

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, MAY 17, 2011, 7:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Mayor Bolender called the meeting to order at 7:00 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz, Ald. Scaffidi, Ald. Toman, Ald. Gehl, and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, Finance Director Mark Wyss, Utility Engineer Michael Sullivan, Acting City Engineer/Building Commissioner Michael Simmons, Police Chief John Edwards, Acting Fire Chief Thomas Rosandich, Parks, Recreation and Forestry Director Douglas Schachtner, City Forester Rebecca Lane, Building Inspector Edward Ciechanowski, and City Clerk Pamela Bauer.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the minutes of the 5/3/2011 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
4. **INFORMATIONAL: MAYORAL PROCLAMATION, PRESENTATION / VIDEO FOR BUILDING SAFETY MONTH, MAY 2011.**

The Mayoral Proclamation, presentation / video by Ed Ciechanowski, Building Inspector, for Building Safety Month, May 2011 was informational.

5. **PUBLIC HEARING HELD TO CONSIDER PROPOSED SPECIAL ASSESSMENTS FOR WATER MAIN, SANITARY SEWER, LATERALS AND APPURTENANCES FOR PROJECT NO. 11102, ON BOTH SIDES OF E. FITZSIMMONS RD. FROM S. CHICAGO RD. TO 3762 E. FITZSIMMONS RD.**

A public hearing was held to consider proposed special assessments for water main, sanitary sewer, laterals and appurtenances for Project No. 11102, on both sides of E. Fitzsimmons Rd. from S. Chicago Rd. to 3762 E. Fitzsimmons Rd. (see Item 6 for action on this hearing).

6. **DIRECTED HELD TO 6/7/2011 COUNCIL MEETING: RESOLUTION NO. 11119-051711, FINAL RESOLUTION AUTHORIZING SANITARY SEWER, WATER MAIN, AND LATERAL IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES ON BOTH SIDES OF E. FITZSIMMONS RD. FROM S. CHICAGO RD. TO 3762 E. FITZSIMMONS RD. (PROJECT NO. 11102).**

Council action on Resolution No. 11119-0517, a final resolution authorizing sanitary sewer, water main, and lateral improvements, approving preliminary plans, and levying special assessments against benefited properties on both sides of E. Fitzsimmons Rd. from S. Chicago Rd. to 3762 E. Fitzsimmons Rd. (Project No. 11102) was directed held to the 6/7/2011 Council meeting at the request of Ald. Toman.

7. **COUNCIL ENTERS INTO CONTRACT WITH COBALT COMMUNITY RESEARCH TO PERFORM CITIZEN ENGAGEMENT AND PRIORITY ASSESSMENT SURVEY AT COST NOT TO EXCEED \$12,000.**

Ald. Gehl, seconded by Ald. Michalski, moved to enter into a contract with Cobalt Community Research to perform a citizen engagement and priority assessment survey at a cost not to exceed \$12,000. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, no; Ald. Scaffidi, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye.

8. **COUNCIL AUTHORIZES STAFF TO TAKE PRELIMINARY STEPS TO AMEND PROJECT PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 10 TO PROVIDE \$4,500,000 IN DEVELOPER ASSISTANCE TO SYNER G FOR 107-ROOM FOUR POINTS SHERATON HOTEL AND APPROXIMATELY 1,830 SPACE COVERED PARKING LOT TO SUPPORT AIR TRAVELERS TO AND FROM AIRPORT.**

Ald. Jakubczyk, seconded by Ald. Scaffidi, moved to authorize staff to take preliminary steps to amend the project plan for Tax Increment Financing District No. 10 to provide \$4,500,000 in developer assistance to Syner G for a 107-room Four Points Sheraton Hotel and an approximately 1,830 space covered parking lot to support air travelers to and from the airport. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **COUNCIL ACCEPTS BID OF MILWAUKEE JOURNAL SENTINEL (OAK CREEK NOW) TO SERVE AS OFFICIAL CITY NEWSPAPER FOR NEXT 12 MONTHS.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to accept the bid of the Milwaukee Journal Sentinel (Oak Creek NOW) to serve as the City's official newspaper for the next 12 months. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye.

