

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, OCTOBER 16, 2012, 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. Jakubczyk, Ald. Bukiewicz, Ald. Ruetz, Ald. Gehl, Ald. Toman and Ald. Michalski. Also present were: City Attorney Lawrence Haskin, Finance Director Mark Wyss, City Administrator Gerald Peterson, Community Development Director Douglas Seymour, City Engineer/Acting Building Commissioner Michael Simmons, Fire Chief Thomas Rosandich, Battalion Chief Rodney Palmer, City Librarian Jill Lininger, City Treasurer Barbara Guckenberger, City Assessor Martin Kuehn, Information Technologies Manager Caesar Geiger, 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. Toman, moved to approve the minutes of the 10/2/12 meeting as published. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; Ald. Toman, aye; and Ald. Michalski, aye.
4. **COUNCIL APPROVES CONTRACT FOR MARKETING SERVICES WITH SAVAGE SOLUTIONS FOR A FLAT-FEE AMOUNT NOT TO EXCEED \$111,000 FOR REMAINDER OF 2012 AND 2013.**

Ald. Ruetz, seconded by Ald. Gehl, moved to approve a contract for marketing services with Savage Solutions for a flat-fee amount not to exceed \$111,000 for the remainder of 2012 and 2013. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, no.
5. **COUNCIL AUTHORIZES CITY ATTORNEY AND CITY ADMINISTRATOR TO NEGOTIATE CONTRACT FOR ARCHITECTURAL, ENGINEERING, AND RELATED SERVICES WITH BRAY ARCHITECTS, IN AMOUNT NOT TO EXCEED \$1,279,250 FOR DESIGN, CONSTRUCTION DOCUMENTS, BIDDING, INSPECTION SERVICES AND COMMISSIONING IN CONNECTION WITH BUILDING NEW CITY HALL, LIBRARY AND FIRE STATION.**

Ald. Toman, seconded by Ald. Michalski, moved to authorize the City Attorney and City Administrator to negotiate a contract for architectural, engineering, and related services with Bray Architects in an amount not to exceed \$1,279,250 for design, construction documents, bidding, inspection services, and commissioning in connection with building a new City Hall, Library, and Fire Station. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.
6. **PRESENTED AND ADOPTED: RESOLUTION NO. 11292-101612, SUPPORTING KNOWLES-NELSON STEWARDSHIP PROGRAM GRANT.**

Ald. Ruetz, seconded by Ald. Michalski, moved to adopt Resolution No. 11292-101612, supporting the Knowles-Nelson Stewardship Program Grant. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

7. **COUNCIL AUTHORIZES MAYOR AND CITY CLERK TO EXECUTE A ONE-YEAR EXTENSION TO CURRENT CONTRACT WITH TYLER TECHNOLOGIES, INC. CLT FOR ASSESSMENT AND SOFTWARE SERVICES, INCLUDING PERSONAL PROPERTY VALUATION, FOR PERIOD OF 11/1/12 THROUGH 10/31/13, FOR TOTAL COST OF \$91,000.**

Ald. Michalski, seconded by Ald. Toman, moved to authorize the Mayor and City Clerk to execute a one-year extension to the current contract with Tyler Technologies, Inc., CLT for assessment and software services, including personal property valuation, for the period of 11/1/12 through 10/31/13, for a total cost of \$91,000. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

8. **COUNCIL AUTHORIZES PUBLICATION AND WRITE-OFF OF 2010 AND 2011 DELINQUENT PERSONAL PROPERTY TAX PER CITY POLICY.**

Ald. Toman, seconded by Ald. Ruetz, moved to authorize the publication and write-off of 2010 and 2011 delinquent personal property tax per City policy. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

9. **COUNCIL CONCURS WITH COUNCIL PRESIDENT'S ALDERMANIC COMMITTEE APPOINTMENTS.**

Ald. Gehl, seconded by Ald. Michalski, moved to concur with the Common Council President's aldermanic appointments as follows:

- a. License Committee
  - Ald. Ruetz (filling vacancy)
- b. Emergency Government Committee Representative
  - Ald. Ruetz (filling vacancy)
- c. Cable Advisory Committee
  - Ald. Ruetz (filling vacancy)
- d. Traffic and Safety Commission
  - Ald. Ruetz (replacing Ald. Gehl)

