

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, JULY 2, 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, Water and Sewer Utility General Manager Michael Sullivan, Police Chief John Edwards, City Public Health Officer Judith Price, Public Health Nurse Susan Wojcinski, and Deputy City Clerk Christa Miller.
2. The meeting began with the Pledge of Allegiance being said by all present.
3. Ald. Gehl, seconded by Ald. Michalski, moved to approve the minutes of the 6/18/13 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. 11372-070213, RESOLUTION OF DEDICATED SERVICE TO OAK CREEK HEALTH DEPARTMENT TO JANET HANSEN.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11372-070213, Resolution of Dedicated Services to the Oak Creek Health Department to Janet Hansen. 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. 13-11 TO CHRISTINE JACKSON FOR DEDICATED SERVICE TO CITY AS MEMBER OF PARKS, RECREATION AND FORESTRY COMMISSION.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Council Proclamation No. 13-11 to Christine Jackson for Dedicated Service to the City of Oak Creek as a Member of the Parks, Recreation, and Forestry Commission. 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. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 13-12, CONGRATULATIONS TO OAK CREEK WATER AND SEWER UTILITY FOR RECEIVING 15-YEAR DIRECTORS AWARD IN PARTNERSHIP FOR SAFE WATER PROGRAM.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to adopt Council Proclamation No. 13-12, Congratulations to the Oak Creek Water and Sewer Utility for receiving the 15-Year Directors Award in the Partnership for Safe Water Program. 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.

7. **MAYORAL PROCLAMATION: DESIGNATION OF JULY AS PARK AND RECREATION MONTH.**

The Mayoral Proclamation designating July as Park and Recreation month was informational.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 11375-070213, AMENDING RESOLUTION NO. 11363-052113, APPROVING PURCHASE AND SALE AGREEMENT WITH GIUFFRE XX LLC FOR PROPERTY AT 8051 S. HOWELL AVE.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11375-070213, amending Resolution No. 11363-052113, approving a 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.

9. **DIRECTED HELD TO 7/16/13 COUNCIL MEETING: REVISIONS TO EXISTING MEMORANDUM OF UNDERSTANDING FACILITIES, MAINTENANCE, AND FEES BETWEEN THE CITY AND OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT.**

Action on the revisions to the existing Memorandum of Understanding Facilities, Maintenance, and Fees between the City of Oak Creek and the Oak Creek-Franklin Joint School District was directed held to the 7/16/2013 Council meeting to provide the Parks, Recreation & Forestry Commission an opportunity to meet and provide the Council with their recommendation.

10. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2013 Vendor Summary Report in the amount of \$520,931.13. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11376-070213, ACCEPTING WAIVERS OF SPECIAL ASSESSMENT NOTICES AND HEARINGS FOR WATER LATERAL INSTALLATION AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTIES AND ESTABLISHES INTEREST RATE AT 4% (PROJECT NO. 13104).**

Ald. Kurkowski, seconded by Ald. Gehl, moved to adopt Resolution No. 11376-070213, accepting Waivers of Special Assessment Notices and Hearings for water lateral installation and levying special assessments against benefitted properties and establishes interest rate at 4%. 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.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11354-070213, APPROVING CERTIFIED SURVEY MAP FOR PROPERTIES AT 7929 S. HOWELL AVE. AND 300 W. DREXEL AVE.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11354-070213, approving a certified survey map for the properties at 7929 S. Howell Ave. and 300 W. Drexel 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.

13. **COUNCIL ENTERS INTO INTERGOVERNMENTAL AGREEMENT WITH VILLAGE OF MOUNT PLEASANT TO CONTRACT WITH ROOT-PIKE WATERSHED INITIATIVE NETWORK TO MANAGE, COORDINATE AND IMPLEMENT AN INFORMATION AND EDUCATION PROGRAM DESIGNED TO SATISFY THE REQUIREMENTS OF OAK CREEK'S WPDES STORM WATER (NR216) PERMIT.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to enter into an intergovernmental agreement with the Village of Mount Pleasant to contract with Roof-Pike Watershed Initiative Network to manage, coordinate and implement an information and education program designed to satisfy the requirements of Oak Creek's WPDES Storm Water (NR216) permit. 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. **COUNCIL ENTERS INTO CONTRACT WITH R.A. SMITH NATIONAL, INC. FOR ROADWAY DESIGN SERVICES FOR W. WEATHERLY DR., NOT TO EXCEED \$8,400 (PROJECT NO. 12021).**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to enter into a contract with R.A. Smith National, Inc. for roadway design services for W. Weatherly Drive, not to exceed \$8,400 (Project No. 12021). 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 AUTHORIZES ENGINEERING DEPARTMENT TO ENTER INTO AGREEMENTS WITH GRAEF, R.A. SMITH NATIONAL, AND RUEKERT-MIELKE, FOR CONSTRUCTION INSPECTION SERVICES THROUGH 2014.**

Ald. Michalski, seconded by Ald. Gehl, moved to authorize the Engineering Department to enter into agreements with Graef, R.A. Smith National, and Ruekert-Mielke, for construction inspection services through 2014. 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: RESOLUTION NO. 11373-070213, 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 PAYMENT IN AMOUNT OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNER (PROJECT NO. 12025).**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11373-070213, 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 a payment in the amount of the Award of Damages to the affected property owner (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.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 11374-070213, ACCEPTING OFFER TO PURCHASE REAL ESTATE INTERESTS, INCLUDING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENT FOR PROPERTY AT 301 W. RYAN RD. TO WISCONSIN DEPARTMENT OF TRANSPORTATION (WISDOT) AS PART OF STH 100 RECONSTRUCTION PROJECT FROM S. 27TH ST. TO S. HOWELL AVE. (TAX KEY NO. 906-9026).**

Ald. Kurkowski, seconded by Ald. Gehl, moved to adopt Resolution No. 11374-070213, accepting the offer to purchase real estate interests, including the fee property (right-of-way) and temporary easement for the property at 301 W. Ryan Rd. to the Wisconsin Department of Transportation (WisDOT) as part of their STH 100 reconstruction project from S. 27th St. to S. Howell Ave. (Tax Key No. 906-9026). 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 AWARDS W. PUETZ RD. IMPROVEMENTS PROJECT UNIT PRICE CONTRACT TO PAYNE & DOLAN, INC. AT ESTIMATED COST OF \$376,030.30. (PROJECT NO. 13028).**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to award the W. Puetz Road Improvements Project unit price contract to the lowest responsive, responsible bidder, Payne & Dolan Inc., at an estimated cost of \$376,030.30 (Project No. 13028). 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 INSTALLATION OF “NO PARKING” SIGNS AT 9925 & 9950 S. REINHART DRIVE AND “NO PARKING 8 A.M. TO 10 A.M. SCHOOL DAYS” SIGNS ON SOUTH SIDE OF E. SUNSET DR. FROM S. BURRELL ST. TO S. JEAN AVE.**

Ald. Ruetz, seconded by Ald. Michalski, moved to concur with the recommendation of the Traffic and Safety Commission and approves the installation of “No Parking” signs at 9925 & 9950 S. Reinhart Dr. and installation of “No Parking 8 a.m. to 10 a.m. School Days” signs on south side of E. Sunset Dr. from S. Burrell St. to S. Jean 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.

20. **COUNCIL GRANTS AMUSEMENT OPERATOR AND AMUSEMENT DEVICES LICENSE TO NATIONAL ENTERTAINMENT NETWORK, LLC, 325 INTERLOCKEN PKWY B., BROOMFIELD, CO.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Amusement Operator and Amusement Devices License to National Entertainment Network, LLC, 325 Interlocken Pkwy B., Broomfield, CO. 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 OPERATOR’S LICENSES.**

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

- Tracy L. Brachmann, W145 N7275 Northwood Dr., Menomonee Falls (Classic Lanes)
- Reema Hamdan, 4481 W. Victory Creek Dr., Franklin (Comfort Suites)

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 TEMPORARY CLASS B BEER AND WINE LICENSE TO OAK CREEK OJ'S AT THE SHEPARD HILLS AND SENIOR HIGH SOFTBALL DIAMONDS AND LEGION POST 434 LOWER DIAMOND FROM 8/3-8/4/13 (RAIN DATES 8/10-8/11/13).**

Ald. Ruetz, seconded by Ald. Michalski, moved to grant a temporary Class B Beer and Wine license to the Oak Creek OJs at the Shepard Hills and Senior High softball diamonds, and Legion Post 434 Lower Diamond from 8/3-8/4/13 (rain dates 8/10-8/11/13), with a waiver 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.

23. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:13 p.m., pursuant to Wisconsin State Statutes, Section 19.85(1)(c)(e)(g) to discuss a resignation agreement and potential litigation involving police officer Donte Moore. 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 RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Michalski, moved to reconvene into Open Session at 8:32 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.

25. **COUNCIL APPROVES RESIGNATION AGREEMENT AND RELEASE WITH POLICE OFFICER DONTE MOORE.**

Ald. Michalski, seconded by Ald. Gehl, moved to approve the resignation agreement and release with Police Officer Donte Moore as signed by Police Chief John Edwards on behalf of the City of Oak Creek. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Michalski, aye.

ADJOURNMENT.

Ald. Gehl, seconded by Ald. Michalski, moved to adjourn this meeting at 8:33 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