

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, JUNE 19, 2012, 6:30 P.M.

CITY OF OAK CREEK  
MILWAUKEE COUNTY

1. Mayor Scaffidi called the meeting to order at 6:30 p.m. On roll call, the following alderpersons were present: Ald. Jakubczyk, Ald. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl (arrived at 6:55 p.m.), and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Fire Chief Thomas Rosandich, Finance Director Mark Wyss, and City Clerk Catherine Roeske.

2. The meeting began with the Pledge of Allegiance being said by all present.

3. Ald. Bukiewicz, seconded by Ald. Michalski, moved to approve the minutes of the 5/1/12 and 5/14/12 meetings as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

4. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 12-11, CONGRATULATIONS TO RICHARD J. DUCHNIAK, 2012 OAK CREEK CITIZEN OF THE YEAR.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation No. 12-11, Congratulations to Richard J. Duchniak, 2012 Oak Creek Citizen 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. Michalski, aye.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 12-13 TO CALVIN E. NOWAK FOR DEDICATED SERVICE TO CITY AS MEMBER OF PLAN COMMISSION.**

Ald. Michalski, seconded by Ald. Jakubczyk, moved to adopt Council Proclamation No. 12-13 to Calvin E. Nowak for dedicated service to the City of Oak Creek as a member of the Plan Commission. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

6. **COUNCIL RESCHEDULES TUESDAY, JULY 3, 2012 MEETING TO MONDAY, JULY 2, 2012.**

Ald. Ruetz, seconded by Ald. Toman, moved to reschedule the Tuesday, July 3, 2012 meeting to Monday, July 2, 2012. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye. Ald. Jakubczyk abstained from voting.

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2656, CONFIRMING ADOPTION OF SETTLEMENT AGREEMENT BETWEEN CITY AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL NO. 1848 AND FIXING SALARY FOR MEMBERS OF BARGAINING UNIT FROM 1/1/12 TO 12/31/14.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2656, confirming adoption of the Settlement Agreement between the City of Oak Creek and the International Association of Firefighters Local No. 1848 and fixing the salary for members of the bargaining unit from 1/1/12 to 12/31/14. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald.

Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

8. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Toman, seconded by Ald. Michalski, moved to approve the 2012 Vendor Summary Report in the amount of \$1,065,747.34. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

9. **COUNCIL APPROVES PURCHASE OF MTR 3000 BASE STATION FROM MILWAUKEE TWO-WAY IN AMOUNT OF \$6,212.50.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to approve the purchase of an MTR 3000 Base Station from Milwaukee Two-Way in the amount of \$6,212.50. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11262-061912, RESOLUTION OF NECESSITY FOR ACQUISITION OF LANDS FOR PUBLIC STREET PURPOSE, TEMPORARY EASEMENTS FOR GRADING, AND AUTHORIZING NEGOTIATIONS FOR SUCH ACQUISITIONS AND CONDEMNATION, IF NECESSARY, FOR S. NICHOLSON AVE. / S. PENNSYLVANIA AVE. RECONSTRUCTION PROJECT FROM E. RAWSON AVE. (CTH BB) TO E. COLLEGE AVE. (CTH ZZ) (PROJECT NO. 08021).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11262-061912, a resolution of necessity for acquisition of lands for public street purpose, temporary easements for grading, and authorizing negotiations for such acquisitions and condemnation, if necessary, for S. Nicholson Ave. / S. Pennsylvania Ave. reconstruction project from E. Rawson Ave. (CTH BB) to E. College Ave. (CTH ZZ) (Project No. 08021). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.

11. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Shannon T. Fettig, 10398 Charity Cir., Oak Creek (Kwik Trip)
- Denise R. Widenski, 7335 S. Quincy Ave, Oak Creek (Kwik Trip)
- Joann D. Baerwald, 6403 Willowbrook Rd., Racine (no employer at this time)
- Rebecca M. Dahlke, 14507 50<sup>th</sup> Rd., Sturtevant (Lotus)
- Teresa D. Wroblewski, 2802 S. 9<sup>th</sup> St., Milwaukee (Woodside Pub)
- Danielle M. Johnson, 2343 S. 68<sup>th</sup> St., West Allis (Kwik Trip)
- Richard A. Burmeister Jr., 3910 E. Maple St., Oak Creek (Ryan Road Mobil)
- Ann M. Hochschild, 1528 E. Lakeshore Dr., Twin Lakes (Noodles & Co.)
- Kimberli K.H. Schmidt, 9001 N. 75<sup>th</sup> St., Milwaukee (Buffalo Wild Wings)
- Danielle Johnson, 6918 Baywood Dr., Racine (Woodside Pub)

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

12. **COUNCIL GRANTS RENEWAL 2012-2013 CLASS B COMBINATION LICENSE TO OAK CREEK BOWLING CENTER, INC. DBA CLASSIC LANES OAK CREEK, 7501 S. HOWELL AVE., ALAN R. PASSEHL, AGENT.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to grant a renewal 2012-2013 Class B Combination license to Oak Creek Bowling Center, Inc. dba Classic Lanes Oak Creek, 7501 S. Howell Ave., Alan R. Passehl, Agent. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.
13. **COUNCIL GRANTS CHANGE OF AGENT FOR 2011-2012 CLASS A COMBINATION LICENSE TO ALDI, INC. (WISCONSIN), ALDI #01, 6810 S. 27<sup>TH</sup> ST., FROM CHRIS BARD TO NANCY L. BAKER, 2652 IRIS CT., RACINE, WI.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to grant a change of agent for the 2011-2012 Class A Combination license to Aldi, Inc. (Wisconsin), Aldi #01, 6810 S. 27<sup>th</sup> St., from Chris Bard to Nancy L. Baker, 2652 Iris Ct., Racine, WI. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.
14. **COUNCIL GRANTS SPECIAL CLASS B BEER LICENSE TO SOUTH MILWAUKEE AMATEUR RADIO CLUB FOR ONE DAY EVENT, 7/7/2012, AT LEGION POST 434, 9327 S. SHEPARD AVE.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to grant a Special Class B Beer license to South Milwaukee Amateur Radio Club for one day only, 7/7/12, at Legion Post 434, 9327 S. Shepard Ave. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.
15. **COUNCIL GRANTS RENEWAL AMUSEMENT OPERATOR AND AMUSEMENT DEVICES LICENSE TO ANIME FAN ZONE, 932 E. RAWSON AVE., OAK CREEK.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to grant a renewal Amusement Operator and Amusement Devices license to Anime Fan Zone, 932 E. Rawson Ave., Oak Creek. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; and Ald. Michalski, aye.
16. **COUNCIL GRANTS ATHLETIC EVENTS, PARADES AND RELATED EVENT PERMIT TO GEORGE HONEIN, EVENT COORDINATOR FOR ST. MARY & ST. ANTONIOUS COPTIC ORTHODOX CHURCH FOR 5K RUN ON 7/14/12.**

Ald. Jakubczyk, seconded by Ald. Michalski, moved to grant an Athletic Events, Parades, and Related Event Permit to George Honein, Event Coordinator for St. Mary & St. Antonious Coptic Orthodox Church for a 5K run on 7/14/12. 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 GRANTS TRANSIENT MERCHANT LICENSE TO THE WINDOW STORE HOME IMPROVEMENTS, INC., 16335 W. LINCOLN AVE., NEW BERLIN, WI, AND SALESPERSONS.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to grant a transient merchant license to The Window Store Home Improvements, Inc., 16335 W. Lincoln Ave., New Berlin, WI and the following salespersons:

- Denis P. Jankowski, W215 N11271 Appelton Ave., Germantown
- Eric Anderson, 5822 W. Washington Blvd., Milwaukee

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. **CLOSED SESSION HELD.**

Ald. Toman, seconded by Ald. Michalski, moved to convene in Closed Session at 6:58 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(e) to discuss a proposed Tri Party Agreement with Milwaukee County and Northwestern Mutual Life Insurance Company regarding various properties including 8245 S. 20<sup>th</sup> Street, 2211 W. Drexel Avenue, 2301 W. Drexel Avenue and 2200 W. Drexel Avenue.
- b. Section 19.85 (1)(g) to discuss potential litigation regarding construction defects at the Public Works Facility at 800 W. Puetz Rd.
- c. Section 19.85 (1)(c) to consider compensation for the Finance Director.

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. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Toman, seconded by Ald. Ruetz, moved to reconvene into Open Session at 9:53 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.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11263-061912, APPROVING TRI-PARTY AGREEMENT BY AND AMONG CITY, MILWAUKEE COUNTY, AND NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY.**

Ald. Toman, seconded by Ald. Ald. Bukiewicz, moved to adopt Resolution No. 11263-061912, approving a Tri-Party Agreement by and among the City, Milwaukee County and Northwestern Mutual Life Insurance Company. 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: ORDINANCE NO. 2655, AMENDING SALARY RANGES, SALARY, WAGES, AND ALLOWANCES FOR FINANCE DIRECTOR.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Ordinance No. 2655, amending the salary ranges, salary, wages, and allowances for the Finance Director. Motion, with second agreeing, was amended to adopt Ordinance No. 2655, amending the salary ranges, salary, wages, and allowances for the Finance Director to Level "E" with a starting salary range of \$88,329, a top salary wage of \$98,120 and to set the new salary for the Finance Director as of 7/1/2012 to \$96,175. 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. **COUNCIL AUTHORIZES MAYOR AND CITY CLERK TO SIGN CONTRACT #WEDC BF FY12-21349, BROWNFIELDS GRANT CONTRACT BETWEEN WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND CITY.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to authorize the Mayor and City Clerk to sign Contract #WEDC BF FY12-21349, Brownfields Grant Contract between Wisconsin Economic Development Corporation and City of Oak Creek. 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 AUTHORIZES MAYOR AND CITY CLERK TO SIGN CONTRACT #WEDC BF SAG FY12-21351, SITE ASSESSMENT GRANT CONTRACT BETWEEN WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND CITY.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to authorize the Mayor and City Clerk to sign Contract #WEDC SAG BF FY12-21351, Site Assessment Grant Contract between Wisconsin Economic Development Corporation and City of Oak Creek. 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.

**ADJOURNMENT.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 9:54 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:

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Catherine A. Roeske, City Clerk

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Stephen Scaffidi, Mayor