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

10. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Michalski, moved to approve the 2012 Vendor Summary Report in the amount of \$1,048,950.91. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; Ald. Toman, aye; and Ald. Michalski, aye.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 11293-101612, APPROVING STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH HENKEL CORPORATION FOR PROPOSED BUILDING EXPANSION (TAX KEY NO. 765-9045).**

Ald. Jakubczyk, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11293-101612, approving a storm water management practices maintenance agreement with Henkel Corporation for their proposed building expansion (Tax Key No. 765-9045). On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

12. **COUNCIL GRANTS OPERATORS LICENSES.**

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

- Kelly Ellefsen, N2436 Shoreview Dr., Lake Geneva (Pick 'n Save)
- Maureen Gaquin, 350 W. Sunnyview Dr., Oak Creek (Applebee's)
- Devon Wroblewski, 2625 E. Emily Ave., Oak Creek (Classic Lanes)
- Jessica Ehly, 642 E. Village Green Ct., Oak Creek (The Saloon)
- Peter Pfaffenbach, 10551 S. Shepard Ave., Oak Creek (Buffalo Wild Wings)
- Marco Cobian, 8733 S. Chicago Rd., Oak Creek (Victor's)
- Allison Sweeney, 3940 E. American Ave., Oak Creek (Ryan Road Mobil)

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

13. **COUNCIL GRANTS ORIGINAL 2012-13 CLASS A COMBINATION LICENSE TO P&K KOONER LLC, KULWANT SINGH, AGENT, DBA CHECKER LIQUOR, 9110 S. CHICAGO RD., WITH ISSUANCE SUBJECT TO RECEIPT OF OCCUPANCY PERMIT, SANITARIAN APPROVAL, FIRE INSPECTION AND PAYMENT OF FEES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an Original 2012-13 Class A Combination license to P&K Kooner LLC, Kulwant Singh, Agent, dba Checker Liquor, 9110 S. Chicago Rd., with issuance subject to receipt of an occupancy permit, Sanitarian approval, fire inspection and payment of all fees. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

14. **COUNCIL GRANTS ORIGINAL 2012-13 CLASS B COMBINATION LICENSE TO MARIA COBIAN, VICTORS, 9117 S. 5<sup>TH</sup> AVE., WITH ISSUANCE SUBJECT TO PAYMENT OF FEES.**

Ald. Jakubczyk, seconded by Ald. Gehl, moved to grant an Original 2012-13 Class B Combination license to Maria Cobian, Victors, 9117 S. 5<sup>th</sup> Ave. with issuance subject to payment of all fees. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

15. **CLOSED SESSION HELD.**

Ald. Toman, seconded by Ald. Ruetz, moved to convene in Closed Session at 8:09 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85 (1)(c) to discuss the performance evaluation and employee agreement for the City Administrator.
- b. Section 19.85(1)(e) and 19.85(1)(g) to discuss the proposed settlement agreement with Cobalt Investments, LLC (Cummins NPower) for the property at 800 W. Ryan Rd. related to the 2010, 2011 and 2012 tax assessments.

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

16. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Toman, seconded by Ald. Michalski, moved to reconvene into Open Session at 9:24 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; Ald. Toman, aye; and Ald. Michalski, aye.

17. **COUNCIL APPROVES SETTLEMENT AGREEMENT FILED BY COBALT INVESTMENTS, LLC REGARDING 2010, 2011, AND 2012 TAX ASSESSMENTS.**

Ald. Toman, seconded by Ald. Michalski, to approve the proposed settlement agreement regarding the lawsuit filed by Cobalt Investments, LLC (Cummins NPower) for the property at 800 W. Ryan Rd., related to the 2010, 2011, and 2012 tax assessments. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Michalski, aye.

**ADJOURNMENT.**

Ald. Michalski, seconded by Ald. Gehl, moved to adjourn this meeting at 9:26 p.m. On roll call, the vote was as follows: Ald. Jakubczyk, aye; Ald. Bukiewicz, aye; Ald. Ruetz, aye; Ald. Gehl, aye; Ald. Toman, aye; and Ald. Michalski, aye.

ATTEST:

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Catherine A. Roeske, City Clerk

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Stephen Scaffidi, Mayor