

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, JUNE 17, 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. Kurkowski, Ald. Toman, Ald. Gehl, and Ald. Guzikowski. Ald. Bukiewicz and Ald. Ruetz were excused. Also present were: City Attorney Lawrence Haskin, City Administrator Gerald Peterson, City Engineer / Acting Building Commissioner Michael Simmons, Community Development Director Douglas Seymour, Fire Chief Thomas Rosandich, Fire Battalion Chief Joseph Pulvermacher, Fire Battalion Chief Thomas Jonson, Finance Director / Comptroller Bridget Souffrant, Human Resource Manager Mary Casey, IT Manager Caesar Geiger, Streets, Parks and Forestry Director Ted Johnson, Police Captain Michael Bolender, Police Lieutenant David Stecker, Utility Engineer Ronald Pritzlaff, and City Clerk Catherine Roeske.

2. The meeting began with the Pledge of Allegiance being said by all present.

3. Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the minutes of the 6/3/14 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11503-061714, RESOLUTION OF COMMENDATION TO RODNEY J. PALMER, RETIRING FIRE BATTALION CHIEF.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to adopt Resolution No. 11503-061714, Resolution of Commendation to Rodney J. Palmer, retiring Oak Creek Fire Department Battalion Chief. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 14-11 TO DAVID LAEHN FOR DEDICATED SERVICE TO THE CITY AS ACTING STREET SUPERINTENDENT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Council Proclamation No. 14-11 to David Laehn for dedicated service to the City of Oak Creek as Acting Street Superintendent. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

6. **INFORMATIONAL: PETITION OF CITY CLERK ROESKE FOR NONRENEWAL OF LICENSE TO SERVE FERMENTED MALT BEVERAGES AND INTOXICATING LIQUOR SUBMITTED BY KAITLYN MARIE HINCE.**

The petition of City Clerk Catherine A. Roeske, dated 6/4/14 for nonrenewal of the license to serve fermented malt beverages and intoxicating liquor as submitted by Kaitlyn Marie Hince, 190 E. Lisa Dr., Oak Creek, based on the fact that she is a habitual offender and falsification by omission was informational.

7. **HEARING HELD ON PETITION FOR NONRENEWAL OF LICENSE TO SERVE FERMENTED MALT BEVERAGES AND INTOXICATING LIQUORS SUBMITTED BY KAITLYN MARIE HINCE.**

A hearing was held on the petition for nonrenewal of the license to serve fermented malt beverages and intoxicating liquors as submitted by Kaitlyn Marie Hince, 190 E. Lisa Dr., Oak

Creek.

8. **COUNCIL SUSPENDS OPERATOR'S LICENSE FOR KAITLYN MARIE HINCE FOR NINETY DAYS (TO 9/17/14).**

Ald. Gehl, seconded by Ald. Toman moved to suspend the Operator's (bartender) license submitted by Kaitlyn Marie Hince, 190 E. Lisa Dr., Oak Creek, to 9/17/14. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11505-061714, APPROVING ACCESS AGREEMENTS BETWEEN CITY AND EPEC POLYMERS, INC. AND BETWEEN CITY AND E.I. DUPONT DE NEMOURS AND COMPANY.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution NO. 11505-061714, approving the Access Agreements between the City of Oak Creek and EPEC Polymers, Inc. and between the City of Oak Creek and E.I. Du Pont De Nemours and Company. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11509-061714, AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE PARTIAL RELEASES OF DEVELOPMENT AGREEMENTS AND OTHER RELATED DOCUMENTS FOR OAKVIEW BUSINESS PARK ("OVBP") AND DREXEL TOWN SQUARE ("DTS").**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11509-061714, authorizing the Mayor and City Clerk to execute partial releases of the Development Agreements and other related documents for Oakview Business Park ("OVBP") and Drexel Town Square ("DTS"). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11512-052014, APPROVING SETTLEMENT AND RELEASE AGREEMENT REGARDING DANIEL VITEK V. CITY OF OAK CREEK; MILWAUKEE COUNTY CIRCUIT COURT CASE NO. 2013CV8065.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11512-052014, approving a settlement and release agreement regarding Daniel Vitek v. the City of Oak Creek; Milwaukee County Circuit Court Case No. 2013CV8065. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11511-061714, APPROVING INTERGOVERNMENTAL AGREEMENT PURSUANT TO WIS. STATS. SEC. 66.0301 WITH CITY OF ST. FRANCIS FOR POLICE, AMBULANCE AND FIRE RELATED DISPATCH SERVICES.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11511-061714, approving an Intergovernmental Agreement pursuant to Wis. Stats. Sec. 66.0301 with the City of St. Francis for Police, Ambulance and Fire related dispatch services. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 2728, AMENDING SECTION 4 OF ORDINANCE NO. 2700, RELATING TO SALARY FOR POSITION OF BUILDING INSPECTOR, CONTINGENT UPON PASSING PRE-EMPLOYMENT PHYSICAL.**

Ald. Gehl, seconded by Ald. Toman, adopted Ordinance No. 2728, amending Section 4 of Ordinance No. 2700, relating to the salary for the position of Building Inspector, contingent upon passing the pre-employment physical. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski,

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2726, ESTABLISHING SALARY RANGES, SALARY, WAGES AND ALLOWANCES FOR BOARDS AND COMMISSION MEMBERS.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2726, establishing salary ranges, salary, wages and allowances for board and commission members. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **PRESENTED AND ADOPTED: ORDINANCE NO. 2727, CREATING SECTION 2.46(A)(3)A, REPEALING AND RECREATING SECTION 2.46(A)(4) AND CREATING SECTION 2.46(1)(15)A, REGARDING DEPUTY TREASURER, ASSISTANT CITY ENGINEER AND DEPUTY COMPTROLLER/PAYROLL COORDINATOR.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2727, creating Section 2.46(a)(3)a, repealing and recreating Section 2.46(a)(4) and creating Section 2.46(1)(15)a regarding the Deputy Treasurer, Assistant City Engineer and Deputy Comptroller/Payroll Coordinator. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **COUNCIL AUTHORIZES THE CITY ADMINISTRATOR TO ENTER INTO RENEWAL MARKETING CONTRACT WITH PACKERS RADIO NETWORK TO PROMOTE CITY FOR 2014-15 SEASON IN AMOUNT NOT TO EXCEED \$23,700.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to authorize the City Administrator to enter into a renewal marketing contract with the Packers Radio Network to promote the City of Oak Creek for the 2014-15 season in an amount not to exceed \$23,700. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Guzikowski, aye.

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

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the 2014 Vendor Summary Report in the amount of \$370,197.23. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11508-061714, AUTHORIZING PAYMENT OF BILLS, DEBTS AND OBLIGATIONS.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11508-061714, authorizing payment of bills, debts and obligations. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL APPROVES PURCHASE OF WASHER/EXTRACTOR FROM HAIGES MACHINERY, INC. IN AMOUNT OF \$6,200.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to approve the purchase of a washer/extractor from Haiges Machinery, Inc. in the amount of \$6,200. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11504-061714, AUTHORIZING SALE OF FORMER WATER UTILITY WELL NO. 4 PROPERTY AT 9750 S. 20TH ST TO TRIWIRE 2, LLC IN AMOUNT OF \$15,000 (BLACK BEAR BOTTLING COMPANY).**

Ald. Guzikowski, seconded by Ald. Gehl, moved to adopt Resolution No. 11504-061714, authorizing the sale of the former water utility well No. 4 property at 9750 S. 20th St. to Triwire 2, LLC in the amount of \$15,000 (Black Bear Bottling Company). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11506-061714, ACCEPTING TEMPORARY LIMITED EASEMENTS FOR DREXEL TOWN SQUARE PROJECT (PROJECT NO. 13051).**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11506-061714, accepting temporary limited easements for the Drexel Town Square project (Project No. 13051). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11507-061714, ACCEPTING DEDICATION OF RIGHT-OF-WAY ALONG W. OAKWOOD RD. (PROJECT NO. 13054).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11507-061714, accepting the dedication of right-of-way along W. Oakwood Rd. (Project No. 13054). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. **COUNCIL APPROVES CONTRACT AMENDMENT WITH ALFRED BENESCH & COMPANY FOR ACTUAL COST FEE NOT-TO-EXCEED \$12,051.99, FOR ADDITIONAL DESIGN SERVICES FOR BRIDGES ON S. NICHOLSON RD., W. MARQUETTE AVE., AND S. 6TH ST. (PROJECT NO. 13022).**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to approve a contract amendment with Alfred Benesch & Company for an actual cost fee not-to-exceed \$12,051.99 for additional design services for bridges on S. Nicholson Rd., W. Marquette Ave., and S. 6th St. (Project No. 13022). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

24. **COUNCIL REJECTS BIDS FOR 2014 ANNUAL ROAD IMPROVEMENT PROJECT (PROJECT NOS. 14019 & 14022); DIRECTS STAFF TO PLACE SINGLE BID FOR WILLOW CREEK SUBDIVISION.**

Ald. Toman moved to reject the bid for the 2014 Annual Road Improvement project (Project Nos. 14019 & 14022). The motion was not seconded. Motion dies.

Ald. Kurkowski, seconded by Ald. Gehl, moved to reject the bid for the 2014 Annual Road Improvement project (Project Nos. 14019 & 14022) and to direct staff to place a single bid for Road Improvements for the Willow Creek Subdivision. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Guzikowski, aye.

25. **COUNCIL GRANTS OPERATOR'S LICENSE TO CARRIE A. FULLINGTON, 459 ADELINE DR., FRANKSVILLE (7-ELEVEN).**

Ald. Gehl, seconded by Ald. Kurkowski, moved to grant an Operator's license to Carrie A. Fullington, 459 Adeline Dr., Franksville (7-Eleven). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

26. **COUNCIL GRANTS OPERATOR'S LICENSE TO MICAH KURKOWSKI, 1110 E. MILWAUKEE AVE., OAK CREEK (BOOTZ SALOON & GRILL).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to grant an Operator's license to Micah Kurkowski, 1110 E. Milwaukee Ave., Oak Creek (Bootz Saloon & Grill). On roll call, the vote was as follows: Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Kurkowski abstained from voting.

27. **COUNCIL GRANTS AMUSEMENT OPERATOR AND AMUSEMENT DEVICE LICENSES TO REGGIE'S AMUSEMENTS LLC, 4718 S. PACKARD AVE., CUDAHY.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to grant an Amusement Operator and Amusement Device licenses to Reggie's Amusements LLC, 4718 S. Packard Ave., Cudahy. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

28. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Toman, moved to convene in Closed Session at 9:12 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1)(d) to consider a strategy for security measures at city owned buildings as it relates to crime prevention. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

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

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 9:48 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. No action was taken.

31. **PRESENTED AND ADOPTED: RESOLUTION NO. 11510-061714, AUTHORIZING THE BILL OF SALE OF OAK CREEK CITY HALL CIVIC CENTER SIGN TO AMERICAN LEGION POST 434.**

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11510-061714, authorizing the Bill of Sale of the Oak Creek City Hall Civic Center sign to the American Legion Post 434. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Gehl, seconded by Ald. Guzikowski, moved to adjourn this meeting at 9:49 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor