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Common Council
Chambers
8640 S. Howell Ave.
PO Box 27
Oak Creek, WI 53154
(414) 768-6500

COMMON COUNCIL MEETING AGENDA

TUESDAY, OCTOBER 20, 2015
AT 7:00 P.M.

COUNCIL MEETINGS CAN BE SEEN LIVE ON GOVERNMENT ACCESS CHANNELS 25 AND 99

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 9/15/15 and 10/6/15

Recognition

4. **Resolution:** Consider Resolution No. 11655-102015, a Resolution of Commendation to Scott Flatow, retiring Equipment Operator (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 11656-102015, a Resolution of Commendation to Margaret Woolford, retiring Administrative Support Assistant (by Committee of the Whole).

New Business

MAYOR & COMMON COUNCIL

6. **Ordinance:** Consider Ordinance No. 2774, establishing the annual salary for the Municipal Judge for each of the four years of the term beginning May 1, 2016 (by Committee of the Whole).
7. **Motion:** Consider a motion to approve the Vendor Summary Report in the amount of \$1,489,033.81 (by Committee of the Whole).

ENGINEERING

8. **Resolution:** Consider Resolution No. 11654-102015, acquiring fee property (right-of-way), permanent easements, temporary easements and highway easements for the S. 5th Avenue relocation project from the intersection of STH 100 (Ryan) / STH 32 (Chicago) to 5th Avenue / Ryan Road, and to send a payment in the amount of the Award of Damages to the affected property owners (Project No. 12026) (4th District).

MISCELLANEOUS

9. **Motion:** Consider a motion to convene into Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes Section 19.85 (1)(g) to consider the claim of Travis and Cortney Larson for fire damages sustained to their home at 2415 W. Drexel Avenue.

10. **Motion:** Consider a *motion* to reconvene into Open Session.
11. **Motion:** Consider a *motion* to take action, if necessary.

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 S. Howell Avenue, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

RESOLUTION NO. 11655-102015

**RESOLUTION OF COMMENDATION
TO
SCOTT FLATOW**

WHEREAS, Scott Flatow began his employment with the City of Oak Creek on September 9, 1985, and has worked as an Equipment Operator; and

WHEREAS, Scott was a very effective employee during his years of service with the City of Oak Creek Streets, Parks & Forestry Department, answering many calls for service from the community and providing immeasurable service to the community; and

WHEREAS, Scott is retiring from his position of Equipment Operator with the City of Oak Creek Streets, Parks & Forestry Department effective October 16, 2015, completing over 30 years of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED that the best wishes for good health and happiness be extended to Scott and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and the City Clerk be and is hereby directed to transmit a suitable copy thereof to Scott Flatow.

Passed and adopted this 20th day of October, 2015.

Kenneth A. Gehl, Common Council President

Stephen Scaffidi, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 11656-102015

RESOLUTION OF COMMENDATION
TO
MARGARET WOOLFORD

WHEREAS, MARGARET WOOLFORD began her employment with the City of Oak Creek on September 26, 1994 as a Planning Aide; and

WHEREAS, MARGARET WOOLFORD was promoted to Secretary in the Department of Community Development on January 24, 2000; and

WHEREAS, MARGARET WOOLFORD has been a very valuable employee during her years of service with the City of Oak Creek Department of Community Development by virtue of her knowledge of real estate and her efforts to improve the quality of life in the City, including assisting with the administration of the City's CDBG funds, economic development activities, and answering the thousands of calls for information from the community and providing vast service to the City's constituents and employees with her knowledge of the City; and

WHEREAS, MARGARET WOOLFORD is retiring from her position as Administrative Support Assistant effective October 9, 2015 after serving a total of over 20 years of dedicated service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that, for and on behalf of the citizens of Oak Creek, sincere gratitude and appreciation be extended to MARGARET WOOLFORD for her over 20 years of dedicated and faithful service to the Department of Community Development.

BE IT FURTHER RESOLVED that best wishes for good health and happiness be extended to MARGARET WOOLFORD and her family in her retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and the City Clerk be and she is hereby directed to transmit a suitable copy thereof to MARGARET WOOLFORD.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of October, 2015.

