

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, MAY 21, 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. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Michalski. Ald. Bukiewicz was excused. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Finance Director Bridget Souffrant, Community Development Director Douglas Seymour, Public Health Officer Judith Price, Fire Chief Thomas Rosandich, IT Manager Caesar Geiger, Library Director Jill Lininger, and City Clerk Catherine Roeske.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. There were no Mayoral announcements.
4. Ald. Gehl, seconded by Ald. Michalski, moved to approve the minutes of the 5/7/13 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

5. **PUBLIC HEARING HELD TO CONSIDER CREATION OF SECTION 17.0317(C)(38) OF MUNICIPAL CODE ALLOWING INDOOR FIRING RANGE, FIREARMS AND ACCESSORY SALES, AND TRAINING OPERATIONS FOR FIREARMS AND SELF-DEFENSE NOT WITHIN 1,000 FEET OF RESIDENTIAL DISTRICT AS CONDITIONAL USE IN M-1, MANUFACTURING DISTRICT.**

A public hearing was held to consider the creation of Section 17.0317(c)(38) of the Municipal Code to allow for an indoor firing range, firearms and accessory sales, and training operations for firearms and self-defense not within 1,000 feet of a residential district as a conditional use in the M-1, Manufacturing District. (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2682, CREATING SECTION 17.0317(C)(38) ALLOWING AN INDOOR FIRING RANGE, FIREARMS AND ACCESSORY SALES AND TRAINING OPERATIONS FOR FIREARMS AND SELF-DEFENSE NOT WITHIN 1,000 FEET OF RESIDENTIAL DISTRICT AS CONDITIONAL USE IN M-1, MANUFACTURING DISTRICT.**

Ald. Kurkowski, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2682, creating Section 17.0317(c)(38) to allow for an indoor firing range, firearms and accessory sales and training operations for firearms and self-defense not within 1,000 feet of a residential district as a conditional use in the M-1, Manufacturing District. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2680, AMENDING ORDINANCE NO. 2666, FIXING THE SALARY RANGES, SALARY WAGES AND ALLOWANCES FOR NON-UNION GENERAL MANAGEMENT PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR YEAR 2013, ADDING NEW PUBLIC HEALTH SPECIALIST POSITION.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Ordinance No. 2680, amending Ordinance No. 2666, fixing the salary ranges, salary wages and allowances for non-union general management personnel and other City offices and positions for the year 2013, adding a new Public Health Specialist position. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2681, AMENDING ORDINANCE NO. 2667, FIXING SALARY RANGES, SALARY WAGES AND ALLOWANCES FOR P/T PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR YEAR 2013, ADDING NEW ADMINISTRATIVE SUPPORT ASSISTANT CLASSIFICATION.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Ordinance No. 2681, amending Ordinance No. 2667, fixing the salary ranges, salary wages and allowances for part-time personnel and other City offices and positions for the year 2013, adding a new Administrative Support Assistant classification. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11364-052113, OPPOSING ASSEMBLY BILL 23, PROHIBITING LOCAL GOVERNMENTS FROM PROVIDING POST-RETIREMENT HEALTH CARE BENEFITS TO ANY EMPLOYEES HIRED AFTER 1/1/14, UNLESS COST OF BENEFIT IS FULLY FUNDED IN SEGREGATED ACCOUNT ON ACTUARIAL BASIS, AND DIRECTS COPY OF RESOLUTION TO BE SENT TO SENATOR LARSON, REPRESENTATIVE HONADEL AND LEAGUE OF WISCONSIN MUNICIPALITIES.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11364-052113, opposing Assembly Bill 23, prohibiting local governments from providing post-retirement health care benefits to any employees hired after January 1, 2014, unless the cost of the benefit is fully funded in a segregated account on an actuarial basis, and directs a copy of the resolution to be sent to Senator Larson, Representative Honadel and the League of Wisconsin Municipalities. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

10. **COUNCIL ACCEPTS BID FOR MILWAUKEE JOURNAL SENTINEL (OAK CREEK NOW) TO SERVE AS OFFICIAL CITY NEWSPAPER FOR NEXT 12 MONTHS.**

Ald. Michalski, seconded by Ald. Kurkowski, moved to accept the bid for the Milwaukee Journal Sentinel (Oak Creek Now) to serve as the official City newspaper for the next 12 months. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye.

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

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2013 Vendor Summary Report in the amount of \$558,393.85. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11362-052113, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY), AND TEMPORARY EASEMENTS FOR S. HOWELL AVE. WISCONSIN DOT MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND SEND PAYMENT IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJECT NO. 12025).**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11362-052113, acquiring fee property (right-of-way) and temporary easements for the S. Howell Ave. Wisconsin Department of Transportation maintenance project from Oakwood Rd. 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. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

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

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

- Dane A. Passehl, 5713 W. 3 Mile Rd., Franksville (Classic Lanes)
- Gregory Nocun, 1411 Mackinac Ave., South Milwaukee (DiCarlos)
- Stephanie Blake, 2330 E. Cody Ct., Oak Creek (Bootz)
- Jacob Straw, 5642 S. Marilyn St., Milwaukee (Pick 'n Save)
- Richard Romel, 1226 Dundee Dr., Racine (Pick 'n Save)
- Martin Pordon, 3043 W. Franklin Terrace, Franklin (Pick 'n Save)
- Amy DeBrocke, 1200 16th Ave., South Milwaukee (Pick 'n Save)
- Kimberly Allard, 3555 S. Rivershire Dr., Greenfield (Pick 'n Save)
- Wesley Dalton, 2021 Kingston, Waukegan, IL (Pick 'n Save)

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

14. **COUNCIL GRANTS TEMPORARY CLASS B BEER LICENSE, WITH WAIVER OF FEES, TO OAK CREEK CELEBRATIONS COMMISSION, CAROLYN BUKIEWICZ, AGENT, FOR OAK CREEK CELEBRATIONS PIG ROAST, SEPTEMBER 8, 2013.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a temporary Class B Beer license, with waiver of fees, to Oak Creek Celebrations Commission, Carolyn Bukiewicz, Agent, for Oak Creek Celebrations Pig Roast, September 8, 2013. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **COUNCIL GRANTS TRANSIENT MERCHANT LICENSE TO ARM SECURITY, INC., 419 S. 1325 WEST, OREM, UT 84058, SELLING HOME AUTOMATION AND ENERGY MANAGEMENT SYSTEMS AND SALESPERSONS.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a transient merchant license to ARM Security, Inc., 419 S. 1325 West, Orem, UT 84058, selling home automation and energy management systems and to the following salespersons:

- Adam Ikimau, 1551 N. Water St., Milwaukee
- Andrew Garrett, 455 E. Pleasant St., Milwaukee
- Austin Carter, 455 E. Pleasant St., Milwaukee
- Brock Weeks, 455 E. Pleasant St., Milwaukee
- Christopher McGown, 455 E. Pleasant St., Milwaukee
- Dakota Combe, 455 E. Pleasant St., Milwaukee
- Daven Brush, 455 E. Pleasant St., Milwaukee
- Gregory Wood, 1551 N. Water St., Milwaukee
- Homoyoun Namazi, 2053 E. South Weber Dr., Utah
- Isaac Bell, 455 E. Pleasant St., Milwaukee
- Jacob Waite, 634 W. Apache, Farmington, NM
- James Driggs, III, 455 E. Pleasant St., Milwaukee
- Jason Crown, 455 E. Pleasant St., Milwaukee
- Jetsen Lowell, 455 E. Pleasant St., Milwaukee
- Jordan Bischoff, 455 E. Pleasant St., Milwaukee
- Jordan D. Hunsaker, 455 E. Pleasant St., Milwaukee
- Jordan Hill, 1551 N. Water St., Milwaukee
- Joseph Knight, 1551 N. Water St., Milwaukee
- Spencer Williams, 455 E. Pleasant St., Milwaukee

- Styles Reidhead, 1551 N. Water St., Milwaukee
- Tanner Hendry, 455 E. Pleasant St., Milwaukee
- Tanner Watkins, 455 E. Pleasant St., Milwaukee
- Trevor Powell, 1551 N. Water St., Milwaukee
- Tyler Shaw, 1551 N. Water St., Milwaukee

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

16. CLOSED SESSION HELD.

Ald. Gehl, seconded by Ald. Michalski, moved to convene in Closed Session at 8:26 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85(1)(e) to discuss negotiations regarding the acquisition of part or all the property at 8051 S. Howell Ave.
- b. Section 19.85(1)(e) to consider strategy with respect to the Payment Card Interchange Fee settlement class action lawsuit.

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

17. COUNCIL RECONVENES INTO OPEN SESSION.

Ald., Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 9:00 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

18. COUNCIL CONCURS WITH ASSISTANT CITY ATTORNEY KARLS AND OBJECTS TO LAWSUIT AND DIRECTS CITY ATTORNEY'S OFFICE TO FILE OBJECTION TO PAYMENT CARD INTERCHANGE FEE SETTLEMENT CLASS ACTION SETTLEMENT.

Ald. Ruetz, seconded by Ald. Kurkowski, move to authorize the City Attorney's office to file an objection to the payment card interchange fee settlement class action settlement. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

19. PRESENTED AND ADOPTED: RESOLUTION NO. 11363-052113, DETERMINING NECESSITY FOR ACQUISITION OF LANDS FOR PUBLIC STREET PURPOSES, TEMPORARY EASEMENTS FOR GRADING, AUTHORIZING NEGOTIATION FOR SUCH ACQUISITION AND AUTHORIZING EMINENT DOMAIN, IF NECESSARY.

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11363-052113, determining there is a necessity for acquisition of lands for public street purposes, temporary easements for grading, authorizing negotiation for such acquisition and authorizing eminent domain, if necessary. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ADJOURNMENT.

Ald. Toman, seconded by Ald. Ruetz, moved to adjourn this meeting at 9:03 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor