

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING  
TUESDAY, FEBRUARY 7, 2012, 7:00 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

1. Mayor Allan Foeckler called the meeting to order at 7:00 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz, Ald. Toman, Ald. Scaffidi, Ald. Gehl, and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, Assistant City Attorney Melissa Karls (arrived at 7:44 p.m.), City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Finance Director Mark Wyss, Acting Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, City Public Health Officer Judith Price, Library Director Jill Lininger, Street Superintendent Michael Lampe, City Forester Rebecca Lane (arrived at 7:28 p.m.) 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 1/17/2012 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. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION 12-02, CONGRATULATIONS TO THE STARR GROUP, SOUTH SUBURBAN CHAMBER OF COMMERCE 2011 BUSINESS OF THE YEAR.**  
  
Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation 12-02, Congratulations to The Starr Group, South Suburban Chamber of Commerce 2011 Business of the Year. 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. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION 12-03, CONGRATULATIONS TO THE GATEWAY TO MILWAUKEE, SOUTH SUBURBAN CHAMBER OF COMMERCE 2011 PRIDE IN PREMISES AWARD WINNER.**  
  
Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Council Proclamation 12-03, Congratulations to The Gateway to Milwaukee, South Suburban Chamber of Commerce 2011 Pride in Premises Award Winner. 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 11211-020712, AUTHORIZING ISSUANCE AND SALE OF APPROXIMATELY \$4,530,000 GENERAL OBLIGATION REFUNDING BONDS.**  
  
Ald. Scaffidi, seconded by Ald. Gehl, moved to adopt Resolution No. 11211-020712, Authorizing the Issuance and Sale of approximately \$4,530,000 General Obligation Refunding Bonds. 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. VOTE RESULTS IN TIE; MAYOR VOTES AYE AND MOTION PASSES: PRESENTED AND ADOPTED: RESOLUTION NO. 11212-020712, OPTION "C", RELOCATING CITY HALL AND LIBRARY TO DELPHI SITE.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 1121-020712, Option "C", relocating City Hall and the Library to the Delphi site. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, no; Ald. Scaffidi, no; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye. The vote resulted in a tie. The Mayor voted aye; motion passed.

**8. COUNCIL APPROVES AGREEMENT WITH ENVIRON CORP. FOR CONSULTING SERVICES RELATED TO WE ENERGIES ELM ROAD GENERATING STATION PROJECT FOR AMOUNT NOT TO EXCEED \$12,000.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to approve the agreement with Environ Corp. for consulting services related to the WE Energies Elm Road generating station project for an amount not to exceed \$12,000. 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 APPROVES APPOINTMENT OF ELECTION OFFICIALS FOR TWO-YEAR PERIOD 1/1/12-12/31/13.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, 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; Ald. Gehl, aye; and Ald. Michalski, aye.

**10. COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2011 Vendor Summary Report in the amount of \$180,463.28 and the 2012 Vendor Summary Report in the amount of \$848,322.96. 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. 11214-020712, APPROVING CERTIFIED SURVEY MAP FOR PROPERTY AT 9349 S. NICHOLSON RD. (MARK VERHALEN).**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Resolution No. 11214-020712, approving a certified survey map for the property at 9349 S. Nicholson Rd. (Mark Verhalen). 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 TRANSFER OF \$198,958 FROM PROJECT NO. 08022 - E. PUETZ RD. IMPROVEMENTS, \$106,949 FROM PROJECT NO. 09004 – DREXEL / PENNSYLVANIA INTERSECTION IMPROVEMENTS, AND \$500,000 FROM PROJECT NO. 11022 – PENNSYLVANIA AVE. IMPROVEMENTS TO PROJECT NO. 06010 - W. DREXEL AVE. RECONSTRUCTION PROJECT.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to authorize the transfer of \$198,958 from Project No. 08022 – E. Puetz Rd. improvements, \$106,949 from Project No. 09004 – Drexel / Pennsylvania intersection improvements, and \$500,000 from Project No. 11022 –

Pennsylvania Ave. improvements to Project No. 06010 – W. Drexel Ave. Reconstruction project. 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. 11213-020712, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) PERMANENT AND TEMPORARY EASEMENTS FOR W. DREXEL AVE. RECONSTRUCTION PROJECT FROM S. 27<sup>TH</sup> ST (STH 241) TO I-94 AND SEND PAYMENT IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJECT NO. 06010).**

Ald. Bukiewicz, seconded by Ald. Jakubczyk, moved to adopt Resolution No. 11213-020712, acquiring fee property (right-of-way), permanent and temporary easements for W. Drexel Ave. reconstruction project from S. 27<sup>th</sup> St. (STH 241) to I-94 and to send payments in the amounts of the Award of Damages to the affected property owners (Project No. 06010). 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 AWARDS W. DREXEL AVE. RECONSTRUCTION CONTRACT TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, SUPER WESTERN, INC., FOR BID COST OF \$5,895,797.24.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to award the W. Drexel Ave. Reconstruction contract to the lowest responsive, responsible bidder, Super Western, Inc., for a bid cost of \$5,895,797.24 (Project No. 06010). 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 AWARDS DREXEL AVE. SANITARY SEWER AND WATER MAIN RELOCATION WITH CERTA-LOK ALTERNATIVE UNIT PRICE CONTRACT TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, MAINLINE SEWER AND WATER, INC., AT AN ESTIMATED COST OF \$600,182 (PROJECT NO. 09030).**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to award the Drexel Ave. Sanitary Sewer and Water Main relocation with the Certa-lok alternative unit price contract to the lowest responsive, responsible bidder, Mainline Sewer and Water, Inc., at an estimated cost of \$600,182 (Project No. 09030). 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 AWARDS CONTRACT FOR CONSTRUCTION-RELATED SERVICES FOR W. DREXEL AVE. RECONSTRUCTION PROJECT TO STRAND ASSOCIATES FOR A NOT-TO-EXCEED AMOUNT OF \$360,220.98 (PROJECT NO. 06010).**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to award the contract for construction-related services for the W. Drexel Ave. Reconstruction project to Strand Associates for a not-to-exceed amount of \$360,220.98 (Project No. 06010). 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. 11215-020712, APPROVING ADL ENTERPRISE II, LLC DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 7365 S. HOWELL AVE. (TAX KEY NO. 765-9017) (PROJECT NO. 12052).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11215-020712, approving the ADL Enterprise II, LLC development agreement for the design and installation of public improvements at 7365 S. Howell Ave. (Tax Key No. 765-9017) (Project No. 12052). 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. 11216-020712, APPROVING STORM WATER MAINTENANCE PRACTICES AGREEMENT WITH ADL ENTERPRISES II, LLC FOR NDT SPECIALISTS DEVELOPMENT LOCATED AT 7365 S. HOWELL AVE. (TAX KEY NO. 765-9017).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11216-020712, approving a storm water management practices agreement with ADL Enterprises II, LLC for their NDT Specialists development located at 7365 S. Howell Ave. (Tax Key No. 756-9017). 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 DENIES ROUNDY'S REQUEST FOR CHANGE TO MUNICIPAL CODE WHICH WOULD HAVE ALLOWED SALE OF CLASS A ALCOHOLIC BEVERAGES TO BEGIN AT 6:00 A.M.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to deny the request of Roundy's for change to the Municipal Code, which would have allowed the sale of Class A alcoholic beverages to begin at 6:00 a.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.

20. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Richard W. Terhardt, 2605 S. Calhoun Rd., New Berlin (Pick 'n Save)
- Renae L. Pederson, 982 E. Stonewood Dr., Oak Creek (Pick 'n Save)
- Ashley J. Fecteau, 2930 E. Elm Rd., Oak Creek (Southbound)
- Joshua N. Bothe, 10830 S. Conner Way, Oak Creek (Open Pantry)
- Alexandria M. Anselment, 1213 17<sup>th</sup> Ave., South Milwaukee (Southbound)
- Amber Bull, 1219a W. Windlake Ave., Milwaukee (Pick 'n Save)
- Brandon T. Manvilla, 1747 S. 92<sup>nd</sup> St., West Allis (Open Pantry)
- Donald K. Schaubel, 2908 E. Van Norman Ave., St. Francis (Community Center)
- Linda K. Swenson, 6235 Walnut Ln., Cudahy (no employer)

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 RETAIL LICENSE TRANSFER-PERSON TO PERSON FOR CLASS B COMBINATION LICENSE FROM DEBRA JEAN HALL TO ALESHIA SIEREN, SOUTHBOUND, 9504 S. CHICAGO RD., DUE TO DEATH OF LICENSEE.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant a retail license transfer – person to person for the Class B Combination license from Debra Jean Hall to Aleshia Sieren, Southbound, 9504 S. Chicago Rd., due to the death of licensee. 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 2012 LANDFILL LICENSES.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant 2012 Landfill licenses to:

- Philip Purpero, CW Purpero, Inc., 813 W. College Ave.
- Elizabeth J. Kopplin, 6931 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.

23. **COUNCIL GRANTS ATHLETIC EVENTS, PARADES, AND RELATED EVENT PERMIT TO ANDRIA HUSKINSON, RELAY DIRECTOR, RAGNAR RELAY CHICAGO ON 6/8-6/9/12.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant an Athletic Events, Parades and Related Event Permit to Andrea Huskinson, Relay Director, Ragnar Relay Chicago on 6/8-6/9/12. 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 GRANTS SECONDHAND ARTICLE DEALER LICENSES.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant a Secondhand Article Dealer license to:

- Theresa J. Tang for Tangs Gamers Paradise LLC dba Gorilla Games, 8880 S. Howell Ave. Suite 1200
- Michael L. Nichols for GameStop #6246, 8171 S. Howell Ave. #300.

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. **COUNCIL GRANTS 2012 RENEWAL DOG KENNEL LICENSES.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant 2012 renewal dog kennel licenses to:

- Deborah M. Lipstreuer, Puppy Playground, LLC, 8411 S. Liberty Ln.
- Sue Ann McCotter, Club K-9, LLC dba Central Bark Doggy Day Care, 1075B W. Northbranch Dr.

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. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 9:57 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1)(c)(e) to discuss strategy regarding Fire negotiations. 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.-28. COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 10:12 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.

**29. COUNCIL AWARDS FIRST 2012 TREE PURCHASE BID (PROJECT NO. 12014) TO JOHNSON'S NURSERY IN AMOUNT OF \$47,751.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to award the first 2012 tree purchase bid (Project No. 12014) to Johnson's Nursery in the amount of \$47,751. 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. Michalski, moved to adjourn this meeting at 10:13 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:

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Christa J. Miller, Acting City Clerk

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Allan M. Foeckler, Mayor