

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, APRIL 16, 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, Communication Coordinator Leslie Flynn, Department of Public Works Director Ted Johnson, Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, 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. Kurkowski, seconded by Ald. Loreck, moved to approve the minutes of the 3/19/19 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. **ALD. GEHL ELECTED COMMON COUNCIL PRESIDENT.**

City Attorney Karls explained the procedure for election of a Common Council President. Mayor Bukiewicz opened the floor for nominations. Ald. Duchniak nominated Ald. Gehl. Ald. Guzikowski seconded the nomination.

After hearing no further nominations, Ald. Toman, seconded by Ald. Guzikowski, moved to close nominations. 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.

Ald. Duchniak, seconded by Ald. Guzikowski, moved to cast a unanimous ballot for Ald. Gehl as Common Council President. 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.

Ald. Gehl was elected Common Council President.

5. **PUBLIC HEARING HELD TO CONSIDER CITY'S INTENTION TO EXERCISE POWER UNDER SECTION 3.200 OF MC OF CITY TO LEVY SPECIAL ASSESSMENTS UPON ABUTTING PROPERTY FOR BENEFITS CONFERRED UPON SUCH PROPERTY ON SOUTH SIDE OF W. COLLEGE AVE. FROM APPROX. 400' EAST OF S. 27TH ST. TO APPROXIMATELY 525' WEST OF S. 20TH ST.**

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 on the south side of W. College Avenue from approximately 400 feet east of S. 27th Street to approximately 525 feet west of S. 20th Street. (Project No. 19103) (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: RESOLUTION NO. 12052-041619, FINAL RESOLUTION AUTHORIZING WATER MAIN AND APPURTENANCES IN W. COLLEGE AVE. AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTIES AND APPROVING PRELIMINARY PLANS.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12052-041619, a Final Resolution authorizing water main and appurtenances in W. College Avenue and levying special assessments against benefited properties and approving preliminary plans (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.

7. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY FRANK GIUFFRE, STAR PROPERTIES 2, LLC, FOR CUP FOR PROPOSED CONTRACTOR'S OFFICE / SHOP / YARD WITH OUTDOOR STORAGE AND TRUCK PARKING ON PROPERTIES AT 6524 AND 6548 S. 13TH ST.**

A public hearing was held to consider a request submitted by Frank Giuffre, Star Properties 2, LLC, for a Conditional Use Permit for a proposed contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 and 6548 S. 13th St. (See Item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2933, APPROVING CUP FOR PROPOSED CONTRACTOR'S OFFICE / SHOP / YARD WITH OUTDOOR STORAGE AND TRUCK PARKING ON PROPERTIES AT 6524 AND 6548 S. 13TH ST.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2933, approving a Conditional Use Permit for a contractor's office / shop / yard with outdoor storage and truck parking on the properties at 6524 and 6548 S. 13th 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.

9. **PUBLIC HEARING HELD TO CONSIDER PROPOSAL BY OCFJSD TO AMEND OFFICIAL MAP FOR PORTION OF LOT 1 OF CSM NO. 8047 (MAPPED, UNIMPROVED FUTURE ROW AFFECTING PROPERTY AT 9330 S. SHEPARD AVE.).**

A public hearing was held to consider a proposal by the Oak Creek-Franklin Joint School District to amend the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard Ave.) (See Item No. 10 for action on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2934, AMENDING OFFICIAL MAP FOR PORTION OF LOT 1 OF CSM NO. 8047.**

Ald. Duchniak, seconded by Ald. Loreck, moved to adopt Ordinance No. 2934, amending the Official Map for a portion of Lot 1 of Certified Survey Map No. 8047 (mapped, unimproved future right-of-way affecting the property at 9330 S. Shepard 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.

11. **DIRECTED HELD TO 5/7/19 COUNCIL MEETING: MAYORAL ALDERMANIC APPOINTMENTS.**

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to hold the following Mayoral Aldermanic appointments until the 5/7/19 Council meeting.

- a. Small Claims Committee – 1
- b. Library Board – 1

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. DIRECTED HELD TO 5/7/19 COUNCIL MEETING: MAYORAL ALDERMANIC APPOINTMENTS.

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to hold the following Mayoral Aldermanic appointments until the 5/7/19 Council meeting.

- a. Water & Sewer Utility Commission – 1
- b. Landscape and Beautification Committee – 1
- c. Tourism Commission
- d. Community Development Authority (CDA) -2

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. DIRECTED HELD TO 5/7/19 COUNCIL MEETING : COMMON COUNCIL PRESIDENT ALDERMANIC APPOINTMENTS.

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to hold the Common Council President Aldermanic appointments until the 5/7/19 Council meeting.

- a. Personnel Committee (minimum of 2) – 3
- b. Capital Improvements Committee – 3
- c. License Committee – 3
- d. Plan Commission Representatives – 2
- e. Board of Health Representative – 1
- f. Emergency Government Committee Representative – 1
- g. Parks, Recreation and Forestry Commission – 1
- h. Traffic and Safety Commission – 1
- i. Finance Committee – 3

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. COUNCIL AWARDS LAKE VISTA PARK RUBBER PLAY SURFACE INSTALLATION UNIT PRICE CONTRACT TO BLUMEL'S MAINTENANCE SERVICE, INC., AT ESTIMATED COST OF \$48,260.

Ald. Toman, seconded by Ald. Guzikowski, moved to award the Lake Vista Park Rubber Play Surface Installation unit price contract to Blumel's Maintenance Service, Inc., at the estimated cost of \$48,260 (Project No. 19022). 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. PRESENTED AND ADOPTED: RESOLUTION NO. 12055-041619 APPROVING CSM FOR WALDEN OC, LLC, FOR PROPERTIES AT 1700, 1750, 1800, 1816, 1848, 1850, 1900 AND 1920 W. DREXEL AVE. AND 7700 S. IKEA WAY.

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12055-041619, approving a Certified Survey Map for Walden OC, LLC, for the properties at 1700, 1750, 1800, 1816, 1848, 1850, 1900, and 1920 W. Drexel Ave. and 7700 S. Ikea Way. 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: RESOLUTION NO. 12054-041619, ISSUING RELEASE FROM DEVELOPMENT AGREEMENT AND STORAGE SHOP USA-OAK CREEK LLC, AT 331 AND 401 E. OAK ST.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12054-041619, issuing a release from the Development Agreement for StorageShopUSA – Oak Creek LLC, at 331 and 401 E. Oak St. (Tax Key Nos. 733-0008-000 and 733-0009-000). 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.

17. **COUNCIL AWARDS 2019 ROAD IMPROVEMENTS UNIT PRICE CONTRACT TO LOWEST RESPONSIVE, RESPONSIBLE BIDDER, PAYNE & DOLAN, INC., AT ESTIMATED COST OF \$1,318,164.45.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to award the 2019 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$1,318,164.45 (Project No. 19019). 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 AWARDS PRIVATE PROPERTY INFILTRATION & INFLOW (PP/II) PHASE I LATERAL INSPECTION UNIT PRICE CONTRACT TO GREEN BAY PIPE & TV LLC, AT ESTIMATED COST OF \$7,405.50.**

Ald. Toman, seconded by Ald. Gehl, moved to award the Private Property Infiltration & Inflow (PP/II) Phase I Lateral Inspection unit price contract to Green Bay Pipe & TV LLC, at the estimated cost of \$7,405.50 (Project No. 18035). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12056-041619, APPROVING CREEKSIDE CROSSINGS MARKETPLACE DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 7700 S. IKEA WAY.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12056-041619, approving the Creekside Crossing Marketplace Development Agreement for the design and installation of public improvements at 7700 S. Ikea Way (Tax Key Nos. 784-9008, 784-9009-001, 784-9010-001, 784-9011, 784-9013, 784-9014, 784-9016, 784-9017, and 784-9024) (Project Nos. 18054 and 18055). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12057-041619, APPROVING RYAN BUSINESS PARK DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS FOR DEVELOPMENT LOCATED IN SW QUADRANT OF RYAN ROAD/13TH ST.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12057-041619, approving the Ryan Business Park Development Agreement for the design and installation of public improvements for the development located in the southeast quadrant of Ryan Road/13th Street. (Lots 1, 2, 3, and 4 of CSM 9085, and 1199 and 1203 W. Ryan Road) (Project Nos. 18058-and 18059). 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. LICENSE COMMITTEE.

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

Grant an Operator's license to:

- * Jason A. Novak, 11021 Northwestern Ave., Franksville (Walgreens)
- * Natalie H. Menting, 4235 S. Howell Ave., Milwaukee (Kwik Trip)
- * Cristia L. Dach, 606B Stephiane St., Burlington (BP Discount Liquor)
- * Mehul H. Naik, 4148 W. Southwood Dr., Franklin (BP Discount Liquor)
- * Michelle F. Pink, 10718 County Rd. K, Franksville (Sidetracked)
- * Joseph B. Sosalla, 1626 N. Prospect Ave., Milwaukee (Walgreens)
- * Leo N. Strong, III, 1737 Madison Ave., South Milwaukee (Walgreens)
- * Lucas T. Eisel, 4160 E. Barton Rd., Oak Creek (Kwik Trip)

Grant a Temporary Class "B" beer license to Callie Schlicht, Agent on behalf of the FUEL Fitness Dodgeball Tournament, 440 W. Rawson Ave., to be held on 4/27/19.

Grant a Secondhand Article Dealer license to Hunter Bjorkman , Agent, ecoATM, LLC. ecoATM will have a kiosk inside of Pick 'Save, 6462 S. 27th St., to purchase used consumer electronic devices.

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 APPROVES VENDOR SUMMARY.

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the April 10, 2019 Vendor Summary Report in the total amount of \$470,103.03. 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. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 7:56 p.m., pursuant to Wisconsin State Statutes, Section 19.85(1)(e) and (g) to consider engaging outside legal counsel to investigate possible cost recovery for environmental remediation on property owned by the City at 9006 South 5th Avenue. 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. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 8:46 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.

25. COUNCIL ENGAGES MURPHY & PRACHTHAUSER TO INVESTIGATE POSSIBLE COST RECOVERY FOR ENVIRONMENTAL REMEDIATION ON PROPERTY OWNED BY CITY AT 9006 S. 5TH AVENUE.

Ald. Gehl, seconded by Ald. Guzikowski, moved to engage outside legal counsel to investigate the possible cost recovery for environmental remediation on property owned by the City at 9006 South 5th Avenue. Ald. Gehl, with second agreeing, amended the motion to engage Murphy & Prachthausser to investigate the possible cost recovery for environmental remediation on property owned by the City at 9006 South 5th Avenue. 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 8:47 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