\$15) in addition to the temporary licensee fee to defray administrative costs. An application filed less than five (5) business days prior to the event must be accompanied by a late fee of twenty-five dollars (\$25) in addition to the temporary license fee to defray administrative costs.
- 8. Transfer and Lapse of License.
  - a. A license shall be transferable from one premises to another, if such transfer is first approved by the Common Council. No licensee shall be entitled to more than one (1) transfer in any one license year. Application for transfer shall be made on a form furnished by the City Clerk at least fifteen (15) days prior to the next available meeting of the License and Health Committee. Proceedings for

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such transfer shall be had in the same form and manner as the original application. Whenever a license is transferred, the City Clerk shall forthwith notify the Wisconsin Department of Revenue of such transfer. The licensee shall pay a fee as specified in the most recent Schedule of Fees resolution. [Ord. O-2018-0037, 9/18/2018]

b. A license shall be transferable from one person to another, as set forth in Sec. 125.04(12)(b) of the Wisconsin Statutes. If licensed premises are transferred to a new owner or tenant, the new occupant must apply for and receive, prior to commencing operations, a Class "B" retailer's license. This section shall apply to licenses held by corporations which transfer same to another corporate entity with or without changing agents to the agent or to other persons. The prospective licensee shall file a new application and pay the required fee, as if it were making an original application. If the applicant is a tenant or subtenant, he shall first secure and present to the Common Council written approval of such tenancy from the owner of such premises.

Preference to applicants for a transfer of any license issued under this subsection shall be given to licensee-tenants who are evicted or threatened with eviction for a refusal to pay an increase in rental in excess of ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer. A demand upon the part of the landlord that such tenant improve or cause improvements to be made to the real property or to the personal property appurtenant to the licensed premises at a cost which exceeds ten percent (10%) of the rentals prevailing for the year next preceding the application for such transfer shall be construed to be a demand upon the part of the landlord for an increase in rentals in excess of ten percent (10%) of such period.

- c. Whenever any licensee under this section shall not conduct his licensed business at the authorized location for a period of thirty (30) consecutive days, the license shall become subject to revocation, unless such thirty-day period shall, for good cause shown, be extended by the Common Council. [Ord. 6224, 4/2/1996]
- Numbering, Expiration, and Posting of Licenses. [Ord. O-2006-0016, 4/18/2006; Ord. O-2013-0014, 4/2/2013]
  - a. Each license holder shall be assigned a number which shall remain the same for that license holder annually except that the year when the license year commences shall change each license year, shall state clearly the specific premises for which granted, the date of issuance, the fee paid, the name of the licensee, and a statement that the license shall expire on the 30th day of June thereafter, unless revoked by state law or City ordinance.
  - b. Every person licensed under this section shall post the license and maintain it posted while in force in a conspicuous place in the room or place where alcohol beverages are drawn or removed for service or sale. It shall be unlawful for any person to post the license upon premises other than those identified in the application and grant, or to knowingly deface or destroy the license.

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- 10. Lost Licenses. Whenever a license issued under this section or under Section 9.03 shall be lost or destroyed without fault on the part of the holder or his agent or employee, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon payment of the fee and satisfying himself as to the facts.
- 11. General Conditions upon all Licenses. All retail Class A and B licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:
  - a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws.
  - b. The license holder, and/or the employees and agents of the license holder, shall cooperate with police investigations of disturbances, intoxicated persons, underage persons and other violations of City and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a disturbance of the peace or other violation occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health Committee. [Ord. O-2008-0047, 10/7/2008]
  - c. Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
  - d. The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.
    - 12m. Conditions upon Specific Licenses. The common council may impose any of the following conditions specifically upon a new Class A or Class B license at the time the license is granted. The council may impose any of the following conditions specifically upon an existing licensee only with the licensee's consent.
    - a. The license shall conduct a principal business on the premises particularly described by the common council. Examples include those types of businesses described in Wis. Stat. § 125.32(3m).
    - b. The licensee shall maintain the property and licensed premises so it is consistent with the landscaping and architectural design plans approved by the common council.
    - c. The licensee shall video record all activities taking place on the licensed premises, except within bathrooms and areas inaccessible to customers, and retain a copy of that video for at least 7 days. The video resolution must have at

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least 640 pixels horizontally and 480 pixels vertically. The licensee shall provide a copy of any video recording in the licensee's possession within 48 hours after receiving a request for video from a law enforcement officer.

- d. The licensee shall maintain certain security measures particularly described by the common council. Examples include lighting requirements, staffing minimums, and photographic identification scanners.
- e. The licensee shall maintain the layout of the licensed premises consistent with the layout plan approved by the common council.
- f. The licensee may not promote or conduct certain activities particularly described by the common council. Examples include live music and drink specials.

### 12. Restrictions.

- a. In General. The following restrictions shall apply to the granting of licenses:
  - i. A retail Class "B" fermented malt beverage or intoxicating liquor license shall be issued only for that portion of the premises located on the street level, unless specifically extended by the authority of the Council. This subsection shall not apply to a bona fide club, hotel, bowling alley, lodge room, labor union or ex-servicemen's post.
  - ii. No retail Class B fermented malt beverage or intoxicating liquor license or Class C license shall be issued unless the premises is conformed to the sanitary, safety and health requirements of the State Building Code, and the licensee satisfactorily demonstrates compliance with the rules promulgated by the Department of Agriculture, Trade, and Consumer Protection in regard to restaurant sanitation during a sanitation inspection from the West Allis Health Department as set forth in Wis. Stat. Sec. 125.68(5) and West Allis Revised Municipal Code Section 7.04(6). [Ord. O-2017-0013, 3/21/2017]
- b. It shall be unlawful for any person to sell, dispense or serve alcohol beverages by means of a drive-through facility. In this section, "drive-through facility" means any vehicle related commercial facility in which a service is provided or goods, food or beverages are sold, served or dispensed to an operator or passengers of a vehicle without the necessity of the operator or passengers disembarking from the vehicle. [Ord. 6110, 7/19/1994]
- c. No "Class A" license may be granted for any premises where gasoline or diesel fuel is sold at retail in connection with the premises, except that this restriction does not apply if:
  - i. The "Class A" license contains the condition that retail sales of intoxicating liquor are limited to cider; or
  - ii. The premises for which the "Class A" license is issued is connected to premises where gasoline or diesel fuel is sold at retail by a secondary doorway that serves as a safety exit and is not the primary entrance to

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## the "Class A" premises.

- 13. Health Rules. Each premises shall be maintained in a sanitary manner and shall be a safe and proper place for the purpose for which used. The Health Commissioner of the City may make reasonable and general rules for the sanitation of all places of business possessing licenses under this section. Such rules or regulations may be classified and made applicable according to the class of business conducted. All such rules and regulations and infractions thereof may be punished as a violation of this section.
- 14. Closing Hours. [Ord. O-2018-0037, 9/18/2018]
  - a. No premises for which a Class "B," "Class B," or a Class C license or permit is issued may remain open between the hours of 2:00 a.m. and 6:00 a.m. On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m. except that, on the Sunday that daylight saving time begins as specified in Sec. 175.095(2) of the Wisconsin Statutes, the closing hours shall be between 3:30 a.m. and 6:00 a.m. On January 1 premises operating under a Class "B" or "Class B" license are not required to close.
  - b. Between 9:00 p.m. and 8:00 a.m. no person may sell fermented malt beverages or intoxicating liquor on Class B or Class C licensed premises in an original unopened packages, container or bottle or for consumption away from the premises.
  - c. Class "A" and "Class A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Section 9.02(18)(a) of this Code does not apply to Class "A" premises between 9:00 p.m. and 8:00 a.m. or at any other time during which the sale of fermented malt beverages or intoxicating liquor is prohibited.
  - d. Hotels and restaurants, the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in paragraph (a) of this subsection.
  - e. No person shall enter or remain upon licensed premises while such premises are closed, pursuant to statute or ordinance. This section shall not apply to the license holder or agents and employees of the license holder who are performing bona fide services related to the licensed business.
- 15. Operator's Licenses. [Ord. O-2003-0038, 6/3/2003; Ord. O-2013-0014, 4/2/2013]
  - a. Operator's License. An operator's license shall entitle the holder thereof to work as an operator upon premises licensed under a retail Class "A" intoxicating liquor or fermented malt beverage license, a retail Class "B" intoxicating liquor or fermented malt beverage license, or a retail Class "C" wine license. Such licenses will be issued by the Common Council only to persons meeting the requirements set forth in Sections 125.04(5) and 125.17(6) of the Wisconsin Statutes. The license shall be valid for a period of two (2) years, except that it shall be deemed to have been issued July 1 and shall expire on June 30 of the second year.
  - b. Provisional Operator's License. [Ord. O-2018-0037, 9/18/2018]

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- The City Clerk is the official charged with issuing and revoking a provisional operator's license. A provisional license requires an additional fee as specified in the most recent Schedule of Fees resolution.
- ii. Standards for a provisional license, unless the applicant has a certified copy of a license issued by another municipality, are as follows:
  - (1) The applicant has applied for an operator's license;
  - (2) The applicant for a provisional operator's license shall complete an application attesting he/she has not been convicted of any crime against life and bodily injury, against children, or a violent crime against a child, as set forth in Sec. 111.335 (4) of the Wisconsin Statutes, or crime that substantially relates to the licensing activity. Any false statements made by the licensee on the application may result in revocation of the license by the City Clerk.
  - (3) No provisional operator's license may be issued to a person who has been previously denied an operator's license by the Council.
  - (4) The applicant must provide evidence of completion or enrollment in a responsible beverage server course.
- iii. Such provisional license shall be valid for not to exceed sixty (60) days or until action of the Common Council, whichever first occurs.
- c. Temporary License. The City Clerk is authorized to issue a temporary operator's license to applicants meeting the qualifications of Subsection (a) if the applicant will be employed by or donating his services to nonprofit corporations and has not held another temporary license during the license year. The temporary license shall be valid for up to fourteen (14) days and the period for which it is valid shall be stated on the license.
- d. Application. A written application shall be filed biennially with the City Clerk, stating the name, residence, age and sex of the applicant. The application shall be referred to the Chief of Police for a report. A license fee and record check fee must accompany the application. There will be no refund of the fees if the license is not subsequently granted.
- e. Possession. Each person who holds an operator's license shall carry that license on his person while engaged in serving alcoholic beverages.
- 16. Loitering by Underage Persons Where Alcohol is Illegally Served. [Ord. 6188 (repeal & recreate), 9/19/1995]
  - a. No underage person shall enter, remain or loiter in any public or private place with the knowledge that any fermented malt beverage or other alcohol beverage is being sold, dispensed, served, given away or made available to underage persons.
  - b. This subsection shall not apply to underage persons who are accompanied by a spouse who has attained the legal drinking age or a parent or guardian.
  - c. No adult may knowingly suffer or permit any underage person to enter, remain

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or loiter in any premises, public or private, where alcohol beverages are served, sold, dispensed, given away or made available to underage persons, unless such underage person is accompanied by a spouse who has attained the legal drinking age, a parent or guardian.

## 17. List of Employees and Performers.

- a. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License shall maintain a current list of all persons employed to work in the premises. The list shall also include those persons employed to work after closing hours for the purposes of cleaning the premises.
- b. Every person holding a Class "B" Fermented Malt Beverage or Intoxicating Liquor License who affords patrons entertainment by, or performance of, any act, stunt, music, song or dance by performers under his auspices, whether such performances are paid or not, shall maintain a current list of all performers who perform in the licensed premises.
- c. The lists required above shall contain the name or names (legal, trade and alias), current address and date of birth of each employee or performer and shall be provided to any police officer upon request.

## 18. Entertainment Standards.

- a. No person shall, on a licensed Class "B" fermented malt beverages or intoxicating liquor premises, perform acts of or acts which constitute or simulate:
  - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; or,
  - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or,
  - iii. The displaying of human genitals, buttocks or pubic area or the female breast below the top of the areola.
- b. No person shall, on a licensed premises, use artificial devices or inanimate objects to perform, simulate or depict any of the prohibited conduct or activities described in subsection (a).
- c. It shall be unlawful for any person to show, display or exhibit on a licensed premises, any film, video, still picture, electronic reproduction or any other visual reproduction or image of any act, other visual reproduction or image of any act or conduct described in subsections (a) and (b).
- d. No person holding a Class "B" fermented malt beverage or intoxicating liquor license, nor his agents or employees, shall allow or permit in or upon the licensed premises any act or conduct described in subsections (a), (b) and (c).

## 19. License Suspension, Revocation or Nonrenewal. [Ord. O-2013-0014, 4/2/2013]

- a. Causes. Any license issued under this section may be suspended, revoked, or non-renewed for cause by the Common Council after notice to the licensee and a hearing. Licenses may be suspended, revoked, or not renewed for the following causes:
  - i. The making of any material false statement in any application for a license.
  - ii. The conviction of the licensee, his agent, manager, operator, or any

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- other employee for keeping a gambling house or a house of prostitution or any felony related to the licensed operation.
- iii. A showing that the licensee has violated any state law or City ordinance prohibiting the sale of intoxicating liquors or fermented malt beverages to underage persons or to any person who is intoxicated or bordering on intoxication.
- iv. The violation of any of the applicable provisions of Section 9.02.
- v. The violation of any of the excise laws of this state, or failure to provide proof that the licensee is in good standing as required by Sections 77.61(1) and 125.04(5)(a) of the Wisconsin Statutes.
- vi. The licensed premises is operated in such a manner that it constitutes a public or private nuisance or that conduct on or emanating from the licensed premises, including but not limited to loud and raucous noise, has had a substantial adverse effect upon the health, safety, convenience or prosperity of the immediate neighborhood.
- vii. Failure of the licensee to operate the premises in accordance with the floor plan or plan of operation submitted pursuant to Section 9.02(5).
- viii. If the licensee is a corporation or licensed limited partnership, the conviction of the corporate agent, officers, directors, members or any shareholders holding twenty percent (20%) or more of the corporation's total or voting stock, or proxies for that amount of stock, or any of the offenses enumerated in Section 125.12(2)(ag) of the Wisconsin Statutes.
- ix. Any of the grounds set forth in Section 125.12(2)(ag) of the Wisconsin Statutes.
- x. The licensee is a habitual law offender as set forth in 125.04(5)(b) of the Wisconsin Statutes.
- xi. The failure to pay any tax or forfeiture as provided in Section 1.08(a).
- xii. The City has been notified pursuant to Section 125.33(7)(b) and 125.69(4)(b) of the Wisconsin Statutes, that the licensee has failed to pay for alcohol beverages.
- b. State Law Applicable. Except as otherwise provided herein, the provisions of Section 125.12(2)(ag) to (c) and 125.12(3) of the Wisconsin Statutes, shall be applicable to proceedings for the suspension, revocation, and nonrenewal of all licenses granted under this section.
- c. Commencement of Proceedings. Suspension, revocation, or nonrenewal proceedings may be instituted by the License and Health Committee of the Common Council upon its own motion, upon sworn written charges made and filed with the Clerk/Treasurer by the Chief of Police, or upon a sworn written complaint filed with the Clerk/Treasurer by any City resident.
- d. Procedure.
  - i. Upon receipt of a sworn complaint, either from the Chief of Police, a resident of the City, or upon directive of the Committee, the License and Health Committee shall direct the City Attorney to prepare a

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- summons and have the summons and complaint served upon the licensee pursuant to Section 125.12(2)(ar) of the Wisconsin Statutes.
- ii. The summons and complaint shall contain: the date and time for appearance by the licensee; a statement of the Common Council's intention to suspend, revoke, or not renew the license in the event any of the allegations are found to be true; a statement of the reasons for suspension, revocation, or nonrenewal; notification to the licensee of an opportunity to be heard, respond to and challenge the reasons for suspension, revocation, or nonrenewal and to present and cross examine witnesses under oath; notification to the licensee of the right to be represented by counsel of the licensee's choice and at the licensee's expense.
- iii. If the licensee fails to appear on the date and time designated in the summons, the License and Health Committee may enter a default judgment and take the allegations of the complaint to be true. The License and Health Committee shall then deliberate on what sanction, if any, to impose consistent with Section 125.12 of the Wisconsin Statutes.
- iv. If the licensee appears before the License and Health Committee at the date and time designated in the summons and denies the material charges contained in the complaint, an evidentiary hearing shall be scheduled. If the licensee does not appear or appears but does not deny the material charges contained in the complaint, the complaint may be taken as true and the Committee shall hear the arguments of the complainant and, if applicable, the licensee in connection with whether to non-renew, revoke or suspend the license and the length of the suspension.
- v. If the matter proceeds to hearing before the Committee, the following procedures shall apply:
  - (1) The complainant shall first present evidence in support of the complaint.
  - (2) After the complainant rests, the licensee may present evidence in opposition to the charges.
  - (3) The complainant and licensee may subpoena and present witnesses. All witnesses shall testify under oath or affirmation and shall be subject to cross examination.
  - (4) The complainant and licensee shall each be limited to one (1) hour for testimony unless the Chair, subject to approval of the Committee, extends the time to assure a full and fair presentation.
  - (5) Questions by Committee members or the advising City Attorney and answers to such questions shall not be counted against the time limitations.
  - (6) At the close of testimony, the complainant and licensee shall be

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given a reasonable time to make arguments upon the evidence produced at hearing.

