

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, APRIL 15 2014, 7:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

CITY CLERK SWEARS IN NEWLY-ELECTED OFFICIALS.

City Clerk Catherine Roeske swore in to office 2nd District Alderperson Daniel Bukiewicz, 4th District Alderperson Michael Toman, and 6th District Alderperson Christopher Guzikowski.

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. Guzikowski. Ald. Ruetz was excused. Also present were: City Attorney Lawrence Haskin, Assistant City Attorney Melissa Karls, City Administrator Gerald Peterson, City Engineer / Acting Building Commissioner Michael Simmons, Community Development Director Douglas Seymour, Fire Chief Thomas Rosandich, Finance Director / Comptroller Bridget Souffrant, Acting Street Superintendent David Laehn, City Treasurer Barbara Guckenberger, Deputy Treasurer Corinne Wagner, IT Manager Caesar Geiger, Recreation Director Mary Jane Trate, 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 3/31/14 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. Guzikowski, aye.

4. **ALD. GEHL ELECTED COMMON COUNCIL PRESIDENT.**

City Attorney Lawrence Haskin explained the procedure for election of a Common Council President. The Mayor then opened the floor for nominations. Ald. Toman nominated Ald. Gehl. Ald. Toman, seconded by Ald. Kurkowski, moved to close nomination and cast unanimous ballot for Ald. Gehl as Common Council President. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 11474-041514, RESOLUTION OF APPRECIATION TO THOMAS MICHALSKI AS 6TH DISTRICT ALDERPERSON.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11474-041514, a Resolution of Appreciation to Thomas Michalski as 6th District Alderperson. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

6. **MAYORAL PROCLAMATION AND PRESENTATION FOR BUILDING SAFETY MONTH HELD TO 5/6/14 COUNCIL MEETING.**

The Mayoral Proclamation and presentation for Building Safety Month was held to the May 6, 2014 Council meeting.

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

City Administrator Gerald Peterson provided the Council with an update on the City Hall, Library

and Fire Station 3 project.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 11477-041514, APPROVING AMENDMENT TO 2014 BUDGET.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11477-041514, approving an amendment to the 2014 Budget. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **COUNCIL AUTHORIZED PUBLICATION AND WRITE-OFF OF 2012 DELINQUENT PERSONAL PROPERTY TAX PER CITY POLICY.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to authorize the publication and write-off of the 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. Guzikowski, aye.

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2717, ESTABLISHING AUTOMOBILE LIABILITY INSURANCE POLICY LIMITS.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to adopt Ordinance No. 2717, establishing automobile liability insurance policy limits. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11481-050713, AUTHORIZING SUBMITTAL OF KNOWLES-NELSON STEWARDSHIP DEVELOPMENT GRANT APPLICATION BY CITY ADMINISTRATOR FOR UP TO \$175,000 FOR CONSTRUCTION OF MULTI-USE TRAIL AND BOARDWALKS AT FUTURE DREXEL TOWN SQUARE WETLAND PARK, AND SUBSEQUENT APPROPRIATION OF CITY FUNDS FOR KNOWLES-NELSON STEWARDSHIP GRANT.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to adopt Resolution No. 11481-050713, authorizing the submittal of a Knowles-Nelson Stewardship Development grant application by the City Administrator for up to \$175,000 for construction of a multi-use trail and boardwalks at the future Drexel Town Square Wetland Park, and the subsequent appropriation of City of Oak Creek funds for a Knowles-Nelson Stewardship grant. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11478-041514, AUTHORIZING SUBMISSION OF WISCONSIN DOT FACILITIES FOR ECONOMIC ASSISTANCE (TEA) GRANT APPLICATION.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11478-041514, authorizing the submission of a Wisconsin Department of Transportation Facilities for Economic Assistance (TEA) Grant Application. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. **COUNCIL APPROVES CHANGE TO PRESCRIPTION DRUG BENEFIT MANAGER FOR EMPLOYEES IN CITY'S SELF-FUNDED MEDICAL PLAN FROM EXPRESS SCRIPTS TO NATIONAL COOPERATIVE RX, EFFECTIVE 8/1/14, OR AS SOON AS CONTRACTUALLY PERMISSIBLE, AND AUTHORIZES CITY ADMINISTRATOR TO SIGN RELATED AGREEMENT.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to approve a change to the prescription drug benefit manager for employees in the City's self-funded medical plan from Express Scripts to National Cooperative Rx, effective August 1, 2014, or as soon as contractually permissible, and authorizes the City Administrator to sign the related agreement. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **INFORMATIONAL: PARKS, RECREATION & FORESTRY COMMISSION REVENUE ANALYSIS.**

The Parks, Recreation & Forestry Commission revenue analysis was informational.

15. **DIRECTED HELD TO 5/6/14 COUNCIL MEETING: MAYOR'S ALDERMANIC APPOINTMENTS.**

The Mayor's Aldermanic appointments were directed held to the 5/6/14 Council meeting.

- a. Library Board – 1
- b. Community Development Authority (CDA) -2
- c. Community Center Board of Directors – 1
- d. Small Claims Committee – 1
- e. Water & Sewer Utility Commission – 1

16. **DIRECTED HELD TO 5/6/14 COUNCIL MEETING: COMMON COUNCIL PRESIDENT'S ALDERMANIC APPOINTMENTS.**

The Common Council President's Aldermanic appointments were directed held to the 5/6/14 Council meeting.

- a. Personnel Committee (minimum of 2) – 3
- b. Capital Improvements Committee – 3
- c. License Committee -3
- d. Plan Commission Representatives – 2
- e. Board of Health Representative – 1
- f. Emergency Government Committee Representative – 1 (plus Council President)
- g. Parks, Recreation and Forestry Commission – 1
- h. Traffic and Safety Commission – 1
- i. Finance Committee – 3
- j. Landscape and Beautification Committee - 1

17. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the 2014 Vendor Summary Report in the amount of \$467,417.16. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11480-041514, APPROVING AMENDMENTS TO CITY'S PARK AND OPEN SPACE PLAN.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to adopt Resolution No. 11480-041514, approving amendments to City's Park and Open Space Plan. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL APPROVES TRANSFER AND USE OF \$110,500 FROM STREETS BUILDING CIP FUNDS FOR PURCHASE OF SALT AND CALCIUM CHLORIDE.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to approve the transfer and use of \$110,500 from the Streets Building Capital Improvement Program (CIP) funds for the purchase of salt and calcium chloride. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11475-041514, APPROVING CSM FOR PROPERTIES AT 9921 S. SHEPARD AVE AND 635 E. FITZSIMMONS RD., WITH CONDITION THAT TECHNICAL CORRECTIONS ARE MADE PRIOR TO RECORDING.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11475-041514, approving a certified survey map for the properties at 9921 S. Shepard Ave. and 635 E. Fitzsimmons Rd., with the condition that all technical corrections are made prior to recording. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11476-041514, APPROVING CSM FOR PROPERTIES AT 641 W. OAKWOOD RD., 10303 S. HOWELL AVE., 10711 S. HOWELL AVE., WITH CONDITION THAT ALL TECHNICAL CORRECTIONS ARE MADE PRIOR TO RECORDING.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11476-041514, approving a certified survey map for the properties at 641 W. Oakwood Rd., 10303 S. Howell Ave., and 10711 S. Howell Ave., with the condition that all technical corrections are made prior to recording. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **COUNCIL APPROVES CONTRACT AMENDMENT WITH STRAND ASSOCIATES INC., FOR ACTUAL COST FEE NOT-TO-EXCEED \$52,905.70, FOR ADDITIONAL DESIGN SERVICES FOR S. 5TH AVE. RELOCATION.**

Ald. Toman, seconded by Ald. Kurkowski, moved to approve a contract amendment with Strand Associates Inc., for an actual cost fee not-to-exceed \$52,905.70, for additional design services for S. 5th Ave. Relocation (Project No. 12026). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11473-041514, ACQUIRING FEE PROPERTY (RIGHT-OF-WAY) AND TEMPORARY EASEMENTS, FOR DREXEL TOWN SQUARE PROJECT, AND, TO SEND PAYMENT IN AMOUNT OF AWARD OF DAMAGES TO AFFECTED PROPERTY OWNER.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11473-041514, acquiring fee property (right-of-way) and temporary easements, for the Drexel Town Square project, and, to send payment in the amount of the award of Damages to the affected property owner (Project No. 13040). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11479-041514, ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND RELEASING DEVELOPER FROM TERMS AND CONDITIONS OF DEVELOPMENT AGREEMENT FOR SHEPARD ORCHARD SUBDIVISION (PROJECT NOS. 05055 & 05056) (TAX KEY NOS. 922-9073, 922-9029-001, 922-9069).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11479-041514, accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Shepard Orchard Subdivision (Project Nos. 05055 & 05056) (Tax Key Nos. 922-9073, 922-9029-001, 922-9069). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

25. **COUNCIL CHOOSES ALTERNATIVE #4 – FULL RECONSTRUCTION (CITY/STATE/FEDERAL FUNDING) FOR S. NICHOLSON ROAD BRIDGE, WITH TEMPORARY REPAIR OF ALTERNATIVE #2 - STEEL PLATES, WITH THE ADAGE OF APPROPRIATE SIGNAGE AND WARNING LIGHTS.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to direct the Engineering Department to proceed with Alternative No. 4,-Full Reconstruction (City/State/Federal Funding), for the S. Nicholson Road Bridge, with a Temporary Repair of Alternative No 2,-Steel Plates, with the adage of appropriate signage and warning lights. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

26. **COUNCIL GRANTS OPERATOR’S LICENSES.**

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

- Jacquelyn N. Kober, 1785 W. Meyer Ln., Oak Creek (Pick ‘n Save)
- Lauren A. Tuska, 3660 E. Barbara Court, Oak Creek (Applebee’s)

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

27. **COUNCIL GRANTS CHANGE OF AGENT TO THE NOODLE SHOP CO., - COLORADO, INC., DBA NOODLES & COMPANY, 8609 S. HOWELL AVE., FROM BROOKE RHODEBECK TO KERI JO HESSELBEIN, 8020 S. 68TH ST., FRANKLIN.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to grant a change of agent to The Noodle Shop Co. – Colorado, Inc., dba Noodles & Company, 8609 S. Howell Ave., from Brooke Rhodebeck to Keri Jo Hesselbein, 8020 S. 68th St., Franklin. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

28. **COUNCIL GRANTS 2014 TRANSIENT MERCHANT LICENSE TO AMERICAN DREAM HOME IMPROVEMENT, 150 S. SUNNYSLOPE RD., #108, BROOKFIELD, WI, AND TO SALESPERSONS.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to grant a 2014 transient merchant license to American Dream Home Improvement, 150 S. Sunnyslope Rd., #108, Brookfield, WI, and to the following salespersons:

- Adam V. Just, 2332 N. Oakland Ave., Milwaukee
- Danielle N. Knutson, 10517 W. Oklahoma Ave., West Allis
- Mark A. Tanner, 1531 S. 59th St., West Allis
- James Z. Ali Carr, 1541 S. 98th St., West Allis
- Taylor Chojnacki, 9107 W. Manitoba St., West Allis

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

29. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to convene in Closed Session at 9:09 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(c)(e) to discuss negotiation strategy for the Personnel Committee, staff, and the City's labor attorney in upcoming labor negotiations with the Police and Fire unions.
- b. Section 19.85 (1)(e) to consider a proposed TIF Finance Agreement with Oak Creek Hotel Group, LLC for TIF 11 (Drexel Town Square).
- c. Section 19.85(1)(c)(e)(g) to discuss a medical termination and settlement agreement for firefighter Matthew Gorniak.

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

30. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 10:15 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

31. **PRESENTED AND ADOPTED: RESOLUTION NO. 11469-033114, APPROVING TID NO. 11 FINANCE DEVELOPMENT AGREEMENT WITH OAK CREEK HOTEL GROUP, LLC.**

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11469-033114, approving Tax Incremental District No. 11 Finance Development Agreement with Oak Creek Hotel Group, LLC. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

32. **FIRE LT. MATTHEW GORNIAC MEDICALLY TERMINATED; COUNCIL APPROVES SETTLEMENT AND FULL AND FINAL COMPROMISE AGREEMENT FOR WC CLAIM.**

Ald. Toman, seconded by Ald. Gehl, moved to concur with the Personnel Committee's recommendation regarding the medical termination of Fire Lt. Matthew Gorniak, and to approve a settlement and a full and final compromise agreement for the workers' compensation claim. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 10:16 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor