

PROCEEDINGS, COMMON COUNCIL MEETING
MONDAY, AUGUST 5, 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, IT Manager Caesar Geiger, Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, and City Clerk Catherine Roeske.
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 7/16/13 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.
4. **APWA WISCONSIN EXECUTIVE COMMITTEE PROJECT OF THE YEAR AWARD PRESENTED.**

Ryan Amtmann, Director for the Wisconsin Chapter of the American Public Works Association presented the City with APWA's Project of the Year award for the West Drexel Avenue project.
5. **MAYORAL PROCLAMATION FOR CHILDREN'S VISION AND LEARNING MONTH.**

The Mayoral Proclamation for Children's Vision and Learning month was informational.
6. **PUBLIC HEARING HELD TO CONSIDER A PROPOSAL TO REZONE PROPERTIES AT 7929 S. HOWELL AVE. AND 300 W. DREXEL AVE. FROM M-1, MANUFACTURING TO DREXEL TOWN SQUARE MIXED USED 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) (see Item 28 for action on this hearing).
7. **PUBLIC HEARING HELD TO CONSIDER AN AMENDMENT TO THE "2020 VISION – A COMPREHENSIVE PLAN FOR CITY OF OAK CREEK" AS IT RELATES TO EXTENT AND ALLOWABLE USES WITHIN CITY CENTER PLANNING DISTRICT.**

A public hearing was held to consider an amendment to the "2020 Vision – A Comprehensive Plan for the City of Oak Creek" as it relates to the extent and allowable uses within the City Center planning district (see item 26 for action on this hearing).
8. **PUBLIC HEARING HELD TO CONSIDER AMENDMENT TO CUP SUBMITTED BY BLACK DIAMOND FIREARMS ACADEMY LLC FOR INDOOR FIRING RANGE, FIREARMS AND ACCESSORY SALES AND TRAINING OPERATIONS FOR FIREARMS AND SELF-DEFENSE NOT WITHIN 1,000 FEET OF RESIDENTIAL DISTRICT FOR LOCATION AT 6925 S. 6TH ST.**

A public hearing was held to consider an amendment to the conditional use permit submitted by Black Diamond Firearms Academy LLC 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 for the location at 6925 S. 6th St. (see item 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2692, AMENDING ORDINANCE NO. 2493, ALLOWING INDOOR FIRING RANGE, FIREARMS AND ACCESSORY SALES AND TRAINING OPERATIONS FOR FIREARMS AND SELF-DEFENSE NOT WITHIN 1,000 FT. OF RESIDENTIAL DISTRICT FOR BLACK DIAMOND PROPERTY LOCATED AT 6925 S. 6TH ST.**

Ald. Kurkowski, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2692, amending Ordinance No. 2493, allowing 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 for the Black Diamond property located at 6925 S. 6th 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.

10. **PUBLIC HEARING HELD TO CONSIDER A PROPOSAL FOR A CUP APPLICATION BY SAHERA ABU KHAMIREH FOR GROUP DAY CARE CENTER WITH OUTDOOR ACTIVITY AREA LOCATED AT 6901 S. 20TH ST. (KIDS 'N CARE).**

A public hearing was held to consider a proposal for a conditional use permit application by Sahera Abu Khamireh for a group day care center with an outdoor activity area located at 6901 S. 20th St. (Kids 'n Care) (see item 11 for action on this hearing).

11. **PRESENTED AND ADOPTED: ORDINANCE NO. 2693, APPROVING CUP FOR GROUP DAY CARE CENTER WITH OUTDOOR ACTIVITY AREA LOCATED AT 6901 S. 20TH ST. (KIDS 'N CARE).**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2693, approving a conditional use permit for a group day care center with an outdoor activity area located at 6901 S. 20th St. (Kids 'n Care). 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. **COUNCIL AUTHORIZES CITY ADMINISTRATOR TO ENTER INTO MARKETING CONTRACT WITH PACKERS RADIO NETWORK TO PROMOTE CITY FOR 2013-14 SEASON IN AMOUNT NOT TO EXCEED \$20,000.**

Ald. Ruetz, seconded by Ald. Michalski, moved to authorize the City Administrator to enter into a marketing contract with the Packers Radio Network to promote the City of Oak Creek for the 2013-14 season in an amount not to exceed \$20,000. 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.

13. **COUNCIL CONCURS WITH MAYOR'S RECOMMENDATION OF JILL THEY'S, 3050 E. EMILY AVE., OAK CREEK, TO CELEBRATIONS COMMISSION FOR 3-YEAR TERM, EXPIRING 4/2016.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to concur with the Mayor's recommendation of Jill Theys, 3050 E. Emily Ave., Oak Creek to the Celebrations Commission for a 3-year term, expiring 4/2016. 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 APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2013 Vendor Summary Report in the amount of \$447,360.89. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald.

15. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
PRESENTED AND ADOPTED: RESOLUTION NO. 11389-080513, ACCEPTING LIABILITY INSURANCE PROPOSAL FROM CVMIC FOR POLICY YEARS 2015 AND 2016.

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11389-080513, accepting the liability insurance proposal from Cities and Villages Mutual Insurance Company (CVMIC) for policy years 2015 and 2016. 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. 11390-080513, AUTHORIZING IT DEPARTMENT TO ADVERTISE REQUEST FOR PROPOSALS FOR DESIGN SERVICES OF CITY FIBER OPTIC WIDE AREA NETWORK (WAN).**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11390-080513, authorizing the Information Technology Department to advertise a request for proposals for design services of a City Fiber Optic Wide Area Network (WAN). 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. 11385-080513, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS FOR S. HOWELL AVE. WI DOT MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND TO SEND PAYMENT IN AMOUNT OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS (PROJECT NO. 12025).**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11385-080513, 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 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.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11388-080513, APPROVING STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH WISPARK LLC FOR OAK VIEW BUSINESS PARK DEVELOPMENT (TAX KEY NOS. 955-1001, 955-1002, 974-1003, 975-1004).**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11388-080513, approving a storm water management practices maintenance agreement with WisPark LLC for their Oak View Business Park Development (Tax Key Nos. 955-1001, 955-1002, 974-1003, 975-1004). 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 STREET LIGHT AT 9233 S. 15TH AVE; AND “NO PARKING” SIGNS ON E. VALBETH DR. FROM DEAD END TO CUL-DE-SAC AND TO S. GRIFFIN AVE; AND DENIES INSTALLATION OF “NO PARKING 8 AM TO 10 PM SCHOOL DAYS” SIGNS ON E. SUNSET DRIVE FROM S. BURRELL ST. TO S. JEAN DR.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to approve the installation of a street light at 9233 S. 15th Ave. and “No Parking” signs on E. Valbeth Dr., from the dead end to the cul-de-sac and to S. Griffin Ave.; and denies the installation of “No Parking 8 AM to 10 PM School Days” signs on the north 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.

Mayor Scaffidi excused himself at 8:19 p.m. to attend a meeting. Council President, Ald. Gehl, presided over the meeting and announced his intention to vote on all agenda items.

20. **COUNCIL REJECTS BID FOR 2013 SIDEWALK REPAIR PROJECT AND DIRECTS ENGINEERING DEPARTMENT TO RE-LET LARGER PROJECT IN EARLY 2014 WITH ADDITIONAL QUANTITIES AND SAME WORK ITEMS LATER THIS YEAR FOR WORK TO BE DONE IN 2014 CONSTRUCTION SEASON.**

Ald. Ruetz, seconded by Ald. Michalski, moved to reject the bid for the 2013 Sidewalk Repair Project and directs the Engineering Department to proceed with Option #2, to re-let a larger project in early 2014 with additional quantities and the same work items later this year for work to be done in the 2014 construction season. 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:

- Angela Straszewski, 520 W. Riverwood Dr., Oak Creek (Woodman's)
- Randy J. Stimac, 8624 W. Holt Ave., Milwaukee (Legion)
- Bryan D. Hayes, 8026 S. Wildwood Dr., Oak Creek (Applebee's)
- Amanda L. Vollmer, 8730 S. Country Dr., Oak Creek (Kwik Trip)
- Veronica RA. Gibbs, 1509 Walnut St., South Milwaukee (Applebee's)

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 CHANGE OF AGENT ON CLASS A COMBINATION LICENSE FOR ULTRA FOOD MARTS, LLC DBA PICK 'N SAVE #6387, 2320 W. RYAN RD. FROM JESSICA MARIFKE TO MATTHEW MEYER, 10312 63RD ST., KENOSHA.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a change of agent on the Class A Combination license for Ultra Food Marts, LLC dba Pick 'n Save #6387, 2320 W. Ryan Rd. from Jessica Marifke to Matthew Meyer, 10312 63rd St., Kenosha. 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 ATHLETIC EVENTS, PARADES AND RELATED EVENT PERMIT TO JAY PACITTI, EVENT COORDINATOR FOR GET YOUR GUTS IN GEAR BIKE EVENT ON 8/25/13.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Athletic Events, Parades and Related Event Permit to Jay Pacitti, Event Coordinator for Get Your Guts in Gear bike event on 8/25/13. 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.

24. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to convene in Closed Session at 8:30 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(e) to discuss the terms of a proposed Financing Agreement between

the City and Wispark LLC for Tax Incremental District (TIF) No. 8 (Oakview Business Park).

- b. Section 19.85 (1)(e) to discuss the terms of a proposed Financing Agreement between the City and One West Drexel LLC for Tax Incremental District (TIF) No. 11 (Drexel Town Square).
- c. Section 19.85 (1)(e) to discuss the terms of a proposed First Amendment to the Financing Agreement between the City of Oak Creek and One West Drexel LLC for Tax Incremental District (TIF) No. 11 (Drexel Town Square).

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.

Mayor Scaffidi returned to the Common Council meeting at 9:10 p.m. and presided over the remainder of the meeting.

25. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Gehl, seconded by Ald. Bukiewicz, moved to reconvene into Open Session at 9:28 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.

26. PRESENTED AND ADOPTED: ORDINANCE NO. 2691, ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN FOR CITY.

Ald. Bukiewicz, seconded by Ald. Gehl, moved to adopt Ordinance No. 2691, adopting an amendment to the Comprehensive Plan for the City of Oak Creek, Wisconsin. 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: ORDINANCE NO. 2686, CREATING SECTION 17.0334 OF MUNICIPAL CODE TO CREATE DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT ZONING DISTRICT.

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2686, creating Section 17.0334 of the Municipal Code to create the Drexel Town Square Mixed Use Planned Development zoning district. 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. PRESENTED AND ADOPTED: ORDINANCE NO. 2688, REZONING PROPERTIES AT 7929 S. HOWELL AVE. AND 300 W. DREXEL AVE. FROM M-1, MANUFACTURING TO DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT (DTSMUPD).

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Ordinance No. 2688, rezoning 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), Motion, with second agreeing was amended to add a glazing requirement as it relates to large format retailers at a minimum of 15%. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11346-080513, APPROVING TIF 8 FINANCE DEVELOPMENT AGREEMENT AND OTHER TID NO. 8 FINANCE DEVELOPMENT RELATED DOCUMENTS (OAKVIEW BUSINESS PARK).**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11346-080513, approving Tax Incremental District No. 8 Finance Development Agreement and other TID No. 8 Finance Development related documents (Oakview Business Park). 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.

30. **PRESENTED AND ADOPTED: RESOLUTION NO. 11337-080513, APPROVING TID NO. 11 FINANCE DEVELOPMENT AGREEMENT AND OTHER RELATED DOCUMENTS INCLUDING ALLOCATION AGREEMENT, PROJECT MANAGEMENT AGREEMENT, DISBURSING AGREEMENT, AMENDED AND RESTATED MORTGAGE AND SUPPLEMENT TO FINANCE DEVELOPMENT AGREEMENT BY AND BETWEEN CITY AND ONE WEST DREXEL LLC REGARDING FINANCING FOR DREXEL TOWN SQUARE.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11337-080513, approving the Tax Incremental District No. 11 Finance Development Agreement and other related documents including the Allocation Agreement, Project Management Agreement, Disbursing Agreement, Amended and Restated Mortgage and Supplement to Finance Development Agreement by and between the City of Oak Creek (the "City") and One West Drexel LLC ("OWD") regarding the financing for Drexel Town Square ("DTS"). 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. 11386-080513, APPROVING FIRST AMENDMENT TO TID NO. 11, FINANCE DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS INCLUDING THE AMENDED AND RESTATE MORTGAGE.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11386-080513, approving the first amendment to Tax Incremental District 11, Finance Development Agreement and related documents including the Amended and Restated Mortgage. 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.

32. **PRESENTED AND ADOPTED: RESOLUTION NO. 11387-080513, APPROVING EXCHANGE OF LANDS WITH ONE WEST DREXEL LLC FOR CITY HALL AND LIBRARY (300 W. DREXEL AVE.).**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11387-080513, approving an exchange of lands with One West Drexel LLC for the City Hall and Library (300 W. Drexel Ave.) (Tax Key No. 813-9024). 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. Ruetz, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 9:37 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