

PROCEEDINGS, COMMON COUNCIL MEETING  
JANUARY 17, 2023, 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. Marshall, and Ald. Gehl. Ald. Loreck and Ald. Guzikowski were excused.

Also present were City Attorney Melissa Karls, Network Administrator Noah Berg, Communications Coordinator Leslie Flynn, Assistant City Administrator / Comptroller Maxwell Gagin, Fire Chief Michael Kressuk, Community Development Director Douglas Seymour, Police Chief Dave Stecker, 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. Marshall, seconded by Ald. Kurkowski, moved to approve the minutes of the 12/20/22 meeting. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.
4. **PRESENTED AND ADOPTED: RESOLUTION NO. 12372-011723, RESOLUTION OF COMMENDATION TO BRIAN J. ANDERSON, RETIRING FIRE FIGHTER.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12372-011723, a Resolution of Commendation to Brian J. Anderson, retiring Fire Fighter. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12375-011723, RESOLUTION OF APPRECIATION TO MICHAEL R. BOLENDER, RETIRING POLICE CAPTAIN.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12375-011723, a Resolution of Appreciation to Michael R. Bolender, retiring Police Captain. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

6. **PRESENTED AND ADOPTED: RESOLUTION NO. 12376-011723, RESOLUTION OF APPRECIATION TO RANDALL A. KNITTER, RETIRING POLICE LIEUTENANT.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12376-011723, a Resolution of Appreciation to Randall A. Knitter, retiring Police Lieutenant. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

7. **PRESENTED AND ADOPTED: RESOLUTION NO. 12377-011723, RESOLUTION OF COMMENDATION TO THOMAS C. JONSON, RETIRING ASSISTANT FIRE CHIEF OF OPERATIONS AND TRAINING.**

Ald. Marshall, seconded by Ald. Kurkowski, moved to adopt Resolution No. 12377-011723, a Resolution of Commendation to Thomas C. Jonson, retiring Assistant Fire Chief of Operations and Training. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 12381-011723, RESOLUTION OF COMMENDATION TO PHILIP BEIERMEISTER, RETIRING ENVIRONMENTAL DESIGN ENGINEER.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12381-011723, a Resolution of Commendation to Philip Beiermeister, retiring Environmental Design Engineer. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

9. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY F STREET OCLV, LLC, FOR AMENDMENTS TO EXISTING TRADITIONAL NEIGHBORHOOD DEVELOPMENT PUD (TND PUD) FOR LAKESHORE COMMONS AFFECTING PROPERTIES AT 9116 AND 9300 S. 5<sup>TH</sup> AVE. AND 4005 E. LAKE VISTA PKWY.**

A public hearing was held to consider a request submitted by F Street OCLV, LLC, for amendment to the existing Traditional Neighborhood Development Planned Unit Development (TND PUD) for Lakeshore Commons affecting the properties at 9116 and 9300 S. 5<sup>th</sup> Ave. and 4005 E. Lake Vista Parkway. (See Item No. 10 for action on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 3063, AMENDING CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 3015 FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT PUD (TND PUD) ON PORTIONS OF PROPERTIES AT 9116 S. 5<sup>TH</sup> AVE., 9300 S. 5<sup>TH</sup> AVE., AND 4005 E. LAKE VISTA PKWY.**

Ald. Marshall, seconded by Ald. Gehl, moved to adopt Ordinance No. 3063, amending the Conditions and Restrictions in Ordinance No. 3015 for the Traditional Neighborhood Development Planned Unit Development (TND PUD) on portions of the properties at 9116 S. 5<sup>th</sup> Ave., 9300 S. 5<sup>th</sup> Ave., and 4005 E. Lake Vista Parkway. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 12382-011723, APPROVING CSM SUBMITTED BY FIFTH PROPERTY, LLC AND CITY FOR PROPERTY AT 4301 E. DEPOT RD.**

Ald. Marshall, seconded by Ald. Gehl, moved to adopt Resolution No. 12382-011723, approving a Certified Survey Map submitted by Fifth Property, LLC and the City of Oak Creek for the property at 4301 E. Depot Rd. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 12383-011723, APPROVING CSM SUBMITTED BY CONNELL ALUMINUM PROPERTIES, LLC AND CITY FOR PROPERTIES AT 9100 S. 5<sup>TH</sup> AVE. AND 4300 E. LAKE VISTA PKWY.**

Ald. Marshall, seconded by Ald. Gehl, moved to adopt Resolution No. 12382-011723, approving a Certified Survey Map submitted by Connell Aluminum Properties and the City of Oak Creek for the properties at 9100 S. 5<sup>th</sup> Ave. and 4300 E. Lake Vista Parkway. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 12378-011723, ACCEPTING WORKMANSHIP OF PAYNE & DOLAN, INC., AUTHORIZING FINAL CONTRACT PAYMENT UNDER PROJECT NO. 22002.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adopt Resolution No. 12378-011723, accepting the workmanship of Payne & Dolan, Inc., and authorizing final contract payment under Project No. 22002. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12379-011723, APPROVING FUNDING AGREEMENT WITH MMSD FOR GREEN SOLUTIONS PROJECT AT OAK CREEK POLICE DEPARTMENT.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12379-011723, approving a Funding Agreement with MMSD for a Green Solutions project at the Oak Creek Police Department. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 12380-011723, APPROVING FUNDING AGREEMENT WITH MMSD FOR GREEN SOLUTIONS PROJECT AT ABENDSCHEIN PARK.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adopt Resolution No. 12380-011723, approving a Funding Agreement with MMSD for a Green Solutions project at Abendschein Park. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

16. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant the various license requests as listed on the 1/17/23 License Committee Report.

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

- |                                       |                                    |
|---------------------------------------|------------------------------------|
| * Lauren A. Winkler (The Cellar)      | * Keith T. Keovan (Gastraus' Golf) |
| * Gabrielle P. Schlueter (The Cellar) | * Wendy A. Wegner (Kwik Trip)      |
| * Logan R. Hill (Kwik Trip)           | * Hooran Ding (Kwik Trip)          |

Grant a 2023 Transient Merchant company license to Weed Man Lawn Care, 1425 Commerce Ave., Brookfield, WI, and to the following solicitors (favorable background reports received):

- |                        |                        |
|------------------------|------------------------|
| * Nathaniel R. Steward | * Michael T. Ross      |
| * Luke G. Maldonado    | * Samuel A. Irizarry   |
| * Kurt R. Gilane       | * Kevin T. Ciesielczyk |
| * Kyle M. Caughey      |                        |

Grant a 2023 Temporary Class "B" beer license to Roland Komorowski, Agent, St. Matthew Parish, 9303 S. Chicago Rd., for their Chili Cook-Off scheduled for February 4, 2023.

Grant a Change of Premise for the Class B Combination alcohol license issued to Kristyn Eitel, Agent, BelAir Cantina Oak Creek, Inc., 410 W. Town Square Way, allowing an extension into Drexel Town Square for the Fire & Ice Pop Up event scheduled for Friday, February 17 and Saturday, February 18, 4:00 p.m. to 8:00 p.m.

Grant a 2022-23 Class B Combination liquor license to Shawn M. Utphall, Agent, Route 41 Bar and Grill LLC dba Route 41 Bar and Grill (former Jim Dandy's property), with release of license subject to occupancy permit and final departmental approvals.

Grant a 2023 Mobile Home Park license to TCSC, LLC dba HyView Mobile Home Park, 2331 W. College Ave.

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

17. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Marshall, seconded by Ald. Gehl, moved to approve the December 27, 2022 Vendor Summary Report in the amount of \$329,934.64. (Of this total, \$146,099.51 will affect the 2022 fiscal year, with the remaining \$183,835.13 affecting 2023). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

18. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Marshall, moved to approve the January 11, 2023 Vendor Summary Report in the amount of \$1,492,144.53. (Of this total, \$729,797.76 will affect the 2022 fiscal year, with the remaining \$762,346.77 affecting 2023). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

19. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to convene into Closed Session at 8:12 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 consider an Amendment to TID No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase I, Second Amendment to TID No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase II/III and TID No. 11 Finance Development Agreement for Emerald Row Phase III (Parcels A and C).

On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

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

Ald. Gehl, seconded by Ald. Kurkowski, moved to reconvene into Open Session at 8:53 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye. No action was taken.

22. **PRESENTED AND HELD TO 2/7/23 COUNCIL MEETING: RESOLUTION NO. 12384-011723, AMENDMENT TO TID NO. 11 FINANCE DEVELOPMENT AGREEMENT AND PHASE III AGREEMENT FOR EMERALD ROW PHASE I, SECOND AMENDMENT TO TID 11 FINANCE DEVELOPMENT AGREEMENT AND PHASE III AGREEMENT FOR EMERALD ROW PHASE II/III AND TID NO. 11 FINANCE DEVELOPMENT AGREEMENT FOR EMERALD ROW PHASE III (PARCELS A AND C) BY AND BETWEEN EMERALD ROW LLC, EMERALD ROW HOLDINGS INC., EMERALD ROW II LLC, EMERALD ROW III LLC, BARRETT/LO VISIONARY DEVELOPMENT LLC AND CITY.**

Ald. Gehl, seconded by Ald. Marshall, moved to hold action on Resolution No. 12384-011723, an Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase I, a Second Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for Emerald Row Phase II/III and a Tax Incremental District No. 11 Finance Development Agreement for Emerald Row Phase III (Parcels A and C) by and between Emerald Row LLC, Emerald Row Holdings Inc., Emerald Row II LLC, Emerald Row III LLC, Barrett/Lo Visionary Development LLC and the City of Oak Creek. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

**ADJOURNMENT.**

Ald. Marshall, seconded by Ald. Duchniak, moved to adjourn the meeting at 8:55 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Gehl, aye.

**ATTEST:**

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Catherine A. Roeske, City Clerk

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Daniel J. Bukiewicz, Mayor