

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, NOVEMBER 19, 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, Assistant Fire Chief Michael Kressuk, Community Development Director Douglas Seymour, City Librarian Jill Lininger, Police Chief John Edwards, 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 11/5/13 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. **OAK CREEK LIONS CLUB DONATION PRESENTED TO LIBRARY FOUNDATION.**

The Oak Creek Lions Club presented the Library Foundation with a check for \$25,000.

5. **COUNCIL AUTHORIZES CITY ADMINISTRATOR TO ADVERTISE AND SEEK CANDIDATE APPLICATIONS FOR HUMAN RESOURCE MANAGER.**

Ald. Michalski, seconded by Ald. Kurkowski, moved to authorize the City Administrator to advertise and seek candidate applications for a Human Resource Manager. 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. **COUNCIL CREATES ASSISTANT CITY ENGINEER POSITION WITH ANNUAL SALARY OF \$87,881; ELIMINATES POSITIONS OF CONSTRUCTION ENGINEER AND DEVELOPMENT ENGINEER.**

Ald. Michalski, seconded by Ald. Kurkowski, moved to create an Assistant City Engineer position with an annual salary of \$87,881 and eliminate the positions of Construction Engineer and Development Engineer. 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. **COUNCIL CREATES NEW JOB CLASSIFICATION OF ENVIRONMENTAL ENGINEER ELIMINATING JOB CLASSIFICATION CIVIL ENGINEER, ENVIRONMENTAL AND PLACE POSITION IN SAME PAY GRADE AS OTHER DEPARTMENT ENGINEERS (\$74,602-\$82,881).**

Ald. Michalski, seconded by Ald. Kurkowski, moved to create a new job classification of Environmental Engineer, eliminating the job classification Civil Engineer, Environmental and place the position in the same pay grade as other department engineers (\$74,602-\$82,881). 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. **COUNCIL RECLASSIFIES INDIVIDUALS TO ADMINISTRATIVE SUPPORT ASSISTANTS EFFECTIVE 1/1/14, WITH PAY AS INDICATED AND DIRECTS THAT UNTIL A HUMAN RESOURCE MANAGER IS HIRED, THESE INDIVIDUALS CONTINUE TO BE UNDER SUPERVISION OF EXISTING DEPARTMENT MANAGER.**

Ald. Michalski, seconded by Ald. Toman, moved to reclassify individuals to Administrative Support Assistants effective 1/1/14, with pay as indicated and that until a Human Resource Manager is hired, these individuals will continue to be under the supervision of their existing department manager. 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. **PRESENTED AND ADOPTED: ORDINANCE NO. 2699, FIXING SALARY RANGES, SALARY, WAGES, AND ALLOWANCES FOR PART-TIME PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR YEAR 2014.**

Ald. Michalski, seconded by Ald. Toman, moved to adopt Ordinance No. 2699, fixing the salary ranges, salary, wages, and allowances for the part-time personnel and other city offices and positions for the year 2014, with the recommended CVMIC limits for proof of insurance raised to \$250,000. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, no; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2700, FIXING SALARY RANGES, SALARY, WAGES AND ALLOWANCES FOR NON-UNION, GENERAL, MANAGEMENT PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR YEAR 2014.**

Ald. Michalski, seconded by Ald. Toman, moved to adopt Ordinance No. 2700, fixing the salary ranges, salary, wages and allowances for non-union, general, management personnel and other city offices and positions for the year 2014, with the recommended CVMIC limits for proof of insurance raised to \$250,000. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, no; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

11. **COUNCIL RECLASSIFIES PART-TIME FIRE DEPARTMENT CLERICAL HELP POSITION TO ADMINISTRATIVE SUPPORT ASSISTANT.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to reclassify a part-time Fire Department Clerical Help position to Administrative Support Assistant. 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: ORDINANCE NO. 2701, REPEALING AND RECREATING SECTION 2.48 OF MUNICIPAL CODE REGARDING RESIDENCY.**

Ald. Michalski, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2701, Repealing and Recreating Section 2.48 of the Municipal Code regarding Residency. 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 APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2013 Vendor Summary Report in the amount of \$723,478.30. 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: RESOLUTION NO. 11432-111913, ESTABLISHING FIRE DEPARTMENT RESCUE SERVICES, REPEALING RESOLUTION NO. 11417-110513.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11432-111913, establishing Fire Department Rescue Services, repealing Resolution No. 11417-110513. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11426-111913, APPROVING STATE/MUNICIPAL AGREEMENT FOR STATE-LET HIGHWAY PROJECT ALONG STH 38 (S. HOWELL AVE.) FROM OAKWOOD RD. TO COLLEGE AVE.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11426-111913, approving the State/Municipal Agreement for a State-Let Highway Project along STH 38 (S. Howell Ave.) from Oakwood Rd. to College 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.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 11427-111913, GRANTING WE ENERGIES PERMANENT EASEMENT AT 7115 S. HOWELL AVE. (TAX KEY NO. 765-9019).**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11427-111913, granting WE Energies a permanent easement at 7115 S. Howell Ave. (Tax Key No. 765-9019). 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. 11428-111913, APPROVING CSM FOR PROPERTIES AT 9770 S. 20<sup>TH</sup> ST. AND 9846 S. 20<sup>TH</sup> ST. (BLACK BEAR BOTTLING).**

Ald. Michalski, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11428-111913, approving a certified survey map for the properties at 9770 S. 20<sup>th</sup> St. and 9846 S. 20<sup>th</sup> St. (Black Bear Bottling). 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. 11429-111913, APPROVING CSM FOR PROPERTIES AT 7221 S. 13<sup>TH</sup> ST. AND 7223 S. 13<sup>TH</sup> ST. (SPORTLAND 2).**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11429-111913, approving a certified survey map for the properties at 7221 S. 13<sup>th</sup> St. and 7223 S. 13<sup>th</sup> St. (Sportland 2). 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. 11430-111913, APPROVING CSM FOR PROPERTY AT 500 W. OPUS DR. (OPUS NORTH).**

Ald. Gehl, seconded by Ald. Michalski, moved to adopt Resolution No. 11430-111913, approving a certified survey map for the property at 500 W. Opus Dr. (Opus North). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11431-111913, AFFIRMING CITY'S INTENTION TO PROCEED WITH EXISTING STREETScape DESIGNS FOR SOUTH 27<sup>TH</sup> ST. CORRIDOR.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11431-111913, affirming the City's intention to proceed with existing streetscape designs for the South 27<sup>th</sup> Street Corridor. 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. **DIRECTED HELD UNTIL AFTER REQUIRED PUBLIC HEARING ON JANUARY 7, 2014: RESOLUTION NO. 11434-111913, VACATING PORTION OF GLEN OAKS DRIVE RIGHT-OF-WAY.**

Ald. Toman, seconded by Ald. Michalski, moved to hold Resolution No. 11434-111913, vacation of a portion of Glen Oaks Drive Right-of-Way until after the required public hearing scheduled for January 7, 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.

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

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

- Aliya B. Jonic, 1810 Rawson Ave., South Milwaukee (7-Eleven)
- Jamie L. Lotharius, 307A South 69<sup>th</sup> St., Milwaukee (7-Eleven)
- Stephanie L. Schuler, S107 W19883 North Shore Dr., Muskego (Legion)
- Mark L. Willson, 622 E. Conway St., Milwaukee (Branded Steer)
- Brittany M. Leister, 2090 E. Norwood Dr., Oak Creek (7-Eleven)

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. Toman, moved to convene in Closed Session at 8:12 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 Barrett Visionary Properties for a multi-family development at Drexel Town Square.
- b. Section 19.85(1)(c)(e)(g) to discuss a resignation agreement and potential litigation involving police officer Clint Bauer.

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. Bukiewicz, moved to reconvene into Open Session at 9:20 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 CLINT BAUER.**

Ald. Gehl, seconded by Ald. Toman, moved to approve the resignation agreement and release between the City, the Wisconsin Professional Police Association and officer Clint Bauer and authorizes the Mayor to execute the same on behalf of the City. 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 9:23 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