Passed and adopted this 20th day of October, 2015.

President, Common Council

Approved this 20th day of October, 2015.

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: October 20, 2015

Item No.: 6

Recommendation: The Personnel Committee has considered a request for a pay adjustment from the Municipal Judge. The Committee has also considered information provided by the Judge. The Personnel Committee recommends the Council approve Ordinance 2774 (attached) to establish the annual salary for the Municipal Judge for each of the four years of the term beginning May 1, 2016.

Background: Personnel Committee members reviewed the attached request and information from the Municipal Judge to consider an increase in pay for the position. The Municipal Judge serves a four year term. The current term ends April 30, 2016. According to State Statutes, pay for the position must be established by the Common Council through the adoption of an ordinance prior to nomination papers for the position becoming available to potential candidates. Nomination papers for the position will become available on December 1, 2015. Based on the Common Council's regular meeting schedule, an ordinance setting the pay for Municipal Judge should be completed no later than at the November 17th meeting.

Attached is an ordinance as recommended by the Personnel Committee to establish the annual pay and salary for the Municipal Judge beginning May 1, 2016. This ordinance reflects an increase of \$1,250 in each of the four years for the established term.

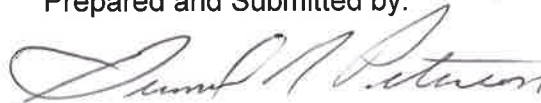
Fiscal Impact: None expected by this action. The Municipal Judge has adjusted the Municipal Court's budget request for 2016 to reflect no increase. The cost of any approved salary increase will be made up for by other line item adjustments.

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

ORDINANCE No. 2774

BY: _____

AN ORDINANCE FIXING THE SALARY, WAGES AND ALLOWANCES FOR ELECTED MUNICIPAL JUDGE OFFICE AND POSITION FOR THE FOUR-YEAR TERM MAY 1, 2016- APRIL 30, 2020

The Common Council of the City of Oak Creek do hereby ordain as follows:

SECTION 1: There is herewith established the uniform rates of pay of those certain offices and positions in the City services under the control of the Common Council of the City of Oak Creek affecting non-union, management and miscellaneous personnel for the term listed above. The proper city officials are authorized and directed to make the required payments to those affected employees of the City pursuant to this ordinance.

SECTION 2: The Municipal Judge shall not be eligible for fringe benefits.

Elected Position Title	Current Salary	Salary as of 5/1/2016	Salary as of 5/1/2017	Salary as of 5/1/2018	Salary as of 5/1/2019
Municipal Judge	\$17,322	\$18,572	\$19,822	\$21,072	\$22,322

SECTION 3: AUTO EXPENSE. The Municipal Judge shall be paid the rate allowed under the most current IRS regulations and per the Travel Policy.

In order to qualify for the above mentioned auto mileage and/or allowance, the officials designated must provide proof of insurance by a reasonable insurance company for bodily injury and property damage liability within minimum policy limits of \$250,000/\$500,000/\$25,000. In order to receive reimbursement, a Declaration of Coverages page stating the policy limits shall be provided annually by January 31 or upon policy renewal to the Personnel Office.

SECTION 4: VALIDITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions thereof. The Common Council of the City of Oak Creek hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof, may be declared invalid or unconstitutional.

SECTION 5: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of May 1, 2016, except where otherwise noted.

Introduced this _____ day of _____, 2015.

Passed and adopted this ____ day of _____, 2015.

President, Common Council

Approved this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Oak Creek Municipal Court
Re: Salary increase for position of Municipal Judge

Personnel Request

The salary of Municipal Judge is \$16,323. The proposed 2016 budget for the Municipal Court includes an increase of the judge's salary by \$5,000 to \$21,343.

Explanation

The Municipal Court is a co-equal branch of government as opposed to a department of the City of Oak Creek government. Wis. Stat. 755.01. As such, the elected position of Municipal Judge is one of the highest elected officials in the City of Oak Creek. The salary of the Municipal Judge is set by the municipality's governing body because the court is maintained at the expense of the municipality. The attached chart reveals that salary for the position of Municipal Judge is severely lagging behind counterparts in surrounding and comparable municipalities. See attachment.

Additionally, Court operations have grown over the past 10 years. The number of citations has increased. The court now needs 2 City prosecutors to handle the caseload, and the Court has added 1 part-time clerk to assist in processing the citations. The Municipal Judge's productivity has increased to meet the needs of the court. As a result of this increased workload, there has been an increase in court revenues. For example, in 2007, the Court processed 5,444 cases. In 2014, the Court processed 6,734 cases. Court revenues grew from \$376,360 in 2007 to \$410,685 in 2014.

Finally, the Municipal Court's proposed 2016 budget has implemented significant efficiencies. Therefore the proposed increase in wages was set off by concomitant reductions in expenses so there will be no overall increase in the court's 2016 budget from 2015.

2015 Milwaukee Urban Area Municipal Judges Salary

First	Last	MJ StartDate	MJ Salary	Municipality	Community Population	Juvenile Cases	Traffic Cases	Ordinance Cases	Net Court Income
JOHN	DOBOGAI	05/01/2010	\$25,674.00	CUDAHY	18500	199	7564	920	\$360,225.00
BILL	FENGER	04/04/2000	\$18,921.00	SOUTH MILWAUKEE	21156	0	1406	729	\$186,892.00
FRED	KLIMETZ	05/01/2006	\$21,000.00	FRANKLIN	35702	157	5821	1035	\$394,142.00
CHRIS	LIPSCOMB	05/01/1998	\$22,000.00	NORTH SHORE MUNICIPAL COURT	12845	262	5192	1171	\$479,773.00
BRAD	MATTHIESEN	08/29/2007	\$29,000.00	MENOMONEE FALLS	35798	79	6083	278	\$455,572.00
MIKE	PHEGLEY	02/01/2010	\$28,000.00	MT. PLEASANT	26000	173	5244	383	\$693,051.00
ALICE	RUDEBUSCH	06/28/2004	\$16,323.00	OAK CREEK	34000	397	5087	1250	\$410,685.00
JEFFREY	WARCHOL	05/01/2008	\$30,000.00	BROOKFIELD	38000	252	7213	593	\$586,672.00
TOM	WILKOSKI	05/01/1983	\$26,016.00	GREENFIELD	36720	198	6078	1116	\$651,753.00

Data taken from 2014-15 Wisconsin Municipal Judges Survey
Full Survey available upon request

City of Oak Creek Common Council Report

Meeting Date: October 20, 2015

Item No.: 7

Recommendation: That the Common Council approves payment of the obligations as listed on the October 12, 2015 Invoice GL Distribution Report.

Background: Of note are the following payments:

1. \$105,620.06 to 2201 W Southbranch. LLC (pg #1) for TIF #7 development payment.
2. \$89,064.40 to Advanced Disposal-Muskego (pg #1) for recycling.
3. \$7,474.00 to Baker Tilly Virchow Krause, LLP (pg #2) for 2014 Federal and State grant Audit services, 2014 annual Audit service, and TIF #9 Audit.
4. \$6,067.42 to Bauer Built Tire-Waukesha (pg #2) for tires.
5. \$234,918.35 to Bucyrus Wisconsin Property, LLC (pg #3) for TIF #10 development payment.
6. \$10,901.00 to Buelow Vetter Buikema Olson (pgs #3-4) for legal services.
7. \$146,164.19 to Core BTS, Inc. (pg #5) for VOIP phone system projects, Cisco Identity services, and equipment for new City Hall/Library.
8. \$213,920.76 to Enterprise Systems Group (pg #6) for installation of A/V System for new City Hall/Library.
9. \$7,638.50 to Johnson's Nursery, INC (pg #9) for landscaping at new City Hall/Library.
10. \$63,147.29 to JPMorgan Chase Bank (pgs #19-26) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
11. \$147,752.20 to Knight-Barry Title, Inc. (pg #9) property acquisition for Project 12026, South 5th Street.
12. \$135,661.34 to Liberty Property Trust (pg #10) for TIF #7 development payment.
13. \$9,799.08 to Milwaukee Area Domestic Animal (pg #11) for County Animal Control.
14. \$40,283.23 to Milwaukee County Treasurer (pg #11) for County court fines January to August.
15. \$7,163.91 to Minnesota Life Insurance Co. (pgs #11-12) for employee life insurance.
16. \$48,082.61 to Ramboll Environ (pg #14) for professional services relating to Lake Vista.
17. \$11,380.00 to Tyler Technologies, Inc (pg #16) for assessing services.
18. \$7,875.00 to Veolia Water North America (pg #16) for Project #12022, Drexel Town Square storm water monitoring.
19. \$5,700.00 to W & E Radtke, INC. (pg #16) for landscaping at new City Hall/Library.
20. \$12,408.30 to WE Energies (pgs #16-17) for street lighting, electricity and natural gas.
21. \$95,995.32 to WI Court Fines & Surcharges (pg #17) for State court fines January to August.
22. \$16,735.94 to World Fuel Services, Inc. (pg #18) for fuel inventory.

Fiscal Impact: Total claims paid of \$1,489,033.81

Prepared by/Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Respectfully submitted,



Gerald R. Peterson, ICMA-CM
City Administrator

City of Oak Creek Common Council Report

Meeting Date: October 20, 2015

Item No.: 8

Recommendation: That the Common Council adopts Resolution No. 11654-102015, acquiring fee property (right-of-way), permanent easements, temporary easements and highway easements for the S. 5th Avenue relocation project from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road, and to send a payment in the amount of the Award of Damages to the affected property owners. (Project No. 12026) (4th Aldermanic District)

Background: The acquisition (authorized under Resolution No. 11616-050515) of real estate and easements is necessary for 5th Avenue project, a new road extension from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road. The acquisition costs have been determined to be acceptable by the affected property owners. Single Source, Inc. is handling all of the real estate acquisitions for the project. They are the sub-consultant for the City's road designer, Strand Associates. The City must acquire right-of-way (FEE); and highway, permanent, and/or temporary easements across eleven parcels.

The City has approved eight acquisitions previously. These two represent the last of the private property acquisitions required for the project.

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
Jerome G. & Debbie M. Lemke	4005 E. Ryan Road	913-9995	4	FEE	\$100,746.00
Patrick J. Fitzpatrick Trust	3941 E. Ryan Road	912-9998	7	FEE	\$47,006.20

The amounts listed include land acquisition and closing costs. Just the highway easement needed from the railroad remains to be settled and this is moving along well. The acquisition costs are within the overall estimate.

Fiscal Impact: The total cost of this action is \$147,752.20, and is to be paid through the sale of promissory notes authorized by Resolution No. 11440-121713.

Prepared by:




Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted:



Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11654-102015

BY: _____

RESOLUTION ACCEPTING FEE PROPERTY, PERMANENT EASEMENTS, TEMPORARY EASEMENTS AND HIGHWAY EASEMENTS FOR THE SOUTH 5TH AVENUE RELOCATION PROJECT

(PROJECT NO. 12026)

(4th ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek decided that public necessity demands the construction of S. 5th Avenue Relocation from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road; and

WHEREAS, the road construction work will be completed by the Wisconsin Department of Transportation as part of their State Transportation Projects in 2016; and

WHEREAS, the acquisition of fee simple title, permanent easements, temporary easements and highway easements were authorized under Resolution No. 11616-050515, and

WHEREAS, the plat and relocation order for this project, with State I.D. 2987-00-14, have been approved and filed with the County Clerk for Milwaukee County, and

WHEREAS, the property owners listed below have agreed to the required land acquisitions by the City,

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
Jerome G. & Debbie M. Lemke	4005 E. Ryan Road	913-9995	4	FEE	\$100,746.00
Patrick J. Fitzpatrick Trust	3941 E. Ryan Road	912-9998	7	FEE	\$47,006.20

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached land acquisition and easements be approved and the same is hereby accepted; and

BE IT FURTHER RESOLVED, the Finance Director is hereby authorized and directed to prepare checks for payment in the amounts and to the owners listed above for a closing to be scheduled, and upon closing the City Clerk is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of October, 2015.

Passed and adopted this 20th day of October, 2015.

President, Common Council

Approved this 20th day of October, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____