

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, MAY 20, 2014, 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. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Guzikowski. Ald. Kurkowski 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, Assistant Fire Chief Michael Kressuk, Finance Director / Comptroller Bridget Souffrant, IT Manager Caesar Geiger, Police Chief John Edwards, Utility General Manager Michael Sullivan, Utility Engineer Ron Pritzlaff, Human Resource Manager Mary Casey, 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. Ruetz, moved to approve the minutes of the 5/6/14 meeting as published. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11488-052014, AUTHORIZING ISSUANCE AND SALE OF UP TO \$5,471,070 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2014, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO, AND APPROVAL OF RELATED \$5,471,070 FINANCIAL ASSISTANCE AGREEMENT FOR WATER MAIN IMPROVEMENTS IN CEDAR HILLS, ROWAN ESTATES, AND HOWELL ESTATES SUBDIVISIONS.**

Ald. Gehl, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11488-052014, authorizing the issuance and sale of up to \$5,471,070 Waterworks System Revenue Bonds, Series 2014, and providing for other details and covenants with respect thereto, and approval of related \$5,471,070 financial assistance agreement for water main improvements in the Cedar Hills, Rowan Estates, and Howell Estates Subdivision. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 11492-052014, AUTHORIZING ISSUANCE AND SALE OF \$20,500,000 GENERAL OBLIGATION PROMISSORY NOTES.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11492-052014, authorizing the issuance and sale of \$20,500,000 general obligation promissory notes. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

6. A. **COUNCIL APPROVES ACCEPTANCE OF STAFF ADDENDUM RECOMMENDATIONS REFLECTED IN BID TABULATION EXHIBIT B, PREPARED BY BRAY ASSOCIATES, DATED 5/15/14, FOR CONSTRUCTION CONTRACTS FOR CITY HALL, LIBRARY, AND FIRE STATION NO. 1.**

Ald. Gehl, seconded by Ald. Toman, moved to accept the Staff addendum recommendations as reflected in Bid Tabulation Exhibit B, prepared by Bray Associates, dated May 15, 2014, for the construction contracts for City Hall, Library and Fire Station No. 1. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye;

and Ald. Guzikowski, aye.

B. COUNCIL AWARDS CONTRACT TO CORPORATION CONTRACTORS, INC., FOR CONSTRUCTION OF FIRE STATION NO. 1 IN AMOUNT OF \$4,474,811 AND CONSTRUCTION OF CITY HALL / LIBRARY IN THE AMOUNT OF \$18,465,500; ACCEPTS WITHDRAW OF BID BY SCHERRER CONSTRUCTION CO., INC.

Ald. Gehl, seconded by Ald. Guzikowski, moved to award a contract to Corporate Contractors, Inc., for construction of Fire Station No. 1, in the amount of \$4,474,811. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Ald. Gehl, seconded by Ald. Toman, moved to accept withdraw of the bid of Scherrer Construction Co., Inc., of \$15,000,000 and to award the contract to Corporate Contractors, Inc., for construction of the City Hall / Library in the amount of \$18,465,500, and that the bond for Scherrer Construction Co., Inc., not be forfeited. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. PRESENTED AND ADOPTED: COUNCIL APPOINTS KAREN KASTENSON AS DEPUTY COMPTROLLER/PAYROLL COORDINATOR AND ADOPTS ORDINANCE NO. 2724, AMENDING SECTION 4 OF 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, ESTABLISHING ANNUAL SALARY FOR POSITION, EFFECTIVE JUNE 16, 2014.

Ald. Toman, seconded by Ald. Bukiewicz, moved to appoint Karen Kastenson as Deputy Comptroller/Payroll Coordinator and adopts Ordinance No. 2724, amending Section 4 of Ordinance 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, establishing an annual salary for the position, effective June 16, 2014. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

8. PRESENTED AND ADOPTED: RESOLUTION NO. 11490-052014, AUTHORIZING EXECUTION OF BILL OF SALE WITH VERIZON WIRELESS PERSONAL COMMUNICATIONS LP AND OAK CREEK FRANKLIN JOINT SCHOOL DISTRICT.

Ald. Ruetz, seconded by Ald. Gehl, moved to adopt Resolution No. 11490-052014, authorizing execution of a Bill of Sale with Verizon Wireless Personal Communications LP and the Oak Creek Franklin Joint School District. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. PRESENTED AND ADOPTED: RESOLUTION NO. 11491-052014, APPROVING EXECUTION OF MORTGAGEE'S CONSENT AND SUBORDINATION TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR DREXEL TOWN SQUARE ("DTS").

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11491-052014, approving the execution of the Mortgagee's Consent and Subordination to the Declaration of Covenants, Conditions, Restrictions, and Easements for Drexel Town Square ("DTS"). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl,

aye; and Ald. Guzikowski, aye.

10. **COUNCIL ACCEPTS BID OF MILWAUKEE JOURNAL SENTINEL (OAK CREEK NOW) TO SERVE AS OFFICIAL CITY NEWSPAPER FOR NEXT 12 MONTHS.**

Ald. Bukiewicz, seconded by Ald. Guzikowski, moved to accept the bid of the Milwaukee Journal Sentinel (Oak Creek NOW) to serve as the official City newspaper for the next 12 months. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **COUNCIL CONCURS WITH MAYOR'S REAPPOINTMENT OF TERRY PETERSON TO POLICE AND FIRE COMMISSION.**

Ald. Ruetz, seconded by Ald. Gehl, moved to concur with the Mayor's reappointment of Terry Peterson to the Police and Fire Commission. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the 2014 Vendor Summary Report in the amount of \$357,865.55. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11489-052014, APPROVING CSM FOR PROPERTY AT 9345 S. 15TH AVE.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11489-052014, approving a certified survey map for the property at 9345 S. 15th Ave. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 11493-052014, GRANTING WE ENERGIES 12'-WIDE PERMANENT ELECTRIC EASEMENT AND 6'-WIDE PERMANENT GAS MAIN EASEMENT AT 301 W. RYAN ROAD (TAX KEY NO. 906-9026).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11493-052014, granting to WE Energies a 12'-wide permanent electric easement and a 6'-wide permanent gas main easement at 301 W. Ryan Road (Tax Key No. 906-9026). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **COUNCIL GRANTS OPERATOR'S LICENSE TO NICOLE HALTER, 22900 HANSON RD., UNION GROVE (MELROSE).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Nicole Halter, 22900 Hanson Rd., Union Grove (Melrose). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **COUNCIL GRANTS 2014 TRANSIENT MERCHANT LICENSES ON BEHALF OF AMERICAN DREAM HOMEBUILDERS, SELLING HOME IMPROVEMENT PRODUCTS, TO SALESPERSONS.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to grant a 2014 Transient Merchant license on behalf of American Dream Homebuilders, selling home improvement products, to the following salespersons:

- Andrew Hanke, 546 River Dr., Mayville
- Todd Felts, S70 W16381 Hedgewood Dr., Muskego

On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, no; and Ald. Guzikowski, aye.

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

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

- Caitria M. Thiele, 4545 Jenna Dr., Franklin (Bootz Saloon)
- Corrine M. Pozel, 1337 Illinois St., Racine (Woodman's)
- Laurie C. Walvisch, 234 Montana Ave., South Milwaukee
- John Q. Murdock, 4070 S. Packard Ave., #4, St. Francis (Fairfield Inn)
- Deborah A. DeVowe, 6160 S. 6th St., Milwaukee (Pick 'n Save)
- Rudy Siam, 2216 W. National Ave., Milwaukee (Kwik Trip)
- Kolin McCormick, 525 Wellington Ave., Union Grove (Kwik Trip)
- Matthew J. Price, 420 Ardmore Ave., Ripon (Kwik Trip)
- Sarah J. Walkington, 2121 N. Cambridge Ave., Milwaukee (Target)
- Samantha A. Rogers, 323 Cottonwood Ave., Hartland (Buffalo Wild Wings)
- Megan E. Goll, 361 W. Swan Cercle, Oak Creek (Kwik Trip)
- Touly Vang, 3636 W. Barnard Ave., Greenfield (Kwik Trip)
- Amanda K. Rolbiecki, 8551 Ventana Dr., Oak Creek (Target)
- Ryan R. Pitz, 159 N. Jackson St., Milwaukee (Target)
- Thomas J. Maglio, 5992 Sugarbush Ln., Greendale (Bootz)
- Lynde L. McGuire, 5625 S. Swift Ave., Cudahy (Target)

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

18. **COUNCIL GRANTS 2014 TRANSIENT MERCHANT LICENSE TO JEFFREY VANDEN BOOM, 10549 BEACON HILL CT. EAST, FRANKLIN, SELLING HOME IMPROVEMENT PRODUCTS ON BEHALF OF THE WINDOW STORE.**

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to grant a 2014 transient merchant license to Jeffrey Vanden Boom, 10549 Beacon Hill Ct. East, Franklin, selling home improvement products on behalf of The Window Store. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL GRANTS ATHLETIC EVENTS, PARADES AND RELATED EVENT PERMIT TO PARDEEP KALEKA, EVENT COORDINATOR FOR CHARDHI KALA 6K RUN/WALK ON 8/2/14.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Athletic Events, Parades, and Related Event Permit to Pardeep Kaleka, Event Coordinator for Chardhi Kala 6K Run/Walk on 8/2/14. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Ruetz, moved to convene in Closed Session at 8:32 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(g) to discuss a settlement agreement with or potential litigation against Angus Young & Associates, Inc. of Janesville, WI (“AYA”) regarding a negligence claim related to the addition and renovation of the public works facility at 800 W. Puetz Rd.
- b. Section 19.85(1)(e) to consider terms of a proposed Tax Incremental District Finance Development Agreement with Cobalt Partners for the property at 2201 E. College Avenue (Tax Key No. 721-8017) (1st District).

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

21. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 9:19 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **COUNCIL APPROVES SETTLEMENT AGREEMENT WITH ANGUS YOUNG & ASSOCIATES, INC. OF JANESVILLE, WI (“AYA”) REGARDING NEGLIGENCE CLAIM RELATED TO ADDITION AND RENOVATION OF PUBLIC WORKS FACILITY AT 800 W. PUETZ RD.**

Ald. Gehl, seconded by Ald. Toman, moved to approve a Settlement Agreement with Angus Young & Associates, Inc. of Janesville, WI (“AYA”) regarding a negligence claim related to the addition and renovation of the public works facility at 800 W. Puetz Rd. as outlined by the City Attorney in closed session and to authorize the Mayor to execute a release. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11494-052014, APPROVING EXECUTION OF MORTGAGEE’S CONSENT AND SUBORDINATION TO OAKVIEW BUSINESS PARK DECLARATION OF DEVELOPMENT STANDARDS AND PROTECTIVE COVENANTS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11494-052014, approving the execution of the Mortgagee’s Consent and Subordination to the Oakview Business Park Declaration of Development Standards and Protective Covenants. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Ruetz, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 9:20 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor