

PROCEEDINGS, COMMON COUNCIL MEETING
MARCH 1, 2022, 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, Communications Coordinator Leslie Flynn, Assistant City Administrator / Comptroller Maxwell Gagin, IT Manager Kevin Koenig, Community Development Director Douglas Seymour, City Engineer Matthew 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 2/14/22 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. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENT TO OAK CREEK SANITARY SEWER SERVICE AREA.**

A public hearing was held to consider a proposed amendment to the Oak Creek Sanitary Sewer Service area (see Item No. 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12311-030122, ADOPTING AMENDMENT TO SANITARY SEWER SERVICE PLAN FOR CITY.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12311-030122, adopting an amendment to the Sanitary Sewer Service Plan for the City of Oak Creek. 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 AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, RELATING TO PROPERTIES AT 4005, 4060, AND 4159 E. LAKE VISTA PKWY.**

A public hearing was held to consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 4005, 4060, and 4159 E. Lake Vista Parkway (see Item No. 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 3029, ADOPTING AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, FOR PROPERTIES AT 4005, 4060, AND 4159 E. LAKE VISTA PKWY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3029, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 4005, 4060, and 4159 E. Lake Vista 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.

8. **PUBLIC HEARING HELD TO CONSIDER AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, RELATING TO PROPERTIES AT 2231 W. PUETZ RD., 8843R S. 13TH ST., AND 8950 S. 20TH ST.**

A public hearing was held to consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th St. (see item 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 3030, ADOPTING AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, FOR PROPERTIES AT 2231 W. PUETZ RD., 8843R S. 13TH ST., AND 8950 S. 20TH ST.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 3030, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th 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.

10. **PRESENTED AND HELD TO 3/15/22 MEETING: ORDINANCE NO. 3028, REPEALING AND RECREATING CHAPTER 17 – ZONING CODE OF MUNICIPAL CODE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to hold action on Ordinance No. 3028, repealing and recreating Chapter 17 – Zoning Code of the Municipal Code to the 3/15/22 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.

11. **COUNCIL APPROVES PLAN OF FINANCE FOR \$2,325,000 TGORB.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the Plan of Finance for \$2,325,000 Taxable General Obligation Refunding Bonds. 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 12308-030122, AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$2,350,000 TGORB.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12308-030122, authorizing the issuance and establishing parameters for the sale of not to exceed \$2,350,000 Taxable 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.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 12312-030122, APPROVING AMENDMENT TO EXISTING EASEMENT WITH MMSD ON PROPERTY AT 9010 S. 5TH AVE.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12312-030122, approving an Amendment to Existing Easement with Milwaukee Metropolitan Sewerage District on the property at 9010 S. 5th Ave. (Tax Key No. 866-9003-000). 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.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12310-030122, APPROVING TERMINATION AND RELEASE OF CERTAIN EASEMENTS FOR CSM NO. 7769 WITH DM INVESTMENT REAL ESTATE LLC ON PROPERTY AT 8100 S. 27TH ST. (THE OAKS AT 8100).**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12310-030122, approving a Termination and Release of certain easements for Certified Survey Map No. 7769 with DM Investment Real Estate LLC on the property at 8100 S. 27th St. (The Oaks at 8100) (Tax Key No. 810-9012-001). 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.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 12309-030122, APPROVING SWMP MAINTENANCE AGREEMENT WITH DECKER PROPERTIES, INC., FOR THE OAKS AT 8100 DEVELOPMENT LOCATED AT 8100 S. 27TH ST.**

Ald. Loreck, seconded by Ald. Duchniak, adopted Resolution No. 12309-030122, approving a Storm Water Management Practices Maintenance Agreement with Decker Properties, Inc., for The Oaks at 8100 development located at 8100 S. 27th St. (Tax Key Nos. 810-9005, 810-9012-001, and 810-9013-001). 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.

16. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to take action on the various license requests as listed on the 3/1/22 License Committee Report as follows:

Grant an Operator's license to (favorable background reports received):

- | | |
|--|------------------------------------|
| * Isaac J. Engelbrecht (Kwik Trip) | * Daniel A. Wipijewski (Kwik Trip) |
| * Kara J. Johnson (Buffalo Wild Wings) | * Jezilyn M. Rivera (Aldi) |
| * Alyssa Rodriguez (Aldi) | * Tracy L. Rutowski (D'Vine) |
| * Joshua N. Moser (Kwik Trip) | * Sonja K. Chandre (Meijer) |
| * Luz Calderon (Aldi) | * Vanessa Leon (Aldi) |
| * Robin L. Grutza (Kwik Trip) | |

Grant a 2022 Transient Merchant solicitor license to Rachel Opliger, selling home improvement products on behalf of The Window Store, 2706 S. 163rd St., New Berlin (favorable background report received).

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 February 23, 2022 Vendor Summary Report in the amount of \$483,814.99. (Of this total, \$13,417.09 will impact the 2021 fiscal year, with the remaining \$470,397.90 impacting 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.

18. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:14 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)(e) to discuss possible litigation and strategy for environmental remediation of the properties at 9100 and 9170 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.

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

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:15 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.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Loreck, moved to adjourn the meeting at 9:17 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

PROCEEDINGS, COMMON COUNCIL MEETING
MARCH 1, 2022, 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, Communications Coordinator Leslie Flynn, Assistant City Administrator / Comptroller Maxwell Gagin, IT Manager Kevin Koenig, Community Development Director Douglas Seymour, City Engineer Matthew 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 2/14/22 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. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENT TO OAK CREEK SANITARY SEWER SERVICE AREA.**

A public hearing was held to consider a proposed amendment to the Oak Creek Sanitary Sewer Service area (see Item No. 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12311-030122, ADOPTING AMENDMENT TO SANITARY SEWER SERVICE PLAN FOR CITY.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12311-030122, adopting an amendment to the Sanitary Sewer Service Plan for the City of Oak Creek. 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 AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, RELATING TO PROPERTIES AT 4005, 4060, AND 4159 E. LAKE VISTA PKWY.**

A public hearing was held to consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 4005, 4060, and 4159 E. Lake Vista Parkway (see Item No. 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 3029, ADOPTING AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, FOR PROPERTIES AT 4005, 4060, AND 4159 E. LAKE VISTA PKWY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3029, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 4005, 4060, and 4159 E. Lake Vista 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.

8. **PUBLIC HEARING HELD TO CONSIDER AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, RELATING TO PROPERTIES AT 2231 W. PUETZ RD., 8843R S. 13TH ST., AND 8950 S. 20TH ST.**

A public hearing was held to consider an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020, amended November 17, 2020) as it relates to the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th St. (see item 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 3030, ADOPTING AMENDMENT TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, FOR PROPERTIES AT 2231 W. PUETZ RD., 8843R S. 13TH ST., AND 8950 S. 20TH ST.**

Ald. Guzikowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 3030, adopting an amendment to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) for the properties at 2231 W. Puetz Rd., 8843R S. 13th St., and 8950 S. 20th 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.

10. **PRESENTED AND HELD TO 3/15/22 MEETING: ORDINANCE NO. 3028, REPEALING AND RECREATING CHAPTER 17 – ZONING CODE OF MUNICIPAL CODE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to hold action on Ordinance No. 3028, repealing and recreating Chapter 17 – Zoning Code of the Municipal Code to the 3/15/22 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.

11. **COUNCIL APPROVES PLAN OF FINANCE FOR \$2,325,000 TGORB.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the Plan of Finance for \$2,325,000 Taxable General Obligation Refunding Bonds. 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 12308-030122, AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$2,350,000 TGORB.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12308-030122, authorizing the issuance and establishing parameters for the sale of not to exceed \$2,350,000 Taxable 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.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 12312-030122, APPROVING AMENDMENT TO EXISTING EASEMENT WITH MMSD ON PROPERTY AT 9010 S. 5TH AVE.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12312-030122, approving an Amendment to Existing Easement with Milwaukee Metropolitan Sewerage District on the property at 9010 S. 5th Ave. (Tax Key No. 866-9003-000). 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.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12310-030122, APPROVING TERMINATION AND RELEASE OF CERTAIN EASEMENTS FOR CSM NO. 7769 WITH DM INVESTMENT REAL ESTATE LLC ON PROPERTY AT 8100 S. 27TH ST. (THE OAKS AT 8100).**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12310-030122, approving a Termination and Release of certain easements for Certified Survey Map No. 7769 with DM Investment Real Estate LLC on the property at 8100 S. 27th St. (The Oaks at 8100) (Tax Key No. 810-9012-001). 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.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 12309-030122, APPROVING SWMP MAINTENANCE AGREEMENT WITH DECKER PROPERTIES, INC., FOR THE OAKS AT 8100 DEVELOPMENT LOCATED AT 8100 S. 27TH ST.**

Ald. Loreck, seconded by Ald. Duchniak, adopted Resolution No. 12309-030122, approving a Storm Water Management Practices Maintenance Agreement with Decker Properties, Inc., for The Oaks at 8100 development located at 8100 S. 27th St. (Tax Key Nos. 810-9005, 810-9012-001, and 810-9013-001). 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.

16. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to take action on the various license requests as listed on the 3/1/22 License Committee Report as follows:

Grant an Operator's license to (favorable background reports received):

- | | |
|--|------------------------------------|
| * Isaac J. Engelbrecht (Kwik Trip) | * Daniel A. Wipijewski (Kwik Trip) |
| * Kara J. Johnson (Buffalo Wild Wings) | * Jezilyn M. Rivera (Aldi) |
| * Alyssa Rodriguez (Aldi) | * Tracy L. Rutowski (D'Vine) |
| * Joshua N. Moser (Kwik Trip) | * Sonja K. Chandre (Meijer) |
| * Luz Calderon (Aldi) | * Vanessa Leon (Aldi) |
| * Robin L. Grutza (Kwik Trip) | |

Grant a 2022 Transient Merchant solicitor license to Rachel Opliger, selling home improvement products on behalf of The Window Store, 2706 S. 163rd St., New Berlin (favorable background report received).

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 February 23, 2022 Vendor Summary Report in the amount of \$483,814.99. (Of this total, \$13,417.09 will impact the 2021 fiscal year, with the remaining \$470,397.90 impacting 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.

18. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:14 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)(e) to discuss possible litigation and strategy for environmental remediation of the properties at 9100 and 9170 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.

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

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:15 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.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Loreck, moved to adjourn the meeting at 9:17 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