

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, OCTOBER 18, 2011, 6:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Mayor Bolender called the meeting to order at 6:00 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz (arrived at 6:15 p.m.), 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, Finance Director Mark Wyss, Police Chief John Edwards, City Planner Jeffrey Fortin, Acting Fire Chief Thomas Rosandich, City Forester Rebecca Lane, and City Clerk Pamela Bauer.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. **CONTINUATION OF 2012 BUDGET DISCUSSIONS.**

The Council continued 2012 Budget discussions. No public comment was permitted during this item.
4. Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the minutes of the 10/4/2011 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
5. **INTRODUCTION OF JILL LININGER AS NEW DIRECTOR OF OAK CREEK PUBLIC LIBRARY, EFFECTIVE 10/24/11.**

Mayor Bolender introduced Jill Lininger as the newly appointed Director of the Oak Creek Public Library, effective October 24, 2011.
6. **PUBLIC HEARING HELD TO CONSIDER PROPOSED STREET VACATION OF UNIMPROVED RIGHT-OF-WAY FOR S. 6TH AVE., NORTH OF E. DEXTER AVE.**

A public hearing was held to consider a proposed street vacation of the unimproved right-of-way for S. 6th Ave., north of E. Dexter Ave. (see Item No. 7 for action on this hearing).
7. **PRESENTED AND ADOPTED: RESOLUTION NO. 11151-090611, VACATING AND DISCONTINUING PART OF PUBLIC STREET IN CITY (S. 6TH AVE. IN SE ¼ OF SECTION 23-5-22).**

Ald. Toman, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11151-090611, vacating and discontinuing a part of a public street in the City of Oak Creek (S. 6th Ave. in the SE ¼ of Section 23-5-22). 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. **PUBLIC HEARING HELD TO CONSIDER CONDITIONAL USE PERMIT REQUEST SUBMITTED BY SHEEHY ENTERPRISES FOR TRANS-SHIPMENT DEPOT WITH OUTDOOR PARKING OF MAXIMUM OF EIGHT (8) SEMI-TRAILERS AT 7155 S. 1ST STREET.**

A public hearing was held to consider a conditional use permit request submitted by Sheehy Enterprises for a trans-shipment depot with outdoor parking of a maximum of eight (8) semi-trailers at 7155 S. 1st Street. (See Item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2636, APPROVING CONDITIONAL USE PERMIT FOR TRANS-SHIPMENT DEPOT WITH OUTDOOR STORAGE, UP TO EIGHT (8) SEMI-TRUCKS, FOR PROPERTY AT 7155 S. 1ST ST. (SHEEHY ENTERPRISES).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2636, approving a conditional use permit for a trans-shipment depot with the outdoor storage of up to eight (8) semi-trucks for the property at 7155 S. 1st St. (Sheehy Enterprises). 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: ORDINANCE NO. 2635, AMENDING SECTION 11.01 OF MUNICIPAL CODE AND CREATING SECTIONS 11.38 AND 11.39 OF MUNICIPAL CODE AS IT PERTAINS TO CARRYING OF CONCEALED WEAPONS WITHIN CITY BUILDINGS AND AS IT PERTAINS TO CARRYING OF CONCEALED WEAPONS BY EMPLOYEES.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Ordinance No. 2635, amending Section 11.01 of Municipal Code and creating Sections 11.38 and 11.39 of Municipal Code as it pertains to carrying of concealed weapons within City buildings and as it pertains to carrying of concealed weapons by employees. Motion, with second agreeing, was amended to add liability limitation language on posted signage. 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 APPROVES PROFESSIONAL SERVICES AGREEMENT WITH JJR FOR LAKEFRONT DEVELOPMENT.**

Ald. Toman, seconded by Ald. Michalski, moved to approve a professional services agreement with JJR for Lakefront Development approving, conceptually, \$25,000 and to bring individual projects back to the Common Council for approval. 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 AUTHORIZES RETENTION OF PROFESSIONAL SERVICES FROM GRAEF FOR DELPHI GRANT WRITING AND ADMINISTRATION AND POSSIBLY FOR COMMUNICATION INITIATIVES.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to authorize retention of professional services from Graef for Delphi grant writing and administration, and possibly for communications initiatives. 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 REVIEWS CITIZEN SURVEY QUESTIONNAIRES, COBALT COMMUNITY RESEARCH.**

