

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING  
TUESDAY, SEPTEMBER 20, 2011, 6:00 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

1. Mayor Bolender called the meeting to order at 6:07 p.m. On roll call, the following alderpersons were present: Ald. Bukiewicz, Ald. Scaffidi, Ald. Toman, Ald. Gehl, and Ald. Michalski. Ald. Jakubczyk was excused. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons (arrived at 7:00 p.m.), Finance Director Mark Wyss, Community Development Director Douglas Seymour, and Deputy City Clerk Christa Miller.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. **COUNCIL CONDUCTS INTERACTIVE WORKSHOP WITH STAFF REGARDING CHANGES TO WARD AND DISTRICT BOUNDARIES AS A RESULT OF 2010 CENSUS.**

An interactive workshop was held with staff and Council regarding changes to ward and district boundaries as a result of the 2010 census.

4. **COUNCIL DIRECTS STAFF TO PREPARE ORDINANCE OUTLINING WARD BOUNDARIES BASED ON 2010 CENSUS AND REDISTRICTING PLAN C.**  

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt the modification of ward boundaries based on the 2010 census as outlined in Redistricting Plan C. Motion, with second agreeing, was amended to direct staff to prepare an ordinance outlining ward boundaries based on the 2010 census and Redistricting Plan C. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.
5. Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the minutes of the 9/6/2011 meeting as published. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
6. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 11-09, CONGRATULATIONS TO NATHANIEL YOST FOR RECEIVING THE EAGLE SCOUT AWARD.**  

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation No. 11-09, congratulations to Nathaniel Yost for receiving the Eagle Scout Award. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

A brief recess was called at 6:45 p.m. and the meeting resumed at 7:00 p.m. for the scheduled public hearings and action on Item Nos. 8, 10, 12, 14, and 18-21.



7. **PUBLIC HEARING HELD TO CONSIDER CONDITIONAL USE PERMIT FOR PROPERTY AT 8870 S. MAYHEW DR. TO ALLOW AN ANIMAL AND VETERINARY CLINIC.**

A public hearing was held to consider a conditional use permit for property at 8870 S. Mayhew Dr. to allow for an animal hospital and veterinary clinic (see Item 8 for action on this hearing).

8. **PRESENTED AND MOTION FAILED: ORDINANCE NO. 2631, APPROVING A CONDITIONAL USE PERMIT FOR ANIMAL HOSPITAL OF SOUTH MILWAUKEE AT 8870 S. MAYHEW DR.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Ordinance No. 2631, approving a conditional use permit for Animal Hospital of South Milwaukee at 8870 S. Mayhew Dr. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, no; Ald. Toman, no; Ald. Gehl, no; Ald. Michalski, aye. Motion failed.

9. **PUBLIC HEARING HELD TO CONSIDER CONDITIONAL USE PERMIT FOR PROPERTY AT 2320 W. RYAN RD. TO ALLOW FOR ANIMAL HOSPITAL AND VETERINARY CLINIC.**

A public hearing was held to consider a conditional use permit for an animal hospital and veterinary clinic at 2320 W. Ryan Rd. (Bravo Realty) (see item 10 on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2632, APPROVING CONDITIONAL USE PERMIT FOR ANIMAL HOSPITAL AND VETERINARY CLINIC AT 2320 W. RYAN RD. (BRAVO REALTY).**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2632, approving a conditional use permit for an animal hospital and veterinary clinic at 2320 W. Ryan Rd. (Bravo Realty). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **PRESENTED AND FILED: RESOLUTION NO. 11130-070511, FINAL RESOLUTION AUTHORIZING SANITARY SEWER AND LATERAL IMPROVEMENTS, APPROVING PRELIMINARY PLANS, AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTIES ON BOTH SIDES OF S. 5<sup>TH</sup> AVE. FROM PUETZ RD. TO 1,000 FEET NORTH (PROJECT NO. 11103).**

Ald. Toman, seconded by Ald. Gehl, moved to file Resolution No. 11130-070511, final resolution authorizing sanitary sewer and lateral improvements, approving preliminary plans, and levying special assessments against benefitted properties on both sides of S. 5<sup>th</sup> Ave. from Puetz Rd. to 1,000 feet north (Project No. 11103). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.



12. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT OF ROBERT N. PRITCHETT, 307 E. KENDALE DR. TO TRAFFIC & SAFETY COMMISSION TO COMPLETE THREE-YEAR TERM EXPIRING 9/2013.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to concur with the Mayor's appointment of Robert N. Pritchett, 307 E. Kendale Dr., to the Traffic & Safety Commission to complete a three-year term expiring 9/2013. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11154-092011, APPROVING DISCIPLINE AND GRIEVANCE PROCEDURE AS REQUIRED BY STATE LAW.**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11154-092011, approving a Discipline and Grievance Procedure as required by State law with the following changes: Section 3. is changed to read "The impartial hearing officer will notify the employee in writing if the grievance will be decided upon the submission of written documentation." and "The impartial hearing officer shall prepare a written decision within 30 days of the completion of the hearing or within 30 days of the date the impartial hearing officer notifies the employee that a hearing is not necessary." On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

14. **COUNCIL APPROVES REQUEST OF BRIAN J. KOTECKI, 1830 E. ELM RD., TO WAIVE PAYMENT OF DUPLICATE BUILDING PERMIT/IMPACT FEES FOR CONSTRUCTION OF NEW HOME DUE TO HARDSHIP.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to approve the request of Brian J. Kotecki, 1830 E. Elm Rd., for a waiver of payment of duplicate building permit/impact fees for the construction of a new home due to hardship. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Michalski, seconded by Ald. Gehl, moved to approve the 2011 Vendor Summary Report in the amount of \$533,764.88. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 11153-092011, APPROVING CERTIFIED SURVEY MAP FOR PROPERTIES AT 10744 AND 10734 S. AVE. (NJEGOVAN).**

Ald. Michalski, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11153-092011, approving a certified survey map for the properties at 10744 and 10734 S. 10<sup>th</sup> Ave. (Njegovan). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.



17. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Mary Susens, 3745 S. Rivershire Dr., Greenfield (Buffalo Wild Wings)
- Donald Maciejewski, 1026 W. Glen Crossing Ct., Oak Creek (Bender Park Pub)
- Ruth Nepp, 1212 Menomonee, South Milwaukee (Classic Lanes)
- Nancy Baker, 2652 Iris Ct., Racine (Aldi)
- Jon Lorek, 1400D West St., Union Grove (Classic Lanes)
- Kristy Klaus, 1812 Selma Dr., Union Grove (Buffalo Wild Wings)
- Dale Gutknecht, Jr., 1427 29<sup>th</sup> Ct., Kenosha (Woodman's)
- Christina Brondstad, 6425 S. 20<sup>th</sup> St., Oak Creek (Ryan Road Shell)
- Andrew Nirode, 3404 W. Skamra Ave., Franklin (Oasis Mobil)
- Barry Vandergriff, 1411 Redwing Ln., Oak Creek (Open Pantry)

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

18. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:04 p.m., pursuant to Wisconsin State Statute, Section 19.85(1)(g) to discuss potential litigation regarding construction defects at the Public Works Facility of 800 W. Puetz Rd.

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

19. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 8:20 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

20. **COUNCIL AUTHORIZES HIRING WISS, JANNEY, ELSTNER ASSOCIATES INC. ("WJE"), CONSULTING ENGINEERING FIRM TO INVESTIGATE CAUSE OF MOISTURE INTRUSION AND CONDENSATION ISSUES AT PUBLIC WORKS FACILITY AT 800 W. PUETZ RD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to authorize the hiring of Wiss, Janney, Elstner Associates Inc. ("WJE"), a consulting engineering firm to investigate the cause of moisture intrusion and condensation issues at the Public Works Facility at 800 W. Puetz Rd. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11140-081611, APPROVING A MEMORANDUM OF UNDERSTANDING WITH USPS AND COBALT PARTNERS, LLC PENDING REVIEW OF LANGUAGE CHANGES BY CITY ATTORNEY.**


Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11140-081611, approving a Memorandum of Understanding with the United States Postal Service and Cobalt Partners, LLC, pending review of language changes by City Attorney Lawrence Haskin. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

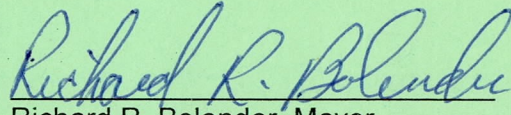


**ADJOURNMENT.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 8:21 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:

  
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Pamela S. Bauer, CMC, City Clerk

  
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Richard R. Bolender, Mayor