

PROCEEDINGS, SPECIAL COMMON COUNCIL MEETING  
TUESDAY, APRIL 3, 2012, 6:00 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

1. Mayor Allan Foeckler called the meeting to order at 6:00 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, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Acting Fire Chief Thomas Rosandich, Battalion Chief Joseph Pulvermacher, Community Development Director Douglas Seymour, City Forester Rebecca Lane, IT Manager Caesar Geiger, 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. **DUTY ALIGNMENT ADJUSTMENTS FOR CITY CLERK, CITY TREASURER, FINANCE DIRECTOR AND COMPTROLLER WERE INFORMATIONAL.**

The duty alignment adjustments for City Clerk, City Treasurer, Finance Director and Comptroller were informational.

4. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Scaffidi, moved to approve the 2012 Vendor Summary Report in the amount of \$581,253.59. 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. **COUNCIL AWARDS CONTRACT TO GORDON FLESCH COMPANY INC. TO PURCHASE CANNON C5030 COLOR COPIER FOR POLICE ADMINISTRATOR'S OFFICE IN AMOUNT OF \$8,855.28 AND SHARP MX-3110N COLOR COPIER FOR POLICE CLERK'S OFFICE IN AMOUNT OF \$5,100.00 (TOTAL \$13,955.28).**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to award a contract to Gordon Flesch Company Inc., to purchase a Cannon C5030 color copier for the Police Administrator's office in the amount of \$8,855.28 and a Sharp MX-3110N color copier for the Police Clerk's office in the amount of \$5,100.00 (total \$13,955.28). 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. **COUNCIL APPROVES TRANSFER OF FUNDS FROM 2010 UNSPECIFIED FUNDS CIP ACCOUNT #10022 TO COVER CITY'S PORTION OF 2011 FIRE ACT GRANT FOR SELF CONTAINED BREATHING APPARATUS (SCBA).**

Ald. Scaffidi, seconded by Ald. Michalski, moved to approve the transfer of funds from the 2010 unspecified funds CIP account #10022 to cover the City's portion of the 2011 Fire Act Grant for Self Contained Breathing Apparatus (SCBA). 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. **COUNCIL AWARDS 2012 SPRING EMERALD ASH BORER (EAB) TREATMENT PROJECT TO M&M TREE SERVICE, IN APPROXIMATE AMOUNT OF \$15,198.25.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to award the 2012 Spring Emerald Ash Borer (EAB) Treatment project to M&M Tree Service, in the approximate amount of \$15,198.25. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11229-040212, CREATING, DESCRIBING AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NO. 11.**

Ald. Bukiewicz, seconded by Ald. Jakubczyk, moved to adopt Resolution No. 11229-040212, creating, describing and making certain findings and approving the project plan for Tax Incremental District No. 11. 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 ENTERS INTO CONTRACT WITH R.A. SMITH NATIONAL, INC. TO UPDATE REGULATORY FLOODPLAINS FOR N2, N7, AND O19A TRIBUTARY STREAMS, NOT TO EXCEED \$39,400.00 (PROJECT NO. 11017).**

Ald. Jakubczyk, seconded by Ald. Scaffidi, moved to enter into a contract with R.A. Smith National, Inc. to update the regulatory floodplains for the N2, N7, and O19A Tributary streams not to exceed \$39,400. (Project No. 11017). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11230-040212, PETITIONING OFFICE OF COMMISSIONER OF RAILROADS (OCR) TO INVESTIGATE AND APPROVE RELOCATION OF AT-GRADE RAILROAD CROSSING NEAR E. RYAN RD. AND S. 5<sup>TH</sup> AVE. (PROJECT NO. 12026).**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11230-040212, petitioning the Office of the Commissioner of Railroads (OCR) to investigate and approve the relocation of an at-grade railroad crossing near E. Ryan Rd. and S. 5<sup>th</sup> Ave. (Project No. 12026). 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 GRANTS OPERATOR'S LICENSE TO LAURA SCOTT, 6025 22<sup>ND</sup> AVE., KENOSHA (THE DISH).**

Ald. Gehl, seconded by Ald. Scaffidi, moved to grant an Operator's license to Laura Scott, 6025 22<sup>nd</sup> Ave., Kenosha (The Dish). 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 GRANTS OPERATORS LICENSES.**

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

- Balinda M. Kostuch, 10760 S. 92<sup>nd</sup> St., Franklin (Gary's Beer & Liquor)
- Maria A. Callender, 6430 S. 35<sup>th</sup> St., Franklin (PDQ)
- Marc J. Lovora, W174 S7206 Lake Dr., Muskego (The 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.

13. **COUNCIL GRANTS TRANSIENT MERCHANT LICENSE TO TRUGREEN, N8 W22550 JOHNSON DR., WAUKESHA, WI AND TO SALESPERSONS.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to grant a transient merchant license to TruGreen, N8 W22550 Johnson Dr., Waukesha, WI and to the following salespersons:

- Andrew D. Mancini, 1733 N. Cambridge, Milwaukee
- Bryan L. Gordon, 2309 W. Hampton Ave., Milwaukee

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 GRANTS CHANGE OF AGENT FOR CLASS B COMBINATION LICENSE TO WHG DEVELOPMENT CO., LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 7135 S. 13<sup>TH</sup> ST., FROM JOHN HAUPER TO BRIAN R. HOLTEN, 10500 S. SHANGRI-LA CT., OAK CREEK.**

Ald. Gehl, seconded by Ald. Jakubczyk, moved to grant a change of agent for the Class B Combination license issued to WHG Development Co., LLC dba Applebee's Neighborhood Grill & Bar, 7135 S. 13<sup>th</sup> St., from John Hauper to Brian R. Holten, 10500 S. Shangri-La Ct., Oak Creek. 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. **CLOSED SESSION HELD.**

Ald. Scaffidi, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 7:40 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.

16. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Scaffidi, seconded by Ald. Gehl, moved to reconvene into Open Session at 7:56 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.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 11228-032012, APPROVING PURCHASE AND SALE AGREEMENT BY AND BETWEEN CITY AND WISPARK LLC.**

Ald. Scaffidi, seconded by Ald. Michalski, moved to adopt Resolution No. 11228-032012, approving a Purchase and Sale Agreement by and between the City of Oak Creek and Wispark, LLC. 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. 11225-032012, APPROVING EXCHANGE AGREEMENT WITH OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT EXCHANGING 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. Gehl, seconded by Ald. Michalski, moved to adopt 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. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11226-032012, APPROVING EXCHANGE AGREEMENT BY AND BETWEEN CITY AND ONE WEST DREXEL LLC.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to adopt Resolution No. 11226-032012, a Resolution approving the Exchange Agreement by and between the City of Oak Creek and One West Drexel LLC. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11231-040212, APPROVING OFFER TO SELL PROPERTY AT 601R W. FOREST HILL AVE. TO STEEL WAREHOUSE OF WISCONSIN, LLC.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11231-040212, approving an offer to sell the property at 601R W. Forest Hill Ave. to Steel Warehouse of Wisconsin, LLC., with the redline changes submitted by the City of Oak Creek. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11232-040212, APPROVING CERTIFIED SURVEY MAP FOR PROPERTIES AT 500, 535, 575, AND 601R W. FOREST HILL AVE.**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11232-040212, approving a certified survey map for the properties at 500, 535, 75, and 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.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11233-040212, AUTHORIZING GRANT APPLICATION FOR PURPOSE OF BLIGHT ELIMINATION AND BROWNFIELD REDEVELOPMENT IN AMOUNT OF \$1,190,514 FOR PROPERTY LOCATED AT 7929 S. HOWELL AVE. (FORMER DELPHI SITE).**

Ald. Bukiewicz, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11233-040212, authorizing grant application for the purpose of Blight Elimination and Brownfield Redevelopment in the amount of \$1,190,514 for property located at 7929 S. Howell Ave. (former Delphi site). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11234-040212, AUTHORIZING GRANT APPLICATION FOR PURPOSE OF READY FOR RE-USE FUNDS FOR BLUFF STABILIZATION UP TO \$300,000 FOR PROPERTY LOCATED AT 9006 S. 5<sup>TH</sup> AVE.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11234-040212, authorizing grant application for the purpose of Ready for Re-Use funds for bluff stabilization up to \$300,000 for the property located at 9006 S. 5<sup>th</sup> 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.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11235-040212, AUTHORIZING GRANT APPLICATION FOR PURPOSE OF PROPERTY ACQUISITION FOR UP TO \$300,000 THROUGH THE DNR ADMINISTRATED STEWARDSHIP PROGRAM FOR PROPERTY LOCATED AT 9006 S. 5<sup>TH</sup> AVE.**

Ald. Toman, seconded by Ald. Scaffidi, moved to adopt Resolution No. 11235-040212, authorizing grant application for purpose of property acquisition for up to \$300,000 through the DNR administrated Stewardship Program for the property located at 9006 S. 5<sup>th</sup> 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.

25. **PRESENTED AND ADOPTED: RESOLUTION NO. 11236-040212, AUTHORIZING GRANT APPLICATION THROUGH DNR NON-POINT SOURCE GRANT PROGRAM UP TO \$100,000 FOR ASSISTING WITH PREPARATION OF BLUFF STABILIZATION REPORT AND RECOMMENDATION FOR PROPERTY LOCATED AT 9006 S. 5<sup>TH</sup> AVE., 9250 S. 5<sup>TH</sup> AVE., AND 4240 E. RYAN RD.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11236-040212, authorizing grant application through the DNR Non-Point Source Grant Program up to \$100,000 for assisting with the preparation of bluff stabilization report and recommendation for property located at 9006 S. 5<sup>th</sup> Ave., 9250 S. 5<sup>th</sup> Ave., and 4240 E. Ryan Rd. 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. Gehl, moved to adjourn this meeting at 7:12 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.

ATTEST:

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Christa J. Miller, Acting City Clerk

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Allan M. Foeckler, Mayor