

PROCEEDINGS, COMMON COUNCIL MEETING
MAY 7, 2024, 7:00 P.M.

CITY OF OAK CREEK
MILWAUKEE COUNTY

1. Council President Kenneth Gehl called the meeting to order at 7:00 p.m. in the absence of Mayor Bukiewicz. On roll call, the following alderpersons were present: Ald. Kurkowski, Ald. Loreck, Ald. Marshall, Ald. Gehl, and Ald. Guzikowski. Ald. Ruetz was excused.

Also present were City Attorney Melissa Karls, City Treasurer Sara Kawczynski, IT Director Thomas Kramer, Community Development Director Kristin Porter, Police Chief David Stecker, Assistant City Administrator / 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. Guzikowski, moved to approve the 4/16/24 minutes. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 12489-050724, RESOLUTION OF APPRECIATION TO SANDRA L. HERMANN, RETIRING EMERGENCY DISPATCHER.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12489-050724, a Resolution of Appreciation to Sandra L. Hermann, retiring Emergency Dispatcher. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12490-050724, RESOLUTION OF APPRECIATION TO THOMAS E. LOONTJENS, RETIRING POLICE OFFICER.**

Ald. Loreck, seconded by Ald. Kurkowski, moved to adopt Resolution No. 12490-050724, a Resolution of Appreciation to Thomas E. Loontjens, retiring Police Officer. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

6. **PRESENTED AND ADOPTED: RESOLUTION NO. 12491-050724, RESOLUTION OF APPRECIATION TO HENRY R. NARRAI, RETIRING POLICE OFFICER.**

Ald. Loreck, seconded by Ald. Marshall, moved to adopt Resolution No. 12491-050724, a Resolution of Appreciation to Henry R. Narrai, retiring Police Officer. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **MAYORAL PROCLAMATION: NATIONAL PUBLIC WORKS WEEK, MAY 19-25, 2024.**

The National Public Works Week Mayoral Proclamation was informational.

8. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY RICH HANSON, CITYSWITCH-II-A, LLC FOR CUP, FOR TELECOMMUNICATIONS TOWER ON PROPERTY AT 1805 E. COLLEGE AVE.**

A public hearing held to consider a request submitted by Rich Hanson, CitySwitch-II-A, LLC for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (See Item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 3095, APPROVING CUP FOR TELECOMMUNICATION TOWER AND ASSOCIATED EQUIPMENT ON PROPERTY AT 1805 E. COLLEGE AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 3095, approving a Conditional Use Permit for a telecommunication tower and associated equipment on the property at 1805 E. College Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

10. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY ALLY ARNETT, CREATIVE DANCE STUDIOS, FOR CUP FOR INDOOR HEALTH / ATHLETIC FACILITY ON PROPERTY AT 7040 S. 13TH ST.**

A public hearing was held to consider a request submitted by Ally Arnett, Creative Dance Studios, for a Conditional Use Permit for an indoor health / athletic facility on the property at 7040 S. 13th St. (See Item 11 for action on this hearing).

11. **PRESENTED AND ADOPTED: ORDINANCE NO. 3096, APPROVING CUP FOR INDOOR HEALTH/ ATHLETIC / RECREATION FACILITY AT 7040 S. 13TH ST.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 3096, approving a Conditional Use Permit for an indoor health / athletic / recreation facility at 7040 S. 13th St. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY JAY CRAIG, MSI GENERAL, TO REMOVE PORTIONS OF FF, FLOOD FRINGE DISTRICT FROM PROPERTY AT 200 W. DREXEL AVE, AND AMEND SECTION 17.0306(E)(2) CHAPTER 17 – ZONING AND SIGN ORDINANCE OF MUNICIPAL CODE TO REFLECT AMENDMENT.**

A public hearing was held to consider a request submitted by Jay Craig, MSI General, to remove portions of the FF, Flood Fringe District from the property at 200 w. Drexel Ave., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment. (See Item No. 13 for action on this hearing).

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 3097, APPROVING REZONE OF PORTIONS OF PROPERTY AT 200 W. DREXEL AVE TO REFLECT FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, TO CREATE SECTION 17.0306(E)(2)(B) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF MUNICIPAL CODE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Ordinance No. 3097, approving a rezone of portions of the property at 200 W. Drexel Ave. to reflect the Flood Fringe boundaries approved by FEMA, and to create Section 17.0306(e)(2)(b) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY BRIAN AND TRACY KOTECKI TO REMOVE PORTIONS OF FF, FLOOD FRINGE DISTRICT FROM PROPERTIES AT 1800, 1830, AND 1900 E. ELM RD., AND AMEND SECTION 17.0306(E)(2) CHAPTER 17 – ZONING AND SIGN ORDINANCE OF MUNICIPAL CODE.**

A public hearing was held to consider a request submitted by Brian and Tracy Kotecki to remove portions of the FF, Flood Fringe District from the properties at 1800, 1830, and 1900 E. Elm Rd., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment. (See Item 15 for action on this hearing).

15. **PRESENTED AND ADOPTED: ORDINANCE NO. 3098, APPROVING REZONE OF PORTIONS OF PROPERTIES AT 1800, 1830 AND 1900 E. ELM RD. TO REFLECT FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, AND AMENDS SECTION 17.0306(E)(2)(B) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF MUNICIPAL CODE.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3098, approving a rezone of portions of the properties at 1800, 1830, and 1900 E. Elm Rd. to reflect the Flood Fringe boundaries approved by FEMA, and to amend Section 17.0306(e)(2)(b) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **MAYORAL ALDERMANIC COMMITTEE APPOINTMENTS.**

The Mayors Aldermanic Committee appointments are as follows:

- a. Small Claims Committee – 1
Ald. Marshall
- b. Library Board – 1
Ald. Loreck

17. **COUNCIL CONCURS WITH MAYORS ALDERMANIC COMMITTEE APPOINTMENTS.**

Ald. Loreck, seconded by Ald. Guzikowski, moved to concur with the Mayoral Aldermanic appointments as follows:

- a. Tourism Commission - 1
Ald. Ruetz
- b. Celebrations Commission – 1
Ald. Marshall
- c. Community Development Authority (CDA) -2
Ald. Gehl
Ald. Kurkowski

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

18. **COUNCIL PRESIDENT MAKES ALDERMANIC COMMITTEE APPOINTMENTS.**

Council President Gehl made Aldermanic Committee appointments as follows:

- a. Personnel & Finance Committee – 3
Ald. Gehl (chair)
Ald. Kurkowski
Ald. Ruetz
- b. License Committee – 3
Ald. Gehl
Ald. Kurkowski (chair)
Ald. Ruetz
- c. Plan Commission Representatives – 2
Ald. Guzikowski
Ald. Loreck
- d. Board of Health Representative – 1
Ald. Marshall
- e. Emergency Management Advisory Committee Representative – 1
Ald. Loreck
- f. Parks & Recreation Commission – 1
Ald. Guzikowski
- g. Board of Public Works and Capital Assets - 3
Ald. Gehl
Ald. Guzikowski (chair)
Ald. Marshall

19. **COUNCIL CONCURS WITH MAYOR'S CITIZEN APPOINTMENTS.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to concur with the Mayor's citizen (re)appointments as follows:

- a. Board of Public Works & Capital Assets – 3 year term to expire 4/2027
Robert Cigale
- b. Celebrations Commission – 3 year term to expire 4/2027
Mary Guse
Kristi Maggard
- c. Library Board – 3 year term to expire 6/2027
Pamela Aiken
Carol Sagan
- d. Parks & Recreation Commission – 3 year term to expire 4/2027
Michael Theys

- e. Plan Commission – 3 year term to expire 4/2027
Don Oldani
Fred Siepert
- f. Police & Fire Commission – 5 year term to expire 4/2029
Jeff Sageser
*Maria Monteagudo - 8001 S. 6th St., Oak Creek
- g. Tourism Commission – 1 year term to expire 4/2025
Mike Grab
Alicia Haase
*Juliana Silva – 6449 S. Pennsylvania Ave., Oak Creek
*Majlis Seisay – 9315 S. 13th St., Oak Creek
- h. Zoning Board of Appeals / Housing Board of Appeals – 3 year term to expire 4/2027
Daniel Jakubczyk
Peter Wagner

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

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 12493-050724, SETTING DATE AND TIME FOR 2024 BOARD OF REVIEW.**

Ald. Loreck, seconded by Ald. Marshall, moved to adopt Resolution No. 12493-050724, setting the date and time for the 2024 Board of Review. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. **COUNCIL AUTHORIZES PUBLICATION AND WRITE-OFF OF 2022 DELINQUENT PERSONAL PROPERTY TAX AS REPORTED BY CITY TREASURER.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to authorize the publication and write-off of the 2022 delinquent personal property tax as reported by the City Treasurer. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **COUNCIL AWARDS 2024 ROAD IMPROVEMENTS UNIT PRICE CONTRACT BASE BID, ALTERNATE 1 AND ALTERNATE 2, TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, PAYNE & DOLAN, INC., AT ESTIMATED COST OF \$1,236,043.49 AND AUTHORIZES EXPENDITURE OF UP TO \$140,000 OF ARPA FUNDING FOR THE PROJECT.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to award the 2024 Road Improvements unit price contract base bid, alternate 1 and alternate 2, to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at an estimated cost of \$1,236,043.49 (Project No. 22003) and authorizes the expenditure of up to \$140,000 of ARPA funding for the 2024 Road Improvements. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. **PRESENTED AND ADOPTED: RESOLUTION NO. 12494-050724, ACCEPTING 2023 ANNUAL REPORT FOR OAK CREEK'S WPDES STORM WATER (NR216) PERMIT.**

