

PROCEEDINGS, COMMON COUNCIL MEETING
FEBRUARY 7, 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. Loreck, Ald. Duchniak, Ald. Marshall, Ald. Gehl and Ald. Guzikowski. Ald. Kurkowski was excused.

Also present were City Attorney Melissa Karls, Communications Coordinator Leslie Flynn, Assistant City Administrator / Comptroller Maxwell Gagin, IT Manager Thomas Kramer, 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. Marshall, seconded by Ald. Duchniak, moved to approve the minutes of the 1/17/23 meeting. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye and Ald. Guzikowski, aye.
4. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 23-01, CONGRATULATIONS TO SAMUEL AMUNDSON FOR RECEIVING EAGLE SCOUT AWARD.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Council Proclamation No. 23-01, Congratulations to Samuel Amundson for receiving the Eagle Scout Award. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY PETER BENSON, DOG PADDLE, INC., FOR AMENDMENT TO CUP, ALLOWING ANIMAL TRAINING/ANIMAL THERAPY FACILITY WITHIN PORTION OF EXISTING MULTI-TENANT INDUSTRIAL BUILDING ON PROPERTY AT 140 E. RAWSON AVE.**

A public hearing was held to consider a request submitted by Peter Benson, Dog Paddle, Inc., for an amendment to the existing Conditional Use Permit to allow an animal training/animal therapy facility within a portion of the existing multi-tenant industrial building on the property at 140 E. Rawson Ave. (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 3064, AMENDING CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 3037, FOR PHYSICAL AND OCCUPATIONAL THERAPY CLINIC, A BEHAVIORAL TREATMENT SERVICES CLINIC, INDOOR RECREATION FACILITIES, OUTDOOR RECREATION FACILITIES, PRIVATE EMERGENCY SERVICES FACILITY, AND ANIMAL TRAINING/THERAPY FACILITY ON PROPERTY AT 140 E. RAWSON AVE.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Ordinance No. 3064, amending the Conditions and Restrictions in Ordinance No. 3037, for a physical and occupational therapy clinic, a behavioral treatment services clinic, indoor recreation facilities, outdoor recreation facilities, a private emergency services facility, and an animal training/therapy facility on the property at 140 E. Rawson Ave. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **COUNCIL APPROVES PLAN OF FINANCE FOR \$11,245,000 NOTE ANTICIPATION NOTES AND \$3,585,000 GENERAL OBLIGATION PROMISSORY NOTES.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to approve the Plan of Finance for \$11,245,000 Note Anticipation Notes and \$3,585,000 General Obligation Promissory Notes. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 12389-020723, AUTHORIZING ISSUANCE OF NOT TO EXCEED \$12,000,000 GENERAL OBLIGATION PROMISSORY NOTES AND AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$12,000,000 NOTE ANTICIPATION NOTES, SERIES 2023B IN ANTICIPATION THEREOF.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12389-020723, authorizing the issuance of not to exceed \$12,000,000 General Obligation Promissory Notes and authorizing the issuance and establishing parameters for the sale of not to exceed \$12,000,000 Note Anticipation Notes, Series 2023B in anticipation thereof. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 12390-020723, AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$3,750,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2023C.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12390-020723, authorizing the issuance and establishing parameters for the sale of not to exceed \$3,750,000 General Obligation Promissory Notes, Series 2023C. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

10. **COUNCIL APPROVES CONTRACT FOR DESIGN OF FIRST PHASE OF DREXEL AVE. STREETScape IMPROVEMENTS TO GRAEF FOR TOTAL OF \$165,000.**

Ald. Loreck, seconded by Ald. Duchniak, moved to approve a contract for design of the first phase of the Drexel Avenue Streetscape improvements to GRAEF for a total of \$165,000. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **COUNCIL AUTHORIZES ENGINEERING DEPARTMENT TO ENTER INTO THREE PARTY DESIGN CONTRACT, NOT TO EXCEED \$155,587, BETWEEN WI DOT, CITY AND COLLINS ENGINEERS, INC., FOR DESIGN SERVICES OF S. 6TH STREET BRIDGE OVER BRANCH OF OAK CREEK.**

Ald. Loreck, seconded by Ald. Duchniak, moved to authorize the Engineering Department to enter into a Three Party Design Contract, not to exceed \$155,587, between the Wisconsin Department of Transportation, City of Oak Creek, and Collins Engineers, Inc., for the design services of the S. 6th Street bridge over Branch of Oak Creek. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. PRESENTED AND ADOPTED: RESOLUTION NO. 12385-020723, APPROVING STATE MUNICIPAL AGREEMENT FOR STATE-LET LOCAL BRIDGE PROJECT, SUPERSTRUCTURE REPLACEMENT OF BRIDGE LOCATED ON S. 6TH STREET, BRIDGE OVER OAK CREEK.

