

PROCEEDINGS, COMBINED COMMON COUNCIL MEETING
TUESDAY, MARCH 20, 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 7:45 p.m.), City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Acting Fire Chief Thomas Rosandich, Finance Director Mark Wyss (arrived at 7:08 p.m.), Community Development Director Douglas Seymour, Street, Parks and Forestry Superintendent Michael Lampe, City Librarian Jill Lininger, 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. Michalski, moved to approve the minutes of the 3/6/2012 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 NO. 12-04 TO DONALD SCHANTZEN FOR DEDICATED SERVICE TO CITY AS MEMBER OF BOARD OF ZONING APPEALS / BOARD OF HOUSING APPEALS.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation No. 12-04, to Donald Schantzen 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. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 12-05 TO PATRICIA GLATCH FOR DEDICATED SERVICE TO CITY AS MEMBER OF PARKS, RECREATION AND FORESTRY COMMISSION.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Council Proclamation No. 12-05 to Patricia Glatch for dedicated service to the City of Oak Creek as a member of the Parks, Recreation and Forestry Commission. 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: COUNCIL PROCLAMATION NO. 12-06, TO PATRICIA TOMAN FOR DEDICATED SERVICE TO CITY AS MEMBER OF LIBRARY BOARD.**

Ald. Scaffidi, seconded by Ald. Toman, moved to adopt Council Proclamation No. 12-07, to Patricia Toman for dedicated service to the City of Oak Creek as a member of the Library Board. 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. **PRESENTED AND ADOPTED: ORDINANCE NO. 2649, CONFIRMING ADOPTION OF SETTLEMENT AGREEMENT BETWEEN CITY AND OAK CREEK PROFESSIONAL POLICE OFFICERS ASSOCIATION AND FIXING SALARY FOR MEMBERS OF ASSOCIATION FROM 1/1/12 THROUGH 12/31/14.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2649, confirming adoption of the Settlement Agreement between the City of Oak Creek and the Oak Creek Professional Police Officers Association and Fixing the Salary for Members of the Association from January 1, 2012 through December 31, 2014, and to direct staff to continue to negotiate in an effort to change the September 2010 date to March 2012. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Scaffidi, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

8. **DISCUSSION HELD REGARDING THE CITY OF OAK CREEK LAKE PARKWAY STUDY RECOMMENDATIONS.**

A discussion was held to consider City of Oak Creek Lake Parkway Study recommendations.

9. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENTS TO COMMISSIONS AND BOARDS.**

- a. Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to concur with the Mayor's appointment of Kristen M. Archambeau, 10655 S. Shangri-La Ct., and Kevin Archambeau, 10655 S. Shangri-La Ct. to the Celebrations Commission for a 3-year term to expire 4/2015. 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.
- b. Ald. Bukiewicz, seconded by Ald. Michalski, moved to concur with the Mayor's appointment of Pamela L. Aiken, 8455 S. Parknoll Dr., to the Library Board to complete a 3-year term expiring 6/2012, replacing Patricia Toman. 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.
- c. Ald. Bukiewicz, seconded by Ald. Michalski, moved to concur with the Mayor's appointment of Michael W. Theys, 3050 E. Emily Ave. to the Parks, Recreation and Forestry Commission to complete a 3-year term expiring 4/2012, replacing Peter Wagner. 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. Scaffidi, seconded by Ald. Bukiewicz, moved to approve the 2012 Vendor Summary Report in the amount of \$414,826.38. 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. **COUNCIL APPROVES PURCHASE OF ONE (1) 2012, TORO GROUNDSMASTER 4100-D LAWN MOWER FROM REINDERS, INC. FOR A TOTAL COST OF \$47,152.66.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to concur with the recommendation of the Streets, Parks and Forestry Superintendent and approve the purchase of one (1) 2012, Toro Groundsmaster 4100-D lawn mower from Reinders Inc., for a total cost of \$47,152.66. 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 APPROVES PURCHASE OF ONE (1) 2012, VERMEER CHIPPER MODEL BC 1000 XL TO BE USED BY FORESTRY DEPARTMENT, FOR A TOTAL COST OF \$28,511.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to concur with the recommendation of the Streets, parks and Forestry Superintendent and approve the purchase of one (1) 2012 Vermeer Chipper Model BC 1000 XL to be used by the Forestry Department for a total cost of \$28,511. 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. 11227-032012, APPROVING CERTIFIED SURVEY MAP FOR PROPERTIES AT 4431 & 4401 E. OAKWOOD RD. (JOEL KINLOW).**

Ald. Toman, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11227-032012, approving a certified survey map for the properties at 4431 & 4401 E. Oakwood Rd. (Joel Kinlow). 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 ENTERS INTO CONTRACT WITH R.A. SMITH NATIONAL, INC., FOR DESIGN SERVICES AND FLOODPLAIN MODELING FOR W. WEATHERLY DR. CULVERTS, NOT TO EXCEED \$30,500 (PROJECT NO. 12021).**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to enter into a contract with R.A. Smith National, Inc. for design services and floodplain modeling for W. Weatherly Drive culverts, not to exceed \$30,500 (Project No. 12021). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11224-032012, ACCEPTING 2011 ANNUAL REPORT FOR OAK CREEK'S WPDES STORM WATER (NR 216) PERMIT.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Resolution No. 11224-032012, accepting the 2011 Annual Report for Oak Creek's WPDES Storm Water (NR 216) permit. 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. **DIRECTED HELD: MOTION TO GRANT OPERATOR'S LICENSE TO LAURA SCOTT, 6025 22ND AVE., KENOSHA.**

Action on the operator's license application for Laura Scott, 6025 22nd Ave., Kenosha, was directed held until the 4/2/2012 Council meeting.

17. **COUNCIL GRANTS OPERATOR'S LICENSE TO ERIC MIELKE, 5804 S. DELAWARE AVE., CUDAHY.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant an Operator's license to Eric Mielke, 5804 S. Delaware Ave., Cudahy (Bootz Saloon). 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. **COUNCIL GRANTS 2012 LANDFILL LICENSE TO MARK NICHOLSON, APPLE TOWER DEVELOPMENT, INC., 8400 S. 27TH ST., 8380 S. 27TH ST., 8432 S. 27TH ST., AND 8351 S. 20TH ST.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant a 2012 Landfill license to Mark Nicholson, Apple Tower Development, Inc., 8400 S. 27th St., 8380 S. 27th St., 8432 S. 27th St., and 8351 S. 20th St., 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 GRANTS OPERATORS LICENSES.**

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

- Valerie Swan, 301 Fox Horn Dr., Waterford (Aldi)
- Gabriel Mack, 1505 Mower Ct., Wauwatosa (Noodles)
- Shane Szukalski, 6023 N. 37th St., Milwaukee (Noodles)
- Douglas J. Smith, 8605 S. Deerwood Ln., Franklin (Noodles)

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. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:02 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(e) to discuss the Purchase and Sale Agreement for the purchase of approximately 30 acres, which is a portion of the property at 9006 S. 5th Avenue, from Wispark LLC.
- b. Section 19.85 (1)(e) to discuss an Exchange Agreement with the Oak Creek Franklin School District to exchange the 12 acre Civic Center Site at 8640 S. Howell Ave and 16.6 acres on W. Drexel Ave. with the School District for 50 acres on Oakwood and Howell.
- c. Section 19.85 (1)(e) to discuss an Exchange Agreement to exchange 50 acres on Oakwood and Howell with One West Drexel LLC for 7 acres at the Delphi site at 7929 S. Howell Ave.
- d. Section 19.85 (1)(e) to discuss the possible sale of the property at 601R W. Forest Hill 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.

21 **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 8:29 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.

Items 22 through 24 were taken as one action.

22. **DIRECTED HELD TO 4/2/2012 COUNCIL MEETING: RESOLUTION NO. 11228-032012, APPROVING PURCHASE AND SALE AGREEMENT BY AND BETWEEN CITY OF OAK CREEK AND WISPARK LLC.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to hold action on Resolution No. 11228-032012, approving a purchase and sale agreement by and between the City of Oak Creek and Wispark LLC. to the 4/2/2012 Council meeting. 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. **DIRECTED HELD TO 4/2/2012 COUNCIL MEETING: RESOLUTION NO. 11225-032012, APPROVING EXCHANGE AGREEMENT WITH OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT TO EXCHANGE 12 ACRE CIVIC CENTER SITE AT 8640 S. HOWELL AVE. AND 16.6 ACRES ON W. DREXEL AVE WITH SCHOOL DISTRICT FOR 50 ACRES ON OAKWOOD AND HOWELL.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to hold action on Resolution No. 11225-032012, approving the Exchange Agreement with the Oak Creek/Franklin Joint School District to exchange the 12 acre Civic Center Site at 8640 S. Howell Ave. and 16.6 acres on W. Drexel Ave. with the School District for 50 acres on Oakwood and Howell to the 4/2/2012 Council meeting. 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. **DIRECTED HELD TO 4/2/2012 COUNCIL MEETING: RESOLUTION NO. 11226-032012, RESOLUTION APPROVING EXCHANGE AGREEMENT BY AND BETWEEN CITY OF OAK CREEK AND ONE WEST DREXEL LLC.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to hold action on Resolution No. 11226-032012, approving the Exchange Agreement by and between the City of Oak Creek and One West Drexel LLC to the 4/2/2012 Council meeting. 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 APPROVES INSTALLATION OF STOP SIGNS AT 3. HONEYSUCKLE DR. AND S. ORCHARD VIEW LN., AND INSTALLATION OF "NO THROUGH TRUCKING" SIGNS ON W. OAKWOOD RD. BETWEEN S. 27TH ST. AND S. 13TH ST.**

Ald. Michalski, seconded by Ald. Gehl, moved to concur with the Traffic and Safety Commission to approve the installation of stop signs at E. Honeysuckle Dr. and S. Orchard View Ln., and to approve the installation of "No Through Trucking" signs on W. Oakwood Rd. between S. 27th St. and S. 13th St. 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. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT OF BRETT ALTERGOTT, 8261 S. WILDING DR. TO PARKS, RECREATION AND FORESTRY COMMISSION.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to concur with the Mayor's appointment of Brett Altergott, 8261 S. Wilding Dr., to the Parks, Recreation and Forestry Commission, to complete a 3-year term expiring 4/2013 replacing Glatsch. 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. Bukiewicz, moved to adjourn this meeting at 8:30 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

Allan M. Foeckler, Mayor