



Common Council Chambers
8040 S. 6TH Street
Oak Creek, WI 53154
(414) 766-7000

COMMON COUNCIL MEETING AGENDA

OCTOBER 18, 2022

7:00 P.M.

Daniel Bukiewicz - Mayor
Steven Kurkowski – 1st District
Greg Loreck – 2nd District
Richard Duchniak – 3rd District
Lisa Marshall – 4th District
Kenneth Gehl – 5th District
Chris Guzikowski – 6th District

The City's Vision

Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 10/4/22

ENGINEERING

4. **Resolution:** Consider Resolution No. 12358-101822, a resolution in support of requiring the repair of the Union Pacific at-grade railroad crossing of E. Forest Hill Avenue (176-797T) (1st & 4th Districts).

LICENSE COMMITTEE

5. **Motion:** Consider a motion to approve the various license requests as listed on the 10/18/22 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

6. **Motion:** Consider a motion to approve the October 12, 2022 Vendor Summary Report in the amount of \$692,601.58 (by Committee of the Whole).

MISCELLANEOUS

7. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes to discuss the following:
 - (a) Section 19.85(1)(e) to discuss a possible amendment to the Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for the Emerald Row project.
 - (b) Section 19.85(1)(c) and (g) to discuss possible termination (non-disciplinary) of a Police Officer for failure to meet the necessary qualifications of employment for the position.
 - (c) Section 19.85(1)(e) to consider a Purchase and Sale Agreement between the City of Oak Creek and Connell Aluminum Properties LLC regarding approximately 1.01 acres of real estate located at 9100 S. 5th Avenue (4th District).

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.
This meeting will be live streamed on the City of Oak Creek YouTube page via <http://ocwi.org/livestream>.

8. **Motion:** Consider a *motion* to reconvene into open session.
9. **Motion:** Consider a *motion* to take action, if required.
10. **Resolution:** Consider *Resolution* No. 12359-101822, approving a Purchase and Sale Agreement between the City of Oak Creek and Connell Aluminum Properties, LLC (4th District).

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 414-766-7000, by fax at 414-766-7976, or by mail at 8040 S. 6th Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

COMMON COUNCIL REPORT

- Item:** Union Pacific At-Grade Railroad Crossing of E. Forest Hill Avenue (176-797T)
- Recommendation:** That the Common Council adopts Resolution 12358-101822, a resolution in support of requiring the repair of the Union Pacific at-grade railroad crossing of E. Forest Hill Avenue (176-797T) (1st and 4th District).
- Fiscal Impact:** The Union Pacific Railroad will be responsible for the costs to improve the crossing.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Engineering Department contacted the Union Pacific Railroad in spring 2021 expressing concerns regarding the poor condition of the at-grade railroad crossing at E. Forest Hill Avenue. The City has contacted the railroad multiple times since the initial email in Spring 2021, providing pictures showing the missing and uneven panels, protruding metal, shifting concrete and voids in the pavement, and have received minimal response from the Union Pacific Railroad.

In October 2021 the Engineering Department was contacted by the Office of the Commissioner of the Railroads (OCR). Their primary focus is to ensure safety of the public at railroad crossings in the State of Wisconsin. OCR expressed concerns with the condition of the crossing and suggested the City should pursue the formal rough crossing process if the Union Pacific Railroad continues to be unresponsive to the safety concerns. Section 86.12 of state law requires the railroad to maintain all at-grade crossings in good condition for travel. If the railroad fails to do so, the highway authority (City) can enforce this law through OCR. The statute requires a two-step process.

First, the governing body of the municipality must pass a resolution demanding repair and serve it upon the railroad. The railroad then has 30 days under the statute to make the repair. If the railroad fails to make the repairs, the highway authority may file a formal complaint with OCR. Once OCR receives the formal complaint, and supporting documentation (copy of resolution), OCR will schedule a hearing to take testimony on the complaint.

Options/Alternatives: Continue to contact Union Pacific Railroad and risk the potential for the Office of the Commissioner of the Railroads to close the crossing until the repairs have been completed by the Railroad.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Ashley Kiepczynski, PE
Assistant City Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Approved:



Matthew J. Sullivan, PE
City Engineer

Attachments: Resolution No. 12358-101822

RESOLUTION NO. 12358-101822

BY: _____

**RESOLUTION IN SUPPORT OF REQUIRING THE REPAIR OF THE UNION PACIFIC
AT-GRADE RAILROAD CROSSING OF E. FOREST HILL AVENUE (176-797T)**

(1ST & 4TH ALDERMANIC DISTRICT)

WHEREAS, East Forest Hill Avenue, a public street in the City of Oak Creek, crosses the tracks of the Union Pacific Railroad at-grade; and,

WHEREAS, Section 86.12 of the Wisconsin Statutes requires all railroad companies owning or operating tracks crossing streets or highways at grade to keep the surface of the crossing in good condition and repair for public travel; and,

WHEREAS, the East Forest Hill Avenue crossing is not in good condition and repair for public travel, and it includes missing panels, uneven panels, protruding metal, shifting concrete and voids in the pavement; and,

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek Common Council hereby requires that the Union Pacific Railroad pave, plank, repair, change or otherwise improve the rail-highway crossing at East Forest Hill Avenue, as the needs require.

BE IT FURTHER RESOLVED that the City of Oak Creek Common Council hereby directs the City of Oak Creek Clerk to serve a copy of this resolution upon the local agent of the Union Pacific Railroad requiring the railroad to repair the rail-highway crossing East Forest Hill Avenue with the tracks of the Union Pacific Railroad in the City of Oak Creek, Milwaukee County.

BE IT FURTHER RESOLVED that if the Union Pacific Railroad fails to comply with this resolution by not paving, planking, repairing, changing or otherwise improving the rail-highway crossing at East Forest Hill Avenue, as the needs require, within 30 days after service of the resolution, the City of Oak Creek Common Council hereby directs the City of Oak Creek staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation and order for the repair of the rail-highway crossing of East Forest Hill Avenue with the tracks of the Union Pacific Railroad in the City of Oak Creek, Milwaukee County, as a result of the failure of Union Pacific Railroad to maintain that rail-highway crossing in good repair.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of October, 2022.

Passed and adopted this 18th day of October, 2022.

President, Common Council

Approved this 18th day of October, 2022.

ATTEST:

Mayor, City of Oak Creek

City Clerk

VOTE: AYES _____ NOES _____



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 10/18/2022 License Committee Report.

Fiscal Impact: License fees in the amount of \$11,202.91 were collected.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background:

1. Grant an Operator’s license to (favorable background reports received):
 - * Rachel M. Cheske (Meijer)
 - * Mindy J. Schuyler-Huemmer (Milwaukee Yard)
 - * Ethan J. Lawson (Gastrau’s Golf)
 - * Timothy W. Brand (Erv’s Mug)
 - * Brady R. Sikora (Kwik Trip)
 - * Jordan U. Robinson (BelAir Cantina)
2. Grant a Temporary Class B Beer, Class B Wine license to Katherine Becker, Agent, St. Matthew’s Oak Creek School, 9329 S. Chicago Rd., for a Trivia Night event scheduled for November 11, 2022.
3. Grant a Change of Agent for the Class A Combination alcohol license issued to Aldi Inc. (Wisconsin) dba Aldi #91, 410 W. Drexel Ave., from Melissa Venancio-Leonard to Olivia M. Marrero.
4. Grant a Change of Agent for the Class A Combination alcohol license issued to Aldi Inc. (Wisconsin) dba Aldi #01, 6810 S. 27th St., from Emily Steer to Makayla L. Olson.
5. Grant a Change of Agent for the Class B Combination alcohol license issued to Milwaukee Yard Corporation dba Milwaukee Yard, 7727 S. Longwater Dr., from David Cottrell to Ryan M. McNeive.
6. Grant an Original Class B Combination to Fahim Ajmeri, Agent, 8950 LLC dba Ayra’s Liquor & Bourbon, 8950 S. 27th St., with release of license subject to occupancy on the Bourbon Lounge and department approvals. This location currently holds a Class A Combination license for off-site sales, however, they are changing their format to open a Bourbon Lounge. If approved, they will relinquish their Class A Combination license in exchange for the Class B Combination license. With a Class B Combination license, they will be allowed to operate the Bourbon Lounge and sell alcohol for on or off-site consumption.
7. Grant an Original Reserve Class B Combination to Nicholas Kulinski, Agent, Texas Roadhouse Holdings LLC dba Texas Roadhouse, 1489 W. Broadwick Pl., with release of license subject to receipt of Occupancy Permit, WI sellers permit number and final departmental approvals.
8. Grant a 2022 Secondhand Article Dealers / Secondhand Jewelry Dealers license to William Crescent, Agent, Crescent Jewelers, 18049 Torrence Ave., Lansing, IL 60438, purchasing articles and jewelry at events held in the City.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Attachments: none

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the October 12, 2022 Vendor Summary Report in the total of \$692,601.58.

Fiscal Impact: Total claims paid of \$692,601.58.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: Of note are the following payments:

1. \$5,945.50 to Creative Business Interiors (pg #4) for a display case in the lobby of the Police Department.
2. \$7,782.00 to CTACCESS (pg #4) for Laserfiche support.
3. \$99,154.12 to DeLuca and Tobin Cable Contractors (pg #4) East Side Fiber Project. Project #22012.
4. \$18,216.66 to Digicorp, Inc. (pgs #4-5) for backup software.
5. \$26,756.74 to E. H. Wolf & Sons, Inc. (pg #5) for fuel inventory.
6. \$21,676.97 to Enterprise FM Trust (pg #5) for DPW vehicle lease monthly payment, Project #19024.
7. \$10,480.00 to Godfrey & Kahn S.C. (pg #7) for legal services regarding redevelopment of lakefront site and Ryan Rd. Business Park.
8. \$6,222.99 to Gordon Flesch Company, Inc. (pg #5) for printing and copying charges.
9. \$71,843.73 to I-Kenosha LLC (pg #8) for TIF No. 15 payment per developer agreement.
10. \$13,405.79 to Kansas City Life Insurance Co. (pgs #8-9) for November disability insurance.
11. \$8,156.44 to Mariani Plants (pg #10) for trees. Project #20018.
12. \$10,800.00 to Master Graphics (pg #11) for Ultimaker S5 Pro Bundle.
13. \$25,090.88 to MADACC (Pg #10) for 4th Quarter operating costs, capital projects, and debt service.
14. \$52,077.87 to Ramboll US Consulting Inc. (pg #14) for property environmental support and professional services for Lakeshore Commons project.
15. \$30,927.29 to Rennert's Fire Equipment Service, Inc. (pg #14) for E183 pump repair.

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16. \$7,307.36 to Securian Financial Group, Inc. (pgs #14-15) for November employee life insurance.
 17. \$5,548.72 to Superior Vision (pg #16) for vision insurance.
 18. \$13,821.75 to TAPCO (pg #16) for signal service and repairs. Project #17024 and #22002
 19. \$7,313.00 to Tehan Greenhouses (pg #17) for flowers, baskets, and soil.
 20. \$16,375.00 to Tyler Technologies, Inc. (pg #18) for consulting services.
 21. \$71,817.50 to US Bank (pgs #21-29) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
 22. \$31,746.09 to WE Energies (pg #1) for street lighting, electricity & natural gas.
 23. \$9,579.37 to WI Court Fines & Surcharges (pg #18) for September court fines.
 24. \$9,525.65 to WI Dept. of Transportation (pg #19) for construction services relating to W. Drexel Ave. Project #21017.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Rory T. Vircks
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 10/12/2022 Invoice GL Distribution Report