

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, FEBRUARY 7, 2017, 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. Kurkowski, Ald. Bukiewicz, Ald. Verhalen, Ald. Toman, and Ald. Gehl. Ald. Guzikowski was excused.

Also present were City Attorney Melissa Karls, Deputy Health Officer Anne Barberena, Communications Coordinator Leslie Flynn, City Treasurer Barbara Guckenberger, Parks & Forestry Director Ted Johnson, Interim Health Officer Jacqueline Ove, Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, Finance Directory/Comptroller Bridget Souffrant, Water & Sewer Utility General Manager Michael Sullivan, City Administrator Andrew Vickers, 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. Verhalen, moved to approve the minutes of the 1/20/17 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

4. **PUBLIC HEARING HELD TO CONSIDER CITY'S INTENTION TO EXERCISE ITS POWER UNDER SECTION 3.200 OF MUNICIPAL CODE OF CITY TO LEVY SPECIAL ASSESSMENTS UPON ABUTTING PROPERTY FOR BENEFITS CONFERRED UPON SUCH PROPERTY FRONTING ON 3280 AND 3310 E. KENDER LN.**

A public hearing was held to consider the City's intention to exercise its power under Section 3.200 of the Municipal Code of the City of Oak Creek to levy special assessments upon abutting property for benefits conferred upon such property fronting on 3280 and 3310 E. Kender Ln. (See Item No. 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 11786-020717, FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY.**

Ald. Toman, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11786-020717, Final Resolution authorizing Public Improvements and Levying Special Assessments against Benefitted Property (Kender Lane CSM – Project No. 05061). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

6. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY WE ENERGIES AND WISPARK, LLC FOR CUP ALLOWING WE ENERGIES ELECTRICAL SUBSTATION AND COMMUNICATION POLE ON PORTION OF PROPERTY AT 10861 S. HOWELL AVE.**

A public hearing was held to consider a request by WE Energies and WisPark, LLC for a Conditional Use Permit allowing a WE Energies electrical substation and communication pole on a portion of the property at 10861 S. Howell Ave. (See Item No. 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2839, APPROVING CUP FOR WE ENERGIES ELECTRICAL SUBSTATION WITH COMMUNICATION POLE LOCATED ON PORTION OF PROPERTY AT 10861 S. HOWELL AVE.**

Ald. Bukiewicz, seconded by Ald. Verhalen, moved to adopt Ordinance No. 2839, approving a Conditional Use Permit for a WE Energies electrical substation with communications pole located on a portion of the property at 10861 S. Howell Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

8. **KRISTIN KOWALESKI INTRODUCED AS CITY'S DESTINATION MARKETING SPECIALIST.**

Kristin Kowaleski was introduced to the Council as the City's Destination Marketing Specialist.

9. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 17-01, CONGRATULATIONS TO EDER FLAG, SSCC 2016 BUSINESS OF THE YEAR AWARD FINALIST.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Council Proclamation No. 17-01, Congratulations to Eder Flag, South Suburban Chamber of Commerce, 2016 Business of the Year Award Finalist. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

10. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 17-02, CONGRATULATIONS TO TRATTORIA DI CARLO, SSCC 2016 PRIDE IN PREMISES AWARD WINNER.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Council Proclamation No. 17-02, Congratulations to Trattoria diCarlo, South Suburban Chamber of Commerce, 2016 Pride in Premises Award Winner. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

11. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 17-03, CONGRATULATIONS TO KRONES, SSCC 2016 BUSINESS OF THE YEAR AWARD WINNER.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Council Proclamation No. 17-03, Congratulations to Kronos, South Suburban Chamber of Commerce, 2016 Business of the Year Award Winner. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

12. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 17-04, CONGRATULATIONS TO TRI CITY NATIONAL BANK, SSCC 2016 BUSINESS OF THE YEAR AWARD FINALIST.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Council Proclamation No. 17-04, Congratulations to Tri City National Bank, South Suburban Chamber of Commerce, 2016 Business of the Year Award Finalist. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

13. **SUMMARIZED TREASURER'S REPORT ON INVESTING AND BANKING ACCOUNTS FOR MONTH ENDING DECEMBER 31, 2016.**

City Treasurer, Barbara Guckenberger, provided the Council with a Summarized Treasurer's Report on investing and banking accounts for the month ending December 31, 2016.

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2841, AMENDING SECTION 5 OF ORDINANCE NO. 2818, FIXING SALARY RANGES AND ALLOWANCES FOR NON-UNION, GENERAL, MANAGEMENT PERSONNEL, AND OTHER CITY OFFICES AND POSITIONS FOR 2016.**

Ald. Toman, seconded by Ald. Bukiewicz, moved to adopt Ordinance No. 2841, amending Section 5 of Ordinance No. 2818, fixing the salary ranges and allowances for non-union, general, management personnel, and other City offices and positions for the year 2016. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 11790-020717, ESTABLISHING DATE AND TIME OF 2017 BOARD OF REVIEW.**

Ald. Gehl, seconded by Ald. Toman, moved to adopt Resolution No. 11790-020717, establishing the date and time of the 2017 Board of Review. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

16. **PRESENTED AND ADOPTED: ORDINANCE NO. 2840, REPEALING ORDINANCE NO. 2784, ESTABLISHING BOARD OF ABSENTEE CANVASSERS.**

Ald. Gehl, seconded by Ald. Verhalen, moved to adopt Ordinance No. 2784, establishing a Board of Absentee Canvassers. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

17. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the 2016 Vendor Summary Report in the amount of \$294,650.18 and the 2017 Vendor Summary Report in the amount of \$1,135,990.26 for a combined total of \$1,430,640.44. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

18. **COUNCIL APPROVES CONTRACT AND ADDENDUM TO ADMINISTER TATTOO AND BODY PIERCING LICENSING AND INSPECTION PROGRAM AS AGENT FOR DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES (DSPS).**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to approve the Contract and Addendum to Administer the Tattoo and Body Piercing Licensing and Inspection Program as an agent of the Department of Safety and Professional Services (DSPS). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

19. **COUNCIL APPROVES INTERIM HEALTH OFFICER, JACQUELINE OVE, AND DEPUTY HEALTH OFFICER, ANNE BARBERENA, TO COMPLETE APPLICATION FOR EMERGING LEADERS IN PUBLIC HEALTH (ELPH) PROGRAM FROM THE KRESGE FOUNDATION.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to approve the Interim Health Officer, Jacqueline Ove, and the Deputy Health Officer, Anne Barberena, to complete an application for the Emerging Leaders in Public Health (ELPH) program from The Kresge Foundation. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 11788-020717, REDESIGNATING ROADWAY THROUGH LAKE VISTA PARK AND PORTION OF EAST RYAN ROAD EAST OF SOUTH 5TH AVENUE TO LAKE VISTA PARKWAY AND LAKE VISTA BOULEVARD.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11788-020717, redesignating the roadway through Lake Vista Park and the portion of East Ryan Road east of S. 5th Avenue to Lake Vista Parkway and Lake Vista Boulevard. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 11791-020717, APPROVING SECOND AMENDMENT TO CARROLLVILLE CROSSINGS SUBDIVISION DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 8781 S. 5TH AVENUE FOR CARROLLVILLE CROSSINGS ADDITION NO. 1 (TAX KEY NO 865-0114-000).**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11791-020717, approving the second amendment to the Carrollville Crossings Subdivision Development Agreement for the design and installation of public improvements at 8781 S. 5th Avenue for Carrollville Crossings Addition No. 1 (Tax Key No. 865-0114-000) (Project No. 16053 and 16054). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11794-020717, AUTHORIZING MAYOR AND CITY CLERK TO ENTER INTO CONTRACT WITH VANDEWALLE & ASSOCIATES FOR PREPARATION OF PROJECT PLANS FOR AMENDMENT TO TID NO. 6 AND CREATION OF TID NO. 13 IN AMOUNT NOT TO EXCEED \$20,000.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11794-020717, authorizing the Mayor and City Clerk to enter into a contract with Vandewalle & Associates for the preparation of the project plans for an amendment to Tax Incremental District No. 6 and the creation of Tax Incremental District No. 13 in an amount not to exceed \$20,000. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, no; Ald. Toman, aye; and Ald. Gehl, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 11789-020717, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO PAYNE & DOLAN, INC.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11789-020717, accepting the workmanship and authorizing final payment to Payne & Dolan, Inc. This project involved the installation of roadway improvements in various locations city-wide (Project No. 13024). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11792-020717, APPROVING STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT FOR AURORA MEDICAL GROUP, INC., FOR DEVELOPMENT AT 200 E. RYAN RD. (TAX KEY NO. 874-9994-001).**

Ald. Verhalen, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11792-020717, approving a Storm Water Management Practices Maintenance Agreement for the Aurora Medical Group, Inc., for their development at 200 E. Ryan Road (Tax Key No. 874-9994-001). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

25. **COUNCIL GRANTS OPERATOR'S LICENSE.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant an Operator's license to the following:

- Zeanie M. Henderson, 4479 N. 66th St., Milwaukee (Meijer)
- Jeffrey A. Adkins, 112 W. Honeysuckle Dr., Round Lake Beach, IL (Meijer)
- Amy Jo K. Bohn, 2533 E. Henry Ave., Cudahy (Kwik Trip)
- Ryan R. Giesen, 4131 E. Barton Rd., Oak Creek (Kwik Trip)
- Alexandria T. Fredrick, 410 W. Hampton Ave., Milwaukee (Kwik Trip)
- Barbara A. Congdon, 1724 E. Racine Ave., Waukesha (Vivere Restaurant)
- Jessica K. Wilinski, 2824 W. Franklin Ter., Franklin (Water Street Brewery)
- Morgan E. Megow, 1649 S. 82nd St., West Allis (Applebee's)
- Jessica M. Hynes, 7507 S. 13th St., Oak Creek (Bel Air Cantina)
- Gabrielle C. Sculley, 3302 S. Griffin Ave., Milwaukee (Bel Air Cantina)
- Nancy L. Baker, 2652 Iris Ct., Racine (Aldi)

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

26. **COUNCIL GRANTS CLASS B BEER LICENSE TO AARON P. BROWN, AGENT, OAK PRO III, LLC DBA CANDLEWOOD SUITES, 6440 S. 13TH ST.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a Class B Beer license to Aaron P. Brown, Agent, Oak Pro III, LLC dba Candlewood Suites, 6440 S. 13th St., with issuance subject to payment of their 2016 personal property taxes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

27. **COUNCIL GRANTS TRANSIENT MERCHANT LICENSE TO THE WINDOW STORE HOME IMPROVEMENTS, 2706 S. 163RD ST., NEW BERLIN, WI, AND SALESPERSONS.**

Ald. Kurkowski, seconded by Ald. Verhalen, moved to grant a Transient Merchant license to The Window Store Home Improvements, 2706 S. 163 St., New Berlin, WI, and to the following salespersons:

- Keith A. Harvey, 4113 County Rd. G, Caledonia
- Justin L. Mich, 10500 W. Fountain Ave., Milwaukee
- Greg R. Miller, 10500 W. Fountain Ave., Milwaukee
- Zachary A. Drew, 3301 N. 88th St., Milwaukee

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

28. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to convene into Closed Session at 8:03 p.m. pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85(1)(e) to discuss the terms of a Finance Development Agreement with Emerald Row II LLC and Emerald Row Holdings Inc. for TIF loan and grant assistance for Phase II of the Emerald Row development.
- b. Section 19.85(1)(g) to consider the Notice of Claim of David and Paula Diamond regarding damage to their home at 8638 S. Shepard Avenue, sustained on December 18, 2015.

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

29. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to reconvene into Open Session at 8:43 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

30. **COUNCIL AUTHORIZES ISSUANCE OF NOTICE OF DISALLOWANCE FOR CLAIM SUBMITTED BY DAVID AND PAULA DIAMOND.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to deny the Notice of Claim of David and Paula Diamond regarding the damages to their home at 8638 S. Shepard Ave. sustained on December 18, 2015. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Toman, aye; and Ald. Gehl, aye. Ald. Verhalen abstained from voting.

31. **PRESENTED AND ADOPTED: RESOLUTION NO. 11793-020717, APPROVING FINANCE DEVELOPMENT AGREEMENT WITH EMERALD ROW II LLC AND EMERALD ROW HOLDINGS INC. FOR TIF LOAN AND GRANT ASSISTANCE FOR PHASE II OF THE EMERALD ROW DEVELOPMENT.**

Ald. Bukiewicz, seconded by Ald. Gehl, moved to adopt Resolution No. 11793-020717, approving a Finance Development Agreement with Emerald Row II LLC and Emerald Row Holdings Inc. for TIF loan and grant assistance for Phase II of the Emerald Row development. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, no; Ald. Toman, aye; and Ald. Gehl, aye.

32. **PRESENTED AND ADOPTED: RESOLUTION NO. 11795-020717, AUTHORIZING SUBMITTAL OF WISCONSIN ECONOMIC DEVELOPMENT CORPORATION SITE ASSESSMENT GRANT APPLICATION FOR PROPERTY COMMONLY KNOWN AS THE BIOVERSAL PROPERTY AND SUBSEQUENT APPROPRIATIONS OF FUNDS FOR SITE ASSESSMENT GRANT PURSUANT TO MOU BETWEEN CITY AND HSA COMMERCIAL REAL ESTATE AND/OR ASSIGNS.**

Ald. Kurkowski, seconded by Ald. Bukiewicz, moved to adopt Resolution No. 11795-020717, authoring the submittal of a Wisconsin Economic Development Corporation Site Assessment Grant application for the property commonly known as The Bioversal Property and the subsequent appropriation of funds for a site assessment grant pursuant to the Memorandum of Understanding between the City of Oak Creek and HSA Commercial Real Estate and/or assigns. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

33. **PRESENTED AND ADOPTED: RESOLUTION NO. 11796-020717, APPROVING MOU BETWEEN CITY AND HSA COMMERCIAL REAL ESTATE AND/OR ASSIGNS.**

Ald. Kurkowski, seconded by Ald. Verhalen, moved to adopt Resolution No. 11796-020717, approving a Memorandum of Understanding between the City of Oak Creek and HSA Commercial Real Estate and/or assigns. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Verhalen, moved to adjourn this meeting at 8:50 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Bukiewicz, aye; Ald. Verhalen, aye; Ald. Toman, aye; and Ald. Gehl, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Stephen Scaffidi, Mayor