

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, NOVEMBER 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. Duchniak, Ald. Loreck, Ald. Toman, Ald. Gehl, and Ald. Guzikowski.

Also present were City Attorney Melissa Karls, Communications Coordinator Leslie Flynn, City Treasurer Barbara Guckenberger, Utility Engineer Brian Johnston, Fire Chief Michael Kressuk, Community Development Director Douglas Seymour, City Engineer/Acting Building Commissioner Michael Simmons, Assistant City Administrator / Finance Director 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 10/15/19 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: COUNCIL PROCLAMATION NO. 19-11, CRPS / RSD AWARENESS MONTH, NOVEMBER 2019.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Council Proclamation No. 19-11, Complex Regional Pain Syndrome / Reflex Sympathetic Dystrophy (CRPS/RSD) Awareness Month, November 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.

5. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 19-12, APPRECIATION TO EDWARD SIIRA, RETIRING WATER & SEWER UTILITY COMMISSIONER.**
- Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Council Proclamation No. 19-12, a Proclamation of Appreciation to Edward Siira, retiring Commissioner of the Oak Creek Water and Sewer Utility. 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.
6. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY LINDA NIEMELA, PT, NDT, MEDICAL SUPPORT SERVICES, INC., FOR CUP FOR PHYSICAL AND OCCUPATIONAL THERAPY CLINIC WITHIN MULTI-TENANT BUILDING ON PROPERTY AT 140 E. RAWSON AVE.**

A public hearing was held to consider a request submitted by Linda Niemala, PT, NDT, Medical Support Services, Inc., for a Conditional Use Permit for a physical and occupational therapy clinic within the multi-tenant building on the property at 140 E. Rawson Ave. (See item No. 7 for action on this hearing.)

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2950, APPROVING CUP FOR PHYSICAL AND OCCUPATIONAL THERAPY CLINIC IN PORTION OF MULTI-TENANT BUILDING (C) AT 140 E. RAWSON AVE.**
- Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2950, an ordinance to approve a Conditional Use Permit for a physical and occupational therapy clinic in a portion of the multi-tenant building (C) on the property at 140 E. Rawson 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.

8. **PUBLIC HEARING HELD TO CONSIDER PROPOSAL BY THOMAS UTTKE TO AMEND OFFICIAL MAP.**

A public hearing was held to consider a proposal by Thomas Uttke to amend the Official Map for a portion of the W ½ of the W ½ of the N ½ of the NE ¼ of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave.) (See item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2951, AMENDING OFFICIAL MAP FOR PORTION OF SECTION 16.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2951, an ordinance to amend the Official Map for a portion of the W ½ of the W ½ of the N ½ of the NE ¼ of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel 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.

10. **PUBLIC HEARING HELD TO CONSIDER AMENDMENT TO TIME OF COMPLIANCE SECTION OF EXISTING CUP FOR CBRF WITH CAPACITY BETWEEN 9 AND 20 PERSONS ON PROPERTY AT 7801 S. PENNSYLVANIA AVE.**

A public hearing was held to consider an amendment to the Time of Compliance section of the existing Conditional Use Permit for a Community-Based Residential Facility (CBRF) with a capacity between 9 and 20 persons on the property at 7801 S. Pennsylvania Ave. (See item No. 11 for action on this hearing).

11. **PRESENTED AND ADOPTED: ORDINANCE NO. 2952, AMENDING CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2911 FOR CUP FOR CBRF WITH CAPACITY OF AT LEAST 9, BUT NO MORE THAN 20 PERSONS ON PROPERTY AT 7801 S. PENNSYLVANIA AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2952, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2911 for a Conditional Use Permit for a Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons on the property at 7801 S. Pennsylvania 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.

12. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENTS TO SECTIONS 17.0313(A)(6), 17.0314(A)(2), 17.03171 PARAGRAPH 5, 17.03171(A)2.B.2., 17.0318(A)(3), 17.0403(J)(2)J., 17.0403(J)(6)A., 17.0403(J)(6)B., 17.0403(J)(6)C., 17.0403(J)(6)E., 17.0403(J)(6)F., 17.0403(J)(6)G. AND 17.0808(D)(1)D.; AND TO CREATE SECTIONS 17.0315(A)(18), 17.0316(B)(19), 17.03170(D)(17), 17.03171(C)(41) AND 17.1402 SPECIFIC WORDS AND PHRASES OF THE MUNICIPAL CODE REGARDING PLACES OF ASSEMBLY AND RELIGIOUS INSTITUTIONS.**

A public hearing was held to consider proposed amendments to Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Places of Assembly and Religious Institutions. (See item 13 for action on this hearing).

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 2953, REPEALING AND RECREATING SECTIONS 17.0313(A)(6), 17.0314(A)(2), 17.03171 PARAGRAPH 5, 17.03171(A)2.B.2., 17.0318(A)(3), 17.0403(J)(2)(J), 17.0403(J)(6)A., 17.0403(J)(6)B., 17.0403(J)(6)C., 17.0403(J)(6)E., 17.0403(J)(6)F., 17.0403(J)(6)G. AND 17.0808(D)(1)D.; AND TO CREATE SECTIONS 17.0315(A)(18), 17.0316(B)(19), 17.03170(D)(17), 17.03171(C)(41) AND 17.1402 SPECIFIC WORDS AND PHRASES OF THE MUNICIPAL CODE REGARDING PLACE OF ASSEMBLY AND RELIGIOUS INSTITUTIONS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2953, an ordinance to repeal and recreate Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)(j), 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Place of Assembly and Religious Institutions. 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 APPROVES PLAN OF FINANCE FOR \$4,500,000 GORB AND \$1,150,000 TGOPN (ESTIMATED).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the Plan of Finance for \$4,500,000 General Obligation Refunding Bonds and \$1,150,000 Taxable General Obligation Promissory Notes (Estimated). 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. 12102-110519, AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$4,500,000 GORB.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12102-110519, a resolution authorizing the issuance and establishing parameters for the sale of not to exceed \$4,500,000 General Obligation Refunding Bonds. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 12103-110519, AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$1,150,000 TGOPN.**

Ald. Duchniak, seconded by Ald. Loreck, moved to adopt Resolution No. 12103-110519, a resolution authorizing the issuance and establishing parameters for the sale of not to exceed \$1,150,000 Taxable General Obligation Promissory Notes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 12106-110519, OPPOSING DEVELOPMENT OF POSTAL SERVICE PROCESSING AND MAIL DISTRIBUTION FACILITY AT 2209 E COLLEGE AVE., 6405 AND 6469 S. PENNSYLVANIA AVE., 2000R E. BIRCH DR., 1900R E. POPLAR DR., AND 1920A E. RAWSON AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12106-110519, a resolution opposing the development of a Postal Service Processing and Mail Distribution Facility at 2209 E. College Ave., 6405 and 6409 S. Pennsylvania Ave., 2000R E. Birch Dr., 1900R E. Poplar Dr., and 1920A E. Rawson 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.

18. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING SEPTEMBER 30, 2019.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending September 30, 2019.

19. **INFORMATIONAL: COUNCIL DISCUSSION REGARDING PROPOSED 2020 REGULAR COMBINED COMMON COUNCIL MEETING DATES.**

The Common Council was presented with the proposed 2020 regular combined Common Council dates and concurred with the Mayor's recommendation to vacate the August 3, 2020 meeting. This item will be brought to the Council at their next meeting for formal approval.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 12101-110519, DESIGNATING OFFICIAL HOLIDAYS FOR 2020.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12101-110519, designating official holidays for 2020. 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 CONCURS WITH MAYOR'S APPOINTMENT OF ROBERT CIGALE, 9339 S. REGENCY DR., TO W&S UTILITY COMMISSION FOR 5-YEAR TERM EXPIRING 9/2024.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's appointment of Robert Cigale, 9339 S. Regency Dr., to the Water & Sewer Utility Commission for a 5-year term expiring 9/2024. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12104-110519, PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 3.200 OF MUNICIPAL CODE FOR E. JEWELL ST., AND ESTABLISH PUBLIC HEARING DATE OF 12/3/19.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12104-110519, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek for East Jewell Street, and to establish a public hearing date of December 3, 2019 (Project No. 17106). 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 APPROVES INSTALLATION OF "NO PARKING, STOPPING, STANDING ANYTIME" SIGN ON EAST SIDE OF SHEPARD HILLS CIR., BETWEEN 9700 SHEPARD HILLS CIR., AND SHEPARD HILLS DR.; APPROVES REPLACEMENT OF "WEIGHT LIMIT 3 TONS" SIGNS WITH "NO TRUCKING (SYMBOL)" SIGNS ALONG PENNSYLVANIA AVE. BETWEEN RAWSON AVE. AND PUETZ RD.**

Ald. Duchniak, seconded by Ald. Loreck, moved to approve the installation of a "No Parking, Stopping, Standing Anytime" sign on the east side of Shepard Hills Cir., between 9700 Shepard Hills Cir. and Shepard Hills Dr. and to replace the "Weight Limit 3 Tons" signs with "No Trucking (symbol)" signs along Pennsylvania Ave. between Rawson Ave. and Puetz 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.

24. LICENSE COMMITTEE.

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

Grant an Operator's license to:

- Taylor R. Nelson, 8891 S. Parkside Dr., Oak Creek (The Cellar Pub and Grill)
- Bailey M. Hintz, 8900 S. 11th Ave., Oak Creek (Southbound)
- Dina M. Varga, 745 College Ave., South Milwaukee (Sidetracked)
- Angelique R. Zweber, 4516 S. Kansas Ave., St. Francis (Applebee's)
- Yesica Alvarez, 2965 S. 15th Pl., Milwaukee (Fairfield Inn & Suites)
- Theodore A. Menut, 6132 W. Richmond Ave., Milwaukee (Aldi)
- Ashok Kumar, 2253 W. Alvina Ave., Milwaukee (Mobil)
- Iliana M. Mercado, 2663 S. 8th St., Milwaukee (Meijer)
- Lisa M. Weeks, 5926 S. Packard Ave., Cudahy (Sidetracked)
- Nathaniel D. Ricker, 9555 S. Nicholson Rd., Oak Creek (BelAir Cantina)

Deny an Operator's license to Mathiu D. Wall, 204 Parkway Dr., South Milwaukee (Water Street Brewery), for falsification by omission.

Deny an Operator's license to Nicole K. Phillips, 7521 5 Mile Rd., Racine, WI (Oak Creek Mobil) for felony conviction within the previous five years of a controlled substance.

Grant a Special Event Permit to Danielle Stiebs, agent on behalf of the March of Dimes' Mom's Day 5k to be held on Saturday, May 9, 2020.

Grant a Temporary Class "B" Beer license to Jill Lininger, agent on behalf of St. Matthew Congregation, 9303 S. Chicago Rd., for Trivia Night to be held on 11/15/2019.

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.

25. COUNCIL APPROVES VENDOR SUMMARY.

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the October 30, 2019 Vendor Summary Report in the amount of \$874,348.77. 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.

26. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:43 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- a. Section 19.85(1)(e) to discuss a proposed term sheet between for the property located at 7700 S. Ikea Way (2nd District)
- b. Section 19.85(1)(e) to discuss a proposed Tax Incremental District No. 12 Finance Development Agreement between the City of Oak Creek and Highgate, LLC. for the property at 7869 S. 13th St. (1st District)
- c. Section 19.85(1)(g) to discuss claims related to the opiate crisis

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.

27. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 10:31 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.

28. COUNCIL OPTS OUT OF NATIONAL SETTLEMENT NEGOTIATION CLASS RELATED TO CLAIMS CITY MAY HAVE WITH RESPECT TO OPIATE CRISIS.

Ald. Gehl, seconded by Ald. Guzikowski, moved to opt out of the national Settlement Negotiation Class related to claims the City of Oak Creek may have with respect to the opiate crisis. 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.

29. PRESENTED AND ADOPTED: RESOLUTION NO. 12100-110519, APPROVING TID NO. 12 FINANCE DEVELOPMENT AGREEMENT.

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12100-110519, approving the Tax Incremental District No. 12 Finance Development Agreement (Highgate 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.

30. PRESENTED AND ADOPTED: RESOLUTION NO. 12105-110519, APPROVING HIGHGATE LLC DEVELOPMENT AGREEMENT FOR DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR DEVELOPMENT LOCATED ACROSS SEVERAL PROPERTIES AT NW CORNER OF DREXEL AVE. / 13TH ST.

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12105-110519, approving the Highgate LLC Development Agreement for the design and construction of public improvements for the development located across several properties at the northwest corner of Drexel Avenue / 13th Street (Tax Key Nos. 784-902-000, 784-9019-000, 784-9003-000, 784-9991-000, 784-9990-001, 784-9001-001, and 784-9993-002) (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.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Loreck, moved to adjourn the meeting at 10:35 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.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor