

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, MAY 7, 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. Kurkowski, Ald. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Finance Director Bridget Souffrant, Interim Finance Director Denise Vandebush, Building Inspector Edward Ciechanowski, Community Development Director Douglas Seymour, Public Health Officer Judith Price, Water and Sewer General Manager Michael Sullivan, Assistant Fire Chief Michael Kressuk, and City Clerk Catherine Roeske.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. The Mayor announced the Diversity Garden that was planted at the Oak Creek High School over the weekend and noted that the new City Library fundraiser is now underway.
4. Ald. Bukiewicz, seconded by Ald. Ruetz, moved to approve the minutes of the 4/16/13 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 13-08, CONGRATULATIONS TO OFFICER SAVAN (SAM) LENDA AND LT. BRIAN MURPHY, 2013 OAK CREEK CITIZENS OF THE YEAR.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Council Proclamation No. 13-08, Congratulations to Officer Savan (Sam) Lenda and Lt. Brian Murphy, 2013 Oak Creek Citizens of the Year. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

6. **INFORMATIONAL: MAYORAL PROCLAMATION, POPPY DAYS, MAY 10-12, 2013, OELSCHLAEGER-DALLMANN AMERICAN LEGION POST 434 AND AUXILIARY.**

The Mayoral Proclamation for Poppy Days, May 10-12, 2013, Oelschlaeger-Dallmann American Legion Post 434 and Auxiliary was informational. Poppy Princess Mackenna Budney was present.

7. **INFORMATIONAL: MAYORAL PROCLAMATION, BUDDY POPPY DAYS, MAY 16-19, 2013, MEYER-DZIEDZIC VFW POST 8482.**

The Mayoral Proclamation for Buddy Poppy Days, May 16-19, 2013, Meyer-Dziedzic VFW Post 8482 was informational.

8. **INFORMATIONAL: MAYORAL PROCLAMATION, PRESENTATION FOR BUILDING SAFETY MONTH, MAY 2013.**

Edward Ciechanowski, Building Inspector provided the Council with a presentation for Building Safety Month. The Mayoral Proclamation for Building Safety Month, May 2013, was informational.

9. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY WISPARK LLC TO REZONE PROPERTIES AT 10303 AND 10711 S. HOWELL AVE. AND 405 & 641 W. OAKWOOD RD FROM RS-1, SINGLE FAMILY RESIDENTIAL, I-1, INSTITUTIONAL AND ER, EQUESTRIAN RESIDENTIAL (SW CORNER OF S. HOWELL AND W. OAKWOOD RD.) TO M-1 (PUD), MANUFACTURING PLANNED UNIT DEVELOPMENT FOR OAK VIEW BUSINESS PARK.**

A public hearing was held to consider a request by WisPark LLC to rezone the properties at 10303 and 10711 S. Howell Ave. and 405 & 641 W. Oakwood Rd. from Rs-1, Single Family Residential, I-1, Institutional and ER, Equestrian Residential (SW corner of S. Howell Ave. and W. Oakwood Rd.) to M-1 (PUD), Manufacturing Planned Unit Development. (See item No. 10 for action on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2676, REZONING PROPERTIES AT 10303 & 10711 S. HOWELL AVE. & 405 & 641 W. OAKWOOD RD. FROM RS-1, SINGLE FAMILY RESIDENTIAL, ER, EQUESTRIAN RESIDENTIAL, I-1, INSTITUTIONAL TO M-1 (PUD), MANUFACTURING PLANNED UNIT DEVELOPMENT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2676, rezoning the properties at 10303 & 10711 S. Howell Ave. and 405 & 641 W. Oakwood Rd. from Rs-1, Single Family Residential, ER, Equestrian Residential, I-1, Institutional to M-1 (PUD), Manufacturing Planned Unit Development. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **PUBLIC HEARING HELD TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION BY EVO CNG, FOR COMPRESSED NATURAL GAS FILLING STATION FOR EVO CNG LOCATED AT 7155 S. 1ST ST.**

A public hearing was held to consider a conditional use permit application by EVO CNG, for a compressed natural gas filling station for EVO CNG located at 7155 S. 1st St. (See Item No. 12 for action on this hearing).

12. **PRESENTED AND ADOPTED: ORDINANCE NO. 2677, APPROVING CONDITIONAL USE PERMIT FOR COMPRESSED NATURAL GAS FILLING STATION AT 7155 S. 1ST ST.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2677, approving a conditional use permit for a compressed natural gas filling station at 7155 S. 1st St. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

13. **NO ACTION TAKEN: MOTION TO AUTHORIZE ADDITIONAL WORK INVOLVING STORM SEWER INSTALLATION BY THE CONTRACTOR FOR E.I. DUPONT DE NEMOURS ON THE DUPONT PROPERTY (9180) S. 5TH AVE. AT A COST OF \$67,000 (PROJECT NO. 12029).**

Ald. Haskin advised the Council that DuPont has agreed to do this work as part of the remedial work being done on the lakefront. This cost will be incorporated in the transfer agreement that is being worked on with DuPont. No action was taken.

14. COUNCIL PRESIDENT MAKES ALDERMANIC COMMITTEE APPOINTMENTS.

Common Council President Ald. Gehl made his aldermanic appointments as follows:

- a. Personnel Committee (minimum of 2)
 - Ald. Bukiewicz
 - Ald. Toman
 - Ald. Michalski - chair
- b. Capital Improvements Committee - 3
 - Ald. Toman
 - Ald. Gehl – chair
 - Ald. Michalski
- c. License Committee – 3
 - Ald. Kurkowski
 - Ald. Ruetz – chair
 - Ald. Gehl
- d. Plan Commission Representatives – 2
 - Ald. Bukiewicz
 - Ald. Michalski
- e. Board of Health Representative – 1
 - Ald. Kurkowski
- f. Emergency Government Committee Representative -1 (plus Council President)
 - Ald. Kurkowski
 - Ald. Gehl
- g. Parks, Recreation and Forestry Commission – 1
 - Ald. Bukiewicz
- h. Cable Advisory Committee – 1
 - Ald. Ruetz
- i. Traffic and Safety Commission – 1
 - Ald. Ruetz

15. PRESENTED AND ADOPTED: ORDINANCE NO. 2679, REPEALING AND RECREATING SECTIONS 2.45 (L) AND 2.47(J) OF MUNICIPAL CODE REGARDING POSITION OF COMPTROLLER.

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Ordinance No. 2679, repealing and recreating Sections 2.45(l) and 2.47(j) of the Municipal Code regarding the position of Comptroller. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

16. PRESENTED AND ADOPTED: ORDINANCE NO. 2678, ADOPTING CITY LOGO AND ESTABLISHING NEW LOGO AS OFFICIAL HISTORIC SEAL OF CITY.

Ald. Michalski, seconded by Ald. Gehl, moved to adopt a new City Logo and establishing the new logo as the official historic seal of the City. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

17. COUNCIL CONCURS WITH MAYOR'S APPOINTMENTS TO VARIOUS COMMITTEES.

Ald. Ruetz, seconded by Ald. Gehl, moved to concur with the Mayor's appointments as follows:

- a. Board of Zoning Appeals / Housing Appeals – 3-year term to expire 4/15 – replacing Stacy Henne
Daniel Jakubczyk – 7441 S. Logan Ave.
- b. Parks, Recreation & Forestry Commission – 3-year term to expire 4/16, replacing Brett Altergott
Steven Bautch – 3264 E. Lindy Ln.

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

18. COUNCIL APPROVES VENDOR SUMMARY REPORT.

Ald. Kurkowski, seconded by Ald. Ruetz, moved to approve the 2013 Vendor Summary Report in the amount of \$499,612.50. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

19. COUNCIL APPROVES PURCHASE OF 52 SETS OF FIRE FIGHTING TURN OUT GEAR FROM PAUL CONWAY SHIELDS, INC., IN AMOUNT OF \$80,740.

Ald. Gehl, seconded by Ald. Michalski, moved to approve the purchase of 52 sets of fire fighting turn out gear from Paul Conway Shields, Inc., in the amount of \$80,740. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

20. PRESENTED AND ADOPTED: RESOLUTION NO. 11356-050713, WITHDRAWING DNR STEWARDSHIP GRANT APPLICATION FOR FUNDING FOR ACQUISITION OF PROPERTY AT 9006 S. 5TH AVE.

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11356-050713, withdrawing a Department of Natural Resources Stewardship grant application for funding for acquisition of the property at 9006 S. 5th Ave. On roll call, the vote was as follows: Ald. Kurkowski, no; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye.

21. PRESENTED AND ADOPTED: RESOLUTION NO. 11340-050713, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING THE DEVELOPER FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR LIBERTY CORPORATE PRESERVE OFFICE, INDUSTRIAL AND/OR COMMERCIAL PARK (PROJ. NOS. 07080 & 07081) (TAX KEY NOS. 927-9999-010, 927-9997, 927-9998).

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11340-050713, accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Liberty Corporate Preserve office, industrial and/or commercial park (Proj. Nos. 07080 & 07081) (Tax Key Nos. 927-9999-010, 927-9997, 927-9998). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11353-050713, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY), AND TEMPORARY EASEMENT FOR S. HOWELL AVE. WISCONSIN DOT MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND SEND PAYMENTS IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJ. NO. 12025).**

Ald. Kurkowski, seconded by Ald. Michalski, moved to adopt Resolution No. 11353-050713, acquiring fee property (right-of-way), and temporary easements for the S. Howell Ave. Wisconsin Department of Transportation maintenance project from Oakwood Road to Grange Ave. and to send payments in the amounts of the Award of Damages to the affected property owners (Project No. 12025). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11355-050713, AUTHORIZING SUBMITTAL OF KNOWLES-NELSON STEWARDSHIP DEVELOPMENT GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$115,000 FOR CONSTRUCTION OF MULTI-USE TRAIL AT 4240 E. RYAN RD. AND 9180 S. 5TH AVE. AND SUBSEQUENT APPROPRIATION OF CITY FUNDS FOR KNOWLES-NELSON STEWARDSHIP GRANT.**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11355-050713, authorizing the submittal of a Knowles-Nelson Stewardship Development grant application by the City Administrator for up to \$115,000 for construction of a multi-use trail at 4240 E. Ryan Rd. and 9180 S. 5th Ave. and the subsequent appropriation of City of Oak Creek funds for a Knowles-Nelson Stewardship grant. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11358-050713, APPROVING PERMANENT CONDUIT EASEMENT AT 2651 E. RYAN RD. (TAX KEY NO. 910-9985).**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11358-050713, approving a permanent conduit easement at 2651 E. Ryan Rd. (Tax Key No. 910-9985). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

25. **PRESENTED AND ADOPTED: RESOLUTION NO. 11359-050713, AUTHORIZING SUBMITTAL OF WISCONSIN DNR URBAN NON-POINT SOURCE GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$150,000 FOR CONSTRUCTION OF BIORETENTION STORM WATER MANAGEMENT PRACTICES AT 8730 S. 5TH AVE., 8940 S. 5TH AVE., AND 9010 S. 5TH AVE. AND SUBSEQUENT APPROPRIATION OF CITY FUNDS.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11359-050713, authorizing the submittal of a Wisconsin DNR Urban Non-Point Source grant application by the City Administrator for up to \$150,000 for construction of bioretention storm water management practices at 8730 S. 5th Ave., 8940 S. 5th Ave., and 9010 S. 5th Ave. and the subsequent appropriation of City of Oak Creek funds. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

26. **PRESENTED AND ADOPTED: RESOLUTION NO. 11360-050713, AUTHORIZING SUBMITTAL OF WISCONSIN DNR URBAN NON-POINT SOURCE GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$150,000 FOR CONSTRUCTION OF PERMEABLE PAVERS FOR PARKING AREAS AT NEW CIVIC CENTER AND OTHER STORM WATER BEST MANAGEMENT PRACTICES AND SUBSEQUENT APPROPRIATION OF CITY FUNDS.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11360-050713, authorizing the submittal of a Wisconsin DNR Urban Non-Point Source grant application by the City Administrator for up to \$150,000 for construction of permeable pavers for parking areas at the new Civic Center and other storm water best management practices and the subsequent appropriation of City of Oak Creek funds. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

27. **PRESENTED AND ADOPTED: RESOLUTION NO. 11361-050713, AUTHORIZING SUBMITTAL OF GREEN INFRASTRUCTURE PARTNERSHIP PROGRAM GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$99,000 FOR CONSTRUCTION OF PERMEABLE PAVERS FOR PARKING AREAS AT NEW CIVIC CENTER AND OTHER STORM WATER BEST MANAGEMENT PRACTICES AND SUBSEQUENT APPROPRIATION OF CITY FUNDS.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11361-050713, authorizing the submittal of a Green Infrastructure Partnership Program grant application by the City Administrator for up to \$99,000 for construction of permeable pavers for parking areas at the new Civic Center and other storm water best management practices and the subsequent appropriation of City of Oak Creek funds. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

28. **COUNCIL GRANTS OPERATOR'S LICENSES.**

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

- Stacy L. Frankiewicz, 10205 W. Coldspring Rd., Greenfield (Boots)
- Stephanie J. Sciortino, 2632 N. Farwell Ave., Milwaukee (Classic Lanes)

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

ADJOURNMENT.

Ald. Michalski, seconded by Ald. Ruetz, moved to adjourn this meeting at 8:37 p.m. On roll call, the vote was as follows: Ald. Kurkowski, 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