

PROCEEDINGS, COMMON COUNCIL MEETING
APRIL 6, 2020, 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 (via video conference), Ald. Duchniak, Ald. Toman, Ald. Gehl, and Ald. Guzikowski.

Also present were City Attorney Melissa Karls, Police Chief Steve Anderson, Community Public Health Officer Darcy DuBois, IT Manager Kevin Koenig, Assistant IT Manager Thomas Kramer, Fire Chief Michael Kressuk, Community Development Director Douglas Seymour, Assistant City Administrator / Finance Director Bridget Souffrant (via video conference), City Administrator Andrew Vickers (via video conference), 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. Duchniak, moved to approve the minutes of the 3/17/20 meeting. On roll call, the vote was as follows: Ald. Kurkowski, aye; Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye.

4. **PUBLIC HEALTH OFFICER PROVIDES COVID-19 UPDATE.**

Darcy DuBois, Public Health Officer, provided the Common Council with a COVID-19 informational update.

5. **MAYORAL PROCLAMATION: CONGRATULATIONS TO RUTH DIENBERG ON 100TH BIRTHDAY.**

The Mayoral Proclamation, Congratulations to Ruth G. Dienberg on her 100th birthday was informational.

6. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY BRUCE KINSETH, OAK CREEK HOTEL ASSOCIATES, LLC FOR CUP FOR HOTEL ON PROPERTY LOCATED AT 9315 S. 13TH ST.**

A public hearing was held to consider a request submitted by Bruce Kinseth, Oak Creek Hotel Associates, LLC for a Conditional Use Permit for a hotel on the property located at 9315 S. 13th St. (See Item No. 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2968, APPROVING CUP FOR HOTEL ON PORTION OF PROPERTY AT 9315 S. 13TH ST.**

Ald. Guzikowski, seconded by Ald. Kurkowski, moved to adopt Ordinance No. 2968, approving a Conditional Use Permit for a hotel on a portion of the property at 9315 S. 13th St. Motion, with second agreeing, amended the motion to include a maximum of 95 guest rooms. 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 REQUEST BY LAUREN LUCIA REHORST, LIVE OAK HEALTH, LLC, FOR CUP FOR LICENSED MASSAGE THERAPY CLINIC LOCATED ON PROPERTY AT 9555 S. HOWELL AVE.**

A public hearing was held to consider a request submitted by Lauren Lucia Rehorst, Live Oak Health, LLC, for a Conditional Use Permit for a licensed massage therapy clinic located on the property at 9555 S. Howell Ave. (See Item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2969, APPROVING CUP FOR LICENSED MASSAGE THERAPY CLINIC IN MULTI-TENANT BUILDING ON PROPERTY AT 9555 S. HOWELL AVE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2969, approving a Conditional Use Permit for a licensed massage therapy clinic in the multi-tenant building on the property at 9555 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.

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2970, AMENDING SECTION 11.01 OF CODE RELATING TO LOCAL ENFORCEMENT OF WISCONSIN STATUTES FOR EMERGENCY PUBLIC HEALTH VIOLATIONS.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2970, amending Section 11.01 of the Municipal Code relating to Local Enforcement of Wisconsin Statutes for Emergency Public Health Violations. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12151-040620, EMERGENCY RESOLUTION CONSOLIDATING POLLING PLACES DUE TO COVID-19.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12151-040620, an Emergency Resolution Consolidating Polling Places due to COVID-19. 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. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING FEBRUARY 29, 2020.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending February 29, 2020.

13. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant the various license requests as listed on the 4/6/20 License Committee Report.

Grant an Operator's license to:

- | | |
|-----------------------------|----------------------------------|
| * Sarah R. Aragon (BP) | * Enrique I. Lara (Kwik Trip) |
| * Cade M. Heder (Kwik Trip) | * Lynn M. Schueler (Sidetracked) |

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 VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the March 31, 2020 Vendor Summary Report in the amount of \$1,328,565.43. 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 CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 7:44 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator.
- b. Section 19.85(1)(g) to consider the claim for unlawful tax of Red’s Novelty Ltd.
- c. Section 19.85(1)(g) to consider the claim for unlawful tax of Reggie’s Amusements.
- d. Section 19.85(1)(g) to discuss Tamekia Bates et al vs. City of Oak Creek et al (Milwaukee County Case No. 2019CV003954).

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 RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 8:43 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.

17. **COUNCIL DENIES UNLAWFUL TAX CLAIMS OF RED’S NOVELTY LTD AND REGGIE’S AMUSEMENTS; APPROVES SETTLEMENT OF MILWAUKEE COUNTY CASE NO 2019CV003954 CLAIM.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to deny the unlawful tax claim of Red’s Novelty Ltd., and directs staff to issue a notice of disallowance. 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, seconded by Ald. Guzikowski, moved to deny the unlawful tax claim of Reggie’s Amusements, and directs staff to issue a notice of disallowance. 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, seconded by Ald. Guzikowski, moved to approve a settlement of the claim of Milwaukee County Case No. 2019CV003954 in the amount of \$5,000 upon receipt of fully executed release of all claims. 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. Duchniak, moved to adjourn the meeting at 9:47 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