

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, DECEMBER 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 (left at 10:04 p.m.), and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, Assistant City Attorney Melissa Karls, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Finance Director Mark Wyss (arrived at 7:48 p.m.), Acting Fire Chief Thomas Rosandich, Battalion Chief/Training Joseph Pulvermacher, Battalion Chief Thomas Jonson, Battalion Chief Rodney Palmer, Battalion Chief Michael Kressek, Police Chief John Edwards, City Treasurer Barbara Guckenberger (arrived at 9:23 p.m.), Community Development Director Douglas Seymour, City Zoning Administrator/Planner Peter Wagner, Street Superintendent Michael Lampe, City Forester Rebecca Lane, and Acting City Clerk Christa Miller.
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 11/14/2011 and 11/15/11 meetings 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 AMENDMENT TO PLANNED UNIT DEVELOPMENT (ORDINANCE NO. 2530) FOR PROPERTY AT 2201 E. COLLEGE AVE. (SW CORNER OF S. PENNSYLVANIA AVE. AND E. COLLEGE AVE.) EXTENDING TIME OF COMPLIANCE ALLOWING FOR ALTERNATIVE MIXED USE GENERAL DEVELOPMENT PLAN SUBMITTED BY USPS & COBALT PARTNERS, LLC.**

A public hearing was held to consider an amendment to the Planned Unit Development (Ordinance No. 2530) for the property at 2201 E. College Ave. (SW corner of S. Pennsylvania Ave. and E. College Ave.) extending the time of compliance allowing for alternative mixed use general development plan submitted by the United States Postal Service & Cobalt Partners, LLC. (see Item 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: ORDINANCE NO. 2644, AMENDING PUD FOR PROPERTY AT 2201 E. COLLEGE AVE. (SW CORNER OF S. PENNSYLVANIA AVE. AND E. COLLEGE AVE.) EXTENDING TIME OF COMPLIANCE AND ALLOWING ALTERNATIVE MIXED USE GENERAL DEVELOPMENT PLAN SUBMITTED BY USPS & COBALT PARTNERS, LLC.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2644, amending the Planned Unit Development for the property at 2201 E. College Ave. (SW corner of S. Pennsylvania Ave. and E. College Ave.) extending the time of compliance and allowing for an alternative mixed use general development plan submitted by the United States Postal Service & Cobalt Partners, LLC, with the amendment of a 50' buffer between the Chapel Hills Subdivision and the two-family residential area. Motion, with second agreeing, was amended to revise Exhibit C to include the 50' buffer. On roll call, the vote was as follows: Ald. Jakubczyk, no; Ald. Bukiewicz, aye; Ald. Scaffidi, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

6. **PUBLIC HEARING HELD TO CONSIDER PROPOSAL SUBMITTED BY GREEN MAN WOOD SERVICES TO AMEND CONDITIONAL USE PERMIT (ORDINANCE NO. 2479) FOR PROPERTIES AT 9000 & 9100 S. NICHOLSON RD. TO ALLOW FOR OPERATION OF LICENSED COMPOST FACILITY.**

A public hearing was held to consider a proposal submitted by Green Man Wood Services to amend the Conditional Use Permit (Ordinance No. 2479) for the properties at 9000 and 9100 S. Nicholson Rd.

to allow for operation of a licensed compost facility (see Item 7 for action on this hearing).

7. **DIRECTED HELD: ORDINANCE NO. 2645 AMENDING CONDITIONAL USE FOR PROPERTIES AT 9000 & 9100 S. NICHOLSON RD. TO ALLOW FOR LANDSCAPING CONTRACTOR'S SHOP (GREEN MAN WOOD SERVICES).**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to hold action on Ordinance No. 2645, amending the conditional use permit for the properties at 9000 and 9100 S. Nicholson Rd. to allow for a landscaping contractor's shop (Green Man Wood Services). 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 SCHEDULES SPECIAL JOINT MEETING WITH OAK CREEK-FRANKLIN SCHOOL DISTRICT AND OTHER INTERESTED PARTIES TO CONSIDER BUILDING LOCATION DECISIONS FOR NEW CITY HALL AND LIBRARY.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to schedule a Special Joint Meeting with the Oak Creek-Franklin School District and other interested parties for December 19, 2011 at 7:00 p.m. at the Oak Creek Community Center. 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. **HELD TO 12/20/11 COUNCIL MEETING: ACTION ON THE RECOMMENDATION OF THE PERSONNEL COMMITTEE TO APPROVE THE PERSONNEL MANUAL EFFECTIVE 1/1/12.**

Action on the recommendation of the Personnel Committee to approve the Personnel Manual effective January 1, 2012, and acknowledge that it applies to all City employees as described in the manual was directed held to the 12/20/11 Council meeting.

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11178-120611, RESCINDING RESOLUTION NO. 11108-111709 AND RESTATING PUBLIC DEPOSITORIES FOR CITY; RESOLUTION NO. 11179-120611, RESCINDING RESOLUTION NO. 10817-011508 AND RESTATING INVESTMENT POLICY FOR CITY; RESOLUTION NO. 11180-120611, RESCINDING RESOLUTION NO. 10818-011508 AND REAUTHORIZING INVESTMENT AGENCY AGREEMENT WITH MARSHALL & ILSLEY (M&I) TRUST COMPANY, NA.; AND RESOLUTION NO. 11181-120611, RESCINDING RESOLUTION NO. 10819-011508 AND RESTATING AUTHORIZING CONDITIONS OF PUBLIC DEPOSITS SECURITY AGREEMENT WITH TRI-CITY NATIONAL BANK, THROUGH JPMORGAN CHASE BANK, N.A., AS INTERMEDIARY.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to take the following action:

- a. Adopt Resolution No. 11178-120611, rescinding Resolution No. 11108-111709 and restating Public Depositories for the City of Oak Creek.
- b. Adopt Resolution No. 11179-120611, rescinding Resolution No. 10817-011508 and restating the Investment Policy for the City of Oak Creek.
- c. Adopt Resolution No. 11180-120611, rescinding Resolution No. 10818-011508 and reauthorizing an Investment Agency Agreement with Marshall & Ilsley (M&I) Trust Company, N.A.
- d. Adopt Resolution No. 11181-120611, rescinding Resolution No. 10819-011508 and restating the authorizing conditions of a Public Deposits Security Agreement with Tri-City National Bank, through JPMorgan Chase Bank, N.A. as Intermediary.

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

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11177-120611, MODIFYING RESOLUTION NO. 6852-020486 (1909 W. DREXEL AVE.) REGARDING RIGHT-OF-WAY ACQUISITION AND DISPOSITION OF SPECIAL ASSESSMENTS RELATED TO WIDENING OF DREXEL AVE.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11177-120611, modifying Resolution No. 6852-020486 (1909 W. Drexel Ave.) regarding the right-of-way acquisition and disposition of special assessments related to the widening of Drexel 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.

12. **PRESENTED AND ADOPTED: ORDINANCE NO. 2641, ESTABLISHING SALARY RANGES, WAGES, AND ALLOWANCES FOR NON-UNION, GENERAL AND MANAGEMENT PERSONNEL FOR 2012.**

Ald. Michalski, seconded by Ald. Toman, moved to adopt Ordinance No. 2641, establishing the salary ranges, wages, and allowances for Non-Union, General and Management personnel for the year 2012. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 2643, CONFIRMING APPOINTMENT OF CHRISTA MILLER TO POSITION OF ACTING CITY CLERK EFFECTIVE NOVEMBER 1, 2011, AND CONCUR WITH PERSONNEL COMMITTEE TO ESTABLISH WAGES FOR POSITION EFFECTIVE NOVEMBER 1, 2011.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2643, confirming the appointment of Christa Miller to the position of Acting City Clerk effective November 1, 2011, and to concur with the Personnel Committee to establish the wage for this position effective November 1, 2011. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

14. **COUNCIL APPROVES RECOMMENDATION OF STREET SUPERINTENDENT AND REPLACES CURRENT MAILBOX POLICY WITH REVISED POLICY.**

Ald. Michalski, seconded by Ald. Scaffidi, moved to approve the recommendation of the Street Superintendent to replace the current mailbox policy with a revised policy. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

15. **COUNCIL APPROVES APPOINTMENT OF ELECTION OFFICIALS FOR TWO-YEAR PERIOD 1/1/12-12/31/13.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the appointment of Election Officials for the two-year period 1/1/12-12/31/13. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

16. **HELD TO 12/20/11 COUNCIL MEETING: SUMMARIZED FINANCIAL STATEMENTS FOR CERTAIN OPERATING FUNDS FOR CITY FOR PERIOD ENDED SEPTEMBER 30, 2011.**

The presentation of Summarized Financial Statements for certain operating funds for the City of Oak Creek, for the period ended September 30, 2011 was directed held to the 12/20/11 Council meeting.

17. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to approve the 2011 Vendor Summary Report in the amount of \$642,839.03. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11184-120611, AUTHORIZING PARKS, RECREATION AND FORESTRY DEPARTMENT TO SUBMIT APPLICATION FOR 2012 DNR URBAN FORESTRY GRANT PROGRAM.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11184-120611, authorizing the Parks, Recreation and Forestry Department to submit an application for the 2012 DNR Urban Forestry Grant Program. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

19. **COUNCIL AWARDS 2011 ASH TREE REMOVAL AND PROCESSING PROJECT TO GREEN MAN TREE AND LANDSCAPE SERVICES IN AMOUNT OF \$24,800.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to award the 2011 ash tree removal and processing project to Green Man and Landscape Services in the amount of \$24,800. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11174-120611, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO DOLSON, INC. (PROJECT NO. 10015).**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11174-120611, accepting the workmanship and authorizing final payment to Dolson, Inc., for Project No. 10015. This project involved the installation of storm sewer improvements in Nicholson Rd. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11175-120611, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO STATE CONTRACTORS, INC. (PROJECT NO. 11018).**

Ald. Michalski, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11175-120611, accepting the workmanship and authorizing final payment to State Contractors, Inc. for Project No. 11018. This project involved the installation of storm sewer improvements in the Shepard Hills area. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11176-120611, ACQUIRING TEMPORARY EASEMENT FOR W. DREXEL AVE. RECONSTRUCTION PROJECT FROM S. 27TH ST. (STH 241) TO I-94 AND TO SEND PAYMENTS IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNER (PROJECT NO. 06010).**

Ald. Bukiewicz, seconded by Ald. Jakubczyk, moved to adopt Resolution No. 11176-120611, acquiring temporary easement for the W. Drexel Ave. reconstruction project from S. 27th St. (STH 241) to I-94 and to send payments in the amounts of the Award of Damages to the affected property owner (Project No. 06010). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald.

Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11182-120611, APPROVING LEWANDOWSKI CSM DEVELOPMENT AGREEMENT WITH TCSC, LLC FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS (TAX KEY NOS. 715-9000 & 715-9992).**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11182-120611, approving the Lewandowski CSM development agreement with TCSC, LLC for the design and installation of public improvements (Tax Key Nos. 715-9000 & 715-9992). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11183-120611, APPROVING AHLBORN DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 6739 S. PENNSYLVANIA AVE. (TAX KEY NO. 731-9998).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11183-120611, approving the Ahlborn development agreement for the design and installation of public improvements at 6739 S. Pennsylvania Ave. (Tax Key No. 731-9998). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

25. **PRESENTED AND ADOPTED: RESOLUTION NO. 11185-120611, APPROVING RYAN RESIDENCE DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 3507 E. FITZSIMMONS RD. (TAX KEY NO. 919-9024).**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11185-120611, approving the Ryan Residence development agreement for the design and installation of public improvements at 3507 E. Fitzsimmons Rd. (Tax Key No. 919-9024). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

26. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Nicole R. Skenandore, 3444 W. Mangold Ave., Greenfield (Jim Dandy's)
- Ryan J. Kelsner, 1308 Williams Ave., South Milwaukee (Greco's)
- Tiffany M. Stankiewicz, 7130 N. 44th St., Milwaukee (Open Pantry)
- Mark R. Millis, 1006 Cedar Creek St., Racine (Ryan Rd. Mobil)
- Kristy L. Wiedenhoef, 11121 W. Loomis Rd., Franklin (Open Pantry)

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

27. **COUNCIL GRANTS RENEWAL ADULT ENTERTAINMENT BUSINESS LICENSE FOR 2012 LICENSING YEAR TO SJB LLC, STEPHANIE BENZ, AGENT, DBA THE NEW SPICE II, 7070 S. 27TH ST.**

Ald. Scaffidi, seconded by Ald. Jakubczyk, moved to grant a renewal adult entertainment business license for the 2012 licensing year to SJB LLC, Stephanie Benz, agent, doing business as The New Spice II, 7070 S. 27th St., subject to payment of 2011 personal property taxes by December 29, 2011. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

28. **COUNCIL GRANTS CHANGE OF AGENT FOR CLASS B COMBINATION LICENSE ISSUED TO WHG DEVELOPMENT COMPANY DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 7135 S. 13TH ST. FROM DEBRA L. TEGEL TO JOHN HAUPER, 6307 43RD ST., KENOSHA, WI.**

Ald. Scaffidi, seconded by Ald. Jakubczyk, moved to grant a change of agent for the Class B Combination license issued to WHG Development Company dba Applebee's Neighborhood Grill & Bar, 7135 S. 13th St., from Debra L. Tegel to John Hauper, 6307 43rd St., Kenosha, WI. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

29. **COUNCIL GRANTS EMPLOYEE LICENSES FOR 2012 LICENSING YEAR FOR ADULT ENTERTAINMENT BUSINESS FOR THE NEW SPICE II.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to grant an employee license for the 2012 licensing year for an adult entertainment business for The New Spice II to the following:

- Jessica A. Rice, employee
- Mary E. Staat, employee
- Calvin Wiley, employee

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

30. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 11:13 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(e) to discuss the City's possible purchase of a portion of the property at 9006 S. 5th Ave.
- b. Section 19.85 (1)(c)(e) to discuss strategy regarding Police negotiations.

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

31.-32. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to reconvene into Open Session at 12:04 a.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye. No action was taken.

ADJOURNMENT.

Ald. Scaffidi, seconded by Ald. Michalski, moved to adjourn this meeting at 12:05 a.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; and Ald. Michalski, aye.

ATTEST:

Christa J. Miller, Acting City Clerk

Richard R. Bolender, Mayor