

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, JANUARY 15, 2019, 7:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Mayor Bukiewicz called the meeting to order at 7:00 p.m. On roll call, the following alderpersons were present: Ald. Kurkowski, Ald. Loreck, Ald. Duchniak, Ald. Toman, Ald. Gehl, and Ald. Guzikowski.

Also present were City Attorney Melissa Karls, Communications Coordinator Leslie Flynn, Assistant Fire Chief Michael Havey, DPW Director Ted Johnson, City Assessor Martin Kuehn, City Librarian Jill Lininger, Fire Chief Thomas Rosandich, Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, Assistant City Administrator/Comptroller Bridget Souffrant, 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. Kurkowski, seconded by Ald. Loreck, moved to approve the minutes of the 12/18/18 meeting. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 12024-011519, RESOLUTION OF COMMENDATION TO J. JOHN OZOLINS, RETIRING SR. ENGINEERING TECHNICIAN.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12024-011519, a Resolution of Commendation to J. John Ozolins, retiring Senior Engineering Technician. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY M & M TRUCK CENTER FOR CUP FOR AUTOMOBILE AND TRUCK ENGINE AND BODY REPAIR, OUTDOOR STORAGE OF VEHICLES AND OUTDOOR DISPLAY OF VEHICLES FOR SALE AND SEMI-TRUCK/TRAILER PARKING ON PROPERTY AT 9840 S. 27TH ST.**

A public hearing was held to consider a request submitted by M & M Truck Center for a Conditional Use Permit for automobile and truck engine and body repair, outdoor storage of vehicles and outdoor display of vehicles for sale and semi-truck/trailer parking on the property at 9840 S. 27th St. (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2926, APPROVING CUP FOR AUTOMOBILE AND TRUCK ENGINE AND BODY REPAIR, OUTDOOR STORAGE AND VEHICLES AND OUTDOOR DISPLAY OF VEHICLES FOR SALE, AND SEMI-TRUCK/TRAILER PARKING ON THE PROPERTY AT 9840 S. 27TH ST.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2926, to approve a Conditional Use Permit for automobile and truck engine and body repair, outdoor storage of vehicles and outdoor display of vehicles for sale, and semi-truck/trailer parking on the property at 9840 S. 27th St. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY CS MILWAUKEE LLC, LEVITT PROPERTIES, TO REZONE PROPERTY AT 135 W. FOREST HILL AVE. FROM B-3, OFFICE AND PROFESSIONAL BUSINESS TO M-1, MANUFACTURING.**

A public hearing was held to consider a request by CS Milwaukee LLC, Levitt Properties, to rezone the property at 135 W. Forest Hill Ave. from B-3, Office and Professional Business to M-1, Manufacturing. (See Item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2925, APPROVING REZONE OF PROPERTY AT 135 W. FOREST HILL AVE. FROM B-3, OFFICE AND PROFESSIONAL BUSINESS, TO M-1, MANUFACTURING.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2925, to approve a rezone of the property at 135 W. Forest Hill Ave., from B-3, Office and Professional Business, to M-1, Manufacturing. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENT TO SEC. 17.0333(A) TO ALLOW RESTAURANTS WITHOUT DRIVE-THROUGH FACILITIES AS PERMITTED USE IN OO, MIXED USE OFFICE OVERLAY DISTRICT.**

A public hearing was held to consider a proposed amendment to Sec. 17.0333(a) to allow restaurants without drive-through facilities as a permitted use in the OO, Mixed Use Office Overlay District. (See Item No. 10 for action on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2927, CREATING SECTION 17.0333(A)(1) OF MUNICIPAL CODE TO ALLOW RESTAURANTS WITHOUT DRIVE-THROUGH FACILITY AS PERMITTED IN OO, MIXED USE OFFICE OVERLAY DISTRICT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2927, an ordinance creating Section 17.0333(a)(12) of the Municipal Code to allow restaurants without a drive-through facility as a permitted use in the OO, Mixed Use Office Overlay District. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING NOVEMBER 30, 2018.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending November 30, 2018.

12. **CITY OF OAK CREEK BUDGET TO ACTUAL REPORT 4TH QUARTER 2018 PRESENTATION.**

The Council was presented with information regarding the Budget to Actual Report 4th Quarter 2018.

13. **2019 LIBRARY REORGANIZATION PRESENTATION.**

Jill Lininger, City Librarian, provided the Council with a presentation of the 2019 department reorganization.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12027-011519, APPROVING AND AUTHORIZING EXECUTION OF MASTER EQUITY LEASE AGREEMENT WITH ENTERPRISE FM TRUST AND A MAINTENANCE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12027-011519, approving and authorizing execution of a Master Equity Lease Agreement with Enterprise FM Trust and a Maintenance Agreement with Enterprise Fleet Management, Inc. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **COUNCIL CONCURS WITH MAYORAL APPOINTMENTS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's appointments as follows:

Celebrations Commission – filling a vacant 3 year term, expiring 4/2020

- Wendy A. Gassenhuber, 9071 S. Annette Pl.

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **COUNCIL APPROVES PURCHASE OF 2019 BRAUN AMBULANCE WITH FORD CHASSIS, AND RELATED EQUIPMENT, FROM NORTH CENTRAL AMBULANCE.**

Ald. Loreck, seconded by Ald. Duchniak, moved to approve the purchase of a 2019 Braun Ambulance with a Ford Chassis, and related equipment, from North Central Ambulance. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 12026-011519, APPROVING FINAL SUBDIVISION PLAT FOR EAST BROOKE PRESERVE (PHASE I).**

Ald. Duchniak, seconded by Ald. Loreck, moved to adopt Resolution No. 12026-011519, approving a Final Subdivision Plat for East Brooke Preserve (Phase I). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to take action on the following:

Grant an Operator's license to Russel J. Marabito, 5232 41st Ave., Kenosha, WI (Applebee's).

Grant a Transient Merchant solicitor license to Donald F. Huyett, 212 Cypress Ct., South Milwaukee, WI, selling lawn care services on behalf of Weed Man / Turf Care Milwaukee.

Grant a Special Event license to Katie Seely, Agent on behalf of the Ragnar Great Midwest 2019 Run/Walk, scheduled for Friday, May 17.

Grant an Operator's license to:

- Alana J. Carufel, 3459 S. Delaware Ave., Milwaukee (Kwik Trip)
- Daina R. Bush, 8770 S. 11th Ave., Oak Creek (Meijer)
- Gwen E. Lutz, 15934 Braun Rd., Sturtevant (Sidetracked)
- Narendra R. Karki, 2114 W. Layton Ave., Milwaukee (Oak Creek Mobil)
- Jacob T. Malinowski, 8185 S. 28th St., Franklin (Discount Smokes & Spirits)
- Savannah D. Berczyk, W132 S6514 Saroyan Rd., Muskego (Fanatics)
- Lisa Milczarski, 1810 4 1/2 Mile Rd., Racine (BelAir Cantina)

Grant a Temporary Class "B" Beer, Class "B" Wine license to Rev. Robert Kacalo, Agent on behalf of St. Stephen's Catholic Church for their Lenten Fish Fries on March 8, 15, 22 and 29 and April 5, 12, and 19.

Grant a Temporary Class "B" Beer license to Roland Komorowski, Agent on behalf of St. Matthew Parish, for their Chili Cook-off / Dessert Bake-off on January 19.

Grant 2019 Mobile Home Park licenses to:

- TCSC, LLC, dba Hy-View Mobile Home Court, 2331 W. College Ave.
- Fifth Avenue Development Group, dba Sunrise Shores, 8481 S. 5th Ave. (with release of license subject to City Treasurer's approval)
- ACG Oak Creek, LLC, dba ACG Oak Creek, 2301 W. College Ave. (with release of license subject to City Treasurer's approval)

Grant a 2019 Dog Kennel license to Bradley Osgood, Brentwood Animal Hospital, 318 W. Ryan Rd.

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the December 21, 2018 Vendor Summary Report in the combined total amount of \$321,898.65. (Of this total, \$300,240.15 will impact the 2018 fiscal year. The remaining amount, \$21,658.50, will impact the 2019 fiscal year). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the January 9, 2019 Vendor Summary Report in the combined total amount of \$1,593,684.50. (Of this total, \$1,265,563.49 will impact the 2018 fiscal year. The remaining amount, \$328,121.01, will impact the 2019 fiscal year). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:55 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85(1)(g) to consider the claim of Willkomm Foods LLC for recovery of unlawful taxes on the property at 9540 South 27th Street (6th District); and
- b. Section 19.85(1)(e) to consider an amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for the Emerald Row development (2nd District).
- c. Section 19.85(1)(c) and (f) to update the Common Council on a duty disability claim.

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 10:01 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. PRESENTED AND ADOPTED: RESOLUTION NO. 12025-011519, AUTHORIZING RESCISSION OF PERSONAL PROPERTY TAXES FOR PROPERTY AT 9540 S. 27TH ST.

Ald. Gehl, seconded by Ald. Guzikowski, moved adopt Resolution No. 12025-011519, to authorize a Rescission of Personal Property Taxes for the property at 9540 S. 27th St. (Tax Key No. 9999-447-4000). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

24. PRESENTED AND ADOPTED: RESOLUTION NO. 12028-011519, APPROVING AMENDMENT TO TID NO. 11 FINANCE DEVELOPMENT AGREEMENT AND PHASE III AGREEMENT FOR EMERALD ROW DEVELOPMENT.

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12028-011519, a Resolution Approving an Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for the Emerald Row development. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

25. COUNCIL CERTIFIES DUTY DISABILITY CLAIM FOR FIREFIGHTER.

Ald. Toman, seconded by Ald. Duchniak, moved to concur with the Personnel Committee's recommendation and certify a pending duty disability claim for a Firefighter. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Loreck, moved to adjourn the meeting at 10:04 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor