

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, NOVEMBER 20, 2012, 7:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Mayor Scaffidi called the meeting to order at 7:00 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, Finance Director Mark Wyss, City Administrator Gerald Peterson, Zoning Administrator / Planner Peter Wagner, City Engineer/Acting Building Commissioner Michael Simmons, Police Captain Steven Anderson, Fire Chief Thomas Rosandich, and City Clerk Catherine Roeske.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. The Mayor made announcements regarding the Drexel Avenue Interchange ribbon cutting and opening, EMS funding is being increased at the County Board level, and the City Fitness and Weight Loss challenge.
4. Ald. Toman, seconded by Ald. Bukiewicz, moved to approve the minutes of the 11/7/12 and 11/12/12 meetings as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION 12-16 TO JUDITH CANFORA FOR DEDICATED SERVICE TO CITY AS MEMBER OF CELEBRATIONS COMMISSION.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Council Proclamation 12-16 to Judith Canfora for dedicated service to the City of Oak Creek as a member of the Celebrations Commission. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

6. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION 12-17 TO STACEY HENNE FOR DEDICATED SERVICE TO CITY AS MEMBER OF BOARD OF ZONING APPEALS/BOARD OF HOUSING APPEALS.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation 12-17 to Stacey Henne for dedicated service to the City of Oak Creek as a member of the Board of Zoning Appeals/Board of Housing Appeals. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

7. **PUBLIC HEARING HELD TO CONSIDER CONDITIONAL USE PERMIT SUBMITTED BY DTG ENTERPRISES FOR OUTDOOR STORAGE OF RENTAL CARS ON PROPERTIES AT 545, 561 AND 605 W. COLLEGE AVE.**

A public hearing was held to consider a conditional use permit submitted by DTG Enterprises for the outdoor storage of rental cars on the properties at 545, 561 and 605 W. College Ave. (see Item 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO 2665, APPROVING CONDITIONAL USE PERMIT FOR AUTOMOBILE SERVICE AND OUTDOOR STORAGE OF FLEET VEHICLES FOR PROPERTIES AT 545, 561, AND 605 W. COLLEGE AVE.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2665, approving a conditional use permit for automobile service and the outdoor storage of fleet vehicles for the properties at 545, 561, and 605 W. College Ave. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11306-112012, APPROVING CERTIFIED SURVEY MAP FOR PROPERTIES AT 545, 561 AND 605 W. COLLEGE AVE.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11306-112012, approving a certified survey map for the properties at 545, 561, and 605 W. College Ave. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

10. **PRESENTED AND FILED: ORDINANCE NO. 2645, AMENDING CONDITIONAL USE FOR PROPERTIES AT 9000 AND 9100 S. NICHOLSON RD. TO ALLOW FOR LANDSCAPING CONTRACTOR'S SHOP (GREEN MAN WOOD SERVICES).**

Ald. Toman, seconded by Ald. Ruetz, moved to file Ordinance No. 2645, amending the conditional use for the properties at 9000 and 9100 S. Nicholson Rd. to allow for a landscaping contractor's shop. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, no; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, no. Vote resulted in a tie; Mayor voted aye; motion passes.

11. **COUNCIL AUTHORIZES ENVIRONMENTAL DUE DILIGENCE ACTIVITIES REGARDING THE LAKEFRONT REDEVELOPMENT, COST NOT TO EXCEED \$405,000.**

Ald. Gehl, seconded by Ald. Michalski, moved to authorize environmental due diligence activities regarding the Lakefront Redevelopment at a cost not to exceed \$405,000. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11305-112012, SUPPORTING SUBMISSION OF WISCONSIN COASTAL MANAGEMENT 2013-14 GRANT PROGRAM APPLICATION IN AMOUNT OF \$93,400 WITH CITY FUNDING COMMITMENT OF \$140,200.**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11305-112012, supporting submission of a Wisconsin Coastal Management 2013-14 grant program application in the amount of \$93,400 with City funding commitment of \$140,200. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye. Ald. Ruetz abstained from voting.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11309-112012, AMENDING RESOLUTION NO. 11273-080612, WHICH ESTABLISHED SECURITY BENEFIT HEALTHCARE REIMBURSEMENT ACCOUNT (HRA) PROGRAM ON BEHALF OF MEMBERS OF OAK CREEK PROFESSIONAL POLICE OFFICER'S ASSOCIATION.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11309-112012, amending Resolution No. 11273-080612, which established the Security Benefit Healthcare Reimbursement Account (HRA) program on behalf of the members of the Oak Creek Professional Police Officer's Association. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

14. **COUNCIL ESTABLISHES COMBINED MEETING DATES FOR 2013.**

Ald. Toman, seconded by Ald. Gehl, moved to establish combined meeting dates for 2013. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 11299-112012, DESIGNATING OFFICIAL HOLIDAY'S FOR 2013.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11299-112012, designating official holiday's for 2013. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, 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 2012 Vendor Summary Report in the amount of \$1,183,183.63. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

17. **COUNCIL APPROVES AND AUTHORIZES POLICE DEPARTMENT PURCHASE OF ADD-ON CARRIAGE FOR EXISTING MOVEABLE SHELVING SYSTEM LOCATED IN DEPARTMENT'S PROPERTY STORAGE ROOM AT TOTAL COST OF \$5,922.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to approve and authorize the Police Department purchase of one add-on carriage for the existing moveable shelving system located in the department's property storage room at a total cost of \$5,922. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11302-112012, APPROVING SANITARY SEWER AND WATER MAIN EASEMENT AT 285 AND 401 E. CENTENNIAL DRIVE (TAX KEY NOS. 860-9038 AND 860-9029).**

Ald. Ruetz, seconded by Ald. Michalski, moved to adopt Resolution No. 11302-112012, approving a sanitary sewer and water main easement at 285 and 401 E. Centennial Drive (Tax Key Nos. 860-9038 and 860-9029). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

19. **PRESENTED AND ADOPTED: RESOLUTION NO. 11303-112012, APPROVING STORM SEWER EASEMENT AT 401 E. CENTENNIAL DR. (TAX KEY NO. 860-9029).**

Ald. Ruetz, seconded by Ald. Michalski, moved to adopt Resolution No. 11303-112012, approving a storm sewer easement at 401 E. Centennial Dr. (Tax Key No. 860-9029). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11304-112012, APPROVING STATE/MUNICIPAL AGREEMENT FOR STATE-LET HIGHWAY PROJECT ALONG STH 100 FROM S. 27TH ST. TO STH 38.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11304-112012, approving the State/Municipal Agreement for a State – Let Highway Project along STH 100 from S. 27th St. to STH 38. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11307-112012, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO Q3 CONTRACTING, FOR PROJECT NO. 11019. THIS PROJECT INVOLVED INSTALLATION OF SIDEWALK IMPROVEMENTS IN VARIOUS LOCATIONS.**

Ald. Jakubczyk, seconded by Ald. Ruetz, moved to adopt Resolution No. 11307-112012, accepting the workmanship and authorizing final payment to Q3 Contracting, for Project No. 11019. This project involved the installation of sidewalk improvements in various locations. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11308-112012, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING DEVELOPER FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR AHLBORN SANITARY SEWER (PROJECT NO. 11053) (TAX KEY NO. 731-9998).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11308-112012, accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Ahlborn sanitary sewer (Project No. 11053) (Tax Key No. 731-9998). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

23. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Brian J. Redmond, 933 E. Mackinac Ave., Oak Creek (Pick 'n Save).
- Anjela J. Jarrett, 7457 S. Pennsylvania Ave., Oak Creek (Ryan Road Mobil).

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

24. **COUNCIL GRANTS RENEWAL ADULT ENTERTAINMENT BUSINESS LICENSE FOR 2013 LICENSING YEAR TO SJB LLC, STEPHANIE BENZ-BELK, AGENT, DBA THE NEW SPICE II, 7070 S. 27TH ST.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to grant a renewal adult entertainment business license for the 2013 licensing year to SJB LLC, Stephanie Benz-Belk, Agent, doing business as The New Spice II, 7070 S. 27th St. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

25. **COUNCIL GRANTS EMPLOYEE LICENSES FOR 2013 LICENSING YEAR FOR ADULT ENTERTAINMENT BUSINESS FOR THE NEW SPICE II.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to grant an Employee license for the 2013 licensing year for an adult entertainment business for The New Spice II to:

- Mary E. Staat, employee
- Calvin H. Wiley, employee
- Sandy Ziehr, employee

On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

26. **COUNCIL GRANTS ORIGINAL 2012-2013 CLASS B COMBINATION LICENSE TO MAZATLAN MEXICAN RESTAURANT OAK CREEK INC., CESAR SOTO DEANDA, AGENT, DBA MAZATLAN MEXICAN RESTAURANT OAK CREEK INC., 10166 S. 27TH ST., OAK CREEK, SUBJECT TO RECEIPT OF OCCUPANCY PERMIT, CITY SANITARIAN APPROVAL AND PAYMENT OF FEES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an original 2012-13 Class B Combination license to Mazatlan Mexican Restaurant Oak Creek Inc., Cesar Soto Deanda, Agent, dba Mazatlan Mexican Restaurant Oak Creek Inc., 10166 S. 27th St., Oak Creek, with issuance subject to receipt of an occupancy permit, City Sanitarian approval, and payment of fees. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

27. **CLOSED SESSION HELD.**

Ald. Toman, seconded by Ald. Ruetz, moved to convene in Closed Session at 9:12 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1) (c) to discuss the performance evaluation and employee agreement for the City Administrator. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

28.-29. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Toman, seconded by Ald. Ruetz, moved to reconvene into Open Session at 9:40 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye. No action was taken.

ADJOURNMENT.

Ald. Michalski, seconded by Ald. Gehl, moved to adjourn this meeting at 9:42 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor