

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING  
TUESDAY, NOVEMBER 1, 2011, 7:00 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

Mayor Bolender called the meeting to order at 7:05 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, Finance Director Mark Wyss, Acting Fire Chief Thomas Rosandich, Battalion Chief Rodney Palmer, Street Superintendent Michael Lampe, Community Development Director Douglas Seymour, Facilities Manager Richard Kulka, and Acting City Clerk Christa Miller.

The meeting began with the Pledge of Allegiance being said by all present.

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the minutes of the 10/18/2011 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.

1. **PRESENTED AND ADOPTED: RESOLUTION NO. 11163-110111, APPRECIATION TO PAMELA S. BAUER, RETIRING CITY CLERK / COMPTROLLER.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Resolution No. 11163-110111, Appreciation to Pamela S. Bauer, retiring City Clerk / Comptroller. 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.

2. **PRESENTED AND ADOPTED: ORDINANCE NO. 2634, REPEALING AND RECREATING SECTION 2.06 OF MUNICIPAL CODE, CHANGING BOUNDARIES OF OAK CREEK ALDERMANIC DISTRICTS.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2634, repealing and recreating Section 2.06 of the Municipal Code changing the boundaries of the Oak Creek Aldermanic Districts. On roll call, the vote was as follows: Ald. Jakubczyk, no; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

3. **COUNCIL REJECTS BID OF A1 DURAN ROOFING AND INSULATION SERVICES BECAUSE THEY ARE NOT APPROVED APPLICATOR OF FIRESTONE ROOFING SYSTEM AND LACK PROPER QUALIFICATIONS FOR THIS WORK AND AWARDS CONTRACT FOR REPLACEMENT OF ROOF SYSTEM FOR FIRE STATION #2 TO M.M. SCHRANZ ROOFING, INC., FOR BASE BID COST OF \$102,281. (PROJECT NO. 07032).**

Ald. Michalski, seconded by Ald. Gehl, moved to reject the bid of A1 Duran Roofing and Insulation Services because they are not an approved applicator of the Firestone Roofing System and they lack the proper qualifications for this work and to award the contract for the replacement of the roof system for Fire Station #2 to M.M. Schranz Roofing, Inc., for the "base bid" cost of \$102,281.00 (Project No. 07032). 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. **COUNCIL APPROVES CHANGES TO AMBIENT AIR MONITORING REQUIREMENTS IN AGREEMENT BETWEEN THE CITY AND WISCONSIN ENERGY CORPORATION, ALONG WITH SUBSIDIARIES, WISCONSIN ELECTRIC POWER COMPANY (WEPCO), W.E. POWER, LLC AND WISPARK LLC AND WISCONSIN GAS COMPANY DATED 4/2/03.**

Ald. Michalski, seconded by Ald. Scaffidi, moved to approve the request of WE Energies to amend the ambient air monitoring requirements in the Agreement between the City of Oak Creek and Wisconsin Energy Corporation, along with its subsidiaries, Wisconsin Electric Power Company (WEPCO), W.E. Power, LLC and WISPARK LLC and Wisconsin Gas Company dated 4/2/03, eliminating the requirement for Total Suspended Particulates ("TSP") air quality monitoring at the Elm Road Monitoring Site and adding the requirement of 1 hour of monitoring for sulfur dioxide (SO<sub>2</sub>) and 1 hour of monitoring for nitrogen dioxide (NO<sub>2</sub>) air quality monitoring at the Carrollton Monitoring Site. 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.

5. **COUNCIL APPROVES CITIZEN SURVEY QUESTIONNAIRE, COBALT COMMUNITY RESEARCH.**

Ald. Scaffidi, seconded by Ald. Gehl, moved to approve the citizen survey questionnaire by Cobalt Community Research with modifications suggested by the Council. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11167-110111, AMENDING RESOLUTION NO. 11023-011910 REGARDING CAPITAL PROJECTS FINANCING.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11167-110111, amending Resolution No. 11023-011910, regarding Capital Projects Financing. 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.

7. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2011 Vendor Summary Report in the amount of \$252,783.56. 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 DISCUSSES SUGGESTED MODIFICATIONS TO MAILBOX POLICY.**

The Council discussed suggested modifications to the Mailbox Policy. No action was taken on this item.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11164-110111, RELEASING DEVELOPER FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR HAUERWAS CERTIFIED SURVEY MAP (TAX KEY NO. 830-9018).**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11164-110111, releasing the developer from the terms and conditions of the development agreement for the Hauerwas certified survey map (Tax Key No. 830-9018). 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. 11165-110111, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO RAWSON CONTRACTORS, INC. FOR PROJECT NO. 09025 (INSTALLATION OF STORM SEWER BYPASS IMPROVEMENTS IN PARKWAY ESTATES SUBDIVISION).**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11165-110111, accepting the workmanship and authorizing final payment to Rawson Contractors, Inc. for Project No. 09025 (installation of storm sewer bypass improvements in Parkway Estates Subdivision). 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. 11166-110111, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS FOR S. PENNSYLVANIA AVE. RECONSTRUCTION PROJECT FROM E. RAWSON AVE. (CTH BB) TO E. COLLEGE AVE. (CTH ZZ) AND SEND PAYMENTS IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJECT NO. 08021).**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to adopt Resolution No. 11166-110111, acquiring fee property (right-of-way) and temporary easements for the S. Pennsylvania Ave. reconstruction project from E. Rawson Ave. (CTH BB) to E. College Ave. (CTH ZZ) and to send payments in the amounts of the Award of Damages to the affected property owners (Project No. 08021). 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 DENIES INSTALLATION OF "BICYCLE WARNING" SIGNS AND "TRAIL X-ING" PLAQUES ON S. NICHOLSON RD., S PENNSYLVANIA AVE., AND S. 15<sup>TH</sup> AVE.; AND DENIES INSTALLATION OF "YIELD TO PEDESTRIANS" SIGNS ON S. SHEPARD AVE.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to concur with the recommendation of the Traffic and Safety Commission to deny the installation of "Bicycle Warning" signs and "Trail X-ing" plaques on S. Nicholson Rd., S. Pennsylvania Ave., and S. 15<sup>th</sup> Ave., and deny the installation of "Yield to Pedestrians" signs on S. Shepard 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.

13. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Christina L. Arteaga, 6160 S. 6<sup>th</sup> St., Milwaukee (Ryan Road Shell)
- Jeffery Novocin, 8018 S. Wildwood Dr., Oak Creek (Open Pantry)
- Tracie L. Parker, 6929 Pershing Blvd., Kenosha (Oasis Mobil)

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 DENIES OPERATOR'S LICENSE TO MELISSA A. PETERSON, 8040 S. 20<sup>TH</sup> ST., OAK CREEK, FOR FALSIFICATION OF APPLICATION.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to deny an Operator's license to Melissa A. Peterson, 8040 S. 20<sup>th</sup> St., Oak Creek (Ryan Road Shell) for falsification of application. 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 GRANTS ORIGINAL TRANSIENT MERCHANT LICENSE TO BRADLEY STARKEN, W177 S8155 BRENNAN DR., MUSKEGO, SELLING FINANCIAL ADVISORY SERVICES FOR EDWARD JONES.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant an original Transient Merchant license to Bradley Starken, W177 S8155 Brennan Dr., Muskego, selling financial advisory services for Edward Jones. 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 CHANGE OF AGENT ON RESERVE CLASS B COMBINATION LICENSE FOR BLAZIN WINGS, INC. DBA BUFFALO WILD WINGS, 8171 S. HOWELL AVE., FROM DANIEL COLLICOTT TO MARY SUSENS, 3745 S. RIVERSHIRE DR., GREENFIELD.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to approve a change of agent on the Reserve Class B Combination license for Blazin Wings, Inc., doing business as Buffalo Wild Wings, 8171 S. Howell Ave., from Daniel Collicott to Mary Susens, 3745 S. Rivershire Dr., 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.

17. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:38 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.

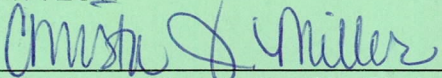
18.-19. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

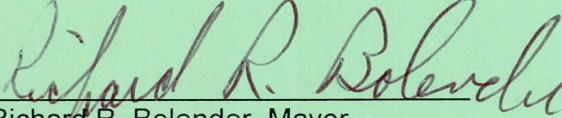
Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 8:48 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye. No action was taken.

**ADJOURNMENT.**

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

  
Christa J. Miller, Acting City Clerk

  
Richard R. Bolender, Mayor