Ald. Kurkowski, seconded Ald. Marshall, moved to adopt Resolution No. 12494-050724, accepting the 2023 Annual Report for Oak Creek's WPDES Storm Water (NR216) permit. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

24. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to take action on the various license requests as listed on the 5/7/24 License Committee Report as follows:

Grant a 2023-24 Class C Liquor (wine only) license to BWG Designs, LLC dba Board and Brush Oak Creek, 8880 S. Howell Ave., #860. Board and Brush currently has a Class B (beer only) license and this approval adds Class C Liquor (wine only) to their existing license. Historically, Class C Liquor (wine only) licenses were only allowed for businesses that were classified as restaurants. Additionally, 50% or more of gross receipts from that business were required to come from food. Recent legislative changes, which were effective 5/1/24, now allow a Class C Liquor (wine only) license to be issued to any establishment allowed under SS 124.04(5), for which, Board and Brush now qualifies.

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

- * Elizabeth A. Martin-Schnell (TownePlace Suites)
- * Nicholas L. Kuehn (Love's)
- * Cassese J. Polzin (Love's)
- * Melissa L. Garcia (Love's)
- * Rebecca I. Shore (Fairfield Inn)
- * Steven E. Meyer (Charcoal Grill)
- * Sandeep Kumar (Discount Smokes & Spirits)
- * Sarbjit Kaur (Discount Smokes & Spirits)
- * Geoffrey I. Poplawski (The Waters)
- * Michael J. Lavin (The Waters)
- * Nathan J. Oines (Pub 41)
- * Myanna J. Robinson (Pick 'n Save)
- * Kyle J. Roberts (Water Street Brewery)
- * Jenna M. With (BelAir)
- * Hamza H. Jaber (Aldi)
- * Jacob R. Chybowski (Kwik Trip)
- * Michael J. Oliver (TownePlace Suites)
- * Cali A. Murray (Love's)
- * Michael S. Anderson (Love's)
- * Nathan J. Garcia (Comfort Suites)
- * Yehosef Ben-Zivah (Kwik Trip)
- * Georgia J. Kendall (BelAir)
- * Lauren V. Gauger (BelAir)
- * Erin E. Russell (The Waters)
- * Elisabeth A. Malek (The Cellar)
- * Dawn M. Doberstein (The Waters)
- * Joel D. Galgano (Charcoal Grill)
- * Nathan D. Imig (BelAir)
- * Audrey G. M. McKinney (South Shore Cinema)
- * Carlie M. Schmidt (Woodman's)
- * Kinsha Oropeza Natal (Pick 'n Save)

Grant a 2024 Transient Merchant Company license to Duration Exteriors, LLC, 5030 S. Brookdale Dr., Greenfield, WI 53228, selling roofing and siding home improvement products, and the following solicitor:

- * Juan P. Toscano

Grant a 2024 Temporary Class "B" beer and "Class B" wine license to St. Matthew's Catholic School and Church, 9303 S. Chicago Rd., for their St. Matthew's Beer Garden scheduled for June 7, 2024.

Grant a Change of Agent on the 2023-24 Class A Combination license issued to Spring South LLC dba BP W Discount Liquor, 9510 S. 27th St., #100, from Michael Dach to Sarah Aragon.

Grant a Change of Agent on the 2023-24 Reserve Class B Combination license issued to Pub 41 LLC dba Pub 41, 9510 S. 27th St., #200, from Michael Dach to Sarah Aragon.

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

25. **COUNCIL APPROVES VENDOR SUMMARY.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to approve the May 1, 2024, Vendor Summary Report in the amount of \$1,012,526.02. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

26. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to convene into Closed Session at 7:46 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 a possible settlement in *Setzer Properties MKE, LLC vs. City of Oak Creek* (Milwaukee County Case No. 2023CV006017).
- (c) Section 19.85(1)(e) to consider the purchase of approximately 2.95 acres of property located at 9060 South 5th Avenue from Union Pacific Railroad Company.

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

27. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 8:24 p.m.. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

28. **COUNCIL TAKES ACTION ON CLOSED SESSION ITEMS.**

- (a) Ald. Kurkowski, seconded by Ald. Loreck, moved to approve the City Administrator employment agreement effective May 7, 2024. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.
- (b) No action.
- (c) Ald. Marshall, seconded by Ald. Loreck, moved to approve the Letter of Agreement with Union Pacific Railroad Company authorizing the City Administrator or his designee to sign the same and to direct staff to proceed with consummating the real estate transaction. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Marshall, seconded by Ald. Loreck, moved to adjourn the meeting at 8:26 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor