

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, JANUARY 6, 2015, 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, City Administrator Gerald Peterson, Community Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, IT Manager Caesar Geiger, Fire Chief Thomas Rosandich, 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 12/16/14 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.
4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11579-010615, RESOLUTION OF APPRECIATION TO JACK G. REHN.**  
  
Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11579-010615, Resolution of Appreciation to Jack G. Rehn. 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. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY TIMOTHY WALLEN, MLG PF OAK CREEK, TO REZONE PORTION OF PROPERTIES AT 3110, 3260 & 3300 E. ELM RD., FROM A-1 AGRICULTURAL TO RS-2, SINGLE FAMILY RESIDENTIAL.**  
  
A public hearing was held to consider a request from Timothy Wallen, MLG PF Oak Creek, to rezone a portion of the properties at 3110, 3260 and 3300 E. Elm Rd., from A-1 Agricultural to Rs-2, Single Family Residential. (See item No. 6 for action on this hearing).
6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2745, REZONING PORTIONS OF PROPERTIES AT 3110, 3260 & 3300 E. ELM RD., FROM A-1, LIMITED AGRICULTURAL TO RS-2, SINGLE FAMILY RESIDENTIAL.**  
  
Ald. Toman, seconded by Ald. Gehl, moved to adopt Ordinance No. 2745, rezoning portions of the properties at 3110, 3260 and 3300 E. Elm Rd. from A-1, Limited Agricultural to Rs-2, Single Family Residential. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, no; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.
7. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY LEAH BERLIN, KWIK TRIP, INC., FOR CUP FOR GASOLINE SERVICE STATION ON PROPERTY AT 7880 S. 10<sup>TH</sup> ST.**  
  
A public hearing was held to consider a request by Leah Berlin, Kwik Trip, Inc., for a conditional use permit for a gasoline service station on the property at 7880 S. 10<sup>th</sup> St. (See item No. 8 for action on this hearing).
8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2744, APPROVING CUP FOR GASOLINE SERVICE STATION LOCATED AT 7880 S. 10<sup>TH</sup> ST.**  
  
Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2744, approving a conditional use permit for a gasoline service station located at 7880 S. 10<sup>th</sup> St. Motion, with second

agreeing, was amended to add that the lighting standards in Section 4 of the Conditions and Restrictions will indicate that recessed lighting will be required in the canopy as part of the conditional use. 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. 11580-010615, RESOLUTION AUTHORIZING ISSUANCE AND SALE OF \$19,650,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11580-010615, a Resolution Authorizing the Issuance and Sale of \$19,650,000 General Obligation Refunding Bonds, Series 2015A. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. (The reduction in the bond amount was presented to the Council prior to the meeting).

10. **PRESENTED AND ADOPTED: RESOLUTION NO. 11581-010615, APPROVING SECOND AMENDMENT TO ACCESS AGREEMENT BETWEEN BEAZER EAST, INC. ("BEAZER") AND CITY.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11581-010615, approving the second amendment to the Access Agreement between Beazer East, Inc. ("Beazer") and the City of Oak Creek. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **COUNCIL PROVIDES ELIGIBLE EMPLOYEES OPTION TO PARTICIPATE IN FEDERAL PENSION PROTECTION ACT OF 2006.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve and provide eligible employees the option to participate in the Federal Pension Protection Act of 2006. 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 \$535,111.96 and the 2015 Vendor Summary Report in the amount of \$184,451.09, for a total of all claims of \$719,563.05. 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. 11582-010615, APPROVING STATE/MUNICIPAL AGREEMENT FOR A STATE-LET LOCAL ROAD PROJECT (5<sup>TH</sup> AVENUE RELOCATION PROJECT) FROM CHICAGO RD. TO RYAN RD.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11582-010615, approving the State/Municipal Agreement for a State-let STP local road project (the 5<sup>th</sup> Avenue Relocation project) from Chicago Rd. to Ryan Rd. 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. A. **COUNCIL APPROVES RELOCATION OF "NO PARKING ANYTIME" SIGNS ON W. PILGRIM PKWY FROM S. 13<sup>TH</sup> ST TO S. ROSEWOOD TRAIL.**

Ald. Ruetz, seconded by Ald. Gehl, moved to approve the relocation of "No Parking Anytime"

signs on W. Pilgrim Parkway from S. 13<sup>th</sup> St. to S. Rosewood Trail. 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 APPROVES INSTALLATION OF “EQUESTRIAN” WARNING SIGNS WITH DISTANCE PLAQUE ON W. ELM RD. WEST OF C&NW RAILROAD TRACKS EAST TO 500 FEET EAST OF OAK LEAF TRAIL.**

Ald. Ruetz, seconded by Ald. Gehl, moved to approve the installation of “EQUESTRIAN” warning signs with distance plaque on W. Elm Rd. west of C&NW railroad tracks east to 500 feet east of Oak Leaf Trail. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

**C. COUNCIL HOLDS ACTION ON THE REQUEST FOR INSTALLATION OF “NO PARKING ANYTIME” SIGNS ON S. EMERALD MEADOWS DR. 10 FEET NORTH AND SOUTH OF PROPERTY LINE OF 10552 AND 10532 S. EMERALD MEADOWS DR.**

Action on the request for installation of a “NO PARKING ANYTIME” signs on S. Emerald Meadows Dr. 10 feet north and south of the property line of 10552 and 10532 S. Emerald Meadows Dr. was held.

**D. COUNCIL APPROVES INSTALLATION OF “NO PARKING BETWEEN 7:00 AM AND 4:00 PM DURING SCHOOL DAY” SIGNS ON E. CAROLLTON DRIVE’S SOUTH ROW IN FRONT OF CAROLLTON ELEMENTARY SCHOOL.**

Ald. Ruetz, seconded by Ald. Guzikowski, moved to approve the installation of ‘No Parking Between 7:00 AM and 4:00 PM During School Day’ signs on E. Carrollton Drive’s south ROW in front of Carrollton Elementary School. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

**E. COUNCIL DENIES INSTALLATION OF “NO PARKING ANYTIME” SIGNS ON W. APPLE CREEK DR. FROM W. JONATHAN DR. TO W. PUETZ RD. AND ON W. HONADEL DR. FROM S. 27<sup>TH</sup> ST. TO 185 FEET WEST OF S. CORTLAND DR.**

Ald. Ruetz, seconded by Ald. Gehl, moved to deny the installation of “NO PARKING ANYTIME” signs on W. Apple Creek Drive from W. Jonathan Dr. to W. Puetz Rd. and on W. Honadel Dr. from S. 27<sup>th</sup> St. to 185 feet west of S. Cortland Dr. 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 APPROVES PURCHASE OF ONE (1) UNITREND SERVER/APPLIANCE FROM CDWG, INC. IN AMOUNT OF \$13,925.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve a purchase of one (1) Unitrend Server / Appliance from CDWG, Inc. in the amount of \$13,925. 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 APPROVES PURCHASE OF CISCO NETWORK SWITCHES, GBICs, CABLES, AND ISE SOFTWARE / HARDWARE FROM CORE BTS, INC. IN AMOUNT OF \$177,361.94.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the purchase of Cisco network switches, GBICs, cables, and ISE software / hardware from CORE BTS, Inc. in the amount of \$177,361.94. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl,

aye; and Ald. Guzikowski, aye.

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

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

- Lindsey J. Eskau, W220 N6490 Town Line Rd., Menomonee Falls (Bootz)
- Nicole Gladkowska, 285 E. Golden Ln., Oak Creek (Pick 'n Save)

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 2014-15 CLASS A COMBINATION LICENSE TO CYNTHIA S. SMITH, AGENT FOR WALGREEN CO. DBA WALGREEN #04887, 9449 S. HOWELL AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a 2014-15 Class A Combination license to Cynthia S. Smith, Agent for Walgreen Co., dba Walgreen #04887, 9449 S. Howell 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.

**19. COUNCIL GRANTS SECONDHAND ARTICLE DEALER LICENSE TO RICHARD RADTKE, AGENT, OAK CREEK CURRENCY & COIN, 616 E. RYAN RD.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Secondhand Article Dealer license to Richard Radtke, Agent, Oak Creek Currency & Coin, 616 E. Ryan Rd., subject to payment of personal property taxes. 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. COUNCIL GRANTS 2015 MOBILE HOME PARK LICENSES.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant 2015 Mobile Home Park licenses to the following, subject to payment of personal property taxes:

- Joseph & Ellen Dentice, W365 N5053 Lakeview Ct., Oconomowoc, for Oak Creek Estates, LLC, 2301 W. College Ave.
- Fifth Avenue Development Group, LLC, PO Box 170872, Milwaukee, for Sunrise Shores, 8481 S. Fifth 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.

**21. CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Toman, moved to convene in Closed Session at 9:03 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85(1)(e) to consider a proposed Tax Incremental District No. 11 Finance Development Agreement by and between the City of Oak Creek and HSA Commercial Real Estate (Drexel Town Square) (2<sup>nd</sup> 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.

**NOTE:** Item b. to discuss Section 19.85(1)(c)(e) to discuss the tentative labor agreement between the City of Oak Creek and the Oak Creek Professional Police Officers Association for the period of 1/1/15 through 12/31/17 was held in Open Session.

22. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Toman, moved to reconvene into Open Session at 9:39 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.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11575-121614, APPROVING TID NO. 11 FINANCE DEVELOPMENT AGREEMENT WITH HSA COMMERCIAL REAL ESTATE.**

Ald. Gehl, seconded by Ald. Toman, moved to adopt Resolution No. 11575-121615, approving the Tax Incremental District No. 11 Finance Development Agreement with HSA Commercial Real Estate. Motion, with second agreeing, added subject to review and approval by the Mayor, City Attorney and City Administrator. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

24. **PRESENTED AND ADOPTED: ORDINANCE NO. 2746, CONFIRMING ADOPTION OF SETTLEMENT AGREEMENT BETWEEN CITY AND OAK CREEK PROFESSIONAL POLICE OFFICERS ASSOCIATION AND FIXING SALARY FOR MEMBERS OF ASSOCIATION FROM JANUARY 1, 2015 THROUGH DECEMBER 31, 2017.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Ordinance No. 2746, confirming adoption of the Settlement Agreement between the City of Oak Creek and the Oak Creek Professional Police Officers Association and Fixing the Salary for Members of the Association from January 1, 2015 through December 31, 2017. 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. Guzikowski, moved to adjourn this meeting at 9:40 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:

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Catherine A. Roeske, City Clerk

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Stephen Scaffidi, Mayor