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

Ald. Gehl, seconded by Ald. Scaffidi, moved to approve the 2011 Vendor Summary Report in the amount of \$400,300.87. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT OF CHRISTINE M. JACKSON, 1023 W. GLEN CROSSING COURT TO PARKS, RECREATION & FORESTRY COMMISSION FOR 3-YEAR TERM EXPIRING 4/2014.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to concur with the Mayor's appointment of Christine M. Jackson, 1023 W. Glen Crossing Court, to the Parks, Recreation & Forestry Commission for a 3-year term expiring 4/2014. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11120-051711, PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS FOR INSTALLATION OF SANITARY SEWER IN S. 5TH AVE. FROM PUETZ RD. TO 1,000 FEET NORTH AND TO ESTABLISH PUBLIC HEARING DATE FOR JULY 5, 2011.**

Ald. Toman, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11120-051711, a

preliminary resolution declaring intent to exercise special assessment powers for the installation of sanitary sewer in S. 5th Ave. from Puetz Rd. to 1,000 feet north and to establish a public hearing date for July 5, 2011. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

13. COUNCIL APPROVES EXPENDITURE OF UP TO \$7,915 FROM PARKLAND FEES FOR INSTALLATION OF WATER WELL BY KEN SWEENEY WELL & PUMP INCORPORATED IN HENRY MILLER PARK.

Ald. Scaffidi, seconded by Ald. Michalski, moved to approve the expenditure of up to \$7,915 from parkland fees for the installation of a water well by Ken Sweeney Well & Pump Incorporated in Henry Miller Park. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

14. PRESENTED AND ADOPTED: RESOLUTION NO. 11122-051711, AUTHORIZING STAFF TO APPLY TO WISCONSIN DEPARTMENT OF NATURAL RESOURCES FOR PARK DEVELOPMENT PROJECT FOR ABENDSCHEIN COMMUNITY PARK.

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11122-051711, authorizing staff to apply to the Wisconsin Department of Natural Resources for park development project for Abendschein Community Park. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. PRESENTED AND ADOPTED: ORDINANCE NO. 2623, REGARDING DEAD AND DISEASED TREES.

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2623, regarding dead and diseased trees. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

16. PRESENTED AND ADOPTED: ORDINANCE NO. 2625, AMENDING MUNICIPAL CODE SECTION 2.120(B)(1), RELATING TO EMERGENCY MANAGEMENT TO REFERENCE CHAPTER 323 OF WISCONSIN STATE STATUTES.

Ald. Gehl, seconded by Ald. Jakubczyk, moved to adopt Ordinance No. 2625, amending Municipal Code Section 2.120(b)(1), relating to Emergency Management to reference Chapter 323 of the Wisconsin State Statutes. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

17. COUNCIL ENTERS INTO AGREEMENT WITH WISCONSIN DEPARTMENT OF TRANSPORTATION (WDOT) FOR JURISDICTION TRANSFER OF PROPOSED SEGMENT OF W. ELM RD. TO CITY OF OAK CREEK.

Ald. Michalski, seconded by Ald. Bukiewicz, moved to enter into an agreement with the Wisconsin Department of Transportation (WDOT) for the jurisdiction transfer of a proposed segment of W. Elm Rd. to the City of Oak Creek. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11121-051711, AMENDING RESOLUTION NO. 11083-040411, ESTABLISHING RECYCLING CENTER USER FEE AND OTHER STREET DEPARTMENT FEES.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11121-051711, a Resolution amending Resolution No. 11083-040411, establishing Recycling Center User Fee and Other Street Department Fees. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