### e. Miscellaneous Procedural Matters.

- i. At all stages of the proceedings, the licensee shall be entitled to appear in person or by an attorney of his own expense.
- ii. If the complaint is in the name of the Committee or is brought by a City official in his/her official capacity, the complainant shall be represented by a prosecuting City Attorney.
- iii. The Committee shall be, when required, advised by an advisory City Attorney who shall not be the same individual as the prosecuting City Attorney.
- iv. The Chair of the License and Health Committee shall be the presiding officer. The Chair shall direct that oaths and affirmations be administered and subpoenas issued upon request of either side. The Chair shall ensure that an orderly hearing is conducted in accordance with the provisions of this section. The Chair shall rule on objections to the admissibility of evidence. Any ruling of the Chair shall be final unless appealed to the Committee and a majority vote of those members present and voting reverses such ruling.
- v. An audio recording or stenographic record shall be made of all proceedings at the hearing. Any interested party may obtain a copy of the recording or transcript at his or her own expense.

## f. Findings and Recommendations.

- i. After the close of the hearing, the Committee shall deliberate and reach a decision. The Committee shall prepare findings on factual matters, conclusions of law, and a recommendation on what action, if any, should be taken with regard to the license(s) at issue. The report shall be filed with the City Clerk/Treasurer with a copy to the licensee and complainant. The findings and recommendations shall be distributed to each member of the Common Council.
- ii. The licensee and complainant may file a written statement or response to the findings and recommendation, including objections, exceptions, and arguments of fact and law. A written statement must be filed with the City Clerk/Treasurer before the close of business on a day that is at least three (3) working days prior to the date set for determination by the Common Council. Copies of written statements shall be provided to each member of the Common Council at least twenty-four (24) hours before any vote on the matter is scheduled before the Common Council.

## g. Common Council Action.

i. Not less than five (5) working days prior to the matter being scheduled before the Common Council, the Clerk/Treasurer shall notify the licensee and complainant by U.S. first class mail, postage prepaid, sent to the last known address, that the Common Council will convene to

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- determine the matter.
- ii. Unless an alderperson states that he/she has not read the findings and recommendations, and written statements, if any, the matter shall proceed to debate amongst members of the Common Council. Neither the complainant nor the licensee shall be permitted to make oral arguments.
- iii. The Common Council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the Committee or make such modification as is deemed appropriate. Such vote shall be a roll call vote. Upon an affirmative vote suspending, revoking, or not renewing the license(s), the Clerk/Treasurer shall give notice to the person whose license is affected. If the Common Council finds the complaint to be untrue or unsupported by sufficient evidence, the proceedings shall be dismissed without cost to the accused.
- h. Surrender of License.
  - i. A licensee may, at any time during the license year surrender a license to the City Clerk/Treasurer, along with a statement, in writing, that the licensee no longer wishes to conduct licensed activity at the licensed premises.
  - ii. The Clerk/Treasurer shall notify the License and Health Committee of the surrender. Except as set forth in Subsection (h)3. below, the surrender shall operate to extinguish any right the licensee had to the license or to conduct licensed activity at the premises listed in the license.
  - iii. If a summons and complaint has been issued against the licensee seeking suspension, revocation, or nonrenewal of the license, the surrender of the license shall be deemed a request and the matter shall be referred to the License and Health Committee. The Committee may approve the request or deny the request and proceed to hearing.
  - iv. Any request to have a surrendered license returned shall be treated as a new license application and the requestor must fill out the required applications and pay the required fees. The request shall thereafter be treated as all other new license applications.
- 20. Fees. The following fees for licenses shall be paid to the City Clerk/Treasurer prior to issuance of the license:
  - a. Class B Beer: \$100.
  - b. Class B Liquor: \$500.
  - c. Class A Beer: \$150. [Ord. O-2009-0033, 11/3/2009]
  - d. Class A Liquor: \$500. [Ord. O-2006-0008, 2/7/2006]
  - e. Temporary Extension of Class B Premises: \$70. [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
  - f. Transfer of Class A or B Licenses: \$10.
  - g. Duplicate License: \$10. [Ord. O-2009-0033, 11/3/2009]
  - h. Operator's License: \$90. [Ord. 6055, 11/15/1993; Ord. 6215, 3/5/1996; Ord.

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## O-2003-0038, 6/3/2003; Ord. No. O-2009-0012, 3/17/2009

- i. Provisional Operator's License: \$15.
- j. Temporary Operator's License: \$15. [Ord. No. O-2009-0012, 3/17/2009]
- k. Special Class B Beer and Wine License: \$10 per event.
- 1. Outdoor area included in licensed premises: \$200 one-time fee.
- m. Class C: \$100. [Ord. No. 6329, 9/2/1997]
- n. (reserved)
- o. Publication: \$15. [Ord. O-2009-0033, 11/3/2009]
- 21. Presence of Underage Persons On Specified Dates When No Alcohol Beverages Are Sold. [Ord. O-2012-0020, 6/19/2012]
  - a. Underage persons may enter or remain on a Class "B" or "Class B" licensed premises, as set forth in Wisconsin Statutes § 125.07(3)(a)(10), under the following conditions:
    - i. Notification of Dates. The licensee or agent shall notify the Police Chief at least seven (7) days prior to any date on which underage persons will be permitted to enter and remain on the premises. The time period may be waived by the Police Chief or a designee upon determination of good cause or special circumstances.
      - (1) Each event shall require separate notification. Notification shall be in writing and contain the following information: dates and times of the event; specific nature of the event, including description of entertainment; number of persons expected on the premises.
    - ii. Regulations. The operation of a licensed premises during those times when underage persons are on the premises under this section shall be subject to the following regulations:
      - (1) There shall be at least a one-hour period between the serving of the last alcohol beverage and the commencement of operations under this section.
      - (2) No alcohol beverages may be consumed, sold or given away in any part of the licensed premises.
      - (3) All alcoholic beverages on tables shall be removed.
      - (4) The licensee, the agent named in the license if the licensee is a corporation, or a person who has an operator's license shall be on the premises during the event unless all alcohol beverages are stored in a locked portion of the premises.
      - (5) The licensee shall be responsible for the adequate supervision of the premises, and such supervision shall consist of adult persons twenty-one (21) years of age or older.
      - (6) Closing hours shall be no later than 1:00 a.m. on weekdays and 1:30 a.m. on Saturdays and Sundays.
      - (7) No persons under age seventeen (17) shall be allowed on the premises, unless accompanied by a parent.
      - (8) All underage persons must be off the licensed premises at least

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thirty (30) minutes prior to the resumption of alcohol beverage sales.

- 22. Late Fees. Any application for renewal of licenses submitted after April 30 shall be subject to the applicable late fee listed below and shall be paid to the City Clerk for deposit with the City Treasurer prior to issuance of the license: [Ord. O-2014-0095, 12/16/2014]
  - a. Class B Beer: \$50.
  - b. Class B Liquor: \$50.
  - c. Combination Class B Beer and Liquor: \$100.
  - d. Class A Beer: \$50.
  - e. Class A Liquor: \$50.
  - f. Combination Class A Beer and Liquor: \$100.
  - g. Class C: \$50.
- 23. Priority of License Applications. Multiple applications for "Class B" liquor license(s) available under quota. [Ord. O-2015-0047, 10/6/2015]
  - a. If more than one complete license application is timely filed with the City Clerk for any available "Class B" liquor license, the City Clerk shall require each applicant to complete a supplemental questionnaire regarding the benefits/impacts of such proposed licensed establishment. Such supplemental questionnaire shall seek information from the applicant as to the following:
    - i. Number of jobs to be created should the license be granted to the applicant.
    - ii. Scope and cost of any improvements the applicant intends to make to the location sought to be licensed.
    - iii. Size of premises for which the license is sought, including proposed seating capacity of such premises.
    - iv. Certainty of such venture and expected opening date.
    - v. Potential negative impacts on the neighborhood and how they will be addressed/ameliorated.
    - vi. Potential policing costs.
    - vii. What type of business and clientele the establishment intends to cater to.
  - b. The City Clerk shall forward all license application materials to the License and Health Committee for review.
  - c. The License and Health Committee shall review all materials submitted. Its recommendation to the Common Council on granting such available "Class B" license(s) shall be based upon its determination as to which application will provide the most benefit to the City with the fewest negative impacts. In making its recommendation, the License and Health Committee shall evaluate the factors set forth in Subsection (1) for each license application. The License and Health Committee, in its recommendation, shall indicate how each factor is met and to what extent. The order in which applications were received shall be given no weight.
  - d. In granting such license, the Common Council shall give consideration to the recommendation of the License and Health Committee and shall also make its

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own determination regarding the factors set forth in Subsection (1) above. Any license decision to grant a license where multiple complete applications for such license are timely filed with the Clerk's office shall be based upon the Council's determination as to which application the Council determines shall provide the most economic benefit to the City.

**SECTION 2:** <u>EFFECTIVE DATE</u> This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

## PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN	
Ald. Angelito Tenorio					
Ald. Vince Vitale					
Ald. Tracy Stefanski					
Ald. Marty Weigel					
Ald. Suzzette Grisham					
Ald. Danna Kuehn					
Ald. Thomas Lajsic					
Ald. Dan Roadt					
Ald. Rosalie Reinke					
Ald. Kevin Haass					
Attest		Presid	Presiding Officer		
Rebecca Grill, City Clerk, City Of West Allis		Dan De Allis	evine, Mayor City	Of West	

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#### CITY OF WEST ALLIS ORDINANCE O-2021-0024

#### ORDINANCE TO COMBINE VARIOUS ENTERTAINMENT-RELATED LICENSES INTO SINGLE PUBLIC ENTERTAINMENT LICENSE

# CREATING SECTION 9.037, REPEALING AND RECREATING SECTION 9.08, AND REPEALING SECTIONS 9.032, 9.033, 9.034, 9.05, 9.06, 9.10, AND 9.105

WHEREAS, various licenses regulating different types of public entertainment activities could be combined into a single license for clarity, efficiency, and ease of administration:

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: ADOPTION "9.037 Public Entertainment License" of the City Of West Allis Municipal Code is hereby added as follows:

#### ADOPTION

#### 9.037 Public Entertainment License(Added)

- 1. Definitions
  - a. "Premises" means the area described within a license issued under this section.
  - b. "Public entertainment" means any activity or equipment made available with or without fee to the general public for amusement including, but not limited to: bowling centers, dance halls, roadhouses, billiard and pool tables, amusement devices, theater, live or pre-recorded music, movies, and other places of amusement. This definition applies to any entertainment provided commercially for gain by membership, season ticket, invitation, or other system open or offered to the public generally.
- 2. License Required. Except as stated in sub. 3, no person may provide public entertainment without a license issued under this section.
- 3. Exceptions. No license is required under this section for any of the following activities:
  - a. Public entertainment provided by a charitable, nonprofit, or educational institution, religious organization, or governmental entity upon land owned and exclusively occupied by that entity.
  - b. Public entertainment provided by an organization formed for the purpose of ballet performance and instruction and which has received tax exempt status from the United States Internal Revenue Service.
  - c. Billiard tables provided on the premises of bona fide clubs or social organizations not operating for private profit which provide other membership privileges and activities, even though there is a charge for playing billiards.
  - d. Dancing instruction for compensation without any performance for the general public.
  - e. Television or music intended to entertain only employees and not customers.
  - f. Public entertainment provided on the grounds of and during a special event permitted under WAMC 6.032.
- 4. Application
  - a. Any person seeking a public entertainment license shall file a complete application with the city clerk in a form approved by the clerk.
  - b. At the time of filing an application, the applicant shall submit:
    - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
    - ii. A plan of operation with a floor plan of the premises
  - c. The clerk shall notify the Fire, Health, Building Inspection and Neighborhood Services, Planning, and Police Departments of each application received. Each department shall report to the common council any information that may disqualify the applicant.
- 5. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
  - a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
  - b. The applicant made false statements on the application or to the common council or a committee thereof.
  - c. The applicant violated the license regulations in this section.
  - d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
  - e. The activities on the premises will cause or have caused a nuisance.
- 6. Term, Issuance, and Renewal
  - a. Regular License
    - i. For a new application, the common council may grant a license to any applicant who is not disqualified.
    - ii. A license shall be valid on the date of issuance and expire on June 30 of each year.
    - iii. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
  - b. Temporary License
    - i. The common council may grant a temporary license to any applicant who is not disqualified.
    - <u>ii.</u> A license shall be valid only on the dates approved by the common council.
  - c. The city clerk shall issue any license granted by the common council. Licenses are non-transferable.
  - d. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).
- Regulations. Licenses granted under this section are subject to the following regulations;
   a. The licensee shall display a copy of the license prominently on the premises.
  - b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
  - c. No person may refuse the entry of police officers, health officers, building inspectors, or zoning inspectors on to the premises at all reasonable hours.
  - d. No person may permit disorderly, riotous, or indecent conduct at any time on any premises.
  - e. No premises may remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day, unless the common council expands the open hours for the premises. No premises may remain open outside of the hours set forth by the common council.
  - f. The premises may not violate a health, zoning, or building code provision.
  - g. No person under the age of 18 may be permitted on a premises where amusement devices are offered to the public before the hour of 3:00 P.M. on any day that the West Allis West Milwaukee public schools are in session, unless accompanied by their legal parent or guardian.
  - h. Any amusement device on a premises shall be arranged so that persons using the amusement device will not obstruct a path at least 3 feet wide on the side of the user opposite of the amusement device.
  - i. No licensee may transfer a license to another person.
  - j. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.
- 8. Penalties. Any person who violates any provision under this section shall forfeit up to \$500 for each violation. Each day that any ongoing violation continues is a separate offense.
- 9. Suspension, Revocation, and Non-Renewal
  - a. Authority. The common council may suspend, revoke, or refuse to renew a public entertainment license if the applicant becomes disqualified.

- b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a license. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney therefore. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court
- c. Procedure.
  - i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
  - ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.
  - iii. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
  - iv. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
  - y. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
- d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court,

Wis. Stat. 60.23(10), 62.26(1)

SECTION 2: ADOPTION "9.08 Entertainment Device Distributor License" of the City Of West Allis Municipal Code is hereby added as follows:

#### ADOPTION

- 9.08 Entertainment Device Distributor License(Added)
  - Definition. "Entertainment device" means any equipment designed to provide amusement to the user including, but not limited to: amusement devices, jukeboxes, and
    other similar devices.
  - License Required. No person may lease or place an entertainment device upon another person's public place within the City, or receive profits from such a lease, without first having obtained a license under this section.
  - 3. Application
    - a. Any person seeking an entertainment device distributor license shall file a complete application with the city clerk in a form approved by the clerk,
    - b. At the time of filing an application, the applicant shall submit:
      - i. A nonrefundable license fee in the amount stated on the Fee Schedule at the time of application.
      - ii. A list of all locations within the City at which the applicant has placed entertainment devices within the past year or will place amusement devices within the next year under the terms of a contract. The list shall include the addresses of the premises where the devices were placed or are contracted to be placed, the number of machines placed or to be placed at the premises, and the legal names of the entities contracting for each entertainment device.
    - c. The clerk shall notify the Police Departments of each application received. The department shall report to the common council any information that may disqualify the applicant.
  - 4. Disqualifications. Any applicant may be disqualified for a license if any of the following applies to the applicant or to any members, shareholder, and officers of any applicant that is not an individual:
    - a. The applicant has an arrest or conviction record, subject to Wis. Stat. 111.335(4).
    - b. The applicant made false statements on the application or to the common council or a committee thereof.
    - c. The applicant violated the license regulations in this section within 5 years of the date of application.
    - d. The applicant has been denied a license or had a license revoked in the 12 months preceding the application date.
  - 5. Term, Issuance, and Renewal
    - a. For a new application, the common council may grant a license to any applicant who is not disqualified.
    - b. A license shall be valid on the date of issuance and expire on June 30 of each year.
    - c. For a renewal application, the common council shall grant the license unless the applicant is disqualified.
    - d. The city clerk shall issue any license granted by the common council.
    - e. The city clerk shall notify any applicant whose application was denied of the applicant's appeal rights under WAMC 2.48(5).
  - 6. Regulations. Licenses granted under this section are subject to the following regulations:
    - a. The licensee shall maintain a copy of the license at the licensee's place of business and produce the license upon the request of a law enforcement officer.
    - b. The licensee shall file updated information with the city clerk within 10 days after any information on a license changes.
    - c. No licensee may transfer a license to another person.
    - d. No person may violate any conditions imposed upon a specific license at the time the license was granted or imposed on an existing licensee with the licensee's consent.
  - 7. Penalties. Any person who violates any provision under this section shall forfeit up to \$500 for each violation. Each day that any ongoing violation continues is a separate offense.
  - 8. Suspension, Revocation, and Non-Renewal
    - a. Authority. The common council may suspend, revoke, or refuse to renew an entertainment device distributor license if the applicant becomes disqualified.
    - b. Commencement. Based on allegations submitted to the license and health committee, an alderperson may approve the issuance of a summons and complaint against a license. The complaint shall contain the allegations. The summons shall state the date on which and location where the licensee must appear. The summons and complaint shall be signed by a member of the committee or an attorney for the committee. Service shall be in the manner provided under Wis. Stat. Ch. 801 for service in civil actions in circuit court.
    - c. Procedure.
      - i. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the common council or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.
      - ii. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense.
      - iii. If the hearing is held before the common council and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked.

- iv. If the hearing is held before a committee of a common council, the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the common council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the common council. The common council shall determine whether the arguments shall be presented orally or in writing or both. If the common council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked.
- v. The city clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
- vi. If the common council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused.
- d. Judicial Review. The suspension, revocation, or nonrenewal of any license may be reviewed by writ of certiorari to the Milwaukee County Circuit Court.

### SECTION 3: REPEAL "9.032 Tavern Instrumental Music Licenses" of the City Of West Allis Municipal Code is hereby repealed as follows:

#### REPEAL

#### 9.032 Tavern Instrumental Music Licenses (Repealed)

- 1. License Required. No person holding a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees shall provide, maintain, suffer or permit in or upon the licensed premises any instrumental music or singing accompanied by pre-recorded music (commonly referred to as "karaoke") without having first obtained a license therefor as hereinafter provided. Such music and singing shall be discontinued thirty (30) minutes prior to the established closing time set forth in Chapter 125 of the Wisconsin Statutes. The license shall be construed to permit singing by members of the musical group engaged to perform on the licensed premises or by members of the audience performing karaoke, however, no dancing shall be permitted under such license unless a dance hall license has been obtained pursuant to Section 9.05.
- 2. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the City Clerk/Treasurer. The application shall contain the following information:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person or entity holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. Whether the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages, and whether any such licenses were ever suspended or revoked and a statement of the reasons therefor.
  - c. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
  - d. If, during the pendancy of the application, or during the term of any license granted, there is any change in fact which would alter the information given on the application, the applicant shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
- 3. License Fee. The fee for an instrumental music license shall be one hundred forty dollars (\$140.00). The fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year, except as provided in Paragraph (8). [Ord. O-2009-0033, 11/3/2009]
- 4. Granting of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall forward such application to the Common Council for consideration. Within sixty (60) days of receiving an application, the Common Council shall grant or deny the license or hold the application for an additional thirty (30) days, unless otherwise agreed to by the applicant.
  - b. The Common Council shall examine all applications filed, as herein provided, and shall make or cause to be made such further investigation of the application as it deems necessary. The Common Council shall approve a license only if it finds all of the following facts exist:
    - i. That all of the statements made in the application are true;
    - ii. Subject to §§ 111.321, 111.322 and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every member, managing officer or agent of the applicant has not been convicted of any offense involving dishonesty or moral turpitude and has not been convicted of any violation of the law relating to the public health and safety;
    - iii. That the premises for which a license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state laws, specifically including, but not limited to, zoning regulations, building code requirements, fire prevention code, and health code requirements;
    - iv. That the proposed instrumental music will comply with all applicable rules, regulations, ordinances and state laws, specifically including, but not limited to, noise limitations;
    - $v. \ If the applicant is a corporation, that it is licensed to do business and is in good standing with the State of Wisconsin;\\$
    - vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which the instrumental music license is sought and is otherwise entitled to a license under the provisions of this section.
  - c. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be nonassignable and nontransferable from person to person or from one premises to another.
  - d. Whenever an application is denied or held for further investigation, the Clerk/Treasurer shall advise the applicant, in writing, of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination, pursuant to Section 2.48 of the West Allis Revised Municipal Code.
- 5. Expiration, Transfer and Lapse of License.
  - a. All licenses issued as herein provided shall expire on the 30th day of June of each year.
  - b. Any license issued pursuant to this section shall lapse and become void whenever the Common Council or licensee shall not renew the retail Class "B" fermented malt beverage, Class "B" intoxicating liquor or Class "C" wine license or said license is revoked by the Common Council. If any such retail Class "B" or "C" license shall be suspended, the license issued under this section shall be deemed suspended for a like period, without further action by the Common Council.
  - c. No license or interest in a license may be transferred to any person, partnership or corporation. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- 6. Display of License. Any person licensed in accordance with the provisions of this section shall keep his license posted in a prominent place upon the license premises.
- 7. Revocation, Suspension or Nonrenewal. A license may be suspended for a period not to exceed ninety (90) days, revoked or not renewed by the Common Council for disorderly conduct upon the licensed premises or for any violation by the licensee, his agents or employees, of any provision of this section, or any ordinance or law relating to the use or occupation of the licensed premises. If at any time a license is revoked, at least one (1) year shall elapse before another license shall be given for the same premises or to the same licensee. Any revocation or suspension may be in addition to any forfeiture imposed under this section. The procedures set forth in § 125.12 of the Wisconsin Statutes and Section 9.02(20) of the Revised Municipal Code shall apply to revocation, suspensions and nonrenewals of instrumental music licenses.
- 8. Special Permits. A special instrumental music permit may be issued by the Clerk/Treasurer for a particular forty-eight hour period, upon approval by the Common Council. The applicant must meet all criteria for license approval set forth in Paragraph (2). Application for any such permit shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer, in accordance with the provisions of Paragraph (3). Not more than ten (10) special permits for either instrumental music shall be issued for the same premises in any license year. Subsequent to the issuance of an initial permit for a premises, the Clerk/Treasurer may issue additional permits for each premises, as provided in this paragraph, without further investigation of applications for any such premises and without the Council's approval for the entire period the license is held by the same individual or corporation and for the same licensed premises. A special permit, when issued, shall entitle the holder

- thereof, for a particular forty-eight-hour period to the respective privileges accompanying the corresponding license provided for in this section. Any violation of this section by the permit holder or any reported unreasonably loud music or disorderly conduct on the premises shall be deemed cause for suspension or denial of any further special permit privileges. A permit fee of twenty dollars (\$20.00) shall accompany the application. Such fee shall be nonrefundable. [Ord. O-2009-0033, 11/3/2009]
- 9. Penalties. Any person violating any of the provisions of this section shall, upon conviction thereof, forfeit not less that fifty dollars (\$50.00) nor more than five hundred dollars (\$50.00) or in default of payment of said forfeiture and costs, punishment shall be suspension of the defendant's operating privileges pursuant to §§ 343.30 and 345.47, Wis. Stats., or by imprisonment in the Milwaukee County House of Corrections or Milwaukee Jail until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4), Wis. Stats.

#### [Ord. 6539, (repeal and recreate) 11/6/2000]

**SECTION 4:** REPEAL "9.033 Tavern Entertainment License - Special Entertainment" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

#### REPEAL

#### 9.033 Tavern Entertainment License - Special Entertainment (Repealed)

- 1. License Required. No person holding a retail Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees, shall provide, maintain, suffer or permit in or upon the licensed premises [as described in §§ 125.26(3), 125.51(3)(d), and 125.51(3m)(d), Wis. Stats.], any singing or dancing floor shows, cabaret shows, lingerie shows, exotic dancing, or similar type of show or entertainment, whether live or prerecorded music is used or not, without having first obtained a license therefor as hereinafter provided. Such entertainment shall discontinue thirty (30) minutes prior to the established closing time for the licensed premises. No instrumental music license under Section 9.032 shall be required of any person holding a valid license under this section. [Ord. No. O-2009-0017, 6/2/2009]
- 2. Location. No person shall be granted an entertainment license if the licensed premises is located:
  - a. Within five hundred (500) feet of a residential area as defined in Section 9.28(1)(k) of the Revised Municipal Code.
  - b. Within five hundred (500) feet of an adult-oriented establishment as defined in Section 9.28(1)(a) of the Revised Municipal Code.
  - c. Within five hundred (500) feet of another business holding an entertainment license under this section or Section 9.034 of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
  - d. Within five hundred (500) feet of any pre-existing school, church, or day-care center as defined in Sections 9.28(1)(h), 9.28(1)(j), and 9.28(1)(l) of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
  - e. For purposes of this ordinance, distances are to be measured in a straight line without regard to intervening structures or objects, from the property line of the licensed premises to the nearest property line of an adult-oriented establishment, school, church, day-care center, residential area, or other premises holding a license under this section.
- 3. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer. The application herein required shall contain the following information under oath:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. If the applicant is not an individual, the names and addresses of the partners or the applicant's principal officers and agent under § 125.04(6), Wis. Stats.
  - c. If the applicant, or in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has been convicted in a court of competent jurisdiction of any offense, criminal or civil forfeiture, other than parking offenses or minor traffic offenses, including dates of conviction, nature of the offense, and location of the offense for such all offenses within the five-year period immediately preceding the date of application unless the applicant has been duly pardoned.
  - d. If the applicant, or in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages and whether any such license was suspended, revoked, or not renewed and a statement of the reasons therefor.
  - e. A statement of the specific nature of the entertainment to be provided.
  - f. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
- 4. Duty to Cooperate. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required or deemed necessary shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
- 5. Notification of Changes. If, while any application is pending, or during the term of any license granted thereon, there is any change in fact that would alter the information given on the application, the applicant or licensee shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
- 6. License Fee. The fee for a license issued under this section shall be \$1,400.00. The license fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year. [Ord. O-2009-0033, 11/3/2009]
- 7. Processing of Application and Issuance of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall provide copies of the application to the Police Department, Building Inspection Department, and other applicable departments for their investigation and review to determine compliance of the proposed tavem entertainment with the laws and regulations each department administers. Each department shall, within thirty (30) days, report back to the Clerk/Treasurer whether the applicant and premises comply with the laws and regulations administered by each department. No license may be issued unless each department reports that the applicant and premises comply with all relevant laws and regulations. A department shall recommend denial of a license if it finds that the proposed applicant or premises are not in conformance with the requirements of this section, the ordinances of the City of West Allis, the laws of the State of Wisconsin, or any other applicable law or regulation. A recommendation for denial shall be in writing and cite the specific reason or reasons therefor.
  - b. With sixty (60) days of receiving a completed application and fee, the Common Council shall grant or deny the license or hold the application for an additional period of time as agreed to by the applicant.
  - c. The Common Council shall examine all applications filed and shall make or cause to be made such further investigation as it deems necessary. The Common Council shall approve a license only if it finds all of the following:
    - i. That all of the statements made in the application are true.
    - ii. Subject to §§ 111.321, 111.322, and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every partner, principal officer, and agent appointed pursuant to Section 125.04(6) has not been convicted of any offense substantially related to the operation of a tavem entertainment establishment.
    - iii. That the premises for which the license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, zoning regulations, Building Code, Fire Prevention Code, and Health Code requirements.
    - iv. That the proposed entertainment will comply with all applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, noise limitations, performance standards, and distancing requirements under Sections 7.035, 9.02(19), and 18.03(3)(m) of the Revised Municipal Code. [Ord. No. O-2009-0017, 6/2/2009]
    - v. If the applicant is a corporation that it is licensed to do business in the State of Wisconsin and is in good standing.

- vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which an entertainment license is sought.
- d. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be non-assignable and nontransferable from person to person or from one premises to another.
- e. Whenever an application is denied, the Clerk/Treasurer shall advise the applicant in writing of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination pursuant to § 2.48(5) of the Revised Municipal Code.
- 8. Display of License. The license shall be displayed in a conspicuous public place in the tavern entertainment establishment.
- 9. Renewal of License.
  - a. Every license issued pursuant to this section shall terminate on June 30th pursuant to Section 9.015, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the Clerk/Treasurer. The application for renewal must be filed on or before May 1st. Operators filing a renewal application shall provide the information required by Subsection 9.033(3) and shall be processed pursuant to Subsection 9.033(7). [Ord. No. O-2009-0017, 6/2/2009]
  - b. A license renewal fee of \$1,400.00 shall be submitted with the application for renewal. [Ord. O-2009-0033, 11/3/2009]
- 10. Transfer of License. No license issued pursuant to this section shall be assignable or transferable. For purposes of this section, "assignable" or "transferable" shall mean and include any of the following:
  - a. The sale, lease, or sublease of the business; or
  - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, gift, exchange, or similar means; or
  - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.
- 11. Suspension, Revocation, and Nonrenewal of License.
  - a. A license may be suspended for a period not to exceed ninety (90) days, revoked, or not renewed by the Common Council for participating in, allowing, or suffering disorderly conduct or sexual offenses in or around the licensed premises or for any violation by the permittee, the licensee, or the licensee's agents, employees, or entertainers, of any of the provisions of this section, or any ordinance or law relating to the use or occupation of the licensed premises. If a, license is revoked or not renewed, at least two (2) years shall elapse before another license or permit shall be given for the same premises or to the same licensee or permittee. Any suspension, revocation, or nonrenewal may be in addition to any forfeiture imposed under this section or other penalty imposed by law. The procedures set forth in § 125.12 of the Wisconsin Statutes shall apply to suspensions, revocations, and non-renewals of entertainment licenses and permits.
- 12. Exceptions. A tavem entertainment license is not required if the entertainment consists of dart games, amusement devices for which a license is required under Section 9.08 of this code, pool or billiard tables, or bowling.
- 13. Pre-Existing Entertainment Licenses and Discontinuation of Operation. Holders of Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine licenses who also possess an entertainment license at the time of passage of this ordinance are exempt from the locations provisions of Paragraph 9.033(2). Any transfer of the entertainment license from the licensed premises to any other premises shall cause said entertainment license to lapse and become void. Any discontinuation in the operation of the licensed premises for a period of six (6) months shall also cause the entertainment license to lapse and become void. A licensee whose license has lapsed and become void shall thereafter be subject to the location requirements in Paragraph 9.033(2). [Ord. No. O-2009-0017, 6/2/2009]