Ald. Loreck, seconded by Ald. Duchniak moved to adopt Resolution No. 12385-020723, approving the State Municipal Agreement for a State-let Local Bridge project, the superstructure replacement of the bridge located on S. 6th Street, bridge over Oak Creek. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. PRESENTED AND ADOPTED: RESOLUTION NO. 12386-020723, IN SUPPORT OF ADDITION OF CITY SIDEWALK ON COUNTY’S PROPOSED W. RAWSON AVE. RECONSTRUCTION PROJECT.

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 12386-020723, in support of the addition of City sidewalk on Milwaukee County’s proposed W. Rawson Avenue (CTH BB) reconstruction project. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. PRESENTED AND ADOPTED: RESOLUTION NO. 12387-020723, GRANTING WE ENERGIES 15’ x 20.1’ PERMANENT UNDERGROUND ELECTRIC EASEMENT AT 2026 E. RYAN RD.

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12387-020723, granting a WE Energies 15’ x 20.1’ permanent underground electric easement at 2026 E. Ryan Rd. (Tax Key No. 872-9985-000). On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. LICENSE COMMITTEE.

Ald. Duchniak, seconded by Ald. Loreck, moved to grant the various license requests as listed on the 2/7/23 License Committee Report.

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

- | | |
|------------------------------------------|--------------------------------------------------|
| * Stephanie L. Nowatzki (Pick’ n Save) | * Zoraida Galarza (Pick ‘n Save) |
| * Colt C. Smolen (Kwik Trip) | * Shanda M. Caveney (Oak Creek Community Center) |
| * Lindsay R. Harrison (Kwik Trip) | * Steven P. Wilding (Oak Creek Community Center) |
| * Eduardo A. Jimenez (Kwik Trip) | * Elijah J. Shawlin (Kwik Trip) |
| * Takiah L. Terrell (Buffalo Wild Wings) | * Lauren J. Mayotte (Kwik Trip) |
| * Andrea N. Torres (Kwik Trip) | * Donnie L. Torres (Homewood Suites by Hilton) |
| * Hani W. Alramahi (South Shore Cinema) | * Addison T. Meyer (Kwik Trip) |
| * Joseph R. Stewart (Kwik Trip) | |

Grant a 2023 Transient Merchant company license to Mad City Windows Home Improvement Inc., 17044 W. Victor Rd., New Berlin, WI, and to the following solicitors (favorable background reports received):

- | | | | |
|-----------------|-----------------|----------------|--------------------|
| * David Sanchez | * Coty Kellner | * Isaiah Jasso | * Michael Richards |
| * Ruben Galvez | * Ryan Trafelet | * Xavier Rosa | |

Grant a 2023 Temporary Class “B” beer license to Robert Kacalo, Agent, St. Stephen’s Catholic Church, 1441 W. Oakwood Rd., for their Lenten Fish Fry’s schedule for February 24, March 3, 10, 17, 24 and 31, and April 7, 2023.

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

16. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to approve the February 1, 2023 Vendor Summary Report in the amount of \$1,093,061.25. (Of this total, \$450,793.62 will affect the 2022 fiscal year, with the remaining \$642,267.63 affecting 2023). On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 7:48 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 possible settlement of Wanda Jimenez Malave et al. vs. City of Oak Creek et al. (Milwaukee County Case No. 2022CV4438).
- (c) Section 19.85(1)(g) to consider a Wisconsin State–Local Government Opioid Bankruptcy Memorandum of Understanding regarding *In re: Opioid Litigation*, MDL 2804, pending in the Northern District of Ohio.
- (d) 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. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **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. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL AUTHORIZES SETTLEMENT OF MILWAUKEE COUNTY CASE 2022CV4438; AUTHORIZES MAYOR TO SIGN WI STATE-LOCAL GOVERNMENT OPIOID BANKRUPTCY MOU.**

Ald. Gehl, seconded by Ald. Marshall, moved to approve a \$9,000 settlement in Milwaukee County Case 2022CV4438 with a full release of all claims and the dismissal of the case. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Ald. Gehl, seconded by Ald. Marshall, moved to approve and authorize the Mayor to sign the Wisconsin State-Local Government Opioid Bankruptcy Memorandum of Understanding *In re: Opioid Litigation*, MDL 2804, pending in the United States District Court for the Northern District of Ohio. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **PRESENTED AND HELD TO 2/20/23 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. Guzikowski, 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 to the 2/20/2023 Common Council meeting. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Marshall, seconded by Ald. Loreck, moved to adjourn the meeting at 8:45 p.m. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor