

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, JUNE 18, 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, Community Development Director Douglas Seymour, Fire Chief Thomas Rosandich, IT Manager Caesar Geiger, City Treasurer Barbara Guckenberger, City Public Health Officer Judith Price, City Librarian Jill Lininger, 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. Gehl, moved to approve the minutes of the 6/4/13 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.
4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11367-061813, RESOLUTION OF COMMENDATION TO BRIAN J. MURPHY, RETIRING POLICE LIEUTENANT.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11367-061813, Resolution of Commendation to Brian J. Murphy, retiring Police Lieutenant. 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. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENT TO SECTION 17.0334 OF MUNICIPAL CODE, CREATING DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT ZONING DISTRICT.**

A public hearing was held to consider a proposed amendment to Section 17.0334 of the Municipal Code which would create the Drexel Town Square Mixed Used Planned Development Zoning District (see Item No. 6 for action on this hearing).

6. **PRESENTED AND HELD TO 8/5/13 MEETING: ORDINANCE NO. 2686, CREATING SECTION 17.0334 OF MUNICIPAL CODE TO CREATE DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT ZONING DISTRICT.**

Action on Ordinance No. 2686, creating Section 17.0334 of the Municipal Code, creating the Drexel Town Square Mixed Use Planned Development zoning district was held to the 8/5/2013 meeting.

7. **PUBLIC HEARING HELD TO CONSIDER PROPOSAL AMENDING OFFICIAL MAP FOR NORTHEAST ¼ OF SECTION 17 (LANDS WEST OF S. HOWELL BETWEEN W. DREXEL AND W. FOREST HILL AVE.).**

A public hearing was held to consider a proposal to amend the official map for the Northeast ¼ of Section 17 (lands west of S. Howell between W. Drexel and W. Forest Hill Ave.) (see item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2687, AMENDING OFFICIAL MAP FOR NORTHEAST ¼ OF SECTION 17.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2687, amending the official map for the Northeast ¼ of Section 17. 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.

9. **PUBLIC HEARING HELD TO CONSIDER A PROPOSAL TO REZONE PROPERTIES AT 7929 S. HOWELL AND 300 W. DREXEL AVE. FROM M-1, MANUFACTURING TO DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT (DTSMUPD).**

A public hearing was held to consider a proposal to rezone the properties at 7929 S. Howell Ave. and 300 W. Drexel Ave. from M-1, Manufacturing to Drexel Town Square Mixed Use Planned Development (DTSMUPD) (action on this item will be presented at the 8/5/13 meeting).

10. **PRESENTATION OF CITY HALL, LIBRARY AND FIRE STATION PROJECT PROVIDED.**

Bray Architects and Owner's Representative, Steve Chamberlin, provided the Council with an update on the City Hall, Library and Fire Station project.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11371-061813, ESTABLISHING BUDGETS FOR TOTAL PROJECT COSTS FOR CONSTRUCTION OF FIRE STATION #1, LIBRARY AND CITY HALL AND THAT BRAY ARCHITECTS BE AUTHORIZED TO PROCEED WITH COMPLETION OF DESIGN AND BIDDING DOCUMENTS.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11371-061813, establishing budget for total project costs for the construction of Fire Station #1, for the Library and for the City Hall and that Bray Architects be authorized to proceed with completion of design and bidding documents. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **RECENT GRANT AWARDS.**

Information was provided to the Council regarding recent grant awards.

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 2685, AMENDING ORDINANCE NO. 2666, FIXING SALARY RANGES, SALARY, WAGES AND ALLOWANCES FOR NON-UNION, GENERAL, MANAGEMENT PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR YEAR 2013, SPECIFICALLY IDENTIFYING SALARY RANGES FOR EMERGENCY SERVICES DISPATCHERS AND POLICE CLERKS.**

Ald. Michalski, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2685, 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, specifically identifying the salary ranges for Emergency Services Dispatchers and Police Clerks. 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.

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2689, AMENDING ORDINANCE NO. 2674, PROVIDING FOR LUMP SUM, GENERAL FUND PERFORMANCE BASED PAYMENT TO CERTAIN DESIGNATED NON-UNION POSITIONS.**

Ald. Michalski, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2689, amending Ordinance No. 2674, providing for a lump sum, general fund performance based payment to certain designated non-union positions. 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.

15. **COUNCIL DESIGNATES SUNDAY, OCTOBER 27, 2013 FROM 4:00 P.M. TO 6:00 P.M. AS OFFICIAL CITY OF OAK CREEK "TRICK OR TREAT".**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to concur with the recommendation of the Celebrations Commission and designate Sunday, October 27, 2013 from 4:00 p.m. to 6:00 p.m. as the official City of Oak Creek "Trick or Treat". On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

16. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2013 Vendor Summary Report in the amount of \$804,900.43. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11368-061813, AMENDING RESOLUTION NO. 11221-022012, ESTABLISHING VARIOUS FEES, PERMITS, AND CHARGES CHARGED BY CITY FOR FIRE SERVICES EFFECTIVE JULY 1, 2013.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11368-061813, amending Resolution No. 11221-022012, establishing various fees, permits, and charges charged by the City of Oak Creek for Fire services to be effective July 1, 2013. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11369-061813, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS FOR S. HOWELL AVE. WISCONSIN DEPARTMENT OF TRANSPORTATION MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND SEND PAYMENTS IN AMOUNTS OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJECT NO. 12025).**

Ald. Michalski, seconded by Ald. Ruetz, moved to adopt Resolution No. 11369-061813, 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. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

19. **PRESENTED AND ADOPTED: RESOLUTION NO. 11370-061813, ALTERING PREVIOUSLY APPROVED WIDTH OF PROPOSED SIDEWALK ON WISCONSIN DEPARTMENT OF TRANSPORTATION'S (WISDOT) 27<sup>TH</sup> STREET RECONSTRUCTION PROJECT.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11370-061813, altering the previously approved width of the proposed sidewalk on the Wisconsin Department of Transportation's (WisDOT) 27<sup>th</sup> Street Reconstruction Project. 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. **COUNCIL AWARDS 2013 ROAD IMPROVEMENTS UNIT PRICE CONTRACT TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, PAYNE & DOLAN INC., AT ESTIMATED COST OF \$934,815.10 (PROJECT NO. 13024).**

Ald. Gehl, seconded by Ald. Michalski, moved to award the 2013 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, at an estimated cost of \$934,815.10 (Project No. 13024). 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.

21. **COUNCIL GRANTS ORIGINAL CLASS B COMBINATION LICENSE FOR PERIOD 7/1/12-13 TO CLASSIC LANES OAK CREEK BOWLING LLC, EDWARD VAHRADIAN, JR., AGENT, DBA CLASSIC LANES OAK CREEK, 7501 S. HOWELL AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an original Class B Combination license for the period July 1, 2012 through June 30, 2013, subject to payment of fees, to Classic Lanes Oak Creek Bowling LLC, Edward Vahradian, Jr., Agent, dba Classic Lanes Oak Creek, 7501 S. Howell Ave. 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. **COUNCIL GRANTS RENEWAL CLASS B COMBINATION LICENSE FOR PERIOD 7/1/13-14 TO CLASSIC LANES OAK CREEK BOWLING LLC, EDWARD VAHRADIAN, JR., AGENT, DBA CLASSIC LANES OAK CREEK, 7501 S. HOWELL AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a renewal Class B Combination license for the period July 1, 2013 through June 30, 2014, subject to payment of fees, to Classic Lanes Oak Creek Bowling LLC, Edward Vahradian, Jr., Agent, dba Classic Lanes Oak Creek, 7501 S. Howell Ave. 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. **COUNCIL GRANTS RENEWAL AMUSEMENT OPERATOR AND AMUSEMENT DEVICE LICENSES.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant renewal Amusement Operator and Amusement Device licenses to:

- Reggie's Amusement LLC, 4918 S. Packard Ave., Cudahy
- Anime Fan Zone, 932 E. Rawson Ave., Oak Creek
- S&P Equipment, 5025 S. Packard Ave., Cudahy

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

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

- Randy Seymour, 2510 W. Oakwood Rd., Oak Creek (Comfort Suites)
- Andrew Smith, 520 W. Riverwood Dr., Oak Creek (Kwik Trip)
- Lisa Hanson, 2911 Parkshire Dr., Racine (Applebee's)
- David Zawacki, 1030 E. Park Blvd., Oak Creek (Tracy Rae's)
- Michele Wirth, 3951 E. Edgerton Ave., Cudahy (Jeff's)
- Carly Rieder, 3351 E. Bottsford Ave., Cudahy (Branded Steer)
- Benjamin Heicher, 480 E. Estates Pl., Oak Creek (The Cellar)
- Angela Dipietro, 3019 E. Adams Ave., Cudahy (Ryan Road Shell)

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. **COUNCIL GRANTS TRANSIENT MERCHANT LICENSE TO KILEY POWELL, 1551 N. WATER ST., MILWAUKEE, SELLING HOME AUTOMATION AND ENERGY MANAGEMENT SYSTEMS FOR ARM SECURITY, INC., 419 S. 1325 WEST, OREM, UT.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a transient merchant license to Kiley Powell, 1551 N. Water St., Milwaukee, selling home automation and energy management systems for ARM Security, Inc., 419 S. 1325 West, Orem, UT. 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. **COUNCIL GRANTS SPECIAL CLASS B BEER LICENSE TO SOUTH MILWAUKEE AMATEUR RADIO CLUB, FOR ONE DAY ONLY, 7/6/2013, AT LEGION POST #434, 9327 S. SHEPARD AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Special Class B Beer license to South Milwaukee Amateur Radio Club, for one day only, 7/6/13, at Legion Post #434, 9327 S. Shepard Ave. 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. **COUNCIL GRANTS ATHLETIC EVENTS, PARADES AND RELATED EVENT PERMIT TO ROSE TIARI, EVENT COORDINATOR FOR OAK CREEK LIONS CLUB "PAWS ON THE PAVEMENT" RUN/WALK ON 9/15/13, WITH INCLUSION OF CROSSING GUARDS AT STREET INTERSECTIONS.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Athletic Events, Parades and Related Event Permit to Rose Tiari, Event Coordinator for the Oak Creek Lions Club "Paws on the Pavement" run/walk on 9/15/13, with an inclusion of crossing guards at street intersections, with issuance subject to payment of fees. 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. CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Ruetz, moved to convene in Closed Session at 10:28 p.m., pursuant to Wisconsin State Statutes to discuss:

- a. Section 19.85 (1)(e) to discuss negotiating strategy with Rick Barrett, Wired Development and OWD/Wispark LLC regarding the Tax Incremental Financing Agreement and other issues as it relates to Drexel Town Square.
- b. Section 19.85 (1)(e) to consider the proposed Purchase and Sale agreement with Giuffre XX LLC for the property at 8051 S. Howell Ave.

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.

**29.-30. COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Gehl, seconded by Ald. Michalski, moved to reconvene into Open Session at 11:08 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.

**31. PRESENTED AND ADOPTED: RESOLUTION NO. 11363-052113, APPROVING PURCHASE AND SALE AGREEMENT WITH GIUFFRE XX LLC FOR PROPERTY AT 8051 S. HOWELL AVE. (TAX KEY NO. 813-9021) WITH CHANGES AS DISCUSSED.**

Ald. Gehl, seconded by Ald. Ruetz, moved to adopt Resolution No. 11363-052113, approving a purchase and sale agreement with Giuffre XX LLC for the property at 8051 S. Howell Ave., with changes as discussed in closed session (Tax Key No. 813-9021). 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. Kurkowski, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 11:10 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:

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Catherine A. Roeske, City Clerk

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Stephen Scaffidi, Mayor