The Council reviewed a draft of a citizen survey questionnaire from Cobalt Community Research. This item will be reviewed and brought back for approval at the next Common Council meeting on 11/1/11.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 11158-101811, AUTHORIZING REFUND OF TAXES TO STEVEN BOCEK IN AMOUNT OF \$4,522.03.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to adopt Resolution No. 11158-101811, authorizing refund of taxes to Steven Bocek in the amount of \$4,522.03. 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 AUTHORIZES PUBLICATION AND WRITE-OFF OF 2009 AND 2010 DELINQUENT PERSONAL PROPERTY TAX PER CITY POLICY.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to authorize the publication and write-off of 2009 and 2010 delinquent personal property tax per City policy. 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. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2011 Vendor Summary Report in the amount of \$385,414.40. 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 AWARDS 2011 AUTUMN ASH TREE TREATMENT PROJECT TO GREEN TECH TREE CARE, LLC, IN APPROXIMATE AMOUNT OF \$8,061.52.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to award the 2011 autumn ash tree treatment project to Green Tech Tree Care, LLC, in the approximate amount of \$8,061.52. 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. 11162-101811, APPROVING THE MILWAUKEE COUNTY PRE-DISASTER MITIGATION PLAN UPDATED THIS YEAR BY MILWAUKEE COUNTY EMERGENCY MANAGEMENT.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11162-101811, approving the Milwaukee County Pre-Disaster Mitigation Plan updated this year by Milwaukee County Emergency Management. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11155-101811, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING THEM FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR ORCHARD VIEW SUBDIVISION DEVELOPMENT AGREEMENT (TAX KEY NO. 922-9077) (PROJECT NO. 05053).**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11155-101811, accepting dedication of the public improvements and releasing them from the terms and conditions of their development agreement for the Orchard View Subdivision development agreement (Tax Key No. 922-9077) (Project No. 05053). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11160-101811, APPROVING DRAINAGE EASEMENT WITH JAMES N. BARBIAN LOCATED AT 1436 E. FOREST HILL AVE. (PROJECT NO. 09024) (TAX KEY NO. 815-9988).**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11160-101811, approving a drainage easement with James N. Barbian located at 1436 E. Forest Hill Avenue (Project No. 09024) (Tax Key No. 815-9988). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11161-101811, APPROVING TWO DRAINAGE EASEMENTS WITH FREDERICK G. WOBICK, JAMES AND SANDRA WOBICK LOCATED AT 1221 AND 1581 E. FOREST HILL AVE. (PROJECT NO. 09024) (TAX KEY NOS. 826-9992-002 AND 825-9989).**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11161-101811, approving two drainage easements with Frederick G. Wobick, James and Sandra Wobick located at 1221 and 1581 E. Forest Hill Ave. (Project No. 09024) (Tax Key Nos. 826-9999-002 and 825-9989). 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. **DIRECTED HELD: MOTION TO AWARD CONTRACT FOR REPLACEMENT OF ROOF SYSTEM FOR FIRE STATION #2 TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, A1 DURAN ROOFING & INSULATION SERVICES, INC, FOR "BASE BID" COST OF \$99,000.00 (PROJECT NO. 07032).**

Council action to award the contract for the replacement of the roof system for Fire Station #2 to the lowest responsive, responsible bidder, A1 Duran Roofing & Insulation Services, Inc., for the "Base Bid" cost of \$99,000.00 (Project No. 07032) was directed held to allow Staff time to review the qualifications of the bidder.

23. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Barbara Allen, 1011 Cherry Street, South Milwaukee (Big Mouth Frog)

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. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:10 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(c)(e) to discuss the performance evaluation and employment agreement for the City Administrator.

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.

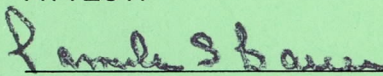
25.-26. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 8:35 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.

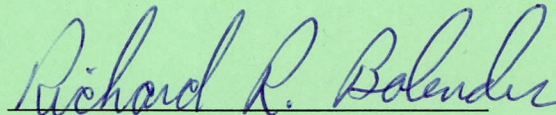
ADJOURNMENT.

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 8:37 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