

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, DECEMBER 18, 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, Interim Finance Director Denise Vandebush, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Fire Chief Thomas Rosandich, City Librarian Jill Lininger, Recreation Manager Mary Jane Trate, and City Clerk Catherine Roeske.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. The Mayor offered condolences regarding the Sandy Hook School shooting in Newtown, Connecticut.
4. Ald. Toman, seconded by Ald. Michalski, moved to approve the minutes of the 12/4/12 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye. Ald. Bukiewicz and Ald. Ruetz abstained.
5. **PUBLIC HEARING HELD TO CONSIDER PROPOSAL TO REZONE PROPERTY AT 8020 S. HOWELL AVE. FROM B-2, LOCAL BUSINESS TO B-4, HIGHWAY BUSINESS AND ISSUE CONDITIONAL USE PERMIT FOR PORTION OF PROPERTY ALLOWING AN ANIMAL HOSPITAL AND VETERINARY CLINIC.**

A public hearing was held to consider a proposal to rezone the property at 8020 S. Howell Ave. from B-2, Community Business to B-4, Highway Business and to issue a conditional use permit for a portion of that property allowing for an animal hospital and veterinary clinic (Majewski) (see Item 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2669, REZONING PROPERTY AT 8020 S. HOWELL AVE. FROM B-2 COMMUNITY BUSINESS TO B-4, HIGHWAY BUSINESS; APPROVES CONDITIONAL USE PERMIT FOR ANIMAL HOSPITAL AND VETERINARY CLINIC ON NORTHERN PORTION OF PROPERTY.**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2669, rezoning the property at 8020 S. Howell Ave. from B-2 Community Business to B-4, Highway Business and approving a conditional use permit for an animal hospital and veterinary clinic on the northern portion of that property (Majewski). 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. **PRESENTATION OF CITY HALL, LIBRARY AND FIRE STATION PROJECT.**

Steve Chamberlin and Steve Kuhnen provided the Council with an update on the City Hall, Library and Fire Station project.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 11325-121812, APPROVING CLOSING AGREEMENT WITH IRS REGARDING INDUSTRIAL DEVELOPMENT REVENUE BONDS ISSUED FOR AAA SALES & ENGINEERING, INC.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11325-121812, approving closing agreement with the Internal Revenue Service regarding Industrial Development Revenue Bonds issued for AAA Sales & Engineering, Inc. 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. **COUNCIL APPROVES AMENDMENT TO PERSONNEL MANUAL REGARDING TUITION REIMBURSEMENT, EFFECTIVE IMMEDIATELY AND ACKNOWLEDGES THAT IT APPLIES TO ALL CITY EMPLOYEES.**

Ald. Michalski, seconded by Ald. Ruetz, moved to concur with the Personnel Committee and approves an amendment to the Personnel Manual regarding tuition reimbursement to be effective immediately and acknowledge that it applies to all City employees as described. 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. **DISCUSSION REGARDING THE REVIEW OF LIBRARY AND RECREATION SERVICES.**

City Librarian Jill Lininger and Recreation Manager Mary Jane Trate provided the Council with information regarding efficiencies related to possible co-location of Library and Recreation offices/services.

11. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2012 Vendor Summary Report in the amount of \$2,051,998.39. 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. **COUNCIL AUTHORIZES STAFF TO TAKE PRELIMINARY STEPS TO AMEND TIF DISTRICT NO. 9 TO INCLUDE PROPERTIES AT 813-815 W. COLLEGE AVE., AS WELL AS PROPERTIES AT 545, 561, 579, AND 605 W. COLLEGE AVE.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to authorize staff to take preliminary steps to amend Tax Increment Financing District No. 9 to include the properties at 813-815 W. College Ave., as well as the properties at 545, 561, 579, 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.

Mayor Scaffidi excused himself from the meeting at 8:07 p.m. Council President Ald. Toman presided over the remainder of the meeting and announced his intention to vote on all agenda items.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11320-121812, AUTHORIZING STAFF TO APPLY TO WISCONSIN ECONOMIC DEVELOPMENT CORPORATION (WEDC) ON BEHALF OF C.W. PURPERO INC. FOR SITE ASSESSMENT GRANT FOR PROPERTIES AT 813-815 W. COLLEGE AVE.**

Ald. Jakubczyk, seconded by Ald. Ruetz, moved to adopt Resolution No. 11320-121812, authorizing staff to apply to the Wisconsin Economic Development Corporation (WEDC) on behalf of C.W. Purpero Inc. for a Site Assessment Grant for the properties at 813-815 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.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 11322-121812, APPROVING CSM FOR PROPERTIES AT 9228, 9224, AND 9218 S. 8TH AVE. AND 9229, 9225, AND 9219 S. 7TH AVE.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11322-121812, approving a certified survey map for the properties at 9228, 9224, and 9218 S. 8th Ave. and 9229, 9225, and 9219 S. 7th 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.

