

PROCEEDINGS, COMMON COUNCIL MEETING
APRIL 16, 2024, 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. Ruetz, Ald. Marshall, Ald. Gehl, and Ald. Guzikowski.

Also present were Communication Coordinator Leslie Flynn, Deputy City Administrator / Finance Officer Max Gagin, IT Director Thomas Kramer, Community Development Director Kristin Porter, Assistant City Administrator / Engineer Matthew Sullivan, Utility Manager Michael Sullivan, Human Resource Director Toni Vanderboom, City Administrator Andrew Vickers, and Deputy City Clerk Christa Miller.

2. The meeting began with the Pledge of Allegiance being said by all present.
3. Ald. Marshall, seconded by Ald. Guzikowski, moved to approve the 4/1/24 minutes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Loreck abstained from voting.
4. **ALD. GEHL ELECTED COMMON COUNCIL PRESIDENT.**

Mayor Bukiewicz explained the procedure for election of a Common Council President and then opened the floor for nominations. Ald. Kurkowski nominated Ald. Gehl. Ald. Marshall seconded the nomination.

After hearing no further nominations, Ald. Kurkowski, seconded by Ald. Guzikowski, moved to close nominations and cast a unanimous vote for Ald. Ken Gehl as Common Council President. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Ald. Gehl was elected Common Council President.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY IVAN VASILJEVIC, NORTH INVESTMENTS, LLC, FOR CUP FOR AUTOBODY/AUTOMOTIVE MECHANICAL REPAIR, TRUCK PARKING FACILITIES, AND OUTDOOR STORAGE ON PROPERTIES AT 9810, 9840, AND 9880 S. RIDGEVIEW DR.**

A public hearing was held to consider a request submitted by Ivan Vasiljevic, North Investments, LLC, for a Conditional Use Permit for autobody/automotive mechanical (truck and trailer) repair, truck parking facilities, and outdoor storage on the properties at 9810, 9840, and 9880 S. Ridgeview Dr. (See Item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 3094, APPROVING CUP FOR AUTOBODY/AUTOMOTIVE MECHANICAL REPAIR, TRUCK PARKING FACILITIES, AND OUTDOOR STORAGE ON PROPERTIES AT 9810, 9840, AND 9880 S. RIDGEVIEW DR.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3094, approving a Conditional Use Permit for autobody/automotive mechanical (truck and trailer) repair, truck parking facilities, and outdoor storage on the properties at 9810, 9840, and 9880 S. Ridgeview Dr. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **COUNCIL APPROVES PLAN OF FINANCE FOR \$2,510,000 NOTE ANTICIPATION NOTES AND \$6,625,000 TAXABLE NOTE ANTICIPATION NOTES.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to approve the Plan of Finance for \$2,510,000 Note Anticipation Notes and \$6,625,000 Taxable Note Anticipation Notes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 12485-041624, AUTHORIZING ISSUANCE OF NOT TO EXCEED \$2,550,000 GENERAL OBLIGATION PROMISSORY NOTES AND AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$2,550,000 NOTE ANTICIPATION NOTES, SERIES 2024A IN ANTICIPATION THEREOF.**

Ald. Ruetz, seconded by Ald. Loreck, moved to adopt Resolution No. 12485-041624, authorizing the issuance of Not to Exceed \$2,550,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$2,550,000 Note Anticipation Notes, Series 2024A in Anticipation Thereof. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

9. **PRESENTED AND ADOPTED: RESOLUTION NO. 12486-041624, AUTHORIZING ISSUANCE OF NOT TO EXCEED \$6,700,000 GENERAL OBLIGATION PROMISSORY NOTES AND AUTHORIZING ISSUANCE AND ESTABLISHING PARAMETERS FOR SALE OF NOT TO EXCEED \$6,700,000 TAXABLE NOTE ANTICIPATION NOTES, SERIES 2024B IN ANTICIPATION THEREOF.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12486-041624, authorizing the issuance of Not to Exceed \$6,700,000 General Obligation Promissory Notes and Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$6,700,000 Taxable Note Anticipation Notes, Series 2024B in Anticipation Thereof. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; and Ald. Guzikowski, aye. Ald. Gehl abstained from voting.

10. **COUNCIL APPROVES AMENDMENT TO PERSONNEL POLICY SECTION 6.13 (TUITION REIMBURSEMENT) FOR NON-REPRESENTED EMPLOYEES.**

Ald. Gehl, seconded by Ald. Marshall, moved to approve an amendment to Personnel Policy 6.13 (Tuition Reimbursement) for non-represented employees. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **PRESENTED AND ADOPTED: RESOLUTION NO. 12492-041624, SUPPORTING THE 128TH AIR REFUELING WING OF WI AIR NATIONAL GUARD TO ACQUIRE KC-46A PEGASUS AT GENERAL MITCHELL'S AIR NATIONAL GUARD BASE.**

Ald. Gehl, seconded by Ald. Ruetz, moved to adopt Resolution No. 12492-041624, supporting the 128th Air Refueling Wing of the Wisconsin Air National Guard to acquire the KC-46A Pegasus at General Mitchell's Air National Guard Base. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 12482-041624, APPROVING T-MOBILE FIRST AMENDMENT TO ORCHARD WAY RESERVOIR LEASE AGREEMENT.**

Ald. Loreck, seconded by Ald. Kurkowski, moved to adopt Resolution No. 12482-041624, approving the T-Mobile First Amendment to the Orchard Way Reservoir lease agreement (Tax Key Nos. 831-9016, 831-9021). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 12481-041624, DESIGNATING PARK AREA ON PORTION OF PROPERTY AT 8430 S. ORCHARD WAY AS "ORCHARD WAY MICRO PARK".**

Ald. Loreck, seconded by Ald. Ruetz, moved to adopt Resolution No. 12481-041624, designating park area on a portion of the property at 8430 S. Orchard Way as "Orchard Way Micro Park". On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **PRESENTED AND ADOPTED: RESOLUTION NO. 12483-041624, AUTHORIZING CONTRACT EXTENSION AND ADDENDUM TO CITY'S 2023 STORMWATER ENGINEERING AND CONSULTING SERVICES CONTRACT.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12483-041624, authorizing a contract extension and addendum to the City of Oak Creek 2023 Stormwater Engineering and Consulting Services Contract. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **PRESENTED AND ADOPTED: RESOLUTION NO. 12484-041624, ACCEPTING WORKMANSHIP OF GLOBE CONTRACTORS, INC., AND AUTHORIZING FINAL CONTRACT PAYMENT UNDER PROJECT NO. 18035.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12484-041624, accepting the workmanship of Globe Contractors, Inc., and authorizing final contract payment under Project No. 18035. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 12487-041624, APPROVING THE 517 E RAWSON DEVELOPMENT AGREEMENT WITH 517 E RAWSON, LLC, FOR DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS FOR DEVELOPMENT LOCATED AT 517 E. RAWSON AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12487-041624, approving the 517 E. Rawson Development Agreement with 517 E. Rawson, LLC for the design and construction of public improvements for the development located at 517 E. Rawson Ave. (Tax Key No. 766-9012-000)(Project No. 24050). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 12488-041624, APPROVING SWMP MAINTENANCE AGREEMENT WITH 517 E RAWSON, LLC FOR FOUR (4) BUILDING BUSINESS CENTER LOCATED AT 517 E. RAWSON AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12488-041624, approving a Storm Water Management Practices Maintenance Agreement with 517 E. Rawson, LLC for the four (4) building business center located at 517 E. Rawson Ave. (Tax Key No. 766-9012-000). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to take action on the various license requests as listed on the 4/16/24 License Committee Report as follows:

Grant a Change of Agent for the 2023-24 Class B Combination alcohol license issued to SBG Apple North IX, LLC dba Applebee's Neighborhood Grill & Bar, 7135 S. 13th St., from Casimir Banaszek to David Oestreich.

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

19. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the April 10, 2024, Vendor Summary Report in the amount of \$480,802.38. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Items 20, 21, and 22 were made in one motion.

20. **DIRECTED HELD TO 5/7/24 COUNCIL MEETING: MAYORAL ALDERMANIC APPOINTMENTS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to hold the following Mayoral Aldermanic appointments until the 5/7/24 Council meeting:

- a. Small Claims Committee – 1
- b. Library Board – 1

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

21. **DIRECTED HELD TO 5/7/24 COUNCIL MEETING: MAYORAL ALDERMANIC APPOINTMENTS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to hold the following Mayoral Aldermanic appointments until the 5/7/24 Council meeting:

- a. Tourism Commission - 1
- b. Celebrations – 1
- c. Community Development Authority (CDA) -2

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

22. DIRECTED HELD TO 5/7/24 COUNCIL MEETING: COMMON COUNCIL PRESIDENT ALDERMANIC APPOINTMENTS.

Ald. Gehl, seconded by Ald. Guzikowski, moved to hold the following Common Council Aldermanic appointments until the 5/7/23 Council meeting:

- a. Personnel & Finance Committee – 3
- b. License Committee – 3
- c. Plan Commission Representatives – 2
- d. Board of Health Representative – 1
- e. Emergency Management Advisory Committee Representative – 1
- f. Parks & Recreation Commission – 1
- g. Board of Public Works and Capital Assets - 3

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

23. 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 review and evaluate the job performance and salary of the City Administrator.
- (b) Section 19.85(1)(g) to discuss Setzer Properties MKE, LLC vs. City of Oak Creek (Milwaukee County Case No. 2023CV006017).

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

24.-25. COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.

Ald. Gehl, seconded by Ald. Marshall, moved to reconvene into Open Session at 9:56 p.m.. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. No action was taken.

ADJOURNMENT.

Ald. Ruetz, seconded by Ald. Loreck, moved to adjourn the meeting at 9:57 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor