

PROCEEDINGS, COMMON COUNCIL MEETING
JANUARY 19, 2021, 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 (arrived at 7:16 p.m. via video conference), Ald. Loreck, Ald. Duchniak, Ald. Toman (via video conference), Ald. Gehl, and Ald. Guzikowski.

Also present were City Attorney Melissa Karls, Police Chief Steven Anderson (via video conference), Public Health Officer Darcy DuBois (via video conference), Communications Coordinator Leslie Flynn (via video conference), City Treasurer Barbara Guckenberger, Department of Public Works Director Ted Johnson (via video conference), Utility Engineering Brian Johnston, IT Manager Kevin Koenig, Fire Chief Michael Kressuk, Tourism and Business Relations Manager Laura Nelson, Department of Community Development Director Douglas Seymour (via video conference), City Engineer/Acting Building Commissioner Michael Simmons (via video conference), 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. Loreck, seconded by Ald. Duchniak, moved to approve the minutes of the 12/15/20 meeting. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye. Ald. Kurkowski was absent for the vote.

4. **PRESENTED AND ADOPTED; RESOLUTION NO. 12212-011921, RESOLUTION OF COMMENDATION TO MICHAEL J. WARGOLET, RETIRING FIRE FIGHTER.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12212-011921, a Resolution of Commendation to Michael J. Wargolet, retiring Fire Fighter. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye. Ald. Kurkowski was absent for the vote.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12213-011921, RESOLUTION OF COMMENDATION TO DAVID R. WRECKE, RETIRING FIRE FIGHTER.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12213-011921, a Resolution of Commendation to David R. Wrecke, 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.

6. **MAXWELL GAGIN INTRODUCED AS ASSISTANT CITY ADMINISTRATOR / COMPTROLLER.**

The introduction of Maxwell Gagin, Assistant City Administrator/Comptroller was informational. (See Item No. 35 for confirmation of Maxwell Gagin to this position).

7. **PUBLIC HEARING HELD TO CONSIDER A REQUEST SUBMITTED BY SAMUEL D. DICKMAN, THE DICKMAN COMPANY, INC., FOR CUP, ALLOWING FREIGHT YARD/FREIGHT TERMINAL/ TRANS-SHIPMENT DEPOT FACILITIES ON PROPERTY AT 10303 S. OAKVIEW PARKWAY.**

A public hearing was held to consider a request by Samuel D. Dickman, The Dickman Company, Inc., for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities on the property at 10303 S. Oakview Parkway. (See Item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2994, APPROVING CUP FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT FACILITIES FOR PROPERTY AT 10303 S. OAKVIEW PARKWAY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2994, approving a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10303 S. Oakview Parkway. 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 REQUEST BY THERESA WRECZA TO REZONE PROPERTY AT 7140 S. 13TH ST. FROM RS-3, SINGLE FAMILY RESIDENTIAL TO B-4, HIGHWAY BUSINESS (NO CHANGE TO FW, FLOODWAY DISTRICT).**

A public hearing was held to consider a request by Theresa Wrecza to rezone the property at 7140 S. 13th St., from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District). (See Item No. 10 for action on this hearing.)

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2995, APPROVING REZONE OF PROPERTY AT 7140 S. 13TH ST., FROM RS-3, SINGLE FAMILY RESIDENTIAL TO B-4, HIGHWAY BUSINESS (NO CHANGE TO THE FW FLOODWAY DISTRICT).**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2995, approving a rezone of this property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway 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. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE, LLC, FOR AMENDMENT TO EXISTING PUD TO REMOVE PROPERTY AT 9141 S. 13TH ST.**

A public hearing was held to consider a request submitted by John Schlueter, Frontline Commercial Real Estate, LLC, for an amendment to the existing Planned Unit Development to remove the property at 9141 S. 13th St. (See Item No. 12 for action on this hearing).

12. **PRESENTED AND ADOPTED: ORDINANCE NO. 2996, APPROVING AMENDMENT TO REMOVE PROPERTY AT 9141 S. 13TH ST., FROM EXISTING PUD.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2996, approving an amendment to remove the property at 9141 S. 13th St., from the existing Planned Unit 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.

13. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE, LLC, TO REZONE PROPERTY AT 9141 S. 13TH ST., FROM B-4, HIGHWAY BUSINESS DISTRICT TO M-1, MANUFACTURING DISTRICT.**

A public hearing was held to consider a request by John Schlueter, Frontline Commercial Real Estate, LLC, to rezone the property at 9141 S. 13th St., from B-4, Highway Business district to M-1, Manufacturing district. (See Item No. 14 for action on this hearing).

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2997, APPROVING REZONE OF PROPERTY AT 9141 S. 13TH ST., FROM B-4, HIGHWAY BUSINESS TO M-1, MANUFACTURING.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 2997, approving a rezone of the property at 9141 S. 13th St., from B-4, Highway 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.

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

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

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 12220-011921, APPROVING FIRST AMENDMENT TO TID NO. 16 FINANCE DEVELOPMENT AGREEMENT, PARTIAL RELEASE OF DEVELOPMENT AGREEMENT FOR PUBLIC IMPROVEMENTS, PARTIAL RELEASE OF MEMORANDUM OF AGREEMENT AND RESTRICTIVE COVENANT, AND PARTIAL RELEASE OF SWMP MAINTENANCE AGREEMENT (RYAN BUSINESS PARK).**

Ald. Gehl, seconded by Ald. Guzikowski, adopted Resolution No. 12220-011921, approving the First Amendment to the Tax Incremental District No. 16 Finance Development Agreement, Partial Release of Development Agreement for Public Improvements, Partial Release of Memorandum of Agreement and Restrictive Covenant, and Partial Release of Storm Water Management Practices Maintenance Agreement (Ryan Business Park). 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. 12221-011921, APPROVING FIRST AMENDMENT TO TID NO. 16 CITY/LANDLORD DEVELOPMENT AGREEMENT, FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT AND RESTRICTIVE COVENANT, FIRST AMENDMENT TO STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT AND FIRST AMENDMENT TO PROJECT ARROW DEVELOPMENT AGREEMENT (COMMERCE 94 PROJECT, LLC).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12221-011921, approving the First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement, the First Amendment to Memorandum of Agreement and Restrictive Covenant, the First Amendment to Storm Water Management Practices Maintenance Agreement and the First Amendment to Project Arrow Development Agreement (Commerce 94 Project, LLC). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12222-011921, APPROVING FIRST AMENDMENT TO TID NO. 16 CITY/TENANT DEVELOPMENT AGREEMENT AND FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT AND RESTRICTIVE COVENANT (AMAZON.COM SERVICES INC.).**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12222-011921, approving the First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement and the First Amendment to Memorandum of Agreement and Restrictive Covenant (Amazon.com Services 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.

19. **COUNCIL PRESIDENT MAKES ALDERMANIC COMMITTEE APPOINTMENTS.**

Common Council President Ald. Gehl made his Aldermanic Committee appointments as follows:

Personnel and Finance Committee – 3

- Ald. Duchniak
- Ald. Toman
- Ald. Gehl

Board of Public Works and Capital Assets – 3

- Ald. Toman
- Ald. Gehl
- Ald. Guzikowski

20. **COUNCIL CONCURS WITH MAYOR'S CITIZEN APPOINTMENTS.**

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

Board of Public Works and Capital Assets – staggered 1 year terms

- Robert Cigale – expiring 4/2023
- Dale Richards – expiring 4/2024
- Fredrick Siefert (alternate) – expiring 4/2022

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. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING NOVEMBER 30, 2020.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending November 30, 2020.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 12215-011921, PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 3.200 OF MUNICIPAL CODE OF CITY FOR INSTALLATION OF 12" WATER MAIN IN RIGHT-OF-WAY BETWEEN 890 FEET EAST OF S. CLEMENT AVE. AND S. ROLLING MEADOWS CT. ALONG E. RAWSON AVE., AND ESTABLISHES PUBLIC HEARING DATE OF 2/15/2021. (PROJECT NO. 20103).**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12215-011921, 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 installation of 12" water main in the right-of-way between 890 feet east of S. Clement Avenue and S. Rolling Meadows Court along E. Rawson Avenue, and establishes a public hearing for February 15, 2021. (Project No. 20103). 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. 12216-011921, APPROVING HOLD HARMLESS AGREEMENT WITH RYAN TRUCK LOT, LLC AND 9441 S. 13TH ST. (TAX KEY NO. 877-9003-001).**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12216-011921, approving a hold harmless agreement with Ryan Truck Lot, LLC at 9441 S. 13th St., (Tax Key No. 877-9003-001). 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 APPROVES PURCHASE OF ONE (1) CAFCO SELF-PROPELLED MODEL 30 ROUTER WITH DUST CONTROL FROM SHERWIN INDUSTRIES IN AMOUNT OF \$22,649.**

Ald. Loreck, seconded by Ald. Guzikowski, moved to approve the purchase of one (1) Cafco Self-Propelled Model 30 Router with dust control from Sherwin Industries in the amount of \$22,649. 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 PURCHASE OF ONE (1) GRACO ROAD LAZER FROM SHERWIN WILLIAMS IN AMOUNT OF \$46,031.**

Ald. Loreck, seconded by Ald. Guzikowski, moved to approve the purchase of one (1) Graco Road Lazer from Sherwin Williams in the amount of \$46,031. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12217-011921, APPROVING STATE MUNICIPAL AGREEMENT FOR SAFE ROUTES TO SCHOOL-PHASE 1 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) PROJECT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12217-011921, approving the State Municipal Agreement for the Safe Routes to School-Phase 1 Transportation Alternatives Program (TAP) Project. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 12218-011921, APPROVING MINOR LAND DIVISION (CSM) SUBMITTED BY GONZALO COUTO-LAIN FOR PROPERTIES AT 9005 AND 9010 S. 11TH ST.**

Ald. Loreck, seconded by Ald. Guzikowski, approving a Minor Land Division (Certified Survey Map) submitted by Gonzalo Couto-Lain for properties at 9005 and 9010 S. 11th 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.

28. **PRESENTED AND ADOPTED: RESOLUTION NO. 12219-011921, APPROVING CSM SUBMITTED BY DAVID WYNN, BLAIN SUPPLY, INC., FOR PROPERTIES AT 501 AND 315 W. RAWSON AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12219-011921, approving a Certified Survey Map submitted by David Wynn, Blain Supply, Inc., for the properties at 501 and 315 W. 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.

29. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant the various license requests as listed on the 1/19/21 License Committee Report.

Grant Secondhand Article licenses to Hunter Bjorkman, Agent, ecoATM, LLC, for kiosks to purchase used consumer electronic devices inside the following locations:

- * Pick 'n Save, 8720 S. Howell Ave.
- * Pick 'n Save, 2320 W. Ryan Rd.
- * Pick 'n Save, 6462 S. 27th St.

Grant a Secondhand Jewelry Dealer license to Julie Ann Turner, Agent, Ruby and Jewels, 8811 S. Charmaine Cir.

Grant a Secondhand Article Dealer and Secondhand Jewelry Dealer license to Richard Radtke, Agent, Oak Creek Currency & Coin, 616 E. Ryan Rd.

Grant a 2020 Transient Merchant Company license to Jordan Liebe, Agent on behalf of Weedman Lawn Care / Turf Care Milwaukee, selling lawn care services, and to the following salespersons (favorable background report received):

- * Jordan Liebe, 12851 W. Windridge Ct., #105, New Berlin
- * Taylor Keul, 1526 N. Astor St., Milwaukee
- * Angelo Lalicata, N55 W35659 Holmestead Ln., Oconomowoc
- * Dylan Worden, 2406 Springdale Rd., Waukesha
- * Peter Koenen, W1025 Vail Dr., Burlington
- * Brandon Wildt, 322 E. Newhall Ave., Waukesha

Grant a 2020 Mobile Home Park license to Fifth Avenue Development Group, LLC, dba Fifth Avenue Mobile Home Court, 8481 S. 5th 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.

30. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the December 29, 2020 Vendor Summary Report in the amount of \$730,318.94. Of this total, \$362,684.01 will impact the 2020 fiscal year. The remaining amount, \$367,634.93 will impact the 2021 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.

31. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the January 13, 2021 Vendor Summary Report in the amount of \$754,049.70. Of this total, \$473,548.65 will impact the 2020 fiscal year. The remaining amount, \$280,501.05 will impact the 2021 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.

32. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:53 p.m., pursuant to Wisconsin State Statutes to discuss the following:

- (a) Section 19.851(1)(e) to consider possible infrastructure support for development of the property at 7700 S. Ikea Way (Tax Key No. 784-9024-000).
- (b) Section 19.85(1)(g) to discuss Robin Matchett-Schmidt et al vs. City of Oak Creek et al (Milwaukee County Case No. 2019CV004295).
- (c) Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator.

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.

33.-34. COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 10:18 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye. (Ald. Toman left during Closed Session). No action was taken.

35. MAXWELL GAGIN APPOINTED ASSISTANT CITY ADMINISTRATOR/COMPTROLLER.

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's appointment of Maxwell Gagin as Assistant City Administrator/Comptroller. 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. Loreck, seconded by Ald. Duchniak, moved to adjourn the meeting at 10:19 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor