

PROCEEDINGS, COMMON COUNCIL MEETING
MAY 21, 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 City Attorney Melissa Karls, Deputy City Administrator / Finance Officer Maxwell Gagin, IT Director Thomas Kramer, Community Development Director Kristin Porter, Police Chief David Stecker, Assistant City Administrator / Engineer Matthew Sullivan, 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 5/7/24 minutes. 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.

4. **PRESENTED AND ADOPTED: RESOLUTION NO. 12495-052124, RESOLUTION OF APPRECIATION TO KELLY R. ROMEL, RETIRING POLICE OFFICER.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12495-052124, a Resolution of Appreciation to Kelly R. Romel, retiring Police Officer. 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.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 12496-052124, RESOLUTION OF APPRECIATION TO DAVID S. ASHENHURST, RETIRING POLICE CAPTAIN.**

Ald. Gehl, seconded by Ald. Marshall, moved to adopt Resolution No. 12496-052124, a Resolution of Appreciation to David S. Ashenurst, retiring Police Captain. 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.

6. **MAYORAL PROCLAMATION: AMYOTROPHIC LATERAL SCLEROSIS AWARENESS MONTH, MAY 2024.**

The Mayoral Proclamation for Amyotrophic Lateral Sclerosis Awareness Month (ALS), May 2024, was informational.

7. **MARCIA WAYER APPOINTED DIRECTOR OF MARKETING AND PUBLIC RELATIONS.**

Ald. Gehl, seconded by Ald. Marshall, moved to concur with the Mayor's appointment of Marcia Wayer, Director of Marketing and Public Relations. 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. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY MICHAEL FABER, CREEK TWO LAND, LLC, FOR AMENDMENTS TO EXISTING PUD FOR CREEKSIDE CORPORATE PARK, AFFECTING PROPERTY AT 9955 S. 13TH ST.**

A public hearing was held to consider a request by Michael Faber, Creek Two Land, LLC, for amendments to the existing Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13th St. (See Item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 3099, APPROVING AMENDMENTS TO PUD FOR CREEKSIDE CORPORATE PARK AFFECTING PROPERTY AT 9955 S. 13TH ST.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3099, approving amendments to the Planned Unit Development for Creekside Corporate Park affecting the property at 9955 S. 13th St. 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.

10. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY MICHAEL FABER, RYAN BUSINESS PARK, LLC, AND CITY, TO AMEND PORTIONS OF FW, FLOODWAY AND FF, FLOOD FRINGE, DISTRICTS AFFECTING PROPERTIES AT 9514 S. 13TH ST.; 9554, 9556, 9600, 9654, AND 9700 S. 13TH ST.; 9512 AND 9601 S. BARTEL CT.; AND 741, 835, 901 AND 913 W. RYAN RD.; AND UPDATE ZONING AND SIGN CODE TO REFLECT AMENDMENTS.**

A public hearing was held to consider a request submitted by Michael Faber, Ryan Business Park, LLC, and the City of Oak Creek, to amend portions of the FW, Floodway and FF, Flood Fringe districts affecting the properties at 9514 S. 13th St. (aka 1293 W. Ryan Rd.); 9554, 9556, 9600, 9654, and 9700 S. 13th St.; 9512 and 9601 S. Bartel Ct.; and 741, 835, 901, and 913 W. Ryan Rd.; and to update the Zoning and Sign Code to reflect the amendments. (See Item No. 11 for action on this hearing).

11. **PRESENTED AND ADOPTED: ORDINANCE NO. 3100, REZONING PORTIONS OF PROPERTIES AT 9514 S. 13TH ST (AKA 1293 W. RYAN RD.); 9554, 9556, 9600, 9654, AND 9700 S. 13TH ST.; 9512 AND 9601 S. BARTEL CT.; AND 741, 835, 901, AND 913 W. RYAN RD. TO REFLECT FW, FLOODWAY AND FF, FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, AND AMEND SECTION 17.0306(E)(2)(B) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF MUNICIPAL CODE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3100, rezoning portions of the properties at 9514 S. 13th St. (aka 1293 W. Ryan Rd.); 9556, 9600, 9654, and 9700 S. 13th St.; 9512 and 9601 S. Bartel Ct.; and 741, 835, 901 and 913 W. Ryan Rd. to reflect the FW, Floodway and FF, 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. Ruetz, aye; Ald. Marshall, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

12. **PUBLIC HEARING HELD TO CONSIDER REQUEST TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, AS IT RELATES TO PROPERTIES AT 800, 812, AND 910 W. OAKWOOD RD.**

A public hearing was held to consider a request to the Comprehensive Plan, city of Oak Creek (adopted March 3, 2020, last amended December 20, 2022) as it relates to the properties at 800, 812, and 910 W. Oakwood Rd. (See Item No. 13 for action on this hearing).

13. **PRESENTED AND ADOPTED: ORDINANCE NO. 3101, ADOPTING AMENDMENTS TO COMPREHENSIVE PLAN, CITY OF OAK CREEK, FOR PROPERTIES AT 800, 812, AND 910 W. OAKWOOD RD.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 3101, adopting amendments to the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020; last amended December 30, 2022) for the properties at 800, 812, and 910 W. Oakwood Rd. 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. **PUBLIC HEARING HELD TO CONSIDER REQUEST SUBMITTED BY RYAN JANSSEN, JANSSEN BRUCKNER LLC, TO REZONE TO RD-1, TWO-FAMILY RESIDENTIAL AND AMEND PUD AFFECTING PORTIONS OF PROPERTIES AT 641 AND 819R E. DREXEL AVE.**

A public hearing was held to consider a request submitted by Ryan Janssen, Janssen Bruckner LLC, to rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development affecting portions of the properties at 641 and 819R E. Drexel Ave. (See Item No. 15 for action on this hearing).

15. **PRESENTED AND HELD: ORDINANCE NO. 3102, APPROVING REZONE TO RD-1, TWO-FAMILY RESIDENTIAL AND AMENDING PUD AFFECTING PORTIONS OF PROPERTIES AT 641 AND 819R E. DREXEL AVE.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to hold action on Ordinance No. 3102, approving a rezone to Rd-1, Two-Family Residential (NO CHANGE TO FW, Floodway or FF, Flood Fringe Districts) and to amend the Planned Unit Development (PUD) affecting portions of the properties at 641 and 819R E. Drexel Ave, and direct the item back to Plan Commission for consideration. 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. 12498-052124, APPROVING CSM SUBMITTED BY RYAN JANSSEN, JANSSEN BRUCKNER, LLC, FOR PROPERTIES AT 641 AND 819R E. DREXEL AVE. (PORTIONS).**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 12498-052124, approving a Certified Survey Map submitted by Ryan Janssen, Janssen Bruckner, LLC, for the properties at 641 and 819R E. Drexel Ave. (portions). 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 HELD: RESOLUTION NO. 12499-052124, APPROVING CONDOMINIUM PLAT SUBMITTED BY RYAN JANSSEN, JANSSEN BRUCKNER, LLC, FOR STONEBROOK ON PARK CONDOMINIUM PROPERTIES AT 641 AND 819R E. DREXEL AVE. (PORTIONS).**

Ald. Kurkowski, seconded by Ald. Loreck, moved to hold action on Resolution No. 12499-052124, approving a Condominium Plat submitted by Ryan Janssen, Janssen Bruckner, LLC, for the Stonebrook on the Park Condominium on the properties at 641 and 819R E. Drexel Ave. (portions) and direct the item back to Plan Commission for consideration. 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. **DONALD GARCIA-DWYER APPOINTED TO ZONING BOARD OF APPEALS / HOUSING BOARD OF APPEALS, FOR 3 YEAR TERM, EXPIRING 4/2027.**

Ald. Gehl, seconded by Ald. Marshall, moved to concur with the Mayor's appointment of Donald Garcia-Dwyer, 7705 S. Manitowoc Ave., to Zoning Board of Appeals / Housing Board of Appeals for a 3-year term to expire 4/2027. 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 DESIGNATES NOW MEDIA GROUP TO SERVE AS OFFICIAL CITY NEWSPAPER FOR NEXT 12 MONTHS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to designate NOW Media Group (parent company for the Milwaukee Journal Sentinel – SOUTH NOW edition) to serve as the official City newspaper for the next 12 months. 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.

20. **PRESENTED AND ADOPTED: RESOLUTION NO. 12497-052124, APPROVING FUNDING AGREEMENT WITH MMSD FOR GREEN SOLUTIONS-OAK CREEK POLICE STATION POROUS PAVEMENT PHASE 2.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 12497-052124, approving a Funding Agreement with MMSD for Green Solutions - Oak Creek Police Station Porous Pavement Phase 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.

21. **COUNCIL APPROVES PURCHASE OF AUDIO-VISUAL EQUIPMENT AND TECHNICAL SERVICES FROM METRO SOUND & VIDEO IN AMOUNT OF \$71,104.**

Ald. Marshall, seconded by Ald. Guzikowski, moved to approve the purchase of audio-visual equipment and technical services from Metro Sound & Video in the amount of \$71,104. 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. **LICENSE COMMITTEE.**

Ald. Kurkowski, seconded by Ald. Ruetz, moved to take action on the various license requests as listed on the 5/21/24 License Committee Report as follows:

Grant a Change of Premise on the 2023-24 Class B Combination license to BelAir Cantina Oak Creek, Inc. dba BelAir Cantina, 410 W. Town Square Way, to add an extension of premises for the following events: Drexel Beer Garden-6/13/24, Brews and Brawls-6/16/24, and Fare in the Square-6/26/24.

Grant an Operator's license to:

- | | |
|------------------------------------|------------------------------------|
| * Andrew R. Petty (Charcoal Grill) | * James T. Walls (Love's) |
| * Ryan R. Brown (Kwik Trip) | * Angie Cerda (Kwik Trip) |
| * Ashley Zulka (Charcoal Grill) | * Mark Konrath (TownePlace Suites) |

Grant a 2024 Transient Merchant solicitor license to the following solicitors selling roofing and siding home improvement products for Duration Exteriors, LLC (company license was approved 5/7/24):

- | | |
|---------------|--------------------|
| * Peter Balew | * Daniel Rodriguez |
|---------------|--------------------|

Grant a 2024 Transient Merchant Company license to C & E Wurzer Construction, 200 Regency Ct., Brookfield, WI, 53045, selling interior and exterior home remodeling and repair products and services, and to the following solicitor:

- * Anthony Montes de Oca

Grant a 2024 Transient Merchant Company license to 123 Exteriors, 2110 Pewaukee Rd., Waukesha, WI, 53188, selling roofing and siding products and services, and to the following solicitors:

- | | | | |
|-----------------|-----------------|-----------------|-------------------|
| * Mitchel Pfaff | * Seth Harelson | * Nathan Gureki | * Dylan Christman |
|-----------------|-----------------|-----------------|-------------------|

Grant a 2024 Transient Merchant solicitor license to the following solicitors selling windows and roofing home improvement products and services for Mad City Roofing (company license was approved 2/6/24):

* Nathaniel Kscinski * Scott Koscak * Kingsley Woji

Grant a 2024 Transient Merchant Company license to AmeriPro Roofing, 150 S. Sunnyslope Rd., #108, Brookfield, WI 53005, selling home exterior remodeling and repair products and services, and to the following solicitors:

* Elizabeth West * Sarah Amaya * Rachel Greer

Grant a 2024 Transient Merchant Company license to Hucke Exteriors, Inc., 21000 W. Capitol Dr., Brookfield, WI 53072, selling home exterior remodeling and repair products and services, and to the following solicitors:

* Christopher Rivera * Zak Hedstrom * Trey Ernest * Joseph Price
* Noah Brown * Daniel James

Grant a 2024 Transient Merchant Company license to Advocate Construction, 3695 N. 126th St., Unit M, Brookfield, WI 53005, selling roofing and siding home improvement products and services, and to the following solicitors:

* Brady Baker * Jarin Thryselius * Jonathan Rimkus * Blake Allen
* Jason Joyner * Stephen Rodriguez

Grant a 2024 Transient Merchant Company license to RJI Professionals, 566 Grand Canyon Dr., Madison, WI 53719, providing home inspections and home improvement products and services, and to the following solicitors:

* Kristopher Martinson * Matthew Williams * Taylor Stussy * Tony Fudge
* James Karkosh

Grant a 2024-25 Amusement Device Operator and Amusement Devices License(s) to:

* Jennifer Hoon, National Entertainment Network, 246 S. Taylor Ave., Louisville, CO 80027
* Michael Weigel, Wisconsin P & P Amusement, 12565 W. Lisbon Rd., Brookfield, WI 53005

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 APPROVES VENDOR SUMMARY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the May 15, 2024, Vendor Summary Report in the amount of \$691,824.78. 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. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 8:31 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- (a) Section 19.85(1)(g) to discuss *Setzer Properties MKE, LLC vs. City of Oak Creek* (Milwaukee County Case No. 2023CV006017).
- (b) Section 19.85(1)(e) and (g) to consider the subrogation claim of Foremost Insurance Group on behalf of their insured, William Janisch, regarding a March 22, 2024 automobile accident involving a City vehicle.

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.

25. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Marshall, moved to reconvene into Open Session at 8:43 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.

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

- (a) Ald. Gehl, seconded by Ald. Marshall, moved to accept the settlement agreement with Setzer Properties MKE, LLC (Milwaukee County Case No. 2023CV006017) and authorizes the Mayor to sign said agreement. 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.
- (b) Ald. Gehl, seconded by Ald. Loreck, moved to approve payment of Foremost Insurance Group subrogation claim in the amount of \$8,208.35 on behalf of their insured, William Janisch, with a full settlement and release of all claims. 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.

ADJOURNMENT.

Ald. Ruetz, seconded by Ald. Marshall, moved to adjourn the meeting at 8:44 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