

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, JULY 5, 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 (arrived at 7:14 p.m.), Community Development Director Douglas Seymour, City Engineer/Acting Building Commissioner Michael Simmons, Acting Fire Chief Thomas Rosandich, and Deputy City Clerk Christa Miller.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. Ald. Scaffidi, seconded by Ald. Michalski, moved to approve the minutes of the 6/21/2011 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. **PUBLIC HEARING HELD TO CONSIDER PROPOSED SPECIAL ASSESSMENTS FOR SANITARY SEWER, LATERALS, AND APPURTENANCES FOR PROJECT NO. 11103, ON BOTH SIDES OF S. 5TH AVE. FROM E. PUETZ RD. TO APPROX. 1,000 FEET NORTH OF E. PUETZ RD.**

A public hearing was held to consider proposed special assessments for sanitary sewer, laterals, and appurtenances for Project No. 11103, on both sides of S. 5th Ave. from E. Puetz Rd. to approximately 1,000 feet north of E. Puetz Rd. (see Item 5 for action on this hearing).

5. **DIRECTED HELD TO 8/1/2011 COUNCIL MEETING: RESOLUTION NO. 11130-070511, FINAL RESOLUTION AUTHORIZING SANITARY SEWER AND LATERAL IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES ON BOTH SIDES OF S. 5TH AVE. FROM PUETZ RD. TO 1,000 FEET NORTH (PROJECT NO. 11103).**

Ald. Toman, seconded by Ald. Scaffidi, moved to hold action on Resolution No. 11130-070511, a final resolution authorizing sanitary sewer and lateral improvements, approving preliminary plans, and levying special assessments against benefitted properties on both sides of S. 5th Ave. from Puetz Rd. to 1,000 feet north (Project No. 11103) to the 8/1/2011 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.
6. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENTS TO SECTION 17.0501(B)(4), 17.0501(B)(6)A, AND 17.0501(B)(6)B OF MUNICIPAL CODE MODIFYING THE SIZE AND SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.**

A public hearing was held to consider proposed amendments to Sections 17.0501(b)(4), 17.0501(b)(6)a and 17.0501(b)(6)b of the Municipal Code modifying the size and setback requirements of accessory structures in residential districts (see Item 7 for action on this hearing).

7. **DIRECTED HELD: ORDINANCE NO. 2628, AMENDING SECTIONS 17.0501(B)(4), 17.0501(B)(6)A, AND 17.0501(B)(6)B OF MUNICIPAL CODE REGARDING MAXIMUM SIZE AND SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL DISTRICTS.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to hold action on Ordinance No. 2628, amending Sections 17.0501(b)(4), 17.0501(b)(6)a, and 17.0501(b)(6)b of the Municipal Code regarding maximum size and setback requirements for accessory structures in residential districts and to direct the Community Development Director to provide the Council with a report on the number of larger lots in residential districts that could be affected by this ordinance. 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.

8. **COUNCIL CONFIRMS MAYOR'S APPOINTMENT OF MICHAEL SIMMONS TO POSITION OF CITY ENGINEER EFFECTIVE JULY 6, 2011.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to confirm the Mayor's appointment of Michael Simmons to the position of City Engineer effective July 6, 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.

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2630, AMENDING ORDINANCE NO. 2612, WHICH ESTABLISHED THE SALARY AND PAY RANGES FOR NON-REPRESENTED EMPLOYEES, TO ADD SALARY FOR CITY ENGINEER.**

Ald. Toman, seconded by Ald. Scaffidi, moved to adopt Ordinance No. 2630, amending Ordinance No. 2612, which established the salary and pay ranges for non-represented employees, to add the salary for City Engineer. 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.

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11131-070511, APPROVING PROJECT PLAN FOR REDEVELOPMENT DISTRICT NO. 2.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11131-070511, approving the project plan for Redevelopment District No. 2. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11133-070511, APPROVING NOTE AND MORTGAGE FROM WISPARK, LLC, OR ITS SUCCESSORS AND ASSIGNS, TO CITY OF OAK CREEK OR COMMUNITY DEVELOPMENT AUTHORITY ("CDA") IN AMOUNT OF \$2,000,000 PURSUANT TO TERMS OF MASTER AGREEMENT BETWEEN CITY AND WISPARK DATED MARCH 1, 2011.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11131-070511, approving a note and mortgage from WisPark, LLC, or its successors and assigns, to the City of Oak Creek or the Community Development Authority ("CDA") in the amount of \$2,000,000 pursuant to the terms of the Master Agreement between the City and WisPark dated March 1, 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.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11132-070511, APPROVING AMENDMENT TO 2011 BUDGET.**

Ald. Scaffidi, seconded by Ald. Gehl, moved to adopt Resolution No. 11132-070511, approving an amendment to the 2011 Budget. 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 AGREES TO PROCESS FOR FURTHER PUBLIC INPUT AND REVIEW OF DETAILED PLAN OPTIONS FOR DELPHI AND CIVIC CENTER SITES.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to concur with Graef's recommendations and agree to a process for further public input and review and detailed plan options for the Delphi and Civic Center sites. 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. **COUNCIL CONCURS WITH FINANCE COMMITTEE'S RECOMMENDATIONS FOR 2012 BUDGET, ALONG WITH PROPOSED 2012 BUDGET CALENDAR.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to concur with the Finance Committee's recommendations for the 2012 budget, along with a proposed 2012 budget calendar. 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. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2011 Vendor Summary Report in the amount of \$505,057.53. 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: RESOLUTION NO. 11128-070511, RESOLUTION OF NECESSITY FOR ACQUISITION OF LANDS FOR PUBLIC STREET PURPOSE, PERMANENT EASEMENT FOR DRAINAGE PURPOSES, TEMPORARY EASEMENTS FOR GRADING, AND AUTHORIZING NEGOTIATION FOR SUCH ACQUISITION AND CONDEMNATION, IF NECESSARY, FOR W. DREXEL AVE. RECONSTRUCTION PROJECT FROM S. 27TH ST. (STH 241) TO I-94 (PROJECT NO. 06010).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11128-070511, a resolution of necessity for acquisition of lands for public street purpose, permanent easement for drainage purposes, temporary easements for grading, and authorizing negotiation for such acquisition and condemnation, if necessary, for W. Drexel Ave. reconstruction project from S. 27th St. (STH 241) to I-94 (Project No. 06010). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11129-070511, APPROVING FIRST AMENDMENT TO CARROLLVILLE CROSSING SUBDIVISION DEVELOPMENT AGREEMENT WITH KAEREK BUILDERS, INC. FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS (PROJECT NO. 03068) (TAX KEY NOS. 865-9977-001 & 865-9999).**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11129-070511, approving the first amendment to the Carrollville Crossings subdivision development agreement with Kaerek Builders, Inc. for the design and installation of public improvements (Project No. 03068) (Tax Key Nos. 865-9977-001 & 865-9999). 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. **COUNCIL GRANTS AMUSEMENT OPERATOR AND AMUSEMENT DEVICES LICENSE.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to approve an original Amusement Operator and Amusement Devices license to Coleman Music & Entertainment, LLC, 1015 Haines St., Jacksonville, FL 32206. 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.

19. **COUNCIL GRANTS OPERATOR'S LICENSES.**

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

- Jeannette R. Sullivan, 3135 S. 9th Pl., Milwaukee (Butch's on 27th)
- Corina Lynn Franecki, 2828 E. Bolivar, St. Francis (Butch's on 27th)
- Dale Ellis Maupin, 2464 S. 92nd St., West Allis (Applebee's)
- Nicole Leigh Nelson, 3881 E. Maple St., Oak Creek (Butch's on 27th)
- Michael A. King, 616 E. Village Green Ct., Oak Creek (Woodman's)
- Elizabeth Therese Flitsch, 4961 S. 26th St., Milwaukee (Woodman's)
- Michael Keith Kaywood, 5414 Christine Ave., McHenry, IL (Aldi)

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 GRANTS TEMPORARY CLASS B BEER LICENSE, WITH WAIVER OF FEES, TO OAK CREEK CELEBRATIONS COMMISSION, MICHAEL LAMPE, AGENT, FOR OAK CREEK CELEBRATIONS PIG ROAST, SEPTEMBER 11, 2011.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant a Temporary Class B Beer license, with a waiver of fees, to the Oak Creek Celebrations Commission, Michael Lampe, Agent, for the Oak Creek Celebrations Pig Roast, September 11, 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.

21. **COUNCIL GRANTS RENEWAL CLASS B COMBINATION LICENSE TO RAFTERS RESTAURANT & BANQUET FACILITIES, MARIE ROSE HRUZEK, AGENT, DOING BUSINESS AS RAFTERS RESTAURANT, 7228 S. 27TH ST.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to grant a renewal Class B Combination license to Rafters Restaurant & Banquet Facilities, Marie Rose Hruzek, Agent, doing business as Rafters Restaurant, 7228 S. 27th St. (with issuance subject to inspection approval by the City Sanitarian). 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 GRANTS TRANSIENT MERCHANT LICENSE TO WILLIE D. WASHINGTON, 2040 S. 76TH ST., WEST ALLIS, WI, SELLING U-VERSE, TV, INTERNET, AND PHONE SERVICES FOR EMS ENERGY MARKETING SERVICES/AT&T.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant a Transient Merchant license to Willie D. Washington, 2040 S. 76th St., West Allis, WI, selling U-Verse, TV, Internet, and phone services for EMS Energy Marketing Services/AT&T. 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. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:39 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1)(c)(e) to discuss the City's implementation of wage and benefit modifications effective January 1, 2012, and the effect of those decisions on the bargaining strategy with the police and fire unions. 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.

24.-25. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Scaffidi, seconded by Ald. Gehl, moved to reconvene into Open Session at 9:20 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. No action was taken.

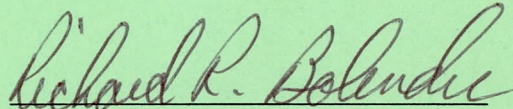
ADJOURNMENT.

Ald. Scaffidi, seconded by Ald. Michalski, moved to adjourn this meeting at 9:21 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