19. **COUNCIL GRANTS ORIGINAL 2010-2011 CLASS B BEER LICENSE TO CMAK, LLC, PAUL FRENN, AGENT, 4503 E. RYAN RD., DBA BERT'S (BENDER PARK PAVILION); ISSUANCE SUBJECT TO RECEIPT OF FINAL SIGNED LEASE AGREEMENT FROM MILWAUKEE COUNTY PARKS DEPARTMENT.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to grant an original 2010-2011 Class B Beer license to CMAK, LLC, Paul Frenn, Agent, 4503 E. Ryan Rd., dba Bert's (Bender Park Pavilion), with issuance subject to receipt of a final signed lease agreement from the Milwaukee County Parks Department. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

20. **COUNCIL DIRECTS STAFF TO NOTIFY NORA LYNN KOZLOWSKI, 8390 S. YORKSHIRE (MICHAEL LASUSA'S) OF THE CITY'S INTENT TO NOT RENEW OPERATOR'S LICENSE FOR BEING HABITUAL OFFENDER AND PROVIDE HER WITH OPPORTUNITY FOR HEARING AT JUNE 7, 2011 COMMON COUNCIL MEETING.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to direct staff to notify Nora Lynn Kozlowski, 8390 S. Yorkshire Dr. (Michael LaSusa's) of the City's intent to not renew her Operator's license for being a habitual offender, and to provide her with an opportunity for a hearing at the June 7, 2011, Common Council meeting. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

21. **COUNCIL GRANTS OPERATOR'S LICENSE TO KEVIN D. BUTLER, 10030 S. SHEPARD AVE., OAK CREEK (KWIK TRIP).**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to grant an Operator's license to Kevin D. Butler, 10030 S. Shepard Ave., Oak Creek (Kwik Trip). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

22. **COUNCIL APPROVES CHANGE OF AGENT ON CLASS A COMBINATION LICENSE FOR MEGA MARTS LLC DOING BUSINESS AS PICK 'N SAVE #6862, 8770 S. HOWELL AVE., FROM DAVID J. KOENIG TO ADAM J. ROGGE, 6603 W. COLD SPRING RD., GREENFIELD.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to approve a change of agent on the Class A Combination license for Mega Marts LLC doing business as Pick 'n Save #6862, 8770 S. Howell Ave., from David J. Koenig to Adam J. Rogge, 6603 W. Cold Spring Rd., Greenfield. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

23. **DIRECTED HELD: ORDINANCE NO. 2626, AMENDING SECTION 2 OF ORDINANCE NO. 2611 TO ADD POSITION OF PART-TIME COURT LIAISON OFFICER WITH SALARY RANGE OF \$16.00-\$19.00 PER HOUR.**

Council action on Ordinance No. 2626, amending Section 2 of Ordinance No. 2611 to add the position of part-time Court Liaison Officer with a salary range of \$16.00-\$19.00 per hour was directed held at the request of Police Chief Edwards.

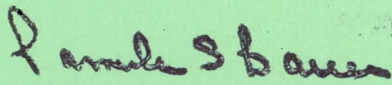
24. **COUNCIL APPROVES FUNDING FOR TRAINING OFFICER POSITION WITHIN OAK CREEK POLICE DEPARTMENT; AUTHORIZES TRANSFER OF FUNDS FROM CITY'S CONTINGENCY FUND TO POLICE SALARIES ACCOUNT.**

Ald. Toman, seconded by Ald. Scaffidi, moved to approve the funding for a Training Officer position within the Oak Creek Police Department and to authorize a transfer of funds of \$10,000 from the City's contingency fund to the Police salaries account. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

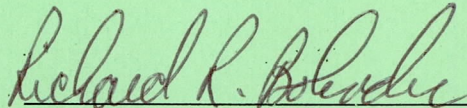
ADJOURNMENT.

Ald. Scaffidi, seconded by Ald. Jakubczyk, moved to adjourn this meeting at 8:50 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:



Pamela S. Bauer, CMC, City Clerk



Richard R. Bolender, Mayor