

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, OCTOBER 15, 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, Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, City Treasurer Barbara Guckenberger, City Assessor Martin Kuehn, Finance Director/Comptroller Bridget Souffrant, City Public Health Officer Judith Price, Water & Sewer Utility General Manager Michael Sullivan, Utility Engineer Ron Pritzlaff, 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. Michalski, moved to approve the minutes of the 10/1/13 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. **PUBLIC HEARING HELD TO CONSIDER PROPOSED SPECIAL ASSESSMENTS FOR WATER MAIN AND APPURTENANCES FOR PROJECT NO. 14101, ON BOTH SIDES OF S. 10<sup>TH</sup> AVE. FROM APPROXIMATELY 450' SOUTH OF E. BECKER RD., TO E. COUNTY LINE RD. AND THE NORTH SIDE OF E. COUNTY LINE RD. FROM S. 10<sup>TH</sup> AVE. TO S. CHICAGO RD. (STH 32).**

A public hearing was held to consider a proposed special assessment for water main and appurtenances for Project No. 14101, on both sides of S. 10<sup>th</sup> Ave. from approximately 450 feet south of E. Becker Rd., to E. County Line Road and the north side of E. County Line Road from S. 10<sup>th</sup> Ave. to S. Chicago Rd. (STH 32). See item No. 5 for action on this hearing.

5. **PRESENTED AND APPROVED: RESOLUTION NO. 11410-101513, FINAL RESOLUTION AUTHORIZING WATER MAIN AND LATERAL IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES ON BOTH SIDES OF S. 10<sup>TH</sup> AVE. FROM 450' SOUTH OF E. BECKER RD. TO E. COUNTY LINE RD. AND ON THE NORTH SIDE OF E. COUNTY LINE RD. FROM S. 10<sup>TH</sup> AVE. TO S. CHICAGO RD.**

Ald. Toman, seconded by Ald. Michalski, moved to adopt Resolution No. 11410-101513, a final resolution authorizing water main and lateral improvements and levying special assessments against benefited properties on both sides of S. 10<sup>th</sup> Ave. from 450' south of E. Becker Rd. to E. County Line Rd. and on the north side of E. County Line Road from S. 10<sup>th</sup> Ave. to S. Chicago Rd. (Project No. 14101) and to establish the interest rate at 4%. On roll call, the vote was as follows: Ald. Kurkowski, no; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Michalski, aye.

6. **PUBLIC HEARING HELD TO CONSIDER A PROPOSAL BY ST. MARY AND ST. ANTONIOUS COPTIC ORTHODOX CHURCH TO AMEND OFFICIAL MAP FOR NORTH 20 ACRES OF EAST ½ OF NORTHEAST ¼ OF SECTION 18, TOWN 5 NORTH, RANGE 22 EAST.**

A public hearing was held to consider a proposal by St. Mary and St. Antonious Coptic Orthodox Church to amend the official map for the North 20 acres of the East ½ of the Northeast ¼ of Section 18, Town 5 North, Range 22 East. See Item No. 7 for action on this hearing.

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2697, AMENDING OFFICIAL MAP FOR NORTH 20 ACRES OF EAST ½ OF NORTHEAST ¼ OF SECTION 18.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2697, amending the official map for the North 20 acres of the East ½ of the Northeast ¼ of Section 18. 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.

8. **PUBLIC HEARING HELD TO CONSIDER A PROPOSED STREET VACATION AND DISCONTINUATION OF PART OF PUBLIC STREET IN CITY (324 E. FOREST HILL AVE. IN SE ¼ SECTION 16-5-22).**

A public hearing was held to consider a proposed street vacation and discontinuation of a part of Public Street in the City of Oak Creek (324 E. Forest Hill Ave. in the SE ¼ of Section 16-5-22). See Item No. 9 for action on this hearing.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11399-090313, VACATING AND DISCONTINUING A PART OF PUBLIC STREET IN CITY (324 E. FOREST HILL AVE. IN SW ¼ OF SECTION 16-5-22).**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11399-090313, vacating and discontinuing a part of a public street in the City of Oak Creek (324 E. Forest Hill Ave. in the SE ¼ of Section 16-5-22). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11393-082013, APPROVING CSM FOR PROPERTY AT 324 E. FOREST HILL AVE.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11393-082013, approving a certified survey map for the property at 324 E. Forest Hill 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.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11394-082013, APPROVING CSM FOR PROPERTY AT 400 E. LILY DR.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11394-082013, approving a certified survey map for property at 400 E. Lily Dr. 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. **ANNOUNCEMENT AND PRESENTATION OF MAYOR'S LANDSCAPE AWARD WINNERS.**

Mayor Scaffidi announced the winners of the Mayor's Landscape contest and awards.

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

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

14. **COUNCIL AUTHORIZES MAYOR AND CITY CLERK TO EXECUTE THREE-YEAR CONTRACT WITH TYLER TECHNOLOGIES INC. FOR FULL ASSESSMENT AND SOFTWARE SERVICES, FOR PERIOD OF 11/1/13 THROUGH 10/31/16, FOR ANNUAL FEE OF \$175,000 WITH NO PRICE INCREASE OVER ITS TERMS.**

Ald. Gehl, seconded by Ald. Michalski, moved to authorize the Mayor and City Clerk to execute a three-year contract with Tyler Technologies Inc. for full assessment and software services, for a period of 11/1/13 through 10/31/16, for an annual fee of \$175,000 with no price increase over its terms. 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 ESTABLISHES NEW HOURS CITY HALL WILL BE OPEN TO PUBLIC BEGINNING JANUARY 2, 2014.**

Ald. Kurkowski, seconded by Ald. Michalski, moved to establish new hours that City Hall will be open to the public beginning January 2, 2014 as 7:30 a.m. to 4:00 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.

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

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2013 Vendor Summary Report in the amount of \$364,416.63. 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. 11411-101513, EXPRESSING OPPOSITION TO WISCONSIN ASSEMBLY BILL 385 REGARDING CHANGES TO LOCAL HOTEL ROOM TAX.**

Ald. Ruetz, seconded by Ald. Gehl, moved to adopt Resolution No. 11411-101513, expressing opposition to Wisconsin Assembly Bill 385 regarding changes to the local hotel room tax. 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.

Items 18 – 20 were taken as one motion.

18. **COUNCIL GRANTS OPERATOR'S LICENSE TO TROY REICHENBERGER, 10524 W. CORTEZ CIR., FRANKLIN (BUFFALO WILD WINGS).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Troy Reichenberger, 10524 W. Cortez Cir., Franklin (Buffalo Wild Wings). 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 GRANTS OPERATOR'S LICENSE TO GABRIELLE HANLEY, 3807A EAST HOLMES AVE., CUDAHY (BRANDED STEER).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Gabrielle Hanley, 3807A E. Holmes Ave., Cudahy (Branded Steer). 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 OPERATOR'S LICENSE TO ROBIN ATWOOD, 580 W. RIVERWOOD DR., #104, OAK CREEK (LEGION).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Robin Atwood, 580 W. Riverwood Dr., #104, Oak Creek (Legion). 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:

- Warren C. Litza, 1224 E. Oak Ln., Oak Creek (Legion)
- Jenny L. Bergez, 26570 Oak Ridge Dr., Wind Lake (Legion)
- Jeffrey Girard, 1200 Madison Ave., South Milwaukee (Legion)
- Daniel M. Ornelas, 4101 E. Barton Oaks Ct., Oak Creek (Mobile Oasis)

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 ORIGINAL CLASS A BEER LICENSE TO CYNTHIA SMITH, WALGREEN CO., DBA WALGREENS #04887, 9449 S. HOWELL AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an original Class A Beer license to Cynthia Smith, Walgreen Co., DBA Walgreens #04887, 9449 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 CHANGE OF AGENT TO ULTRA FOOD MART, LLC DBA PICK 'N SAVE #6387 FROM MATTHEW MEYER TO RICHARD T. ROMEL, 1226 DUNDEE DR., RACINE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a change of agent to Ultra Food Mart, LLC dba Pick 'n Save #6387 from Matthew Meyer to Richard T. Romel, 1226 Dundee Dr., Racine. 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. Toman, moved to convene in Closed Session at 9:00 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85 (1)(e) to discuss the terms of a development agreement, including a TIF incentive grant, with Wired Development for a mixed use development at Drexel Town Square.
- b. Section 19.85 (1)(e) to discuss the terms of a development agreement, including a TIF incentive grant, with Barrett Visionary Properties for a multi-family development at Drexel Town Square.
- c. Section 19.85 (1)(g) to discuss potential litigation against the Dillon Group LLC regarding the installation of the final lift of asphalt and other improvements in the Belmont Grove subdivision.



- d. Section 19.85 (1)(g) to discuss potential litigation against Angus Young & Associates, Inc. of Janesville, WI and VJS Construction Services of Pewaukee, WI regarding the design and construction negligence related to the addition and renovation of the public works facility at 800 W. Puetz Rd.
- e. Statutes 19.85 (1)(c) to discuss COBRA benefits for a former firefighter.

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 RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 10:27 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. COUNCIL TAKES ACTION ON CLOSED SESSION ITEMS.**

Ald. Gehl, seconded by Ald. Toman, moved to authorize the City Attorney to file a lawsuit against the Dillon Group LLC for violation of the development agreement between the City of Oak Creek and the Dillon Group LLC for the development of Belmont Grove subdivision, dated 7/5/2005, requiring the developer to complete the final lift of asphalt and other improvements, or alternatively, money damages in the amount of \$16,841. 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.

Ald. Gehl, seconded by Ald. Michalski, moved to grant a further extension of COBRA benefits to David Roszina. 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. Gehl, moved to adjourn this meeting at 10:29 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