

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, SEPTEMBER 4, 2012, 7:00 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

1. Mayor Scaffidi called the meeting to order at 7:00 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, Assistant City Attorney Melissa Karls, City Administrator Gerald Peterson, Community Development Director Douglas Seymour, City Engineer/Acting Building Commissioner Michael Simmons, Fire Chief Thomas Rosandich, Police Chief John Edwards, City Forester Rebecca Lane, and City Clerk Catherine Roeske.

2. The meeting began with the Pledge of Allegiance being said by all present.

3. Ald. Bukiewicz, seconded by Ald. Ruetz, moved to approve the minutes of the 8/21/12 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

4. **ANNOUNCEMENT AND PRESENTATION OF MAYOR'S LANDSCAPE AWARD WINNERS.**

Mayor Scaffidi announced the winners of the Mayor's Landscape contest and presented the winners with landscape awards.

5. **DISCUSSION TO CHANGE STARTING TIME OF COMMON COUNCIL MEETINGS.**

A discussion was held to consider changing the starting time of Common Council meetings. It was decided that the starting time for Council meetings will remain 7:00 p.m.

6. **COUNCIL APPROVES AGREEMENT WITH SMITHGROUP JJR IN AMOUNT OF \$116,700 FOR LAKEFRONT BLUFF STABILIZATION.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to approve an agreement with SmithGroup JJR in the amount of \$116,700 for lakefront bluff stabilization. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

7. **COUNCIL APPROVES LAKEFRONT STORMWATER MASTER PLAN SERVICES AGREEMENT WITH SMITHGROUP JJR IN AMOUNT OF \$119,000 CONTINGENT UPON RECEIVING URBAN NONPROFIT SOURCE GRANT IN AMOUNT OF \$83,000.**

Ald. Toman, seconded by Ald. Michalski, moved to approve a Lakefront Stormwater Master Plan Services Agreement with SmithGroup JJR in the amount of \$119,000 contingent upon receiving Urban Nonpoint Source Grant in the amount of \$83,000. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

8. **COUNCIL APPROVES CONTINGENCY POLICE OFFICER HIRE AND CREATES ACTING SERGEANT POSITION IN POLICE DEPARTMENT.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to concur with the recommendations of the Personnel Committee to make a contingency Police Officer hire and create an Acting Sergeant position in the Police Department. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT OF BALHAIR S. DULAI, 9461 S. PENNSYLVANIA AVE. TO COMMUNITY DEVELOPMENT AUTHORITY, FOR REMAINDER OF 3-YEAR TERM, EXPIRING 12/2014.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to concur with the Mayor's appointment of Balhair S. Dulai, 9461 S. Pennsylvania Ave. to the Community Development Authority, for the remainder of a 3-year term, expiring 12/2014. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

10. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2012 Vendor Summary Report in the amount of \$968,678.42. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **COUNCIL AWARDS CONTRACT FOR REAL ESTATE SERVICES FOR S. HOWELL AVE. SIDEWALK PROJECT TO MSA PROFESSIONAL SERVICES FOR ESTIMATED AMOUNT OF \$80,200 (PROJECT NO. 12025).**

Ald. Toman, seconded by Ald. Bukiewicz, moved to award the contract for real estate services for the S. Howell Ave. sidewalk project to MSA Professional Services for an estimated amount of \$80,200 (Project No. 12025). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11284-090412, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING DEVELOPER FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR RAWSON & HOWELL, LLC PROJECT (PROJECT NO. 10052) (TAX KEY NO. 734-9023-001).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11284-090412, accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Rawson & Howell, LLC project (Project No. 10052) (Tax Key No. 734-9023-001). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

13. **COUNCIL GRANTS OPERATORS LICENSES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an Operator's license to:

- Kendra J. Edwards, 3224 93<sup>rd</sup> St., Sturtevant (Norine's)
- Sally E. Heite, 8405 S. Parkridge Dr., (Buffalo Wild Wings)
- Kristen N. Fenninger, 9750 S. 31<sup>st</sup> St., Franklin (Mobil Oasis)
- Liana E. Ekegren, 824 Minnesota Ave., South Milwaukee (Southbound)
- Richard F. Senft, 7920 W. Bur Oak Dr., Franklin (Applebee's)
- Amber R. Wilhelm, 2824 S. 9<sup>th</sup> St., Milwaukee (Saloon)

On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

14. **COUNCIL GRANTS CHANGE OF AGENT FOR 2012-13 CLASS A COMBINATION LICENSE ISSUED TO PICK 'N SAVE #6387, 2320 W. RYAN RD., FROM EVAN ANDERSON TO JESSICA MARIFKE, 1114 16<sup>TH</sup> AVE., SOUTH MILWAUKEE.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant a change of agent for the 2012-13 Class A Combination license issued to Pick 'n Save #6387, 2320 W. Ryan Rd., from Evan Anderson to Jessica Marifke, 1114 16<sup>th</sup> Ave., South Milwaukee. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **CLOSED SESSION HELD.**

Ald. Toman, seconded by Ald. Gehl, moved to convene in Closed Session at 7:52 p.m., pursuant to Wisconsin State Statutes Section 19.85(1)(e)(g) to discuss the proposed settlement agreement with Farm & Fleet of Janesville, Inc. for the property at 501 W. Rawson Ave., related to the 2010, 2011 and 2012 tax assessment. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

16. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 8:10 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

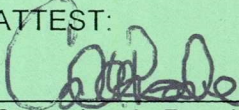
17. **COUNCIL APPROVES PROPOSED SETTLEMENT AGREEMENT WITH FARM & FLEET OF JANESVILLE, INC. RELATED TO 2010 TAX ASSESSMENT.**

Ald. Bukiewicz, seconded by Ald. Jakubczyk, moved to approve the proposed settlement agreement regarding the lawsuit filed by Farm & Fleet of Janesville, Inc. related to the 2010 tax assessment. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

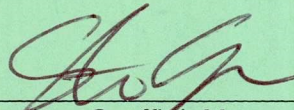
**ADJOURNMENT.**

Ald. Gehl, seconded by Ald. Michalski, moved to adjourn this meeting at 8:11 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:



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Catherine A. Roeske, City Clerk



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Stephen Scaffidi, Mayor