#### [Ord. 6540 (amended) 2/6/2001]

SECTION 5: REPEAL "9.034 Tavern Entertainment License - Other Entertainment" of the City Of West Allis Municipal Code is hereby repealed as follows:

### REPEAL

## 9.034 Tavern Entertainment License - Other Entertainment (Repealed)

- 1. License Required. No person holding a retail Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license, nor the licensee's agents or employees, shall provide, maintain, suffer or permit in or upon the licensed premises [as described in §§ 125.26(3), 125.51(3)(d), and 125.51(3m)(d), Wis. Stats.], any entertainment, exposition, or show, other than shows listed in Section 9.033, whether live or prerecorded music is used or not, without having first obtained a license therefor as hereinafter provided. Such entertainment shall discontinue thirty (30) minutes prior to the established closing time for the licensed premises. No instrumental music license under Section 9.032 shall be required of any person holding a valid license under this section.
- 2. Application. Application for a license required by this section shall be made in writing upon a form prescribed by and filed with the Clerk/Treasurer. The application herein required shall contain the following information under oath:
  - a. The name and address of the person, corporation, partnership, limited liability company or other entity applying for the license. Said applicant must be the same as the person holding the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license.
  - b. If the applicant is not an individual, the names and addresses of the partners or the applicant's principal officers and agent under § 125.04(6), Wis. Stats.
  - c. If the applicant or, in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has been convicted in a court of competent jurisdiction of any offense, criminal or civil forfeiture, other than parking offenses or minor traffic offenses, including dates of conviction, nature of the offense, and location of the offense for such all offenses within the five-year period immediately preceding the date of application unless the applicant has been duly pardoned.
  - d. If the applicant or, in the event the applicant is not an individual person, if any partner, principal officer, or agent of the applicant has, within five (5) years prior to the date of application, been licensed to sell alcohol beverages and whether any such license was suspended, revoked, or not renewed and a statement of the reasons therefor.
  - e. A statement of the specific nature of the entertainment to be provided.
  - f. The location of the premises for which the license is sought and identification of the Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license held for the premises.
- 3. Duty to Cooperate. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required or deemed necessary shall constitute an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof.
- 4. Notification of Changes. If, while any application is pending, or during the term of any license granted thereon, there is any change in fact that would alter the information given on the application, the applicant or licensee shall notify the Clerk/Treasurer in writing thereof within ten (10) days after such change.
- 5. License Fee. The fee for a license issued under this section shall be two hundred fifty dollars (\$250.). The license fee shall accompany each application. The full license fee shall be charged for the whole or fraction of the license year.
- 6. Processing of Application and Issuance of License.
  - a. Upon receipt of a proper application and the prescribed license fee, the Clerk/Treasurer shall provide copies of the application to the Police Department, Building Inspection Department, and other applicable departments for their investigation and review to determine compliance of the proposed tavem entertainment with the laws and regulations each department administers. Each department shall, within thirty (30) days, report back to the Clerk/Treasurer whether the applicant and premises comply with the laws and regulations administered by each department. No license may be issued unless each department reports that the applicant and premises comply with all relevant laws and regulations. A department shall recommend denial of a license if it finds that the proposed applicant or premises are not in conformance with the requirements of this section, the ordinances of the City of West Allis, the laws of the State of

- Wisconsin, or any other applicable law or regulation. A recommendation for denial shall be in writing and cite the specific reason or reasons therefor.
- b. With sixty (60) days of receiving a completed application and fee, the Common Council shall grant or deny the license or hold the application for an additional period of time as agreed to by the applicant.
- c. The Common Council shall examine all applications filed and shall make or cause to be made such further investigation as it deems necessary. The Common Council shall approve a license only if it finds all of the following:
  - i. That all of the statements made in the application are true.
  - ii. Subject to §§ 111.321, 111.322, and 111.335 of the Wisconsin Statutes, that the applicant or, if the applicant is not an individual, that every partner, principal officer, and agent appointed pursuant to Section 125.04(6) has not been convicted of any offense substantially related to the operation of a tavem entertainment establishment.
  - iii. That the premises for which the license is sought will comply with the provisions of this section and all other applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, zoning regulations, Building Code, Fire Prevention Code, and Health Code requirements.
  - iv. That the proposed entertainment will comply with all applicable rules, regulations, ordinances, and state laws, specifically including, but not limited to, noise limitations, performance standards, and distancing requirements under Sections 7.035, 9.02(19), and 18.03(3)(m) of the Revised Municipal Code.
  - v. If the applicant is a corporation that it is licensed to do business in the State of Wisconsin and is in good standing.
  - vi. That the applicant holds a Class "B" fermented malt beverage, Class "B" intoxicating liquor, or Class "C" wine license for the premises for which an entertainment license is sought.
- d. Upon approval of the application by the Common Council, a license shall be issued to the applicant by the Clerk/Treasurer. Any license issued under this section shall be non-assignable and nontransferable from person to person or from one premises to another.
- e. Whenever an application is denied, the Clerk/Treasurer shall advise the applicant in writing of the action taken and the reasons for such action. The Clerk/Treasurer shall also advise the applicant of the right to request that the Common Council review its determination pursuant to Section 2.48(5) of the Revised Municipal Code.
- 7. Display of License. The license shall be displayed in a conspicuous public place in the tavern entertainment establishment.
- 8. Renewal of License.
  - a. Every license issued pursuant to this section shall terminate on June 30th pursuant to Section 9.015, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the Clerk/Treasurer. The application for renewal must be filed on or before May 1st. Operators filing a renewal application shall provide the information required by Subsection 9.034(2) and shall be processed pursuant to Subsection 9.034(6).
  - b. A license renewal fee of two hundred fifty dollars (\$250.) shall be submitted with the application for renewal.
- 9. Transfer of License. No license issued pursuant to this section shall be assignable or transferable. For purposes of this section, "assignable" or "transferable" shall mean and include any of the following:
  - a. The sale, lease, or sublease of the business; or
  - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, gift, exchange, or similar means; or
  - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business.
- 10. Suspension, Revocation, and Nonrenewal of License.
  - a. A license may be suspended for a period not to exceed ninety (90) days, revoked, or not renewed by the Common Council for participating in, allowing, or suffering disorderly conduct or sexual offenses in or around the licensed premises; or for any violation by the permittee, the licensee, or the licensee's agents, employees, or entertainers, of any of the provisions of this section; or any ordinance or law relating to the use or occupation of the licensed premises. If a license is revoked or not renewed, at least two (2) years shall elapse before another license or permit shall be given for the same premises or to the same licensee or permittee. Any suspension, revocation, or nonrenewal may be in addition to any forfeiture imposed under this section or other penalty imposed by law. The procedures set forth in Section 125.12 of the Wisconsin Statutes shall apply to suspensions, revocations, and nonrenewals of entertainment licenses and permits.
- 11. Exceptions. A tavem entertainment license is not required if the entertainment consists of dart games, amusement devices for which a license is required under Section 9.08 of this Code, pool or billiard tables, or bowling.
- 12. Discontinuation of Operation. Any transfer of the entertainment license from the licensed premises to any other premises shall cause said entertainment license to lapse and become void. Any discontinuation in the operation of the licensed premises for a period of six (6) months shall also cause the entertainment license to lapse and become void.
- 13. Special Entertainment. A license issued under this section shall not constitute a license to engage in entertainment under Section 9.033 of the Revised Municipal Code.

### [Ord. No. O-2009-0016, 6/16/2009]

**SECTION 6:** REPEAL "9.05 Dance Halls" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

### REPEAL

### 9.05 Dance Halls (Repealed)

- 1. Definitions.
  - a. Public Dance. The term "public dance" or "public hall," as used in this section, shall be taken to mean any dance or hall to which admission can be had, either without charge when under personal supervision of the licensee or by payment of a fee or by purchase, possession or presentation of a ticket or token in which a charge is made for caring for clothing or other property, or any other dance to which the public generally may gain admission with or without payment of a fee.
  - b. Public Dance Hall. The term "public dance hall," as used herein, shall mean any room, place or space in which a public dance or public hall may be held, or hall or academy in which classes in dancing are held and instruction in dancing given for hire.
- 2. Dance Hall License
  - a. License Required. It shall be unlawful to hold any public dance or public ball or to hold classes in dancing within the limits of the City until the dance hall in which the same may be held shall have been duly licensed for such purpose.
  - b. This section shall not apply to studios or dance academies whose primary business is dance instruction and do not offer food or beverages for sale on the premises. [Ord. O-2010-0013, 6/1/2010]
  - c. Fees. All such applications shall be accompanied by an annual license fee of sixty dollars (\$60.00). [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
  - d. Granting License. No license for public dance hall shall be issued until it shall be determined that the hall conforms to all health and fire regulations of the City, that it is properly ventilated and supplied with sufficient toilet conveniences, and is a safe and proper place for the purpose for which it is to be used.
  - e. Revocation of License. The license of any public dance hall shall be revoked by the Common Council for disorderly or immoral conduct on the premises or for violation of any of the rules, regulations, ordinances and laws governing or applying to public dance halls or public dances. If at any time the license of a public dance hall be revoked, at least six (6) months shall elapse before another license or permit shall be given for dancing on the same premises to the same licensees.
- 3. Regulations of Dance Halls.
  - a. Renting of Hall.

- i. Licensee to Report. Every licensed owner of a dance hall shall immediately upon application being received by him from any person, club or society to lease or rent his hall for the purpose of holding a public dance or ball therein, report to the Chief of Police the name and address of such person, club or society and the date when such public dance or ball is proposed to be held. The Chief of Police shall at once make or cause to be made an investigation for the purpose of determining whether such dance or ball shall be held.
- ii. Refusal to Permit Dance. If the Chief of Police shall determine that the proposed dance or ball ought not to be held, he shall, within five (5) days after receipt of the aforesaid notice of application for lease or rental, notify the licensed owner of such dance hall in writing that the proposed public dance or ball shall not be held therein, and the licensed owner of such dance hall thereupon shall refuse to permit such public dance or ball to be held in such hall. Failure on the part of the licensed owner of such hall to comply with the provisions of this notice shall be sufficient cause for the revocation of the license of such licensed owner.
- iii. Exceptions. Nothing herein shall be construed as requiring the holder of a dance hall license to secure a dance permit where the dance is conducted in the hall under the direct personal supervision of such licensee.
- b. Minors at Dance Halls. It shall be unlawful after 10:00 p.m. to permit any person to attend or take part in any public dance who is under the age of eighteen (18) years unless accompanied by parent, lawful guardian or adult spouse when intoxicating or fermented malt beverages are available for consumption on the premises. It shall be unlawful for any person to represent himself or herself to have reached the age of eighteen (18) years in order to obtain admission to a public dance hall or to be permitted to remain therein when such person, in fact, is under eighteen (18) years of age, and it shall also be unlawful for any person to represent himself or herself to be a parent, lawful guardian or adult spouse of any person, in order that such person may obtain admission to a public dance hall, or shall be permitted to remain therein when the party making the representation is not, in fact, either a parent, lawful guardian or adult spouse of the other person.
- c. Closing Hours. All public dances, except upon licensed tavem premises, shall be discontinued and all public dance halls shall be closed on or before the hour of 1:30 a.m. during the week and 2:30 a.m. on Sunday, and shall remain closed until 8:00 a.m. of said day. Public dances upon licensed tavem premises shall be discontinued fifteen (15) minutes prior to the established closing time for such tavem premises.
- d. Dancing in Bar Room. It shall be unlawful to permit dancing in a bar room of any tavern within six (6) feet of any bar and back barwall, or the area within three (3) feet of any part of an exit door or toilet room door, or any other exit or passageway, or any toilet room or any other space or room which is not used exclusively by the public. The area in which dancing is permitted shall be either partitioned off, roped off or indicated by a line drawn upon the floor.

SECTION 7: REPEAL "9.06 Pool Tables And Bowling Alleys" of the City Of West Allis Municipal Code is hereby repealed as follows:

#### REPEAL

#### 9.06 Pool Tables And Bowling Alleys (Repealed)

- 1. License Required. No person shall erect or keep, or permit to be erected, placed or kept upon his, her or their premises, within the limits of the City, any billiard table, pool table, bowling alley, nine- or ten-pin alley, used and kept for hire, without having obtained a license therefor, as provided in this section.
- 2. Application for License. Licenses for the erection or keeping of billiard tables, pool tables and bowling alleys shall be issued by the City Clerk when granted by the Common Council upon the presentation to the Clerk of the City Treasurer's receipt, showing payment of the sum required in Subsection (4) hereof.
- 3. License Non-assignable. No license shall be assignable or inure to the benefit of any other than the person, persons, company, association or corporation to whom such license was originally issued.
- 4. License Period and Fees. Every license shall expire on the 30th day of June following the date of its issue, and a fee of thirty-five dollars (\$35.00) shall be paid therefor, for each billiard table, pool table or bowling alley for which such license shall be issued. Payment shall be made to the City Clerk/Treasurer upon application. [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
- Regulations.
  - a. No licensee shall permit any minor under the age of sixteen (16) years to frequent, loiter in or to play pool or billiards in that part of any premises used by the public for the playing of pool or billiards.
  - b. In no event shall card playing be permitted on premises which are licensed for the erection or keeping of billiard or pool tables even if such card playing is for social purposes, unless such premises also has a retail Class "B" fermented malt beverage license.
  - c. All premises in which the game of pool or billiards is played shall be so arranged and shall be so lighted at all hours that a full view of the interior may be seen from the public street or sidewalk or from adjacent rooms to which the public is admitted.
  - d. It shall be unlawful for any person, society, club or corporation to operate a billiard or pool room during the closing hours established for retail Class "B" fermented malt beverage or intoxicating liquor licensed premises, as provided in section 9.02(17)(a)(3) of this Code, or to permit any person or persons, except regular employees performing necessary work within the premises, to be or remain in any room where billiard or pool tables are maintained for hire at any time during such hours.
  - e. No person, while in any billiard hall or pool room, shall have in his possession and no person, society, club or corporation operating a billiard or pool room shall permit any person to have in his possession, any intoxicating liquor or fermented malt beverage unless such premises also has a retail Class "B" fermented malt beverage license and a retail Class "B" liquor license, pursuant to the provisions of section 9.02 and section 9.03 of this Code.

SECTION 8: REPEAL "9.08 Amusement Devices" of the City Of West Allis Municipal Code is hereby repealed as follows:

### REPEAL

### 9.08 Amusement Devices (Repealed)

- 1. Definitions.
  - a. Amusement Devices. An amusement device shall mean any electronic or mechanical game, including devices for the playing of miniature games of hockey, bowling, baseball or basketball, pinball and shuffleboard and similar games, and for which a consideration either in coin or in other thing of value is required for the playing thereof or participation in the playing thereof, but shall not be deemed to include any gambling device. A phonograph or instrument for reproducing music and which is not designed for the playing of games shall not be considered an amusement device.
  - b. Phonographs. Phonographs shall include any instrument which reproduces music by record or other means.
  - c. Distributor. Distributor shall mean any person who, as owner or lessor, distributes or leases any amusement device or phonograph to any person for use in the City.
  - d. Lessee. A lessee shall mean any person, not including a firm or corporation, who has leased or agrees to have in his custody or has in his possession, an amusement device under any agreement to pay rent or share in the proceeds of the operation of the machine with the owner or distributor thereof.
  - e. Gambling Device. Gambling device shall mean any instrument, device or thing used or usable for gambling or playing any game of chance for money or any other thing of value.
  - f. Pinball Machines, When Gambling Device. Any device or instrument or so-called pinball machine which contains a coin tray or compartment, in which coins, merchandise or thing of value is delivered or made available to the player, or to the lessee or distributor on behalf of said player or for the player's benefit, as a prize or a reward which is the result of a winning combination or a single or a series of combinations obtained by the player of said device in which the element of chance is a substantial factor is hereby declared to be a gambling device and its ownership or possession is unlawful.

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- g. Owner-Operator. An owner-operator is any person who owns and operates an amusement device or phonograph in his own business establishment and is not actively engaged in the practice of distributing any amusement device or phonograph, as defined in subsection (1)(c) hereof.
- 2. Gambling Devices Prohibited. No person, firm or corporation shall set up for operation, operate, lease or distribute for the purpose of operation any gambling device or slot machine.
- 3. License Required. No distributor shall own, lease, install, place, operate any amusement device or phonograph, share in the proceeds or profits or collect rents of any amusement devices or phonographs for use on any premises in the City without first having obtained a distributor's license and paying the license fee hereinafter provided. No person or lessee shall have in its possession or set up for use any amusement device or phonograph which has not been registered with the City Clerk and the registration fee paid, as hereinafter provided.
- 4. Licenses
  - a. Amusement Device Distributor's License.
    - i. Fees. The distributor's license fee for an amusement device shall be four hundred fifty dollars (\$450.00) per year, and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
  - b. Phonograph Distributor's License.
    - i. Fee. The Distributor's license fee for a phonograph shall be three hundred dollars (\$300.00) per year and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
  - c. Owner-operator's Licenses. The owner-operator's license fee for an amusement device shall be thirty dollars (\$30.00) per year, and for a phonograph shall be twenty-five dollars (\$25.00) per year, and shall be paid to the City Clerk/Treasurer at the time of filing the application for a license. [Ord. O-2009-0033, 11/3/2009]
  - d. Application for License.
    - i. An applicant for any of the licenses set forth in Subsection (3) of this section shall make application in writing to the Common Council on such application forms as shall be prescribed by the City Clerk.
    - ii. All applicants, in their application, shall consent to a reasonable inspection of their records and devices to determine ownership and character of amusement devices and phonographs to be operated in their business establishment.
  - e. Standards for Issuance. The Common Council may grant a license if it is found: [Ord. 6519 (amend) 6/6/2000]
    - i. That the business operation as proposed by the applicant will comply with the provisions of this section and all other applicable rules, regulations, ordinances and state law.
    - ii. That subject to §§ 111.321, 111.322, and 111.335, Wis. Stats., the applicant has not, within the five years immediately preceding the date of the application, been convicted of violating this ordinance or of any other offense substantially related to the amusement device business.
    - iii. That the applicant be a Wisconsin resident or name an agent in the State of Wisconsin. Said agent shall be personally liable for the operation of the licensed business and agrees to accept service on behalf of the licensee until such time as a new agent is approved by the Common Council.
    - iv. The applicant is at least eighteen years of age.
    - v. That the applicant has not knowingly made any false, misleading, or fraudulent statement of fact in the license application or other information required in conjunction therewith.
    - vi. That the applicant, if a corporation, is licensed to do business and is in good standing in the State of Wisconsin.
    - vii. That the applicant has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes.
  - f. License Period. The license period for any of the licenses provided for under this section shall extend from July 1 of each year to June 30 of the following year.
- 5. Registration of Amusement Devices
  - a. Devices to Be Registered. All licensed distributors, owners or possessors shall, on the first day of each July, register or cause to be registered with the City Clerk, all of their amusement devices or phonographs on location for use. Nothing herein contained shall be construed to authorize the registration of any slot machine or gambling device.
  - b. Issuance of Registration Symbols. The City Clerk shall require the registrant to submit the information as may be necessary to identify the amusement device so registered, and shall issue to the registrant an appropriate registration symbol so designed as to permit its secure attachment to the amusement device to be registered. Any person, firm or corporation delinquent in the payment of taxes, personal or real, shall not be issued a distributor's license.
  - c. Registration Fees. The registration fee for each amusement device shall be thirty-five dollars (\$35.00) per year per machine, and the registration fee for each phonograph shall be twenty-five dollars (\$25.00) per year per machine. The registration fee shall be paid to the City Clerk/Treasurer at the time of registration. [Ord. 6055, 11/15/1993; Ord. O-2009-0033, 11/3/2009]
  - d. Seizure. The Mayor, Chief of Police or any police officer shall seize or cause to be seized any amusement device upon which is not affixed a registration symbol, as herein required. The ownership or possession of any non-registered amusement device is declared to be a violation of this subsection.
  - e. Transfer of Registration Symbols. Any transfer of registration symbols from one machine to another shall be unlawful, unless a certificate of transfer is first obtained from the City Clerk. The Clerk shall issue such certificate upon the verified statement of the licensee or operator that the previously registered machine is no longer located at the place where originally registered, and that by such transfer the machines on hand shall not exceed two (2) in number. No person shall counterfeit a registration symbol or shall transfer such registration symbol from one amusement device to another without having previously registered such transfer with the City Clerk.
- 6. Suspension, Revocation, or Non-renewal. [Ord. 6519 (amend) 6/6/2000]
  - a. Licenses. The Common Council may suspend, revoke, or not renew any license or registration symbol. No license shall be suspended, revoked, or non-renewed without first providing the licensee with due notice and hearing before the License and Health Committee of the West Allis Common Council for the purpose of determining whether grounds for such action exist. The License and Health Committee shall make findings and recommendations to the West Allis Common Council and a copy shall be mailed to the licensee or its in-state agent. The licensee shall have ten days from the date the findings and recommendations were mailed to make written objections. The Common Council shall then determine whether sufficient ground(s) exist and whether the license should be suspended, revoked, or non-renewed. The Clerk/Treasurer shall notify the operator in writing of the decision of the Common Council by first class mail.
  - b. Registration Symbols. Upon conviction for a violation of any provision of the section involving a device or phonograph registered under this section, the licensee shall surrender the registration symbol(s) for each device to the City Clerk/Treasurer. If the licensee fails or refuses to surrender said symbols, the City Clerk/Treasurer shall notify the licensee, in writing by first class mail, that such symbols are revoked effective the date of conviction, unless stayed on appeal.

**SECTION 9:** REPEAL "9.10 Arcades" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

### $R\,E\,P\,E\,A\,L$

### 9.10 Areades (Repealed)

- 1. Declaration of Intent. Whereas, there has been, as of the time of the enacting of this ordinance, an increase in the business of operating arcades, especially those offering amusement devices of the type known as electronic and video games; and,
  - Whereas, it is the belief of the Common Council that such areades are intended to, and in fact do, draw a major portion of their clientele from the juveniles and young people of the communities in which they are situated; and,
- Whereas, it is the policy of the Common Council that it is in the best interest of the community to closely monitor, regulate as necessary, and oversee the operation of those businesses that have a high degree of contact with the youth of the community; and,
- Whereas, it is the belief of the Common Council that without proper regulation, areades may substantially interfere with the attainment of public education objectives

and priorities for the youth of the community, create an environment for disorderly behavior and conduct and threaten the peaceful enjoyment of the properties in the neighborhood; all contrary to the good order, safety, health and welfare of the community.

Now, therefore, it is determined that it is in the best interest of the health, safety and welfare of the community to establish reasonable regulations for the operation of arcade businesses, and to such purpose this section is hereby enacted.

- Definitions.
  - a. Amusement Device. See sec. 9.08(1)(a) of this Chapter.
  - b. Arcade. Any premises containing five (5) or more amusement devices for the primary use and entertainment of the public, except premises for which a license to sell fermented malt beverages and/or intoxicating liquors has been issued by the City.
  - c. Good Moral Character. For purposes of this section, "good moral character" shall mean that the person under consideration has exhibited conduct consistent with that of the average person with regard to reputation, citizenship, decency, honesty and respect for law and order. The following, without limitation due to enumeration herein, shall be considered to be evidence of activities inconsistent with "good moral character":
    - i. Conviction within five (5) years preceding application for license of a crime involving moral turpitude, except as set out below.
    - ii. Conviction of the offense of contributing to the delinquency of minors, exposing minors to harmful materials, liquor law violations involving minors, sex offenses or sexual assaults involving minors, offenses against the controlled substances act or offenses against the organized crime control act, which offenses are hereby deemed to be of special concern and affecting the health, safety and welfare of youth in particular and the community in general.
    - iii. Being a probationer or parolee under the jurisdiction of the State Department of Health and Social Services, Department of Community Corrections, or a similar agency of another state or the federal government.
    - iv. Being the subject of any criminal prosecution for a crime involving moral turpitude, in the courts of any state or of the federal government. Nothing in this section shall be construed to prevent any such person from reapplying for a license under this section after the conclusion of said proceeding.
    - v. Being known to any police agency to be habitually disorderly as to conduct; a habitual drunkard or user of illicit controlled substances; a gambler; a frequenter of disorderly houses; a vagrant; an associate of known criminals; or, to have knowingly given false information to any police or government agency concerning any investigation, application or other proceeding.
    - vi. In the event that any application for a license under this section is denied on the grounds that a person named in the application is not of good moral character, such person may, using the procedures provided for in Chapter 68 of the Wisconsin Statutes, demand the reasons therefor in writing and shall be afforded the opportunity to, if desired by such person, have a hearing, as provided for under that Chapter, and to present evidence on his behalf.
- 3. License Required. No person, firm or corporation shall operate an arcade without first having obtained a license therefor from the Common Council.
- 4. Application for License. An application for a license shall be filed with the City Clerk on forms to be furnished by the Clerk, which form shall require the following information:
  - a. Name and address of the applicant;
  - b. In case of a partnership, the names and addresses of all partners;
  - c. In case of a corporation, the names and addresses of all officers, directors and stockholders of ten percent (10%) or more of the capital stock of the corporation;
  - d. In case of clubs, associations or other organizations, the names and addresses of all officers;
  - e. The location of the premises to be licensed and the name and address of the owner or owners of said premises;
  - f. Whether or not any person or persons named in the application have ever been convicted of violating any federal or state law bearing a criminal penalty, or any county, local or municipal ordinance in conformity therewith, or any offense described in subsection (2)(c)(2) above.
  - g. The number of games, machines, tables or amusement devices to be located upon the premises to be licensed
- 5. License Fee. The license fee shall be three hundred dollars (\$300.00) per year and shall accompany each application. [Ord. O-2009-0033, 11/3/2009]

### 6. License

- a. All licenses herein provided for shall be issued upon approval by the Common Council, and shall limit the holder thereof to operate an arcade only on the premises for which the license has been issued. All licenses shall expire on the 30th day of June following the date of issuance.
- b. Such license shall bear the date of issuance, the name of the licensee, the purpose for which issued, and the location of the room or building wherein the licensee is authorized to carry on and conduct such business. Such license shall not be transferable by the holder to any other person, firm or corporation, but such license may be transferred by the holder to another location, provided that the licensee shall make written application for such transfer to the City Clerk and such transfer is approved by the Common Council. A transfer fee of twenty-five dollars (\$25) shall be paid by the applicant.
- c. Change in Ownership. Any change of ownership of an arcade business licensed under the provisions of this section shall void such license, unless the owner thereof shall apply for continuation of the license for the remainder of the license year for which it was originally granted. Such application shall be accompanied by an application fee of twenty-five dollars (\$25), and a publication fee of fifteen dollars (\$15). Such change includes, but shall not be limited to, a change of individual ownership, the addition of a partner or stockholder, the withdrawal of a partner or stockholder or a change in the percentage of interest in the business of a partner or stockholder. Unless such application shall take place within thirty (30) days of the date of the change of ownership, the license granted hereunder shall terminate. All changes in the membership of a partnership or all changes in the identify of the principal officers or any stockholders in the corporation shall be reported to the City Clerk within ten (10) days after they occur. The License & health Committee of the Common Council shall have the authority to approve or deny continuance of said license following public hearing on such application for continuance. Notice of such hearing shall be published as required by law. Persons aggrieved by the decision of such Committee may appeal such decision pursuant to the provisions of Chapter 68 of the Wisconsin Statutes.
- d. The Common Council shall require the West Allis Police Department to make an investigation of all persons named in an application for a license and report the findings of such investigation to the City Clerk.
- e. A license shall not be issued if the applicant, or any partner, or the principal officer, or any stockholder holding more than twenty percent (20%) of the capital stock of the corporation, if applicant is a corporation:
  - i. Is not of good moral character as defined above;
- ii. Is under eighteen (18) years of age.
- 7. Location of Premises
  - a. No license shall be issued to any applicant unless the applicant has first obtained a special use permit for the premises, as provided by Chapter 12 of this Code.
  - b. In any event, no license shall be granted to any person, firm or corporation to operate a business offering to the public an opportunity to use amusement devices for a fee, which is located within five hundred (500) feet from the boundary of a parcel of real estate having situated on it a school, church, hospital, public library, park or public playground.
- 8. Revocation of License. The Common Council of the City of West Allis may suspend, revoke or deny reissuance of any license issued, pursuant to this section, at any time, for any reasonable cause, which shall be in the best interest and for the good order of the City, provided that the license shall be accorded due process of law. Cause for such revocation, suspension or denial shall include, without limitation for lack of reference herein, any violation of the provisions of this section, or other provisions of the West Allis Revised Municipal Code, relevant to the operation of said business.
- 9. Arcade Operator's Licenses. A licensed arcade operator shall be on the licensed premises at all times during the hours the arcade is open to the public, in order to provide supervision necessary to maintain proper order.
  - a. An arcade operator's license shall entitle the holder thereof to work as operator upon premises licensed under this section. Such licenses will be issued by the Common Council only to persons of good moral character, as defined above, over eighteen (18) years of age.
  - b. A written application shall be filed annually with the City Clerk stating the name, address, age and sex of applicant. The application shall be referred to the Chief of Police for report. A license fee must accompany the application. There will be no refund of the fee if the license is not subsequently granted.
  - c. Fees. The annual fee for an arcade operator's license shall be thirty-five dollars (\$35.00). There will be a charge of ten dollars (\$10.00) for the issuance of a duplicate license. [Ord. O-2009-0033, 11/3/2009]

- d. Posting. Each arcade operator's license shall be posted in a conspicuous place where the licensee is employed.
- e. Revocation. Any arcade operator's license issued under this section may be revoked, suspended or denied, at any time, for any reasonable cause, which shall be in the best interest of and for the good order of the City. Any arcade operator's license issued under the provisions of this section shall stand revoked without further proceedings, upon the conviction of a licensee for maintaining a disorderly or riotous, indecent or improper place of business. Whenever any such license shall be revoked, no refund of any unearned portion of the fee paid shall be made.
- 10. Conduct of Business and Miscellaneous Regulations. All arcade license and arcade operator's licenses shall be granted subject to the following conditions, and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto.
  - a. Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of City ordinances or State laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
  - b. Each license premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
  - c. There shall be upon premises operated under an arcade license at all times some person who shall have an arcade operator's license, and who shall be responsible for the acts of all persons employed at said premises.
  - d. No premises licensed under this section shall be permitted to remain open between the hours of 11:00 p.m. and 9:00 a.m. of any day.
  - e. No patron or guests shall be permitted to enter or remain on the licensed premises during the closing hours provided in Paragraph (d) above.
  - f. Nothing in this section shall be construed to authorize or permit or license any gambling device of any nature whatsoever.
  - g. No person, while using or operating a game of amusement or amusement device, or while on the licensed premises, shall gamble or make any bets.
  - h. In no event shall card playing be permitted on such licensed premises even if such card playing is for social purposes only.
  - i. Rooms in which games of amusement are located and used by the public shall, at all times, be kept in a clean, healthful and sanitary condition with ample and approved lighting and ventilation, in accordance with Municipal Code requirements and as hereinafter set forth.
  - j. No person, while on a premises licensed hereunder, shall have in his possession any intoxicating liquor or fermented malt beverage.
  - k. No person under the age of eighteen (18) years shall be permitted on the licensed premises where the use of games of amusement or amusement devices is offered to the public for a fee before the hour of 3:00 P.M. on any day that the West Allis West Milwaukee public schools are in session, unless accompanied by his or her legal parent or guardian.
  - 1. The licensee of the premises shall provide a minimum unobstructed area of two (2) feet perpendicular to the front of each game, device, machine or table for customers to stand while using same; in addition, an unobstructed aisle for the safe passage of customers of at least three (3) feet shall be provided in front of each game, device, machine or table.
  - m. In no event shall occupation by more persons than allowed by the provisions of the West Allis Fire Prevention Code, as applicable to the licensed premises, be permitted.
  - n. Nothing in this section shall be construed to permit any relaxation of, or exemption from, the provisions of sec. 7.035 of the West Allis Revised Municipal Code.
  - o. All areas of the licensed premises shall, during business hours, have a sustained minimum white light illumination of thirty (30) foot candles, measured on a plane thirty (30) inches above the floor.
  - p. The licensed premises shall afford front window treatment of such a design as to allow full observation of the interior of the premises from the public way at all times.
- q. The licensee of the premises shall provide a bicycle storage area sufficient to take care of the needs of all customers, which shall be located off the public way.

  11. Exemptions. Exemptions from the provisions of this section shall be:
  - a. Education, religious, charitable institutions and fraternal organizations which do not permit use of amusement devices on their premises by the general public and which are nonprofit organizations.
  - b. Any premises licensed to sell fermented malt beverages and/or intoxicating liquors has been issued by the City.
  - c. Other commercial premises primarily used for the conducting of a business other than the business of operating an arcade, which offer the use of less than five (5) amusement devices shall be exempt from the provisions of this section.
- 12. Penaltics. Any action taken to revoke, suspend or deny a license issued under this section shall not preclude prosecution, conviction and punishment for violations of this section, as provided by sec. 9.27(b) of this Chapter. Each day that any violation is permitted to continue shall be deemed to be a separate offense.
- 13. Severability. Should any subsection or portion thereof of this section be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specific subsection or portion thereof directly specified in the decision, and all other subsections or portions thereof of this ordinance shall remain in full force and effect.

SECTION 10: REPEAL "9.105 Shooting Galleries And Gun Ranges" of the City Of West Allis Municipal Code is hereby repealed as follows:

### REPEAL

### 9.105 Shooting Galleries And Gun Ranges (Repealed)

- 1. Regulation for Shooting Galleries and Gun Ranges. No premises shall be used or permitted to be used, leased or hired as a shooting gallery, gun range or place to practice target shooting, wherein firearms shall be discharged, without being duly licensed therefor. The license shall expire on the 31st day of December after the granting thereof, unless sooner revoked. No corporation, firm, association or club shall be granted a license to conduct in any manner a shooting gallery, gun range or place to practice target shooting within the limits of the City, except to an agent thereof first duly appointed by it, who is, at the time of filing said application, an officer, manager or member thereof, a full citizen of the United States, a resident of Milwaukee County continuously for at least two (2) years prior to the date of said application and who shall have vested in him by a properly authorized and executed written delegation full authority and control of the premises described in the license and of the conduct of all business and acts therein in any way relating to firearms and the use thereof or of the shooting gallery, gun range or place to practice target shooting and who shall, with respect to his qualifications be satisfactory to the Common Council. Such agent shall be personally responsible for compliance with all the terms and provisions of this ordinance. If such duly appointed agent shall, during any licensed year, cease to be an officer, manager or member of any corporation, firm, association or club, on whose behalf said license was issued, a new license shall be required and application therefor shall be forthwith made pursuant to the terms and provisions of this section. [Ord. O-2009-0033, 11/3/2009]
- 2. Application for License. No person shall be granted a license to conduct in any manner a shooting gallery, gun range or place to practice target shooting within the limits of the City, unless he shall have been, at the time of filing said application, a full citizen of the United States, a resident of Milwaukee County continuously for at least two (2) years prior to the date of said application, nor unless such individual is, with respect to his qualifications, satisfactory to the Common Council. Application for a license for any specific premises sought to be used as a shooting gallery, gun range or place to practice target shooting shall be made on forms provided by the City Clerk/Treasurer and be accompanied by the full license fee of sixty dollars (\$60.00). Said application shall contain the following information:
  - a. Name and age of applicant, whether a firm, association, corporation or club.
  - b. Address of applicant.
  - c. Location and description of premises sought to be licensed.
  - d. Qualifications of licensee.
  - e. Name of agent.
  - f. Qualifications of agent.
    - No application shall be submitted to the Common Council unless said application shall have been approved by the Chief of Police and Building Inspector. No premises shall be licensed unless constructed in accordance with the specifications provided in this section. [Ord. O-2009-0033, 11/3/2009]

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#### 3. Specifications

- a. Use and Construction. The room, place or enclosure wherein the firing of firearms is to take place shall not be used for any other purpose whatsoever during the progress of firing. The rear wall and side walls in front of the firing line shall be made bullet proof and shall be of at least the following construction:
  - i. Eight (8) inch solid masonry or concrete, or
  - ii. Ten (10) inch hollow concrete block, or
  - iii. Wood stud and plaster walls or equivalent construction covered with one-quarter (1/4) inch steel plate and faced with wood one (1) inch thick.

#### b. Bullet Protecting Plates.

- i. When the floor construction is other than reinforced concrete and there is a room below, such floor in front of the firing line for a distance of at least ten (10) feet shall be covered with a steel plate not less than one-quarter (1/4) inch in thickness. When there is no room below such floor and the floor construction is other than reinforced concrete, the thickness of such steel plate may be one-sixteenth (1/16) inch in order to provide fire protection for unburned powder.
- ii. When the ceiling construction is of other than reinforced or precast reinforced concrete and there is a room above, such ceiling in front of the firing line for a distance of at least ten (10) feet shall be covered with a steel plate not less than one-quarter (1/4) inch in thickness.
- iii. Exposed pipes, conduits, beams, pilaster, columns, lights or any other projecting surface in front of the firing line shall be provided with protecting steel plates not less than one-quarter (1/4) inch in thickness faced with wood two (2) inches in thickness to prevent damage by stray bullets and to prevent injury to persons by richochetting bullets. These plates shall be set at such an angle that no bullet can possibly return towards the firing point.
  c. Door and Window Openings.
  - i. All door, window or other openings in the range, in front of the firing line, shall be protected with one-quarter (1/4) inch steel plate faced with wood one (1) inch thick.
  - ii. All doors opening into the range, except those behind the firing line, shall be bolted from the inside.

#### d. Bullet Stops

- i. The bullet stop shall consist of a steel plate placed at an angle of forty-five degrees (45°) from the horizontal and running the width of the range. When only twenty-two caliber (.22) ammunition is used, the plate shall be three-eighths (3/8) inch thick if of structural sheet or one-quarter (1/4) inch thick if of armor plate. The thickness shall be increased to one-half (1/2) inch structural steel or three-eighths (3/8) inch armor plate if thirty-eight caliber (.38) or forty-five caliber (.45) ammunition is used.
- ii. The plates of the bullet stop shall be butted tightly together and bolted to an angle or tee at the joints using countersunk heads on the face. Shiplap joints or welded joints can be used also. Targets should not be mounted in front of any joints.
- iii. The side walls at the bullet stop shall be covered by one-quarter (1/4) inch steel plate, not less than two (2) feet wide and slanting with the bullet stop to protect the walls from the spatter of lead.
- iv. At the base of the inclined bullet stop there shall be provided a box, not less then five (5) feet wide and running the width of the range, with not less than six (6) inches of clean sand or sawdust or not less than twelve (12) inches of water to catch the deflected bullets.

### e. Targets.

- i. Targets shall be stationary bull's-eye type. All moving targets are prohibited.
- ii. There shall be provided a target carrier system or device for running the targets back and forth between the firing line and the bullet stop which will eliminate the necessity of any one going in front of the firing line during the progress of firing for the purpose of changing targets.
- f. Firing Line. At the firing line a bench, shelf or other separation, not less than three (3) feet high and running the width of the range, shall be provided. The lower part of such bench, shelf or other separation shall be open to permit shooting under it in the kneeling, sitting or prone position.

  No person shall be permitted in front of the firing line during the progress of firing.
- g. Sound Quieting Treatment. Shooting premises located adjacent to premises used in whole or in part for residence purposes shall not be offensive by reason of the emission of noise to the outdoors. In such cases, where the noise of firing is conveyed to the outdoors, the walls and ceiling of the shooting premises or range shall be covered with sufficient sound absorbing material to eliminate the nuisance, or sound absorbing boxes, in which the muzzle of the gun is inserted before firing, shall be used.
- h. High-Powered Rifles. The firing of high-powered rifles shall not be permitted on any shooting premises. A high powered rifle is hereby defined as one which discharges a center fire cartridge.
- i. No person shall consume fermented malt beverages or intoxicating liquor upon that part of the premises licensed as a shooting gallery, gun range or place to practice target shooting.

SECTION 11: AMENDMENT "9.28 Adult Oriented Establishments" of the City Of West Allis Municipal Code is hereby amended as follows:

### $A\,M\,E\,N\,D\,M\,E\,N\,T$

### 9.28 Adult Oriented Establishments

- 1. Definitions. For the purpose of this section, the following words and phrases shall have the following definitions:
  - a. "Adult-oriented establishment," shall include, but is not limited to, "adult bookstores," "adult motion picture theaters," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.
  - b. "Adult bookstore" means a retail establishment that has: [Ord. O-2004-0050, 12/21/2004]
    - i. As one of its principal business purposes the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental:
      - (1) Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or
      - (2) Sexually oriented devices, as defined in this section.
    - ii. As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
    - iii. Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of: (1) publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or (2) sexually oriented devices, as defined in this section:
      - (1) The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies, and/or sexually oriented devices;
      - (2) Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
      - (3) Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
      - (4) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.
        - Such indicia shall be considered along with all other factors and available information.

- iv. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:
  - (1) Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
  - (2) Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;
  - (3) The square footage of the separate room where such described videotapes are stocked and displayed in no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed; and
  - (4) The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.
- c. "Adult cabaret" means an establishment where a dancer or other entertainer provides live adult entertainment, expositions, or shows, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engages in a private performance, acts as a private model, displays or exposes any specified anatomical area(s) to a patron or customer, or wears or displays to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area(s). [Ord. 6541 (amended), 2/6/2001]
- d. "Adult entertainment" means any exhibition of any motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance or is distinguished or characterized by an emphasis on, any actual or simulated performance of "specified sexual activities," or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."
- e. "Adult mini-motion picture theater" means a commercial establishment with one or more adult mini motion picture booths where: [Ord. O-2004-0050, 12/21/2004]
  - i. One of the principal business purposes is the presentation and viewing of still or motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
  - ii. A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
  - iii. Any of the following shall be indicia that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
    - Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under eighteen (18) years of age.
    - (2) Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
      Such indicia shall be considered along with other factors and available information.
- f. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.
- g. "Booth," "room" or "cubicle" shall mean such enclosures as are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "room" or "cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, and are not open to any persons other than employees; nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes.
- h. "Church" means a building, whether situated within the City or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- i. "Customer" means any person who:
  - i. Is allowed to enter an adult oriented business in return for the payment of an admission fee or any other form of consideration or gratuity; or,
  - ii. Enters an adult oriented business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or,
  - iii. Is a member of and on the premises of an adult oriented business operating as a private club.
- j. "Day Care Center" means a facility licensed by the State of Wisconsin, pursuant to sec. 48.65 of the Wisconsin Statutes, whether situated within the City or not.
- k. "Residential" means pertaining to the use of land, whether situated within the City or not, for premises such as homes, townhouses, duplexes, condominiums, apartments and mobile homes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking and eating therein. A premises which is designed primarily for living, sleeping, working and eating therein shall be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, motels, boarding houses, nursing homes and hospitals shall not be considered to be residential.
- "School" means a building, whether situated within the City or not, where persons regularly assemble for the purpose of instruction or education, together
  with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:
  - i. Public and private schools used for primary or secondary education in which any regular kindergarten or grades one through twelve (1-12) classes are taught; and.
  - ii. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through twelve (1-12).
- m. "Common Council" means the Common Council of the City of West Allis, Wisconsin.
- n. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.
- o. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this ordinance, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.
- p. "Operator" means any person, partnership or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- q. "Specified anatomical areas" means: [Ord. O-2004-0050, 12/21/2004]
  - i. Less than completely and opaquely covered:
    - (1) Human genitals, pubic region; or
    - (2) Showing the areola or nipple of a female breast.
  - ii. Human male genitals in a discernible turgid state, even if opaquely covered.
- r. Specified sexual activities" means simulated or actual: [Ord. O-2004-0050, 12/21/2004]
  - i. Showing of human genitals in a state of sexual stimulation or arousal;
  - ii. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
  - iii. Fondling or erotic touching of human genitals, pubic region, or areola or nipple of a female breast.
  - iv. Excretory functions, as part of or in connection with any of the activities set forth in subsections 1 through 3 above.

s. "Substantial," as used in various definitions shall mean fifty percent (50%) or more of a business' stock in trade, display space, floor space or retail sales in any one month during the license year.

### 2. License.

- a. Except as provided in subsection (e) below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the City of West Allis without first obtaining a license to operate issued by the City of West Allis.
- b. A license may be issued for only one (1) adult-oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation which desires to operate more than one adult-oriented establishment must have a license for each.
- c. No license or interest in a license may be transferred to any person, partnership or corporation except as set forth in subsection (11).
- d. It shall be unlawful for any entertainer, employee or operator to knowingly work in or about, or to knowingly perform any service directly related to, the operation of any adult-oriented establishment which does not have a valid license pursuant to this ordinance.
- e. Nothing in this ordinance shall be construed as to permit material or performances prohibited by sec. 944.21 of the Wisconsin Statutes.

#### 3. Application for License

- a. Any person, partnership or corporation desiring to secure a license shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the City of West Allis Police Department, Building Inspector and Health Department and to the applicant.
- b. The application for a license shall be upon a form provided by the City Clerk. An applicant for a license shall furnish the following information under oath:
  - i. The names (including all aliases), addresses and dates of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
  - ii. Written proof that any person required to be named under paragraph (3)(b) 1. of this section is at least eighteen (18) years of age.
  - iii. The exact nature of the adult use to be conducted and the proposed address of the adult-oriented establishment to be operated.
  - iv. Whether any person required to be named under paragraph (3)(b) 1. of this section is currently operating, or has previously operated, in this or any other county, city or state under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  - If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation and the name and address of the registered agent.
  - vi. Proof of ownership or proof of a lease or other legally enforceable right to possess and use the premises where the adult-oriented business is to be located.
- c. Within sixty (60) days of receiving an application for a license, the Common Council shall grant or deny the license or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
- granted or denied.
  d. Whenever an application is held for further investigation, the City Clerk/Treasurer shall advise the applicant in writing of the reasons for such action. If an application is denied, the City Clerk/Treasurer shall advise the applicant in writing of the reasons therefor and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 9.28(17). [Ord. 6358, 2/3/1998]
- e. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof.

#### 4. Standards for Issuance of License.

- a. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:
  - i. If the applicant is an individual:
    - (1) The applicant shall be at least eighteen (18) years of age.
    - (2) The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of the application
    - (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person has been duly pardoned.

### ii. If the applicant is a corporation: [Ord. 6359, 2/3/1998]

- (1) All officers, directors, shareholders and agents required to be named under section (3)(b)1. of this section shall be at least eighteen (18) years of age.
- (2) Neither the corporate applicant nor any officer, director or shareholder required to be named under subsection (3)(b)1. of this ordinance shall have been found to have previously violated sec. 9.28 of the Revised Municipal Code within five (5) years immediately preceding the date of application.
- (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no officer, director, shareholder or agent required to be named under subsection (3)(b)1. of this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- iii. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
  - (1) All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
  - (2) Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this section within five (5) years immediately preceding the date of application.
  - (3) Subject to secs. 111.321, 111.322 and 111.335 of the Wisconsin Statutes, no applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- b. Any act or omission by any person identified in subsection (4)(a) that results in a conviction identified in subsection (4)(a) shall be deemed the act or omission of the applicant for purposes of determining whether the license shall be granted. [Ord. 6359, 2/3/1998]
- c. Prior to granting the license, the Common Council shall determine whether the applicant complies with sec. 9.28(13) or is exempt or excluded under sec. 9.28(18) and has substantially complied with all building, zoning, plumbing, electrical, fire and health codes. [Ord. 6359, 2/3/1998]
- 5. Permit Required. In addition to the license requirements previously set forth for owners and operators of adult-oriented establishments, no person shall be an employee or entertainer in an adult-oriented establishment without first obtaining a valid permit issued by the City Clerk under authority of the Common Council. During the pendency of an application for an annual permit, the City Clerk shall issue the applicant a temporary permit which shall be valid only until such time as the application for an annual permit is approved or denied by the Common Council pursuant to the procedures set forth herein. Under no circumstances shall any temporary permit be valid for more than ninety (90) days. Temporary permits shall be nontransferable. [Ord. O-2006-0025, 5/16/2006]
- 6. Application for Permit.
  - a. Any person desiring to secure a permit shall make application to the City Clerk. The application shall be filed with and dated by the City Clerk. A copy of the application shall be distributed to the West Allis Police Department and to the applicant.
  - b. The application for a permit shall be upon a form provided by the City Clerk. An application shall furnish the following information under oath:

- i. Name (including all aliases), age and address.
- ii. Written proof that the individual is at least eighteen (18) years of age.
- iii. Whether the applicant, while previously operating in this or any other municipality or state under an adult-oriented establishment license or similar business license or permit, has ever had such a license or permit revoked or suspended, the reason therefor, and the business entity or trade name for whom applicant was employed or associated at the time of such suspension or revocation.
- c. Within sixty (60) days of receiving an application for a permit, the Common Council shall grant or deny the permit or hold the application for an additional thirty (30) days for further investigation. The City Clerk shall notify the applicant whether the application is granted, denied or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the Common Council shall grant or deny the permit and the City Clerk shall advise the applicant in writing whether the application is granted or denied.
- d. Whenever an application is denied or held for further investigation, the City Clerk shall advise the applicant in writing of the reasons for such action, and that the applicant has the right to request that the Common Council review said determination, pursuant to sec. 68.11 of the Wisconsin Statutes, and sec. 2.48(5) of the West Allis Revised Municipal Code.
- e. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof.

#### 7. Standards for Issuance of Permit.

- a. To receive a permit as an employee for an adult-oriented establishment, an applicant must meet the following standards:
  - i. The applicant shall be at least eighteen (18) years of age.
  - ii. The applicant shall not have been found to have previously violated this section within five (5) years immediately preceding the date of the
  - iii. Subject to §§ 111.321, 111.322 and 111.335 of the Wisconsin Statutes, the applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application unless the applicant has been duly pardoned.

#### 8. Fees. [Ord. O-2009-0033, 11/3/2009]

- a. A license fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for a license.
- b. A permit fee of sixty dollars (\$60.00) shall be submitted with the application for a permit.
- 9. Display of License or Permit.
  - a. The license shall be displayed in a conspicuous public place in the adult-oriented establishment.
  - b. The permit shall be carried by an employee upon his or her person and shall be displayed upon request of any member of the West Allis Police Department or any person designated by the Common Council.

#### Renewal of License or Permit.

- a. Every license issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before operation is allowed in the following license year. Any operator desiring to renew a license shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application for renewal shall be distributed promptly by the City Clerk to the West Allis Police Department, Building Inspector, Health Department and to the operator. The application for renewal shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. The application shall otherwise be considered pursuant to Section 9.28(3). It is not guaranteed that operators filing late applications will receive a decision on their application prior to expiration of the license year.
- b. A license renewal fee of five hundred seventy-five dollars (\$575.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred fifty dollars (\$150.00) shall be assessed against any applicant who filed for a renewal less than sixty (60) days before the license expires. [Ord. O-2009-0033, 11/3/2009]
- c. If the West Allis Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the City Clerk.
- d. Every permit issued pursuant to this section shall terminate on June 30 pursuant to Section 9.01, unless sooner revoked, and must be renewed before an employee is allowed to continue employment in an adult-oriented establishment. Any employee desiring to renew a permit shall make application to the City Clerk. The application for renewal must be filed not later than sixty (60) days before the permit expires. The application for renewal shall be filed with and dated by the City Clerk. A copy of the application shall be distributed promptly by the City Clerk to the West Allis Police Department and to the employee. The application shall be upon a form provided by the City Clerk and shall contain such information and data, given under oath or affirmation, as is required for a new permit. The application shall otherwise be considered pursuant to Section 9.28(6). It is not guaranteed that employees filing late applications will receive a decision on their application prior to expiration of the permit year.
- e. A permit renewal fee of sixty dollars (\$60.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of twenty-five dollars (\$25.00) shall be assessed against any applicant who files for a renewal less than sixty (60) days before the permit expires. [Ord. O-2009-0033, 11/3/2009]
- f. If the West Allis Police Department is aware of any information bearing on the employee's qualifications, that information shall be filed in writing with the City Clerk.

### 11. Transfer of License or Permit.

- a. A license is personal to the owner(s) and operator designated in the application, provided it may be transferred pursuant to this section. A transfer application must be filed by the tenth day next following any change of the owner(s) or operators designated on the application. In the event that a transfer application is not timely filed, then the license shall be invalid for any purpose relating to the operation of the adult-oriented business, and any transfer shall require the filing of an original application and be subject to the regulations applicable thereto.
- b. The Clerk shall prescribe a form on which license transfer applications shall be made. The form shall include a statement under oath that the original application remains correct as previously submitted in all respects except those that are amended by the transfer application. The transfer application shall contain a statement under oath that the individual signing the transfer application shas personal knowledge of the information contained therein and that the information is true and correct and shall not be complete unless accompanied by a nonrefundable transfer fee of one hundred dollars (\$100). Transfer applications shall be filed in the same place and at the same time as original applications and the fee shall be payable in the same manner as for original applications.
- c. Transfer applications shall be reviewed, issued and subject to appeal in the same manner as original applications and they shall be issued for the remaining term of the license to be transferred.
- d. Any transfer of an adult-oriented establishment, other than as provided in this section, from the licensed premises to any other premises shall cause such license to lapse and become void. A license which has lapsed and become void shall be subject to revocation under Section 9.28(12).
- e. Permits shall not be transferrable.
- 12. Revocation, suspension and non-renewal of license or permit.
  - a. A license or permit issued under this section may be suspended or revoked for any of the following reasons:
    - i. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
    - ii. The operator, entertainer or any employee of the operator, violates any provision of this section or any rule or regulation adopted by the Common Council pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Common Council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

iii. The operator or employee becomes ineligible to obtain a license or permit.

- iv. An operator employe an employee who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs or works as an entertainer without a permit.
- v. Any cost or fee required to be paid by this section is not paid.
- vi. Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult-oriented establishment.
- vii. Any operator, employee or entertainer sells, furnishes, gives or displays, or causes to be sold, furnished, given or displayed to any minor any adult-oriented entertainment or adult-oriented material.
- b. The Common Council, upon receipt of information that provides a reasonable basis to believe that a violation of this section has occurred, shall serve written notice of said violation(s) on the operator or employee. Said written notice shall include specific charges and shall provide the operator or employee with notice that revocation, suspension or nonrenewal of the license or permit will occur, unless a written request for a review of the Common Council's decision is made to the Common Council within thirty (30) days after service of said notice to the operator or employee. Unless otherwise extended by an agreement with the aggrieved party, within fifteen (15) days of receipt of a request for review, the Common Council shall conduct a hearing, pursuant to sec. 9.28(17) of the Revised Municipal Code. [Ord. 6358, 2/3/1998]
- c. The transfer of a license or permit or any interest in a license or permit without approval of the Common Council as set forth in subsection (11) shall automatically and immediately revoke the license or permit.
- d. Any operator or employee whose license or permit is revoked and who seeks to obtain a license or permit under this section must apply for a license or permit according to the application provisions set forth in this section and must meet the standards for the issuance of a license or permit as set forth in this section. No location or premises for which a license has been revoked shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license. No employee whose permit has been revoked shall be eligible for a permit for six (6) months from the date of revocation.

#### 13. Location.

- a. No adult-oriented establishment shall be located:
  - i. Within a residential district as defined in Chapter 12 of the West Allis Revised Municipal Code.
  - ii. Within five hundred (500) feet of an existing adult-oriented establishment.
  - iii. Within five hundred (500) feet of any residential area.
  - iv. Within five hundred (500) feet of any pre-existing school, church or day care center.
  - Within five hundred (500) feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor where such establishment also possesses an entertainment license under section 9.033.
- b. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of another adult-oriented establishment, school, place of worship or residential district or establishment selling or dispensing fermented malt beverages or intoxicating liquor and possessing an entertainment license.
- 14. Hours of Operation.
  - a. No adult-oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, between the hours of 3 a.m. and 8 a.m. on Saturdays, or between the hours of 3 a.m. and 12:00 noon on Sundays.
  - b. All adult-oriented establishments shall be open to inspection at all reasonable times by the West Allis Police Department, the Building Inspector and the Health Department.
- 15. Physical Layout of Adult-Oriented Establishment. Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:
  - a. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
  - b. Construction. Every booth, room or cubicle shall meet the following construction requirements:
    - i. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.
    - ii. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the same.
    - iii. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable.
    - iv. The floor must be light colored, non-absorbent, smooth textured and easily cleanable.
    - v. The lighting level of each booth, room or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
  - c. Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

### 16. Responsibility of the Operator.

- a. The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone numbers, date of employment and termination, and duties of each employee and such other information as may be required by the Common Council. The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination of the employee and shall be made immediately available for inspection upon demand of a member of the West Allis Police Department at all reasonable times
- b. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- c. Any act or omission of any employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator for purposes of determining whether the operator's permit should be revoked, suspended or renewed. [Ord. 6360, 2/3/1998]
- d. There shall be posted and conspicuously displayed in the common areas of each adult-oriented establishment a list of any and all entertainment provided on the premises. Said list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed. Viewing adult-oriented motion pictures shall be considered as entertainment. The operator shall make the list available immediately upon demand of the West Allis Police Department at all
- e. No minor shall be allowed to enter or remain inside an adult oriented establishment or be permitted to loiter on the business premises. For purposes of this section, "business premises" shall include property owned or leased by the adult oriented establishment and contiguous with the licensed premises, parking lots or sidewalk approaches. [Ord. 6360, 2/3/1998]
- f. The operator shall maintain the premises in a clean and sanitary manner at all times.
- g. The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
- h. The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.
- i. View from street. No adult-oriented establishment shall be situated in such manner as to allow public view of either its stock in trade or adult entertainment from outside of the establishment.
- 17. Administrative Review Procedure. Except as otherwise set forth herein, the provisions of Chapter 68 of the Wisconsin Statutes, and sec. 2.48 of the Revised Municipal Code, shall govern the administrative procedure and review concerning the granting, denial, renewal, nonrenewal, suspension or revocation of a license or permit. A decision of the Common Council may be reviewed upon the request of an aggrieved person and shall be made to the City Clerk/Treasurer within thirty (30) days of the decision. Upon such appeal, the Common Council shall afford the aggrieved person with a hearing substantially in compliance with § 68.11 of the Wisconsin Statutes, except that the Common Council shall hear and review its own decisions. The decision of the Common Council subsequent to the hearing shall

be the "final determination," as set forth in § 68.12 of the Wisconsin Statutes. Any party to a proceeding resulting in a final determination may seek judicial review, pursuant to the provisions contained in § 68.13 of the Wisconsin Statutes. [Ord. 6358, 2/3/1998]

- 18. Exclusions and Exemptions.
  - a. All private schools and public schools, as defined in Chapter 115 of the Wisconsin Statutes, located within the City of West Allis are exempt from obtaining a permit hereunder when instructing pupils in sex education as part of its curriculum.
  - b. Licensed medical care facilities and the West Allis Health Department are exempt from obtaining a permit, when engaged in the providing of medical care or sex education
  - c. Any establishment holding a Class "B" Fermented Malt Beverage License or Class "B" Intoxicating Liquor License, is ineligible to obtain a permit to eonduct an adult-oriented establishment but may obtain an entertainment license pursuant to Section 9.032 of this Code. (reserved)
- 19. Penalties and Prosecution.
  - a. Any person, partnership or corporation who is found to have violated this section shall forfeit a definite sum of not more than one thousand dollars (\$1,000), together with the costs of prosecution, and, in default of payment of such forfeiture and costs, by imprisonment in the Milwaukee County House of Correction until payment of the forfeiture and costs, but not in excess of the number of days set forth in § 800.095(4) of the Wisconsin Statutes. In addition to the monetary penalty imposed, violation of this section may further result in the suspension, revocation or nonrenewal of any license or permit issued under this section.
- b. Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

  20. Severability. If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions thereof of the ordinance which shall remain in full force and effect.
- 21. Enforcement. The City of West Allis Police Department shall have the authority to enter any adult-oriented establishment at all reasonable times to inspect the premises and enforce this section.
- 22. Discontinuation of Operation. Any discontinuation in the operation of the adult-oriented business for a period of twelve (12) months shall also cause the license to lapse and become void. A license holder whose license has lapsed and become void shall thereafter be subject to Paragraph 9.28(12).
- 23. Adult Cabaret Entertainment Standards. [Ord. 6541 (amended) 2/6/2001]
  - a. Sufficient lighting shall be provided and equally distributed throughout the premises which are open to or used by patrons so that the lighting level is a minimum of ten (10) footcandles, as measured from the floor.
  - b. No dances or other entertainment shall occur closer than one (1) foot to any patron.
  - c. No employee, dancer, or other entertainer shall, during the entertainment, allow, encourage, or knowingly permit any patron or other person to touch, caress, or fondle, directly or indirectly, the employee, dancer, or entertainer.
  - d. No employee, dancer, or other entertainer shall, during the entertainment, knowingly touch, caress, or fondle, directly or indirectly, any patron or any other employee, dancer, or entertainer.
  - e. A dancer or entertainer employed or otherwise working or performing at an adult cabaret may accept a gratuity or other payment from a patron but no direct physical contact is permitted other than hand to hand.
  - f. No patron or customer shall touch, caress, or fondle a dancer or other entertainer except that a gratuity may be paid as set forth in Paragraph (e).

SECTION 12: AMENDMENT "18.03 Public Nuisances" of the City Of West Allis Municipal Code is hereby amended as follows:

### AMENDMENT

### 18.03 Public Nuisances

The following acts, omissions, places, conditions, and things are specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other nuisances:

- 1. Nuisances Affecting Health, Welfare, and Enjoyment of Property.
  - a. Noxious Odors, Etc. Any use of property, substances, or things within the City emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the City.
  - b. Street Pollution. Any use of property which causes any noxious or unwholesome liquid or substance or any dirt, mud, sand, gravel, stone, or other materials to flow into or be deposited upon any street, gutter, alley, sidewalk, or public place within the City.
  - c. Release of Dust Into the Air. The handling, transportation, or disposition of any substance or material which is likely to be scattered by the air or wind, or is susceptible to being airborne or wind-borne, or operating or maintaining or causing to be operated or maintained any premises, open area, right-of-way, storage pile of materials, vehicle, construction, demolition or wrecking operations, stone or concrete crushing operation, or any other enterprise, which involves any dust likely to be scattered by the wind or air, or susceptible to being wind-borne or airborne such that there is a discharge of any dust emissions and the visible settlement of dust on property beyond the property on which it originated so as to damage or to interfere with the use and enjoyment of adjacent properties, including public property and right-of-way.
    - i. "Dust" shall mean solid particulate matter released into or carried in the air by natural forces, by any combustion, construction work, or mechanical or industrial processes or devices.
    - ii. "Interfere with the use of adjacent properties" includes, but is not limited to, requiring the owner, occupants, or users of the adjacent property to close doors or windows on buildings or vehicles to prevent dust from entering, requiring the owner or user of vehicles or other tangible personal property to wipe, brush, wash, or blow off accumulated dust prior to normal operation or use, or requiring the sweeping, washing, or other cleaning of paved surfaces to prevent further tracking or scattering of the dust.
  - d. General Pollution. Waste which is prepared or stored on any premises in a manner which creates or may create a public health hazard, safety hazard or blighting condition.
- 2. Nuisances Affecting Morals and Decency. [Ord. O-2005-0008, 2/1/2005]
  - a. For the purposes of this section, "nuisance activity" means any of the following activities, behaviors or conduct whenever engaged in by premises owners, operators, occupants or persons associated with the premises:
    - i. Disorderly Houses. All disorderly houses, gambling houses and buildings or structures kept or resorted to for the purpose of gambling, or any drug or criminal gang houses as defined in sec. 823.113, (1) and (1)(b) Wis. Stats., and all buildings or structures where the sale, manufacture or delivery of drug paraphernalia as defined in sec. 961.571(1)(a), Wis. Stats., occurs.
    - ii. Gambling Devices. The keeping of gambling devices as defined in Section 9.08(1)(e) of the Revised Municipal Code.
    - iii. Unlicensed Sale of Liquor and Beer. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided by the ordinances of the City.
    - iv. Continuous Violation of City Ordinances. Any place or premises within the City where City ordinances or state laws relating to public health, safety, peace, morals or welfare are repeatedly violated.
    - v. Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of state laws.

- vi. Establishment Violating Laws Related to Obscenity, Etc. Any place or premises within the City where the laws related to obscenity and related offenses set forth in secs. 944.20 to 944.34 of the Wisconsin Statutes occur.
- vii. An act of harassment as defined in sec. 947.013, Wis. Stats.
- viii. Disorderly conduct as defined in sec. 947.01, Wis. Stats.
- ix. Battery, substantial battery or aggravated battery as defined in sec. 940.19, Wis. Stats.
- x. Littering of premises as defined in Section 7.05 of the West All is Revised Municipal Code.
- xi. Theft as defined in sec. 943.20, Wis. Stats.
- xii. Arson as defined in sec. 943.02, Wis. Stats.
- xiii. Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 961, Wis. Stats.
- xiv. Gambling as defined in sec. 945.02, Wis. Stats.
- xv. Keeping an animal in violation of Section 7.12 of the West Allis Revised Municipal Code. [Ord. O-2007-0041, 10/16/2007]
- xvi. Trespass to land as defined in sec. 943.13, Wis. Stats., or criminal trespass to dwelling as defined in sec. 943.14, Wis. Stats.
- xvii. Any conspiracy to commit, as defined in Section 6.02(5) of the West Allis Revised Municipal Code or sec. 939.31, Wis. Stats., or attempt to commit, as defined in sec. 939.32, Wis. Stats., any of the activities, behaviors or conduct enumerated in Paragraphs (1) to (16).
- xviii. Discharge of a firearm or air rifle as defined in Section 6.01(1) and (2) of the West Allis Revised Municipal Code.
- xix. Loitering as defined in Section 6.02(9) of the West Allis Revised Municipal Code.
- xx. Persons associated "with" means any person who, whenever engaged in nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or wishes to enter, patronize or visit, a premises or person present on the premises, including any officer, director, customer, agent, employee or independent contractor of a premises owner.
- 3. Nuisances Affecting Peace and Safety.
  - a. Dangerous Signs and Billboards. All signs, billboards, awnings, and other similar structures over or near streets, sidewalks, public grounds, or places frequented by the public, so situated, constructed, or maintained as to endanger the public safety.
  - b. Illegal Buildings. All buildings erected, repaired, altered, or maintained without a permit or in violation of City ordinances relating to materials and manner of construction of buildings.
  - c. Unauthorized Traffic Signs. All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any such device, sign, or signal.
  - d. Obstruction of Intersections. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
  - e. Low-Hanging Tree Limbs. All limbs of trees, bushes, shrubs, or other plants which project over or into any public sidewalk, street, or other public place and interfere with the full use and enjoyment thereof.
  - f. Dangerous Trees. All trees which are a menace to public safety because of disease or other condition of the tree or are the cause of substantial annoyance to the general public.
  - g. Dilapidated Buildings. All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.
  - h. Low-Hanging Wires and Cables. All wires and cables over streets, alleys, or public grounds which are strung less than fifteen (15) feet above the surface thereof.
  - Noisy Animals. The keeping or harboring of any animal which, by frequent or habitual howling, yelping, barking, crowing, or making of other noises, to the
    great discomfort of the peace and quiet of the neighborhood or in such a manner as to materially disturb or annoy persons in the neighborhood who are of
    ordinary sensibilities.
  - j. Obstructions of Streets; Excavations. All obstructions of streets, alleys, sidewalks, or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
  - k. Blighted Buildings and Premises. Premises existing within the City which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, enjoyment of property, or welfare of the people of the City.
  - Suffocation Hazards. Any abandoned, unattended or discarded ice box, refrigerator, walk-in cooler, or other container of any kind, which has an air-tight
    door, left outside of any building or dwelling without first removing the door from the said ice box, refrigerator, walk-in cooler, or other container.
  - m. Excessive Noise. The making, continuation, or causing to be made or continued any noise which either injures, endangers the comfort, repose, health, or safety of another, or substantially annoys another between the hours of 10:00 p.m. and 7:00 a.m. This provision shall not apply to noise necessary for the protection or preservation of property, or the health, or safety of a person or to emergency short-term operations which are necessary to protect the public health, safety, and welfare including emergency utility and public works operations.

SECTION 13: AMENDMENT "12.40 C-1 Central Business District" of the City Of West Allis Municipal Code is hereby amended as follows:

### AMENDMENT

### 12.40 C-1 Central Business District

The C-1 Central Business District is intended to accommodate those retail and office uses which are characteristic of the unique shopping streets of the "downtown" area of the City, and discourage uses which detract from, or are incompatible with, pedestrian, shopping and service oriented traffic, such as manufacturing or wholesale distribution uses.

- 1. Permitted Uses.
  - a. Barbers and beauty shops.
  - b. Books and stationary stores.
  - c. Bridal and wedding salons.
  - d. Camera stores and photographic equipment sales and services.
  - e. Clothing stores.
  - f. Computer and computer software sales and service.
  - g. Costume rental stores.
  - h. Curtains and draperies sales.
  - i. Drug stores.
  - j. Electronic equipment sales and service.
  - k. Employment agencies and offices conditioned upon the following: [Ord. O-2005-0022, 5/17/2005]
    - i. Transportation for temporary employees shall not be provided by, or on behalf of, the employment agency from the agency or office to the work site.
    - ii. Employees shall not report to the employment agency or office for work assignments. The employees shall report directly to the work site assigned. Applicants for employment shall not be allowed to use public property as a waiting area.
    - iii. Restroom facilities adequate for applicants shall be provided on site.
  - l. Financial institutions without drive-through facilities, except check-cashing businesses as defined in Section 9.32. [Ord. O-2006-0061, 10/17/2006]

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- m. Florist shops.
- n. Hardware stores
- o. Hobby or gift stores
- p. Home improvement, furnishings, appliances and accessory sales. [Ord. O-2003-0028, 4/2/2003]
- r. Keymaking and locksmithing stores.
- s. Laundry and dry cleaning pick up only.
- t. Leather goods sales
- u. Luggage stores.
- v. Millinery shops.
- w. Tattoo and/or body piercing establishments. [Ord. O-2016-0020, 5/3/2016]

Editor's Note: Former Subsection (1)(w), which set forth liquor stores as a permitted use, was repealed 5-20-2014 by Ord. O-2014-0022.

- x. Office supply stores.
- y. Offices; business, professional and governmental. [Ord. O-2015-0001, 1/20/2015]
- z. Medical clinics. [Ord. O-2015-0001, 1/20/2015]
- aa. Photography studios and film developing.
- ab. Post offices.
- ac. Printing services; blueprinting and photocopying.
- ad. Restricted productions and repair, limited to the following: artwork; clothing custom manufacturing and alterations, for retail only; hearing aid devices; jewelry from precious metals; watches; dentures; and optical lenses.
- ae. Sewing machine sales and service.
- af. Shoe sales and repair stores.
- ag. Small appliance sales and service.
- ah. Specialty stores including arts and crafts and related uses.
- ai. Sporting goods stores.
- aj. Tobacco retailers. [Ord. 6279, 12/17/1996; Ord. O-2016-0032, 7/5/2016]
  - i. No tobacco retailer shall be located within one thousand (1,000) feet of parcels occupied by the following uses:
    - (1) A public or private kindergarten, elementary, junior high or high school;
    - (2) Libraries;
    - (3) Zoned parkland; or
    - (4) Another tobacco retailer or establishment licensed to sell any tobacco product or tobacco paraphernalia as defined within Section 12.06.
- ak. Trophy and award sales.
- al. Resale stores. [Ord. O-2007-0026, 8/7/2007 (repeal and recreate); Ord. O-2015-0029, 5/7/2015]
- am. Videotape sales and rental.
- an. Places of assembly including clubs, lodges, meeting halls and theaters, limited to a maximum of up to five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. [Ord. 6415, 1/5/1999; Ord. O-2007-0027, 8/7/2007 repeal; Ord. O-2011-0083, 1/3/2012 add; Ord. O-2013-0013, 3/5/2013]
- ao. Day-care facilities. [Ord. 6618, 6/18/2002]
- ap. Tanning and toning salons. [Ord. O-2005-022, 5/17/2005]
- aq. Public utility service structures not larger than six (6) feet tall and twenty-five (25) square feet in surface area, conditioned upon the following: [Ord. O-2008-0006, 2/5/2008; Ord. O-2008-0031, 7/1/2008]
  - i. Site, landscaping and screening, and architectural review of the public utility service structure and the immediate area surrounding the structure, by the Department of Development staff. Public utility service structures shall be effectively screened from any abutting lot(s) and City right-of-way by landscaping or other means, as necessary, as approved by the Department of Development staff; and
    - (1) If the staff and applicant are unable to come to an agreement on the proposed location and screening, the applicant may file a request for a variance with the Plan Commission by submitting a written request to the Department of Development not less than twenty (20) days before the next regularly scheduled Plan Commission meeting. At the time that a request for a variance is made, the applicant shall pay the required fee in accordance with development review fees in Chapter 12 of the Revised Municipal Code.
  - ii. Public utility service structures shall not be located within any front yard or corner side yard on private property.
- ar. Grocery stores. [Ord. O-2015-0002, 1/6/2015]
- as. Instruction and/or training facility, small. [Ord. O-2017-0007, 2/23/2017]
- at. Art galleries. [Ord. O-2017-0050, 11/21/2017]
- au. Tourist Rooming House, conditioned upon the following:
  - i. The structure is a single or two-family residence, or a mixed-use or multifamily containing not more than 4 dwelling units.
- av. Taverns and cocktail lounges.
- Special Uses.
  - a. Any permitted use with drive-through facilities, except check-cashing businesses as defined in Section 9.32. [Ord. O-2006-0061, 10/17/2006]
  - b. Food production, limited. [Ord. O-2015-0002, 1/6/2015]
  - c. Massage Therapy. [Ord. O-2017-0044, 10/17/2017]

Editor's Note: Former Subsection (2)(c), Candy and ice cream stores, was repealed 1/6/2015 by Ord. O-2015-0002.

- d. Department stores.
- e. Hotels and motels.
- f. Laundries and dry cleaners.
- g. Mixed residential and commercial uses.
- h. Multiple family developments.
- i. Restaurants.
- j. Retirement homes and communities.
- k. Instruction and/or training facility. [Ord. O-2017-0007, 2/23/2017]
- 1. [Reserved]
- m. Community living arrangements as licensed under Sec. 46.22 of Wisconsin Statutes [Ord. 6501, amend, 2/15/2000]
- n. Printing, commercial. [Ord. 6522, amend, 6/6/2000]
- o. Outdoor dining areas for "food establishments" under Section 7.04(1)(c). [Ord. 6568, 5/15/2000]
- p. Indoor recreation facilities including the following: [Ord. O-2003-0040, 6/17/2003]
  - i. Indoor driving range and batting cages.
  - ii. Indoor volleyball courts.
  - iii. Indoor basketball courts.
  - iv. Indoor bowling alleys.
  - v. Game centers and tournament facilities (not areades as regulated in Section 9.109.037 of the Revised Municipal Code).
- q. Radio and television stations. [Ord. O-2003-0044, 6/17/2003]

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- r. Athletic, health clubs. [Ord. O-2005-0022, 5/17/2005; Ord. O-2015-0001, 1/20/2015]
- s. Museums. [Ord. O-2008-0023, 5/20/2008]
- t. Places of assembly including clubs, lodges, meeting halls and theaters, greater than five thousand (5,000) square feet of building area and subject to the provisions of Sec. 9.28 of the Revised Municipal Code. [Ord. O-2011-0083, 1/3/2012; Ord. O-2013-0013, 3/5/2013]
- u. Collocation/attachment of telecommunication equipment to existing structures. [Ord. O-2012-0036, 9/18/2012]
- v. Animal grooming. [Ord. O-2015-0016, 3/3/2015]
- w. Pet shops. [Ord. O-2015-0016, 3/3/2015]
- x. Veterinary clinics. [Ord. O-2015-0016, 3/3/2015]
- 3. Required Conditions.
  - a. Dwelling units are not permitted below the second floor.
  - b. All businesses, servicing or processing, storage or merchandise display, except off-street parking or off-street loading, shall be conducted within completely enclosed buildings.
  - c. Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted unless specifically authorized herein.
  - d. Multi-family dwellings will comply with the bulk regulations of the RC-2 District.
  - e. Outdoor Storage. Outdoor storage, display or repair shall not be permitted. [Ord. O-2003-0028, 4/2/2003]
  - f. Commercial Vehicles. A maximum of two commercial vehicles may be associated with a use. Open vehicles, utility trucks, trailers and similar vehicles shall not be permitted. [Ord. O-2003-0028, 4/2/2003]
  - g. Interior Storage Spaces. A maximum of 25% of a businesses interior floor area may be used for general wholesale, warehousing and storage. Such areas shall not be visible from the exterior of the building. [Ord. O-2003-0028, 4/2/2003]
  - h. Interior Spaces. Interior walls parallel to window glazing shall be not less than 6 feet from the plane of the window glazing. [Ord. O-2003-0028, 4/2/2003]
  - i. Display Racks and Fixtures. Display racks within 4 feet of a window shall be open-backed and shall not obscure more than 50% of the glazing area. [Ord. O-2003-0028, 4/2/2003]
  - j. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque. [Ord. O-2003-0028, 4/2/2003]
  - k. Site Plan. A site, landscaping and screening plan in accordance with Section 12.13 of the Revised Municipal Code shall be required when commercial vehicles are associated with a use. [Ord. O-2003-0028, 4/2/2003]
  - l. All business establishments shall contain on-site retail or be service establishments dealing directly with consumers. [Ord. O-2015-0002, 1/6/2015]
  - m. Outdoor animal holding areas shall not be allowed. [Ord. O-2015-0016, 3/3/2015]
- 4. Floor Area Ratio. The floor area ratio shall not exceed 2.0.

DASSED AND ADOPTED BY THE CITY OF WEST ALLIS COLINCIL

- 5. Yard Requirements. The C-1 District shall have no yard requirements.
- Off-Street Parking and Loading Requirements. Off-street parking and loading facilities shall be provided in accordance with Section 12.19 of this subchapter. Credit shall be given to day-care uses for use of public off-street parking spaces located within the C-1 Central Business District. [Ord. 6618, 6/18/2002]

SECTION 14: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 15:** SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 16: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

	AYE	NAY	ABSENT	ABSTAIN	
Ald. Angelito Tenorio					
Ald. Vince Vitale					
Ald. Tracy Stefanski					
Ald. Marty Weigel					
Ald. Suzzette Grisham					
Ald. Danna Kuehn					
Ald. Thomas Lajsic					
Ald. Dan Roadt					
Ald. Rosalie Reinke					
Ald. Kevin Haass					
Attest					Presiding Officer
Attest					Presiding Officer
Rebecca Grill, City Clerk, City Of West Allis					Dan Devine, Mayor C

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