

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, JULY 1, 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. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl, and Ald. Guzikowski. 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, Finance Director / Comptroller Bridget Souffrant, Human Resource Manager Mary Casey, IT Manager Caesar Geiger, Streets, Parks and Forestry Director Ted Johnson, and Deputy City Clerk Christa Miller.

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

3. Ald. Kurkowski, seconded by Ald. Guzikowski, moved to approve the minutes of the 6/17/14 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Bukiewicz and Ald. Ruetz abstained from voting.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11513-070114, CONDOLENCES UPON THE DEATH OF POLICE AND FIRE COMMISSIONER, TERRY PETERSON.**

Ald. Gehl, seconded by Ald. Ruetz, moved to adopt Resolution No. 11513-070114, Condolences upon the death of Police and Fire Commissioner, Terry Peterson. 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. Guzikowski, aye.

5. **COUNCIL PROCLAMATION NO. 14-12, TO DONALD GASSENHUBER FOR DEDICATED SERVICES TO CITY AS MEMBER OF CDA.**

Ald. Ruetz, seconded by Ald. Gehl, moved to adopt Council Proclamation No. 14-12 to Donald Gassenhuber for dedicated service to the City of Oak Creek as a member of the Community Development Authority. 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. Guzikowski, aye.

6. **PUBLIC HEARING HELD TO CONSIDER CUP BY PANDA RESTAURANT GROUP FOR RESTAURANT WITH DRIVE-THROUGH FACILITY (PANDA EXPRESS) LOCATED AT 8041 S. HOWELL AVE.**

A public hearing was held to consider a conditional use permit application by Panda Restaurant Group, for a restaurant with drive-through facility (Panda Express) located at 8041 S. Howell Ave. (See item 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2729, APPROVING CUP FOR RESTAURANT WITH DRIVE-THROUGH FACILITY LOCATED AT 8041 S. HOWELL AVE. (PANDA EXPRESS).**

Ald. Bukiewicz, seconded by Ald. Kurkowski moved to adopt Ordinance No. 2729, approving a conditional use permit for a restaurant with drive-through facility at 8041 S. Howell Ave. (Panda Express). 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. Guzikowski, aye.

8. **COUNCIL AUTHORIZES FINANCE DEPARTMENT TO ENTER INTO AGREEMENT WITH BS&A SOFTWARE, FOR PUBLIC SECTOR COMPUTER SOFTWARE AND IMPLEMENTATION SERVICES.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to authorize the Finance Department to enter into an agreement with BS&A Software for public sector computer software and implementation services. 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. Guzikowski, aye.

9. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENTS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's appointments as follows:

- a. Police and Fire Commission – 5 year term to expire 4/2019  
Jeffrey Sageser, 1431 W. Lois Ln.
- b. Celebrations – 3 year term to expire 4/2017  
Melanie J. Lindseth, 3105 E. Emily Ave.
- c. Landscape and Beautification Committee – 2 year term to expire 5/2016  
Dave Chvilicek, 9667 S. Chicago Rd.

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. Guzikowski, aye.

10. **INFORMATIONAL: MAYOR'S APPOINTMENT OF ALD. GUZIKOWSKI TO REPLACE ALD. TOMAN ON LIBRARY BOARD.**

The Mayor's appointment of Ald. Guzikowski to replace Ald. Toman on the Library Board was informational.

11. **INFORMATIONAL: COMMON COUNCIL PRESIDENT'S APPOINTMENT OF ALD. TOMAN TO REPLACE ALD. GUZIKOWSKI ON FINANCE COMMITTEE.**

The Common Council President's appointment of Ald. Toman to replace Ald. Guzikowski to the Finance Committee was informational.

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

Ald. Gehl, seconded by Ald. Bukiewicz, moved to approve the 2014 Vendor Summary Report in the amount of \$481,601.78. 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. Guzikowski, aye.

13. **COUNCIL APPROVES CONTRACT FOR MARKETING SERVICES WITH SAVAGE SOLUTIONS, LLC, IN AMOUNT OF \$55,000, FOR 2014.**

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to approve a contract for marketing services with Savage Solutions, LLC, in the amount of \$55,000, for 2014, subject to the terms of the contract being approved by the City Attorney's office. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Ruetz abstained from voting.

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2730, CREATING SECTION 13.22(J) OF OAK CREEK MUNICIPAL CODE REGARDING LANDFILLING.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2730, creating Section 13.22(j) of the Oak Creek Municipal Code regarding landfilling. 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. Guzikowski, aye.

15. **COUNCIL AWARDS W. OAKWOOD RD. STORM SEWER IMPROVEMENT PROJECT CONTRACT TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, ALL-WAYS CONTRACTORS, INC. AT AN ESTIMATED COST OF \$119,484 (PROJECT NO. 14033).**

Ald. Guzikowski, seconded by Ald. Gehl, moved to award the W. Oakwood Rd. storm sewer improvement project contract to the lowest responsive, responsible bidder, All-Ways Contractors, Inc., at an estimated cost of \$119,484.00 (Project No. 14033). 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. Guzikowski, aye.

16. **COUNCIL REJECTS W. WEATHERLY DRIVE RECONSTRUCTION PROJECT BIDS DUE TO CITY'S OFFICIAL NEWSPAPER FAILING TO PUBLISH ADVERTISEMENT PROVIDED.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to reject the W. Weatherly Drive reconstruction project bids because the City's official newspaper failed to publish the advertisement that was provided to them. 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. Guzikowski, aye.

17. **COUNCIL GRANTS OPERATOR LICENSE TO MARY BUTCHKO, 3224 FOX DR., RACINE (ERV'S MUG).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Mary K. Butchko, 3224 Fox Dr., Racine (Erv's Mug). 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. Guzikowski, aye.

18. **COUNCIL GRANTS OPERATOR LICENSE TO JOSHUA HOWARD, 3913 E. HIGH ST., OAK CREEK (RYAN ROAD MOBIL).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Joshua Howard, 3913 E. High St., Oak Creek (Ryan Road Mobil). 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. Guzikowski, aye.

19. **COUNCIL GRANTS OPERATOR'S LICENSE TO DEREK M. PANOCH, 1521 W. EDGERTON, MILWAUKEE (APPLEBEE'S).**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant an Operator's license to Derek M. Panoch, 1521 W. Edgerton, Milwaukee (Applebee's). 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. Guzikowski, aye.

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

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

- Millicent F. Hynes, 4336 S. 46<sup>th</sup> St., Greenfield (Comfort Suites)
- Lisa M. Gammon, 8814 W. Rogers, West Allis (Buffalo Wild Wings)
- David Beebe, 8070 Long Meadow Dr., Oak Creek (Speedway)
- Emberly L. Russell, 8660 S. Liberty Lane, Oak Creek (Ryan Road Shell)
- Kasondra L. Brown, 11130 W. Morgan Ave., Greenfield (Noodles)
- Dennis J. Canzoneri, 8974 S. Chicago Rd., Oak Creek (Oak Creek Community Center)
- Claudia Y. Guerrero, 8756 S. Country Dr., Oak Creek (El Fogon)
- Alexandria M. Anselment, 8736 S. Country Dr., Oak Creek (Southbound)
- Barbara K. Cox, 7860 S. Clement Ave., Oak Creek (Back to Lucy's)
- Samantha N. Sell, 2545 E. Emily Ave., Oak Creek (Kwik Trip)
- Karin K. Thayer, 7280 S. Clement Ave., Oak Creek (Jim Dandy's)
- Stephanie E. St. Vincent, 2712 16<sup>th</sup> Ave., South Milwaukee (Southbound)

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. Guzikowski, aye.

21. **COUNCIL GRANTS SPECIAL CLASS B BEER LICENSE TO ROBERT KASTELIC, AGENT, SOUTH MILWAUKEE AMATEUR RADIO CLUB, FOR ONE DAY ONLY, 7/12/14, AT LEGION POST #434, 9327 S. SHEPARD AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Special Class B license to Robert Kastelic, Agent, South Milwaukee Amateur Radio Club, for one day only, 7/12/14, at Legion Post #434, 9327 S. Shepard 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. Guzikowski, aye.

22. **COUNCIL GRANTS 2014 TRANSIENT MERCHANT LICENSE TO KRIS KRISTL, N1577 WASHINGTON AVE., LAKE GENEVA, SELLING HOME IMPROVEMENT PRODUCTS ON BEHALF OF THE WINDOW STORE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a 2014 transient merchant license to Kris Kristl, N1577 Washington Ave., Lake Geneva, selling home improvement products on behalf of The Window Store. 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. Guzikowski, aye.

23. **COUNCIL GRANTS TEMPORARY CLASS B BEER AND WINE LICENSE TO OAK CREEK OJs AT SHEPARD HILLS AND SENIOR HIGH SOFTBALL DIAMONDS AND LEGION POST 434 LOWER DIAMOND FROM 8/2-8/3/14 (RAIN DATES 8/9-8/10/14), WITH WAIVER OF FEES.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Temporary Class B Beer and Wine license to the Oak Creek OJs at the Shepard Hills and Senior High softball diamonds and Legion Post 434 Lower Diamond from 8/2-8/3/14 (rain dates 8/9-8/10/14), with a waiver of fees. 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. Guzikowski, aye.

24. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to convene in Closed Session at 8:13 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1)(e) to consider a transfer agreement by and among the City of Oak Creek (the "City"), E.I. DuPont De Nemours and Company ("DuPont") and EPEC Polymers, Inc. ("EPEC"). 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. Guzikowski, aye.

25. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 8:32 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. Guzikowski, aye.

26. **PRESENTED AND ADOPTED: RESOLUTION NO. 11514-070114, APPROVING TRANSFER AGREEMENT BY AND AMONG THE CITY, E.I. DUPONT DE NEMOURS AND COMPANY AND EPEC POLYMERS, INC.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11514-070114, approving the transfer agreement by and among the City of Oak Creek (the "City"), E.I. DuPont De Nemours and Company ("DuPont") and EPEC Polymers, Inc. ("EPEC"). 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. Guzikowski, aye.

**ADJOURNMENT.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adjourn this meeting at 8:34 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. Guzikowski, aye.

ATTEST:

---

Catherine A. Roeske, City Clerk

---

Stephen Scaffidi, Mayor