

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, FEBRUARY 5, 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, Destination Marketing Specialist Kristin Craig, Communications Coordinator Leslie Flynn, Assistant Fire Chief Michael Kressuk, DPW Director Ted Johnson, City Assessor Martin Kuehn, Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, Assistant City Administrator/Comptroller Bridget Souffrant, Utility 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. Kurkowski, seconded by Ald. Loreck, moved to approve the minutes of the 1/15/19 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. 12029-020519, RESOLUTION OF COMMENDATION TO CHRISTOPHER S. KOPPLIN, RETIRING FIRE FIGHTER.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12029-020519, Resolution of Commendation to Christopher S. Kopplin, retiring Fire Fighter. 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 BY SAM DICKMAN, JR., MURPHY REAL ESTATE, LLC, FOR CUP FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT AND OUTDOOR STORAGE OF VEHICLES AND EQUIPMENT ON PROPERTY AT 7221 S. 10TH ST.**

A public hearing was held to consider a request submitted by Sam Dickman, Jr., Murphy Real Estate, LLC, for a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10th St. (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2929, APPROVING CUP FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT AND OUTDOOR STORAGE OF VEHICLES AND EQUIPMENT ON PROPERTY AT 7221 S. 10TH ST.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2929, to approve a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10th 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 MERLIN MISIALEK, TARGET CORPORATION, FOR AMENDMENTS TO EXISTING PUD ALLOWING ADDITIONAL EXTERIOR BUILDING MATERIALS AND SIGNS FOR TARGET BUILDING ON PROPERTY LOCATED AT 8989 S. HOWELL AVE.**

A public hearing was held to consider a request submitted by Merlin Misialek, Target Corporation, form amendments to the existing Planned Unit Developments to allow additional exteriors building materials and signs for the Target building on the property located at 8989 S. Howell Ave. (See Item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2930, APPROVING AMENDMENTS TO EXISTING PUD TO ALLOW ADDITIONAL EXTERIOR BUILDING MATERIALS AND SIGNS FOR TARGET BUILDING ON PROPERTY AT 8989 S. HOWELL AVE.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2930, approving amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave. 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. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING DECEMBER 31, 2018.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending December 31, 2018.

10. **KRISTIN CRAIG, DESTINATION MARKETING SPECIALIST, PROVIDES COUNCIL WITH RECAP OF 2018; UPDATE FOR 2019 EVENTS.**

Kristin Craig, Designation Marketing Specialist, provided the Council with a recap of 2018 and update for 2019 events.

11. **COUNCIL APPROVES LICENSE AGREEMENTS WITH SESAC, BMI, AND ASCAP FOR REBROADCAST OF MUSIC BY LICENSED PERFORMERS.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to approve license agreements with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the rebroadcast of music by licensed performers. 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.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 12030-020519, PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER 3.200 OF MUNICIPAL CODE FOR INSTALLATION OF 12" WATER MAIN IN W. COLLEGE AVE. FROM S. 27TH ST., TO S. 20TH ST., AND ESTABLISH PUBLIC HEARING DATE OF 3/5/19.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12030-020518, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code for installation of 12" water main in West College Avenue from S. 27th Street to S. 20th Street, and to establish a public hearing date of March 5, 2019. (Project No. 19103) 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.

13. **COUNCIL AWARDS PURCHASE OF NEW CATERPILLAR 420F2 BACKHOE LOADER TO FABICK CAT, INCLUDING ACCESSORIES, FOR TOTAL COST OF \$139,500.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to award the purchase of a new Caterpillar 420F2 Backhoe Loader to Fabick Cat, including accessories, for a total cost of \$139,500. 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.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12031-020519, APPROVING NUCOR DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 300, 301, 400 AND 401 W. BURKHARDT CT.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adopt Resolution No. 12031-020519, approving the Nucor Development Agreement for the design and installation of public improvements at 300, 301, 400, and 401 W. Burkhardt Ct. (Tax Key Nos. 765-9051-000, 765-9049-000, 765-9048-000, and 765-9050-000) (Project No. 19050). 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. **LICENSE COMMITTEE.**

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

Grant an Operator's license to Amanda Caspersen, 1120 Lewis St., Racine (Applebee's)

Deny an Operator's license to Charles Watson, Jr., 10174 S. Janus Dr., Oak Creek (Kwik Trip) for falsification by omission.

