

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, FEBRUARY 5, 2013, 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, and Ald. Gehl. Ald. Michalski was excused. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, Interim Finance Director Denise Vandebush, City Engineer/Acting Building Commissioner Michael Simmons, Parks and Forestry Superintendent Michael Lampe, Street Division Supervisor David Laehn, City Forester Rebecca Lane, Community Development Director Douglas Seymour, 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 City Fitness and Weight Loss challenge and the Drexel Town Square Open House scheduled for February 11, 2013, at the Oak Creek Community Center from 6:00 p.m. to 8:00 p.m.
4. Ald. Toman, seconded by Ald. Bukiewicz, moved to approve the minutes of the 1/15/13 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 13-01, CONGRATULATIONS TO NUCOR COLD FINISH OF WISCONSIN, SOUTH SUBURBAN CHAMBER OF COMMERCE 2012 BUSINESS OF THE YEAR.**

Ald. Toman, seconded by Ald. Ruetz, moved to adopt Council Proclamation No. 13-01, Congratulations to Nucor Cold Finish of Wisconsin, South Suburban Chamber of Commerce 2012 Business of the Year. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

6. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 13-02, CONGRATULATIONS TO GUS' MEXICAN CANTINA, SOUTH SUBURBAN CHAMBER OF COMMERCE 2012 PRIDE IN PREMISES AWARD WINNER.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Council Proclamation No. 13-02, Congratulations to Gus' Mexican Cantina, South Suburban Chamber of Commerce 2012, Pride in Premises Award Winner. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

7. **COUNCIL DIRECTS ENGINEERING TO RESEARCH FEDERAL SAFE ROUTES TO SCHOOL PROGRAM.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to direct Engineering to research the Federal Safe Routes to School Program, at the request of Ald. Ruetz. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

8. **COUNCIL APPROVES LICENSE AGREEMENT WITH SESAC (SOCIETY OF EUROPEAN STAGE AUTHORS AND COMPOSERS), BMI (BROADCAST MUSIC INC.), AND ASCAP FOR REBROADCAST OF MUSIC BY LICENSED PERFORMERS.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to approve the license agreement with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the re-broadcast of music by licensed performers. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

9. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Toman, moved to approve the 2012 Vendor Summary Report in the amount of \$544,618.99 and the 2013 Vendor Summary Report in the amount of \$457,646.50. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11330-020513, APPROVING CERTIFIED SURVEY MAP FOR PROPERTY AT 8020 S. HOWELL AVE.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11330-020513, approving a certified survey map for the property at 8020 S. Howell Ave. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

11. **COUNCIL APPROVES BID FROM AMERICAN SIGNAL CORPORATION IN AMOUNT OF \$73,854 FOR REPLACEMENT OF TWO WARNING SIRENS LOCATED AT LITTLE LEAGUE COMPLEX AT 7800 S. 6TH ST. AND BEHIND LAKESIDE CREDIT UNION AT 150 W. RYAN RD.**

Ald. Toman, seconded by Ald. Gehl, moved to approve the bid from American Signal Corporation in the amount of \$73,854 for the replacement of two warning sirens located at the Little League Complex at 7800 S. 6th Street and behind Lakeside Credit Union at 150 W. Ryan Rd. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

12. **COUNCIL APPROVES CONTRACT FOR EMERGENCY MEDICAL SERVICES WITH MILWAUKEE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to approve a contract for Emergency Medical Services with Milwaukee County Department of Health and Human Services. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

13. **COUNCIL AWARDS FIRST 2013 TREE PURCHASE BID TO JOHNSON'S NURSERY IN AMOUNT OF \$34,106.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to award the first 2013 tree purchase bid to Johnson's Nursery in the amount of \$34,106.00. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

14. COUNCIL AWARDS 2013 TREE REMOVAL CONTRACT TO GREEN MAN TREE & LANDSCAPE SERVICES IN THE AMOUNT OF \$16,500.

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to award the 2013 tree removal contract to Green Man Tree & Landscape Services in the amount of \$16,500. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

15. COUNCIL APPROVES PURCHASE OF ONE (1) 2013, DUAL AXLE TOWMASTER DECK-OVER TRAILER FROM DITCH WITCH MIDWEST IN AMOUNT OF \$8,250.

Ald. Gehl, seconded by Ald. Toman, moved to approve the purchase of one (1) 2013, Dual Axle Towmaster Deck-over Trailer from Ditch Witch Midwest in the amount of \$8,250.00. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

16. COUNCIL APPROVES PURCHASE OF BOX AND PLOW EQUIPMENT FOR A TANDEM AXLE TRUCK FROM MONROE EQUIPMENT AT COST OF \$51,980.

Ald. Toman, seconded by Ald. Bukiewicz, moved to approve the purchase of box and plow equipment for a tandem axle truck from Monroe Truck Equipment at a cost of \$51,980.00. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

17. COUNCIL APPROVES PURCHASE OF BOX AND PLOW EQUIPMENT FOR A SINGLE AXLE DUMP TRUCK FROM MONROE TRUCK EQUIPMENT AT COST OF \$51,631.

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the purchase of box and plow equipment for a single axle dump truck from Monroe Truck Equipment at a cost of \$51,631.00. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

18. COUNCIL CONCURS WITH ENGINEERING DEPARTMENT RECOMMENDATION TO PROCEED IN DESIGN PROCESS WITH ALTERNATIVE 1 ("MIDDLE") AS PREFERRED ALIGNMENT FOR 5TH AVENUE RELOCATION PROJECT (PROJECT NO. 12026).

Ald. Toman, seconded by Ald. Gehl, moved to concur with the recommendations of the Engineering Department to proceed in the design process with Alternative 1 ("Middle") as the preferred alignment for the 5th Avenue relocation project (Project No. 12026). On roll call, the vote was as follows: Ald. Jakubczyk, no; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

19. COUNCIL REQUESTS WISCONSIN DEPARTMENT OF TRANSPORTATION TO CONDUCT AN ABSENCE OF NEED STUDY FOR PROPOSED SIDEWALK ALONG SOUTH SIDE W. RYAN RD. BETWEEN S. 13TH ST. AND RAILROAD BRIDGE.

Ald. Gehl, seconded by Ald. Jakubczyk, moved to request the Wisconsin Department of Transportation (WDOT) to conduct an absence of need study for the proposed sidewalk along the south side W. Ryan Road between S. 13th St. and the railroad bridge. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11328-020513, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS FOR THE BLUFFS OF OAK CREEK, SUBDIVISION PHASE I (PROJECT NO. 06055).**
- Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11328-020513, accepting dedication of the public improvements for The Bluffs of Oak Creek, Subdivision Phase I (Project No. 06055) (Tax Key Nos. 917-9006, 917-9983, 917-9987, 917-9988-002, 917-9997, 917-9999). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.
21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11329-020513, APPROVING DTG OPERATIONS, LLC DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 561 W. COLLEGE AVE. (PROJECT NO. 13052).**
- Ald. Jakubczyk, seconded by Ald. Toman, moved to adopt Resolution No. 11329-020513, approving the DTG Operations, LLC Development Agreement for the design and installation of public improvements at 561 W. College Ave. (Tax Key Nos. 718-9975, 718-9977, 718-9978) (Project No. 13052). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.
22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11331-020513, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO BLACK DIAMOND (PROJECT NO. 12030).**
- Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11331-020513, accepting the workmanship and authorizing final payment to Black Diamond. This project involved the installation of street improvements in various locations. (Project No. 12030). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.
23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11332-020513, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS FOR MALLARD CREEK SUBDIVISION PHASE ONE (PROJECT NO. 05051).**
- Ald. Toman, seconded by Ald. Ruetz, moved to adopt Resolution No. 11332-020513, accepting dedication of the public improvements for Mallard Creek Subdivision Phase One (Project No. 05051) (Tax Key Nos. 921-9993-002, 921-9989-004, 921-9986-003). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.
24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11333-020513, APPROVING MEMORANDUM OF UNDERSTANDING (MOU) WITH WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) REGARDING TRAFFIC IMPACTS AND DEVELOPABLE LANDS NORTH OF RYAN RD. ON THE LAKEFRONT (PROJECT NO. 12026).**
- Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11333-020513, approving a Memorandum of Understanding (MOU) with the Wisconsin Department of Transportation (WisDOT) regarding traffic impacts and the developable lands north of Ryan Rd. on the lakefront (Project No. 12026). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

25. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Keara Blazek, 3787 S. 20th St., Milwaukee (Applebee's)
- Ashley Boyce, 4829 W. College Ave., Greendale (PDQ)
- Kevin Cherek, 3447 W. Mangold Ave., Greenfield (PDQ)
- Mark Ellis, 10024 S. Shepard Ave., Oak Creek (Kwik Trip)
- Emmalena Menajo, 1401 Rawson Ave., South Milwaukee (Applebee's)
- Alex Moe, 4338 Happy Hollow Ln., Racine (Classic Lanes)
- Cody Poznanski, 2118 W. Bridge St., Milwaukee (PDQ)

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

26. **COUNCIL GRANTS ORIGINAL 2012-13 CLASS B COMBINATION LICENSE TO KMDG, LLC DBA BRANDED STEER, DENNIS GIANNOPOULOS, AGENT, 1299 W. COLLEGE AVE., UPON SURRENDER OF THEIR EXISTING "RESERVE" CLASS B COMBINATION LICENSE AND AUTHORIZES REFUND OF \$10,000 ONE-TIME RESERVE LICENSE FEE.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an original 2012-13 Class B Combination license to KMDG, LLC dba Branded Steer, Dennis Giannopoulos, Agent, 1299 W. College Ave., upon surrender of their existing "reserve" Class B Combination license and to authorize the refund of the \$10,000 one-time reserve license fee (with issuance subject to payment of 2012 personal property taxes). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

27. **COUNCIL GRANTS ORIGINAL 2012-13 CLASS A BEER LICENSE TO ORDER & SAVE DISTRIBUTORS, INC., DBA OAK CREEK MARATHON, SUKHDEV SINGH KHALSA, AGENT, 9502 S. HOWELL AVE.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an original 2012-13 Class A beer license to Order & Save Distributors, Inc. dba Oak Creek Marathon, Sukhdev Singh Khalsa, Agent, 9502 S. Howell Ave. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

28. **COUNCIL GRANTS ATHLETIC EVENTS, PARADES AND RELATED EVENT PERMIT TO MEREDITH DALENBURG, RELAY DIRECTOR, RAGNAR EVENTS FOR 6/7-6/8/13.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an Athletic Events, Parades and Related Event Permit to Meredith Dalenburg, Relay Director, Ragnar Events for 6/7-6/8/13. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

29. **COUNCIL GRANTS 2013 SECONDHAND ARTICLE DEALER LICENSES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant a 2013 Secondhand Article Dealer license to:

- Richard Radtke for Oak Creek Currency & Coin, 616 E. Ryan Rd.
- Theresa J. Tang for Tangs Gamers Paradise LLC dba Gorilla Games, 8880 S. Howell Ave., Suite 1200.

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

30. **COUNCIL GRANTS 2013 DOG KENNEL LICENSES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant 2013 Dog Kennel licenses to:

- Bradley Osgood, Brentwood Animal Hospital, 318 W. Ryan Rd.
- 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. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

31. **COUNCIL GRANTS 2013 TRANSIENT MERCHANT LICENSE TO SCHWAN'S HOME SERVICE AND APPROVES SALESPERSONS.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant a 2013 transient merchant license to Schwan's Home Service, 9740 S. 58th St., Franklin, to solicit sales for pre-packaged frozen foods and to approve the following salespersons:

- Ricky J. Dobrenski, 9850 S. 89th St., Franklin
- Nicholas R. Lobotzke, 5634 W. Oklahoma Ave., Milwaukee
- Giuseppe Grasso, 3302 23rd Ave., Kenosha

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

32. **COUNCIL GRANTS 2013 LANDFILL LICENSES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant 2013 Landfill Licenses to:

- Mark Nicholson, Apple Tower Development, Inc., 8380, 8400 & 8432 S. 27th St. & 8351 S. 20th St.
- Elizabeth J. Kopplin, 6931 S. Howell Ave.

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

ADJOURNMENT.

Ald. Toman, seconded by Ald. Ruetz, moved to adjourn this meeting at 8:23 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Gehl, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor