

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, MARCH 17, 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. Gehl and Ald. Guzikowski. Ald. Kurkowski appeared by telephone. Ald. Toman 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, Human Resource Manager Mary Casey, Fire Chief Thomas Rosandich, Director of Streets, Parks and Forestry Ted Johnson, City Forester Rebecca Lane, Finance Director/Comptroller Bridget Souffrant, 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. Guzikowski, moved to approve the minutes of the 3/3/15 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Ruetz abstained from voting.

4. **PUBLIC HEARING HELD TO CONSIDER REQUEST FOR CUP FOR RESTAURANT WITH DRIVE-THROUGH FACILITY ON PROPERTY AT 150 W. TOWN SQUARE WAY.**

A public hearing was held to consider a request for a conditional use permit for a restaurant with drive-through facility on the property at 150 W. Town Square Way. (See item 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: ORDINANCE NO. 2759, APPROVING CUP FOR PROPERTY AT 150 W. TOWN SQUARE WAY FOR RESTAURANT WITH DRIVE-THROUGH FACILITY, REFERS MATTER TO PLAN COMMISSION TO PREPARE AND APPROVE CONDITIONS AND RESTRICTIONS, AND DIRECTS THIS MATTER BE REFERRED BACK TO COMMON COUNCIL ON APRIL 6, 2015, FOR REVISION TO ORDINANCE NO. 2759 TO INCORPORATE CONDITIONS AND RESTRICTIONS.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Ordinance No. 2759, approving a conditional use permit for the property at 150 W. Town Square Way for a restaurant with drive-through facility, to refer the matter to the Plan Commission to prepare and approve conditions and restrictions, and to direct that this matter be referred back to the Common Council for its meeting on April 6, 2015, for a revision to Ordinance No. 2759 to incorporate the conditions and restrictions. Motion, with second agreeing, amended the motion to expand that the conditions and restrictions be consistent with similar uses in the City. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Ald. Kurkowski excused himself from the meeting at 7:38 p.m.

6. **PRESENTED AND ADOPTED: RESOLUTION NO. 11601-031715, APPROVING CITY ADMINISTRATOR EMPLOYMENT AGREEMENT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11601-031715, approving the City Administrator Employment Agreement. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **COUNCIL AUTHORIZES CITY APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH ENVIRON IN AMOUNT NOT TO EXCEED \$247,500 FOR NORTH LAKE VISTA BLUFF STABILIZATION INCLUDING PREPARATION OF IRAP, BID PREPARATION, CONSTRUCTION OVERSIGHT AND DOCUMENTATION, AND GRANT COORDINATION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to authorize City approval of a Professional Services Agreement with Environ in an amount not to exceed \$247,500 for North Lake Vista Bluff Stabilization including preparation of an IRAP, bid preparation, construction oversight and documentation, and grant coordination. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

8. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the 2015 Vendor Summary Report in the amount of \$652,263.17. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 11600-031715, ACCEPTING 2014 ANNUAL REPORT FOR OAK CREEK'S WPDES STORM WATER (NR 216) PERMIT.**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to adopt Resolution No. 11600-031715, accepting the 2014 Annual Report for Oak Creek's WPDES Storm Water (NR 216) permit. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

10. **COUNCIL ENTERS INTO CONTRACT WITH R.A. SMITH NATIONAL, INC. FOR DNR AND ARMY CORP. OF ENGINEERS WETLAND PERMITTING, FOR ESTIMATED CONTRACT TOTAL OF \$25,100 (PROJECT NO. 15023).**

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to enter into a contract with R.A. Smith National, Inc., for Department of Natural Resources and Army Corp. of Engineers wetland permitting, for an estimated contract total of \$25,100 (Project No. 15023). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **COUNCIL AWARDS 2015 STREET TREE BID TO ST. AUBIN NURSERY IN AMOUNT OF \$34,015 (PROJECT NO. 14014).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to award the 2015 street tree bid to St. Aubin Nursery in the amount of \$34,015 (Project No. 14014). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **COUNCIL GRANTS OPERATOR LICENSES.**

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

- Mariah M. Friberg, 913 Columbia Ave., South Milwaukee (Woodman's)
- Kaitlyn N. Riley, 6516 S. 35<sup>th</sup> St., Franklin (Kwik Trip)
- Lynn F. Simonis, 3010 E. Wanda Ave., Cudahy (Classic Lanes).

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

13. **COUNCIL GRANTS CHANGE OF AGENT TO LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., DBA LOVE'S TRAVEL STOP #432, 9650 S. 20<sup>TH</sup> ST., FROM JERRY JARVIS TO SHAWN A. LIEN, 170 W. RAINBOW RIDGE DR., OAK CREEK.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a change of agent to Love's Travel Stops & Country Stores, Inc., dba Love's Travel Stop #432, 9650 S. 20<sup>th</sup> St., from Jerry Jarvis to Shawn A. Lien, 170 W. Rainbow Ridge Dr., Oak Creek. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **COUNCIL GRANTS 2014-15 CLASS A COMBINATION LICENSE TO AT MART, INC. DBA OAK CREEK MOBIL, TILAK B KC, AGENT, 1200 W. RAWSON AVE., WITH ISSUANCE SUBJECT TO OBTAINING OCCUPANCY PERMIT.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a 2014-15 Class A Combination license to AT Mart, Inc. dba Oak Creek Mobil, Tilak B KC, agent, 1200 W. Rawson Ave., with issuance subject to obtaining an occupancy permit. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **COUNCIL GRANTS 2014-15 CLASS B COMBINATION LICENSE TO PINEAPPLE CAFÉ, LLC DBA PINEAPPLE CAFÉ, SANDRA B. MADRIGAL, AGENT, 7864 S. HOWELL AVE., WITH ISSUANCE SUBJECT TO SANITARIAN APPROVAL AND OBTAINING OCCUPANCY PERMIT.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a 2014-15 Class B Combination license to Pineapple Café, LLC dba Pineapple Café, Sandra B. Madrigal, Agent, 7864 S. Howell Ave., with issuance subject to sanitarian approval and obtaining an occupancy permit. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **COUNCIL GRANTS 2015 LANDFILL LICENSE TO HERMAN AND ELIZABETH J. KOPPLIN, 6931 S. HOWELL AVE.**

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a 2015 Landfill License to Herman and Elizabeth J. Kopplin, 6931 S. Howell Ave. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **CLOSED SESSION HELD.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene in Closed Session at 8:08 p.m., pursuant to Wisconsin State Statutes 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 Emerald Row, LLC (Drexel Town Square) (2<sup>nd</sup> District). On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 8:31 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **DIRECTED HELD: RESOLUTION NO. 11602-031715, APPROVING TID NO. 11 FINANCE DEVELOPMENT AGREEMENT BY AND BETWEEN CITY AND EMERALD ROW, LLC.**

Action on Resolution No. 11602-031715, approving Tax Incremental District No. 11 Finance Development Agreement by and between the City of Oak Creek and Emerald Row, LLC (Drexel Town Square), was directed held.

20. **DIRECTED HELD: RESOLUTION NO. 11603-031715, APPROVING ACCESS AGREEMENT BY AND BETWEEN ONE WEST DREXEL, LLC AND CITY.**

Action on Resolution No. 11603-031715, approving an Access Agreement by and between One West Drexel, LLC and the City of Oak Creek (Drexel Town Square), was directed held.

**ADJOURNMENT.**

Ald. Ruetz, seconded by Ald. Guzikowski, moved to adjourn this meeting at 8:31 p.m. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, 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