

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, SEPTEMBER 6, 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, City Engineer/Acting Building Commissioner Michael Simmons, Community Development Director Douglas Seymour, Acting Fire Chief Thomas Rosandich, Fire Lieutenant Jack Rehn, Street Superintendent Michael Lampe, Public Health Officer Judith Price 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 8/16/2011 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: GOVERNOR'S PROCLAMATION FOR FALL PREVENTION AWARENESS MONTH.**

Public Health Officer Judith Price provided information on the Governor's proclamation for fall prevention awareness month.
5. **INFORMATIONAL: SUMMARIZED FINANCIAL STATEMENTS DATED 6/30/2011.**

Finance Director Mark Wyss provided information of summarized financial statements dated 6/30/2011.
6. **DIRECTED HELD: RESOLUTION NO. 11140-081611, APPROVING MEMORANDUM OF UNDERSTANDING WITH UNITED STATES POSTAL SERVICE AND COBALT PARTNERS, LLC.**

Council action on Resolution No. 11140-081611, approving a Memorandum of Understanding with the United States Postal Service and Cobalt Partners, LLC was directed held.
7. **COUNCIL DIRECTS STAFF TO CALCULATE AMOUNT AND PREPARE RESOLUTION TO REFUND TAXES TO STEVE BOCEK FOR PROPERTIES AT 9708 AND 9734 S. HOWELL AVE.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to direct staff to calculate the amount and prepare an appropriate resolution to refund taxes to Steve Bocek for properties at 9708 and 9734 S. Howell Ave. 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 DESIGNATES SUNDAY, OCTOBER 30, 2011 FROM 4:00 P.M. TO 6:00 P.M. AS OFFICIAL CITY OF OAK CREEK "TRICK OR TREAT".**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to concur with the recommendation of the Celebrations Commission and designate Sunday, October 30, 2011 from 4:00 p.m. to 6:00 p.m. as the official City of Oak Creek "Trick or Treat". 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 ESTABLISHES PARAMETERS FOR MODIFICATION OF WARD BOUNDARIES BASED ON 2010 CENSUS.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to direct staff to establish parameters for the modification of ward boundaries based on the 2010 census. Motion, with second agreeing was amended to direct staff to adjust the wards and districts to make them as close as practicable, population-wise, based on the 2010 census and to report back to the Council in two weeks with those adjustments. 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. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2011 Vendor Summary Report in the amount of \$573,042.13. 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. 11152-090611, AUTHORIZING SERVICES OF BAKER, TILLY, VIRCHOW, KRAUSE AS CITY'S AUDITING FIRM FOR FISCAL YEARS ENDING DECEMBER 31, 2011, DECEMBER 31, 2012, AND DECEMBER 31, 2013, WITH OPTION FOR TWO YEAR EXTENSION.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11152-090611, authorizing the services of Baker, Tilly, Virchow, Krause as the City's auditing firm for the fiscal years ending December 31, 2011, December 31, 2012, and December 31, 2013, with the option for a two year extension. 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. **COUNCIL APPROVES NARROWBANDING PROJECT FOR \$40,566 TO MEET FIRE DEPARTMENT COMMUNICATION REQUIREMENTS ESTABLISHED BY FCC.**

Ald. Michalski, seconded by Ald. Scaffidi, moved to approve the Narrowbanding project for \$40,566 to meet Fire Department communication requirements established by the Federal Communication Commission (FCC). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11145-090611, AMENDING PROJECT PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 4 TO PROVIDE \$300,000 IN DEVELOPER ASSISTANCE TO MAHN COURT PARTNERS (THE DICKMAN COMPANY) FOR UTILITY AND SITE PREPARATION WORK TO SUPPORT DEVELOPMENT OF 120,034 SF INDUSTRIAL BUILDING AT 340 E. MAHN COURT.**

Ald. Jakubczyk, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11145-090611, amending the Project Plan for Tax Increment Financing (TIF) District No. 4 to provide \$300,000 in developer assistance to Mahn Court Partners (The Dickman Company) for utility and site preparation work to support the development of a 120,034 square foot industrial building at 340 E. Mahn Court. 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. 11144-090611, APPROVING STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH PRC INVESTORS LLC FOR JOHNSTONE SUPPLY DEVELOPMENT LOCATED AT 6890 S. HOWELL AVE. (TAX KEY NO. 733-9008).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11144-090611, approving a storm water management practices maintenance agreement with PRC Investors LLC for their Johnstone Supply development located at 6890 S. Howell Ave. (Tax Key No. 733-9008). 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 HELD: RESOLUTION NO. 11146-090611, CONCURRING WITH RECOMMENDATION OF CIP COMMITTEE AND AUTHORIZING CITY TO MAKE FORMAL REQUEST OF OFFICE OF THE COMMISSIONER OF RAILROADS (OCR) FOR ESTABLISHMENT OF QUIET ZONE AT CANADIAN PACIFIC RAILROAD AT-GRADE CROSSING OF 600 BLOCK OF W. PUETZ RD.**

Action on Resolution No. 11146-090611, concurring with the recommendation of the CIP Committee and authorizing the City to make a formal request of the Office of the Commissioner of Railroads (OCR) for establishment of a quiet zone at the Canadian Pacific Railroad at-grade crossing of the 600 block of W. Puetz Rd. was directed held.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 11147-090611, APPROVING AGREEMENT FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AT S. 13TH ST. (CTH V) AND W. RAWSON AVE. WITH MILWAUKEE COUNTY.**

Ald. Jakubczyk, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11147-090611, approving an agreement for the operation and maintenance of traffic signals of S. 13th St. (CTH V) and W. Rawson Ave. with Milwaukee County. 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. 11148-090611, APPROVING AGREEMENT FOR OPERATION AND MAINTENANCE OF TRAFFIC SIGNALS AT S. 13TH ST. (CTH V) AND W. PUETZ RD. WITH MILWAUKEE COUNTY (PROJECT NO. 07025).**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11148-090611, approving an agreement for the operation and maintenance of traffic signals at S. 13th St. (CTH V) and W. Puetz Rd. with Milwaukee County (Project No. 07025). 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. 11149-090611, GRANTING TEMPORARY LIMITED EASEMENT FOR PROPERTY LOCATED AT 8909R S. 13TH ST. BEING A PART OF INTERSTATE 94 NORTH-SOUTH RECONSTRUCTION (TAX KEY NO. 857-9010).**

Ald. Michalski, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11149-090611, approving the granting of a temporary limited easement for the property located at 8909R S. 13th St. being a part of the Interstate 94 North-South reconstruction (Tax Key No. 857-9010). 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 APPROVES CONTRACT AMENDMENT WITH R.A. SMITH & ASSOCIATES FOR ACTUAL COST FEE NOT-TO-EXCEED \$47,490 FOR DESIGN CHANGES TO W. DREXEL AVE. (PROJECT NO. 06010).**

Ald. Scaffidi, seconded by Ald. Michalski, moved to approve a contract amendment with R. A. Smith & Associates, Inc. for an actual cost fee not-to-exceed \$47,490 for design changes to W. Drexel Ave. (Project No. 06010). 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.

20. **PRESENTED AND HELD UNTIL AFTER PUBLIC HEARING SCHEDULED FOR 10/18/11: RESOLUTION NO. 11151-090611, VACATING UNIMPROVED RIGHT-OF-WAY FOR S. 6TH AVE., NORTH OF E. DEXTER AVE.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to hold Resolution No. 11151-090611, vacating an unimproved right-of-way for S. 6th Ave., north of E. Dexter Ave. until after the required public hearing to be held on October 18, 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 OPERATORS LICENSES.**

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

- Andrea M. Sutton, 5401 S. 8th St., Milwaukee (Jim Dandy's)
- Debra L. Frelk, 9180 S. 46th St., Franklin (Bootz Saloon)
- Nyki L. Mamerow, 416 North 6th St., Waterford (Buffalo Wild Wings)
- David S. Jeka, 2604 E. Armour Ave., St. Francis (Oak Creek Community Center)

- Joy H. Hansen, 2105 W. Kimberly Ave., Milwaukee (Oak Creek Diner)
 - Kelly A. Sobeski, 628 Lakeview Ave., South Milwaukee (Southbound)
- 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 CLASS B BEER; CLASS C WINE LICENSE TO WILLKOMM FOODS LLC DBA THE DISH, JANE A. STUDEBAKER-HARLAN, AGENT, 9540 S. 27TH ST., WITH ISSUANCE SUBJECT TO RECEIPT OF OCCUPANCY PERMIT AND PAYMENT OF FEES.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant a Class B Beer; Class C Wine license to Willkomm Foods LLC dba The Dish, Jane A. Studebaker-Harlan, Agent, 9540 S. 27th St., with issuance subject to receipt of an occupancy permit and payment of all fees. 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. **COUNCIL GRANTS TEMPORARY CLASS B BEER LICENSE TO ST. JOHN'S LUTHERAN CHURCH, 10302 S. 27TH ST., KENDALL CORTRIGHT, AGENT, FOR OKTOBERFEST, SEPTEMBER 24, 2011.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to grant a Temporary Class B Beer license to St. John's Lutheran Church, 10302 S. 27th St., Kendall Cortright, Agent, for Oktoberfest, September 24, 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.

24. **COUNCIL DENIES OPERATOR'S LICENSE TO TINA J. MCQUEEN, 8547 S. 76TH ST., FRANKLIN, FOR FALSIFICATION OF APPLICATION AND CONVICTION OF POSSESSION OF CONTROLLED SUBSTANCE.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to deny an Operator's license to Tina J. McQueen, 8547 S. 76th St., Franklin, for falsification of application and conviction of possession of a controlled substance. 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.

25. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:50 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(c)(e) to discuss proposed base wages for Police Supervisors.
- b. Section 19.85 (1)(e) to discuss possible acquisition of property for proposed right-of-way at 6881 S. 13th St.

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.

26. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Scaffidi, seconded by Ald. Jakubczyk, 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.


27. **COUNCIL APPROVES CITY'S PURCHASE OF PROPERTY FOR PROPOSED RIGHT-OF-WAY AT 6881 S. 13TH ST. FROM SOUTHFIELD EXPANSION II, LLC, A WI LLC AND ADOPTS RESOLUTION NO. 11150-090611, APPROVING AN OFFER TO PURCHASE LAND FROM SOUTHFIELD EXPANSION II, LLC, A WI LLC.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the City's purchase of property for proposed right-of-way at 6881 S. 13th St., from Southfield Expansion II, LLC, a WI LLC and to adopt Resolution No. 11150-090611, approving an offer to purchase land from Southfield Expansion II, LLC, a WI LLC. 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.

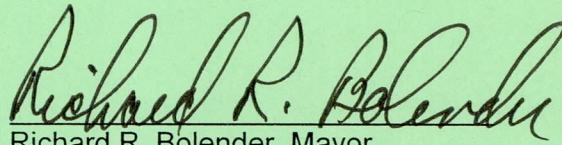
ADJOURNMENT.

Ald. Scaffidi, seconded by Ald. Gehl, moved to adjourn this meeting at 9:22 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