15. **PRESENTED AND ADOPTED: ORDINANCE NO. 2668, REPEALING AND RECREATING SECTION 10.20 (C)(1)M, RELATING TO DESIGNATED HEAVY TRAFFIC ROUTES.**

Ald. Bukiewicz, seconded by Ald. Jakubczyk, moved to adopt Ordinance No. 2668, repealing and recreating Section 10.20 (c)(1)m, relating to designated heavy traffic routes. 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 ENTERS INTO FUNDING AGREEMENT WITH MMSD FOR DESIGN, CONSTRUCTION AND MONITORING OF STORMWATER BEST MANAGEMENT PRACTICES (SBMP) PLAN FOR DREXEL TOWN SQUARE DEVELOPMENT AND NEGOTIATE A NOT-TO-EXCEED \$149,436.20 CONTRACT WITH GRAEF TO DEVELOP AND IMPLEMENT THE SBMP PLAN.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to enter into a funding agreement with MMSD for the design, construction and monitoring of a stormwater best management practices (SBMP) plan for the Drexel town Square development and to negotiate a not-to-exceed \$149,436.20 contract with Graef to develop and implement the SBMP plan. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11318-121812, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING DEVELOPER FROM TERMS AND CONDITIONS OF THEIR DEVELOPMENT AGREEMENT FOR VIRGINIA PLACE CONDOMINIUM PROJECT (PROJECT NO. 04051) (TAX KEY NO. 877-9998-001).**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11318-121812, accepting dedication of the public improvements and releasing the developer from the terms and conditions of their development agreement for the Virginia Place Condominium project (Project No. 04051) (Tax Key No. 877-9998-001). 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. COUNCIL DENIES INSTALLATION OF STOP SIGNS ON E. COUNTY LINE ROAD AT S. 10TH AVE. (FOLEY ROAD); APPROVES INSTALLATION OF “NO PARKING BETWEEN SIGNS 10 PM TO 5 AM” AT DEAD END OF E. FITZSIMMONS RD TO STH 32; APPROVES INSTALLATION OF “NO PARKING BETWEEN SIGNS 10 PM TO 5 AM” AT DEAD END OF OAKWOOD RD. TO RAILROAD TRACKS; AND DENIES INSTALLATION OF SPEED HUMPS/TABLES ON E. AMERICAN AVE.

Ald. Toman, seconded by Ald. Gehl, moved to deny the installation of stop signs on E. County Line Road at S. 10th Ave. (Foley Road); approve the installation of “No Parking Between Signs 10 pm to 5 am” at the dead end and E. Fitzsimmons Road to STH 32; approve the installation of “No Parking Between Signs 10 pm to 5 am” at the dead end of Oakwood Road to the railroad tracks; and to deny the installation speed humps/tables on E. American Avenue. 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 GRANTS OPERATORS LICENSES.

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

- Jevon D. Lyke, 527 Southtowne Pl., South Milwaukee (7 Eleven)
- Ryan W. Doerr, 5017 24th Ave., Kenosha (Buffalo Wild Wings)

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. CLOSED SESSION HELD.

Ald. Bukiewicz, seconded by Ald. Michalski, moved to convene in Closed Session at 7:37 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1) (e) to discuss the change in boundaries of the 7 acres owned by the City at Drexel Town Square at 300 W. Drexel Ave. and potential land exchange with One West Drexel LLC to accomplish the change in boundaries and to discuss the possible sale of land by One West Drexel LLC at Drexel Town Square and negotiations regarding the division of profits and partial repayment of the City’s mortgage loan regarding those sale (Tax Key No. 813-9024) (Outlot 1 of CSM 8468).
- b. Section 19.85 (1) (e) to discuss the terms of a proposed Contract in Lieu of Condemnation with Connell Limited Partnership regarding the property at 9100 S. 5th Avenue.
- c. Section 19.85 (1) (e) to discuss the potential transfer of property to the City at 796 E. Forest Hill Ave. from Robert Pritchett.

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.-22. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Michalski, seconded by Ald. Gehl, moved to reconvene into Open Session at 9:50 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.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11321-121812, APPROVING CONTRACT IN LIEU OF CONDEMNATION WITH CONNELL LIMITED PARTNERSHIP (9100 S. 5TH AVE.).**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11321-121812, approving a contract in lieu of condemnation with Connell Limited Partnership (9100 S. 5th 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.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11319-121812, AUTHORIZING SUBMITTAL OF GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$400,000 FOR CONDUCTING BROWNFIELD REMEDIATION AT 9100 S. 5TH AVE. AND SUBSEQUENT APPROPRIATION OF CITY FUNDS FOR WISCONSIN READY TO REUSE GRANT.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11319-121812, authorizing the submittal of a grant application by the City Administrator for up to \$400,000 for conducting Brownfield Remediation at 9100 S. 5th Ave. and the subsequent appropriation of City of Oak Creek funds for a Wisconsin Ready for Reuse grant. 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.

25. **PRESENTED AND ADOPTED: RESOLUTION NO. 11323-121812, ACCEPTING DONATION OF PROPERTY AT 796 E. FOREST HILL AVE., FROM ROBERT PRITCHETT, CONTINGENT UPON SATISFACTORY PHASE I ENVIRONMENTAL SITE ASSESSMENT.**

Ald. Ruetz, seconded Ald. Bukiewicz, moved to accept the donation of the property at 796 E. Forest Hill Ave. from Robert Pritchett contingent upon a satisfactory Phase I Environmental Site Assessment. 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. Jakubczyk, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 9:57 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