

PROCEEDINGS, COMMON COUNCIL MEETING
MONDAY, APRIL 6, 2015, 6:30 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Mayor Scaffidi called the meeting to order at 6:30 p.m. On roll call, the following alderpersons were present: Ald. Kurkowski (arrived at 6:55 p.m.), Ald. Bukiewicz, Ald. Ruetz, Ald. Toman, Ald. Gehl and Ald. Guzikowski. Also present were City Attorney Lawrence Haskin, City Administrator Gerald Peterson, Fire Chief Thomas Rosandich, Director of Streets, Parks and Forestry Ted Johnson, Director/Comptroller Bridget Souffrant, IT Manager Caesar Geiger, Police Chief John Edwards, Police Captain Steve Anderson, City Planner Kari Papelbon, 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 3/17/15 meeting as published. On roll call, the vote was as follows: Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Kurkowski was not present for this item. Ald. Toman abstained from voting.

Ald. Bukiewicz, seconded by Ald. Ruetz, moved to approve the minutes of the 3/30/15 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. Ald. Kurkowski was not present for this item.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11606-040615, APPRECIATION TO BARBARA DAILEY, ACCOUNT CLERK II.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11606-040615, Appreciation to Barbara Dailey, Account Clerk II. 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. Kurkowski was not present for this item.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY CITY TO REZONE PORTION OF PROPERTY LOCATED AT 9770 S. 20TH ST., FROM I-1, INSTITUTIONAL TO M-1 (PUD) MANUFACTURING UNIT DEVELOPMENT.**

A public hearing was held to consider a request by the City of Oak Creek to rezone a portion of the property located at 9770 S. 20th St. from I-1, Institutional to M-1 (PUD), Manufacturing Planned Unit Development. (See Item 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2760, REZONING PORTION OF PROPERTY LOCATED AT 9770 S. 20TH ST., FROM I-1, INSTITUTIONAL TO M-1 (PUD), MANUFACTURING PLANNED UNIT DEVELOPMENT.**

Ald. Guzikowski, seconded by Ald. Gehl, moved to adopt Ordinance No. 2760, to rezone a portion of the property located at 9770 S. 20th St., from I-1, Institutional to M-1 (PUD), Manufacturing Planned Unit Development. 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.

7. PRESENTED AND ADOPTED: RESOLUTION NO. 11607-040615, OPPOSING ELIMINATION OF PERSONAL PROPERTY TAXES.

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11607-040615, authorizing Mayor Scaffidi to send a letter opposing elimination of personal property taxes to local State Legislators and Leadership. On roll call, the vote was as follows: Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Kurkowski was not present for this item.

Ald. Gehl, seconded by Ald. Toman, moved to amend his previous motion and adopt Resolution No. 11607-040615, opposing the elimination of personal property taxes and to authorize Mayor Scaffidi to send a letter of opposition to local State Legislators and Leadership. 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. PRESENTED AND ADOPTED: RESOLUTION NO. 11605-040615, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR PURCHASE OF NEW ELECTION EQUIPMENT BETWEEN MILWAUKEE COUNTY AND CITY, DOCUMENTING COST-SHARING PERTAINING TO THE PURCHASE OF STANDARDIZED ELECTION EQUIPMENT.

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11605-040615, approving an Intergovernmental Agreement for purchase of new election equipment between Milwaukee County and the City of Oak Creek, documenting cost-sharing pertaining to the purchase of Standardized Election Equipment. 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. Kurkowski was not present for this item.

9. COUNCIL APPROVES PURCHASE OF NEXT GENERATION (NG) 911 PHONE SYSTEM (SIX (6) DISPATCH STATIONS) FROM AT&T GLOBAL SERVICES, INC., IN THE AMOUNT OF \$173,333.64.

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the purchase of a Next Generation (NG) 911 Phone System (six (6) dispatch stations) from AT&T Global Services, Inc., in the amount of \$173,333.64. 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. Kurkowski was not present for this item.

10. COUNCIL AUTHORIZES CITY TO ENTER INTO 15-YEAR INTERGOVERNMENTAL AGENCY AGREEMENT WITH MILWAUKEE COUNTY FOR DIGITAL RADIO SYSTEM.

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the recommendation of the Police and Fire Departments, authorizing the City of Oak Creek to enter into a 15-year Intergovernmental Agency Agreement with Milwaukee County for a digital radio system. 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.

11. COUNCIL APPROVES VENDOR SUMMARY REPORT.

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the 2015 Vendor Summary Report in the amount of \$2,658,771.15. 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.

12. PRESENTED AND ADOPTED: ORDINANCE NO. 2761, APPROVING CUP FOR PROPERTY AT 150 W. TOWN SQUARE WAY FOR RESTAURANT WITH DRIVE-THROUGH FACILITY, INCORPORATING CONDITIONS AND RESTRICTIONS.

Ald. Bukiewicz, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2761, approving a Conditional Use Permit for the property at 150 W. Town Square Way for a restaurant with drive-through facility, incorporating conditions and restrictions. 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. PRESENTED AND ADOPTED: RESOLUTION NO. 11604-040615, AUTHORIZING DISSOLUTION OF TIF DISTRICT NO. 9.

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11604-040615, authorizing the dissolution of Tax Incremental Financing District No. 9. 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.

14. COUNCIL GRANTS OPERATOR LICENSES.

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

- Michael R. Peterson, 5425 S. Menard Dr., New Berlin (Community Center)
- Jennifer M. Helstowski, 11100 W. Janesville Rd., Hales Corners (Buffalo Wild Wings)
- Cynthia M. Swinhart, 1107 Marshall Ave., South Milwaukee (Pick 'n Save - 27th St.)
- Jason A. Horgen, 3531 96th Ave., Kenosha (Pick 'n Save - 27th St.)
- Carol L. Hink, 3731 S. 55th St., Milwaukee (Pick 'n Save - 27th St.)
- Brooke L. Collins, 914 S. 103rd St., West Allis (Legion Post)
- Sabrina A. Siekert, 6223 W. Cold Spring Rd., Greenfield (Legion Post)
- Lindsey M. Voisin, 302 E. Wynbrook Dr., Oak Creek (Fairfield Inn & Suites)
- Larissa H. Harrison, 3735 E. Holmes Ave., Cudahy (7-Eleven)
- Amber L. Karwoski, 525 E. Potter Ave., Milwaukee (Fairfield Inn & Suites)
- Regina Johnson, 7900 Harwood Ave., Wauwatosa (Comfort Suites)
- Leticia G. Espinoza-Tijerina, 1670 S. 11th St., Milwaukee (7-Eleven)
- Dawn M. Sherman, 185 W. Rainbow Ridge, Oak Creek (Erv's)
- Stephanie M. Feest, 2117 W. Grays Ln., Oak Creek (Jim Dandy'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.

15. COUNCIL GRANTS CHANGE OF AGENT TO THE NOODLE SHOP CO. – COLORADO, INC., FROM KERI HESSELBEIN TO GRANT G. EHLERT, 4764 N. 54TH ST., MILWAUKEE.

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Change of Agent to The Noodle Shop Co. – Colorado, Inc. from Keri Hesselbein to Grant G. Ehlert, 4764 N. 54th St., Milwaukee. 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 GRANTS TRANSIENT MERCHANT LICENSE TO TRUGREEN, N8 W22550 JOHNSON DR., WAUKESHA, WI, AND SALESPERSONS.

Ald. Ruetz, seconded by Ald. Gehl, moved to grant a Transient Merchant license to TruGreen, N8 W22550 Johnson Dr., Waukesha, WI and to the following salespersons:

- Mark Kisting, 2792 Brooks Ct., East Troy
- Ryan Meissner, 2657 S. 94th St., West Allis

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, 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 7:26 p.m., pursuant to Wisconsin State Statutes Section 19.85 (1)(g) to consider joining other Milwaukee County suburbs in a petition to the Court of Appeals for a supervisory writ in the case of the State of Wisconsin versus Joe Lanell Wofford, Jr. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, 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 7:34. 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. PRESENTED AND ADOPTED: RESOLUTION NO. 11608-040615, AUTHORIZING CITY ATTORNEY TO TAKE ACTION TO CONTEST RULING IN REGARDS TO COMMITMENT OF JOE LANELL WOFFORD, JR., INVALIDATING SEX OFFENDER RESIDENCY ORDINANCE IN MILWAUKEE COUNTY.

Ald. Kurkowski, seconded by Ruetz, moved to adopt Resolution No. 11608-040615, authorizing the City Attorney to take action to contest the ruling in regards to the commitment of Joe Lanell Woffard, Jr., invalidating Sex Offender Residency Ordinance in Milwaukee County, with a modification to the 6th "Whereas clause" to show that it is the City's belief that Judge Moroney's order disregarded the statutory and due process rights of the City of Oak Creek. 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 7:37 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