Grant an Operator's license to:

- Alexander G. Riha, 10410 S. Shepard Ave., Oak Creek (Water Street Brewery)
- Maria G. De La O Sanchez, 36729 E. Hammond Ave., Cudahy (Marcus South Shore Cinemas)
- Kelly M. Lorch, 3770 W. Loomis Rd., Greenfield (Kwik Trip)
- Nicolas J. Oviedo, 3206 S. Chicago Ave., South Milwaukee (Speedway)
- Lisa C. Church, 7719 S. North Cape Rd., Franklin (Marcus South Shore Cinemas)
- Chloe D. Ullenberg, 8340 S. Verdev Dr., Oak Creek (Piggly Wiggly)
- Edward P. Willing, II, 5754 Winstar Ln., Racine (Marcus South Shore Cinemas)

Grant a Temporary Class "B" Beer license to Roland Komorowski, Agent on behalf of St. Matthew Parish, for the Holy Name Society Card Party on March 1, 2019.

Grant a 2019 Dog Kennel license to Matt Sander, Central Bark Oak Creek dba Life's Ruff, 1075B W. Northbranch Dr.

Grant a 2019 Secondhand Article Dealer license to the following:

- Richard Radtke, Oak Creek Currency & Coin, 616 E. Ryan Rd.
- Troy Crawford, GameStop #6246, 8171 S. Howell Ave. (with release of license subject to departmental approvals).

Grant a 2018-19 Regular Class B Combination alcohol license to Kristyn A. Eitel, BelAir Cantina Oak Creek, Inc., dba BelAir Cantina Oak Creek, 410 W. Town Square Way, with issuance subject to receipt of final inspection approval and surrender of current Reserve Class B Combination license, and to authorize the refund of the \$10,000 one-time reserve issuance fee.

Grant a 2019 Special Event permit to Kristin Craig, Agent, Oak Creek Tourism Commission, for the Winterfest event to be held at Drexel Town Square on February 16, 2019.

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. **PRESENTED AND ADOPTED: ORDINANCE NO. 2928, REPEALING AND RECREATING SECTION 7.84(I)(1) OF MUNICIPAL CODE RELATING TO QUOTAS FOR LIQUOR LICENSING.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2928, to repeal and recreate Section 7.84(i)(1) of the Oak Creek Municipal Code relating to the quotas for liquor licensing. 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. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the January 30, 2019 Vendor Summary Report in the combined total amount of \$615,116.73. (Of this total, \$216,577.05 will impact the 2018 fiscal year. The remaining amount, \$398,539.68, 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.

18. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 7:53 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85(1)(g) to consider the claim of The Ridge Community Church Corp. for unlawful taxes pursuant to Wis. Stat. 74.35 for the property at 6912 and 6912R South 27th St. (Tax Key Nos. 737-9026-000, 7379-9028-000) (2nd District).
- b. Section 19.85(1)(e) and (g) to discuss the Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for the Emerald Row development (2nd 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.

19.-20. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:35 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. No action was taken.

21. **PRESENTED AND ADOPTED: RESOLUTION NO. 12032-020519, ALLOWING CLAIM OF THE RIDGE COMMUNITY CHURCH CORP. AND AUTHORIZING RESCISSION OF GENERAL PROPERTY TAXES FOR PROPERTY AT 6912 AND 6912R S. 27TH ST.**

Ald. Loreck, seconded by Ald. Duchniak, moved adopt Resolution No. 12032-020519, allowing the claim of The Ridge Community Church Corp. and authorizing rescission of general property taxes for the property at 6912 and 6912R S. 27th St. (Tax Key Nos. 737-9026-000 and 737-9028-000). 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 9:36 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