

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, NOVEMBER 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. Toman, Ald. Gehl, and Ald. Michalski. Ald. Ruetz was excused. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer/Acting Building Commissioner Michael Simmons, Fire Chief Thomas Rosandich, Assistant Fire Chief Michael Kressuk, Community Development Director Douglas Seymour, City Treasurer Barbara Guckenberger, Finance Director/Comptroller Bridget Souffrant, 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. Kurkowski, moved to approve the minutes of the 10/15/13 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

4. **PUBLIC HEARING HELD TO CONSIDER CONDITIONAL USE PERMIT APPLICATION BY PASA ECE OF WISCONSIN GRANITE DEPOT FOR OUTDOOR STORAGE LOCATED AT 6720 S. 27TH ST.**

A public hearing was held to consider a conditional use permit application by Pasa Ece of Wisconsin Granite Depot for outdoor storage located at 6720 S. 27th St. See item No. 5 for action on this hearing.

5. **PRESENTED AND ADOPTED: ORDINANCE NO. 2696, APPROVING A CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE AREA LOCATED AT 6720 S. 27TH ST.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2696, approving a conditional use permit for an outdoor storage area located at 6720 S. 27th St. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

6. **PRESENTED AND ADOPTED: RESOLUTION NO. 11419-110513, AUTHORIZING ISSUANCE AND SALE OF \$5,925,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES.**

Ald. Michalski, seconded by Ald. Gehl, moved to adopt Resolution No. 11419-110513, authorizing the issuance and sale of \$5,925,000 Taxable General Obligation Promissory Notes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

7. **PRESENTED AND ADOPTED: RESOLUTION NO. 11420-110513, AUTHORIZING ISSUANCE AND SALE OF \$17,625,000 GENERAL OBLIGATION PROMISSORY NOTES.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11420-110513, authorizing the issuance and sale of \$17,625,000 General Obligation Promissory Notes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

8. **COUNCIL APPROVES INTERNAL CONTROL POLICY AS RECOMMENDED BY FINANCE COMMITTEE AT 9/17/13 MEETING, REPLACING PREVIOUSLY APPROVED POLICY FROM 12/5/06.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to approve the Internal Control Policy as recommended by the Finance Committee at their September 17, 2013 meeting, replacing the previously approved policy from December 5, 2006. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11424-110513, RESCINDING RESOLUTION NO. 10566-111505 AND RESTATING THE POLICY ON HANDLING OF DELINQUENT PERSONAL PROPERTY TAXES AND AUTHORIZE THE PUBLICATION AND WRITE-OFF OF 2011 AND 2012 DELINQUENT PERSONAL PROPERTY TAX PER CITY POLICY.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to adopt Resolution No. 11424-110513, rescinding Resolution No. 10566-111505 and restating the policy on the handling of delinquent personal property taxes and authorize the publication and write-off of 2011 and 2012 delinquent personal property tax per City policy. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

10. **COUNCIL APPROVES OR REVISES AS COUNCIL DEEMS APPROPRIATE, PROPOSED TERM SHEET FOR DISPATCH SERVICES BETWEEN CITY OF ST. FRANCIS AND CITY OF OAK CREEK.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve or revises as the Council deems appropriate, a proposed Term Sheet for Dispatch Services between the City of St. Francis and the City of Oak Creek. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **COUNCIL GRANTS REFUND OF FEES PAID AND WAIVER OF FUTURE FEES FOR OELSCHLAEGER-DALLMANN AMERICAN LEGION POST 434 FOR APPROVED CONSTRUCTION OF PORCH AT 9327 S. SHEPARD AVE.**

Ald. Toman, seconded by Ald. Gehl, moved to approve a refund of paid and a waiver of future fees due for Oelschlaeger-Dallmann American Legion Post 434 for approved construction of porch at 9327 S. Shepard Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, no.

12. **COUNCIL ESTABLISHES COMBINED MEETING DATES FOR 2014.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to establish combined meeting dates for 2014. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11413-110513, DESIGNATING OFFICIAL HOLIDAY'S FOR 2014.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11415-110513, designating official holiday's for 2014. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, 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 \$1,807,109.27. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz,

aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 11417-110513, ESTABLISHING FIRE DEPARTMENT AMBULANCE RATES, PLAN REVIEW FEES, FIRE INSPECTION FEES AND FOR THE CREATION OF INCIDENT BILLING CHARGES FOR MOTOR VEHICLE CRASHES AND OTHER HIGHWAY RESPONSES FOR NONRESIDENTS, REPEALING RESOLUTION NO. 11368-061813.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11417-110513, establishing Fire Department Ambulance Rates, Plan Review Fees, Fire Inspection Fees, and for the creation of incident billing charges for motor vehicle crashes and other highway responses for nonresidents, and repeals Resolution No. 11368-061813. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 11414-110513, APPROVING CSM FOR PROPERTIES AT 7929 S. HOWELL AVE. AND 8100 S. 6TH ST.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11414-110513, approving a certified survey map for the properties at 7929 S. Howell Ave. and 8100 S. 6th St. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 11415-110513, APPROVING CSM FOR PROPERTIES AT 7929 S. HOWELL AVE. AND 8051 S. HOWELL AVE.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11415-110513, approving a certified survey map for the properties at 7929 S. Howell Ave. and 8051 S. Howell Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11422-110513, APPROVING INTERLOCAL COOPERATION AGREEMENT REGARDING LAND USE PLANNING AND ECONOMIC DEVELOPMENT ACTIVITIES WITHIN THE MILWAUKEE GATEWAY AEROTROPOLIS AREA.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11422-110513, approving an Interlocal Cooperation Agreement regarding land use planning and economic development activities within the Milwaukee Gateway Aerotropolis area. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

19. **COUNCIL AUTHORIZES STAFF TO TAKE PRELIMINARY STEPS TO AMEND PROJECT PLAN FOR TAX INCREMENT FINANCING DISTRICT NO. 11 TO INCLUDE PROPERTY AT 400 W. FOREST HILL AVE. AND PROVIDE FOR ADDITIONAL DEVELOPMENT INCENTIVES.**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to authorize staff to take preliminary steps to amend the project plan for Tax Increment Financing District No. 11 to include the property at 400 W. Forest Hill Ave. and provide for additional development incentives. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11404-110513, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS FOR S. HOWELL AVE. WISCONSIN DOT MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND TO SEND PAYMENT**

IN AMOUNT OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNER.

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11404-110513, acquiring fee property (right-of-way) and temporary easements for the S. Howell Ave. Wisconsin Department of Transportation maintenance project from Oakwood Road to Grange Ave. and to send payment in the amount of the Award of Damages to the affected property owner. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11412-110513, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS FOR S. HOWELL AVE. WISCONSIN DOT MAINTENANCE PROJECT FROM OAKWOOD RD. TO GRANGE AVE. AND TO SEND PAYMENT IN AMOUNT OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNERS.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11412-110513, acquiring fee property (right-of-way) and temporary easements for the S. Howell Ave. Wisconsin Department of Transportation maintenance project from Oakwood Road to Grange Ave. and to send payment in the amount of the Award of Damages to the affected property owners. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11416-110513, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO SUPER WESTERN INC FOR RECONSTRUCTION / EXPANSION OF W. DREXEL AVE. FROM 27TH ST. TO DREXEL / I-94 INTERCHANGE.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11416-110513, accepting the workmanship and authorizing final payment for Super Western Inc. for the reconstruction/expansion of W. Drexel Ave from 27th St. to the Drexel / I-94 interchange (Project No. 06010). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11418-110513, NECESSITY FOR ACQUISITION OF LANDS FOR PUBLIC STREET PURPOSES, TEMPORARY EASEMENTS FOR GRADING AND AUTHORIZING NEGOTIATIONS FOR SUCH ACQUISITION AND CONDEMNATION, IF NECESSARY, FOR THE DREXEL TOWN SQUARE PROJECT ALONG S. HOWELL AVE. (STH 38), FROM FOREST HILL AVE. TO DREXEL AVE.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11418-110513, a resolution of necessity for acquisition of lands for public street purposes, temporary easements for grading, and authorizing negotiations for such acquisitions and condemnation, if necessary, for the Drexel Town Square project along S. Howell Ave. (STH 38), from Forest Hill Ave. to Drexel Ave. (Project No. 13051). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11421-110513, APPROVING LICENSE AGREEMENT BY AND BETWEEN THE CITY OF OAK CREEK AND WOODMAN'S FOOD MARKET, INC., 400 W. FOREST HILL AVE., AND 8131 S. HOWELL AVE., (TAX KEY NOS. 813-9014-005 & 813-9014-006) (PROJECT NO. 13051).**

Ald. Bukiewicz, seconded by Ald. Michalski, moved to adopt Resolution No. 11421-110513, approving a License Agreement by and between the City of Oak Creek and Woodman's Food Market Inc. (Woodman's), 400 W. Forest Hill Ave. and 8131 S. Howell Ave. (Tax Key Nos. 813-

9014-005 & 813-9014-006) (Project No. 13051). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

25. **PRESENTED AND ADOPTED: RESOLUTION NO. 11423-110513, AUTHORIZING VACATION OF EXISTING COMBINED SANITARY AND WATER MAIN EASEMENT ON PARCELS 3 AND 4 OF CSM NO. 6765 (TAX KEY NOS. 860-9024 & 860-9026).**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11423-110513, authorizing the vacation of an existing combined sanitary and water main easement of Parcels 3 and 4 of Certified Survey Map No. 6765 (Tax Key Nos. 860-9024 & 860-9026). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

26. **PRESENTED AND ADOPTED: RESOLUTION NO. 11425-110513, ADOPTING EQUIVALENT CHARGE OF \$29.00 FOR STORM WATER MANAGEMENT SERVICE CHARGES.**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11425-110513, adopting the Equivalent Charge of \$29.00 for the Storm Water Management Service Charges. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

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

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

- Maryam Alwindy, 3055 W. Green Ave., Milwaukee (Pick 'n Save)
- Dawn Keller, 2836 E. Edgerton Ave., Cudahy (Pick 'n Save)
- Tiffany Kloskey, 8160 S. Wildwood Dr., Oak Creek (Pick 'n Save)
- Ricardo Santiago, 3058 S. 40th St., Milwaukee (Pick 'n Save)
- Jessica Ball, 1703 Jefferson Ave., Waukesha (Bootz)

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

28. **COUNCIL GRANTS CHANGE OF AGENT TO APPLE HOSPITALITY GROUP, LLC DBA APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 7135 S. 13TH ST., FROM BRIAN HOLTEN TO JACOB WOODS.**

Ald. Gehl, seconded by Ald. Michalski, moved to grant a change of agent to Apple Hospitality Group, LLC dba Applebee's Neighborhood Grill & Bar, 7135 S. 13th St., from Brian Holten to Jacob Woods. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

29. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Michalski, moved to convene in Closed Session at 8:53 p.m., pursuant to Wisconsin State Statutes, 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. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

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

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 9:51 p.m. On roll

call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye. No action was taken.

ADJOURNMENT.

Ald. Gehl, seconded by Ald. Toman, moved to adjourn this meeting at 9:53 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor