

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, MAY 16, 2017, 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 (arrived at 7:04 p.m.), Ald. Loreck, Ald. Duchniak, Ald. Toman, Ald. Gehl, and Ald. Guzikowski.
2. Also present were City Attorney Melissa Karls, Communications Coordinator Leslie Flynn, Information Technology Manager Caesar Geiger, Fire Chief Thomas Rosandich, Community Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, Finance Director/Comptroller Bridget Souffrant, 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. Gehl, seconded by Ald. Guzikowski, moved to approve the minutes of the 5/2/17 meeting as published. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye, and Ald. Guzikowski, aye.
4. **PRESENTED AND ADOPTED: COUNCIL PROCLAMATION NO. 17-08, CONGRATULATIONS TO ELIZABETH M. HEIDTKE, 2016 OAK CREEK CITIZEN OF THE YEAR.**

Ald. Guzikowski, seconded by Ald. Duchniak, moved to adopt Council Proclamation No. 17-08, Congratulations to Elizabeth M. Heidtke, 2016 Oak Creek Citizen of the Year. On roll call, the vote was as follows: Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY MARK WEIGT, THE RIDGE COMMUNITY CHURCH, TO REZONE PROPERTIES AT 6912 AND 6912R S. 27TH ST., FROM B-2, COMMUNITY BUSINESS; RD-1, TWO-FAMILY RESIDENTIAL; AND RS-4, SINGLE-FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL (NO CHANGE TO RRO, REGIONAL RETAIL OVERLAY DISTRICT); AND CUP FOR RELIGIOUS INSTITUTION.**

A public hearing was held to consider a request by Mark Weigt, The Ridge Community Church, to rezone the properties at 6912 and 6912R S. 27th St. from B-2, Community Business; Rd-1, Two-Family Residential; and Rs-4, Single Family Residential to I-1, Institutional (no change to the RRO Regional Retail Overlay District) with a Conditional Use Permit for a religious institution (see Item 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2851, APPROVING REZONING FOR PROPERTIES AT 6912 AND 6912R S. 27TH ST., FROM B-2, COMMUNITY BUSINESS; RD-1, TWO-FAMILY RESIDENTIAL; AND RS-4, SINGLE-FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL (NO CHANGE TO RRO, REGIONAL RETAIL OVERLAY DISTRICT) WITH CUP FOR RELIGIOUS INSTITUTION.**

Ald. Loreck, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2851, approving the rezoning of the properties at 6912 and 6912R S. 27th St., from B-2, Community Business; Rd-1, Two-Family Residential; and Rs-4, Single Family Residential to I-1, Institutional (no change to the RRO, Regional Retail Overlay District) with a Conditional Use Permit for a religious institution. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **PUBLIC HEARING HELD TO CONSIDER PROPOSED AMENDMENT TO SECTION 17.0317(C) ALLOWING DOG TRAINING, DOG GROOMING, AND DOG DAYCARE AS CONDITIONAL USES IN M-1, MANUFACTURING DISTRICT.**

A public hearing was held to consider a proposed amendment to Section 17.0317(c) to allow dog training, dog grooming, and dog daycare facilities as conditional uses in the M-1, Manufacturing District (see Item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2850, AMENDING SECTION 17.03171(C) ALLOWING DOG TRAINING, DOG GROOMING, AND DOG DAYCARE FACILITIES AND CONDITIONAL USES IN M-1, MANUFACTURING DISTRICT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2850, amending Section 17.03171(c) to allow dog training, dog grooming, and dog daycare facilities as conditional uses in the M-1, Manufacturing District. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **MILLIMAN, INC. PRESENTS CITY OF OAK CREEK ACTUARIAL VALUATION OF RETIREE MEDICAL BENEFITS REPORT.**

The Common Council was provided a presentation of the City's Actuarial Valuation of Retiree Medical Benefits Report, as of January 1, 2016, by Milliman, Inc.

10. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's citizen appointment as follows:

Tourism Commission – 1 year term to expire 4/2018

- Jim Ruetz, 8950 S. Parkside Dr.

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

11. **INFORMATIONAL: ALD. GUZIKOWSKI DESIGNATED AS CHAIR OF CAPITAL IMPROVEMENTS COMMITTEE.**

The designation of Ald. Guzikowski as the Chair of the Capital Improvements Committee was informational.

12. **INFORMATIONAL: ALD. KURKOWSKI APPOINTED TO EMERGENCY GOVERNMENT COMMITTEE.**

The appointment of Ald. Kurkowski to the Emergency Government Committee as the aldermanic representative was informational.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11816-051617, ESTABLISHING VARIOUS FEES, PERMITS AND CHARGES CHARGED BY CITY.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11816-051617, establishing various fees, permits and charges charged by the City of Oak Creek. On roll call, the

vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **COUNCIL DESIGNATES GANNET WISCONSIN MEDIA (MILWAUKEE JOURNAL SENTINEL – OAK CREEK NOW) TO SERVE AS OFFICIAL CITY NEWSPAPER FOR NEXT 12 MONTHS.**

Ald. Gehl, seconded by Ald. Loreck, moved to designate Gannet Wisconsin Media (Milwaukee Journal Sentinel – Oak Creek NOW) 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. Duchniak, aye; Ald. Toman, no; Ald. Gehl, aye; and Ald. Guzikowski, aye.

15. **COUNCIL APPROVES 2017 VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the 2017 Vendor Summary Report in the amount of \$871,836.85. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

16. **PRESENTED AND ADOPTED: RESOLUTION NO. 11812-051617, CREATING, DESCRIBING, AND MAKING CERTAIN FINDINGS AND APPROVING PROJECT PLAN FOR TID NO. 13.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Resolution No. 11812-051617, creating, describing, and making certain findings and approving the project plan for Tax Incremental District No. 13. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **PRESENTED AND ADOPTED: RESOLUTION NO. 11813-051617, AMENDING PROJECT PLAN FOR TID NO. 6.**

Ald. Guzikowski, seconded by Ald. Gehl, moved to adopt Resolution No. 11813-051617, amending the Project Plan for Tax Incremental District No. 6. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **PRESENTED AND ADOPTED: RESOLUTION NO. 11814-051617, AMENDING PROJECT PLAN FOR TID NO. 11.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Resolution No. 11814-051617, amending the Project Plan for Tax Incremental District 11. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **PRESENTED AND ADOPTED: RESOLUTION NO. 11815-051617, APPROVING CSM FOR PROPERTY AT 10303 S. OAKWOOD PKWY.**

Ald. Gehl, seconded by Ald. Guzikowski moved to adopt Resolution No. 11815-051617, approving a Certified Survey Map for the property at 10303 S. Oakwood Parkway. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

20. **COUNCIL AWARDS 2017 BRIDGE MAINTENANCE PROJECTS UNIT PRICE CONTRACT TO ZENITH TECH, INC., AT ESTIMATED COST OF \$668,668.50.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to award the 2017 Bridge Maintenance Projects unit

price contract to the lowest responsive, responsible bidder, Zenith Tech, Inc., at the estimated cost of \$668,668.50 (Project No. 12016). On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. **COUNCIL AWARDS PURCHASE OF TWO COPIERS FROM GORDON FLESCH COMPANY, INC., IN AMOUNT OF \$12,226.**

Ald. Duchniak, seconded by Ald. Kurkowski, moved to award the purchase of two copiers from Gordon Flesch Company, Inc., in the amount of \$12,226. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **COUNCIL DENIES OPERATOR'S LICENSE TO JOSHUA SANTOS, 5929 S. HATELY AVE., CUDAHY (7-ELEVEN) FOR FALSIFICATION AND BEING HABITUAL OFFENDER.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to deny an Operator's license to Joshua Santos, 5929 S. Hately Ave., Cudahy (7-Eleven) for falsification of application and for being a habitual offender. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

23. **COUNCIL GRANTS OPERATOR'S LICENSES**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant an Operator's license to the following:

- Kelly A. Huber, 9135 S. 5th Ave. (Victor's Again)
- Kanisha R. Reeves, 8349 S. Newbury Dr. (no employer provided)
- Elizabeth M. Gallart, 3054 W. American Dr., Greenfield (Applebee's)
- Peggy A. Williams, 10601 S. Nicholson Rd. (Kwik Trip)
- Katlyn L. Arnold, 1105 E. Fitzsimmons Rd. (Charcoal Grill)
- Elizabeth P. Rodriguez, 9220 Auburn Ct. Mt. Pleasant (Charcoal Grill)
- Jasmine M. Cook, 7115 W. Herbert Ave., Milwaukee (Charcoal Grill)
- Tammy A. Wollert, 819 Monroe Ave., South Milwaukee (Charcoal Grill)
- Chelsea A. Vecchione, 2519 S. Brisbane Ave., Milwaukee (Pizza Man)

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

24. **COUNCIL GRANTS CHANGE OF PREMISE FOR RESERVE CLASS B COMBINATION LICENSE ISSUED TO ZA MAN 3, LLC, DBA PIZZA MAN OAK CREEK, 7974 S. MAIN ST.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a change of premise for the Reserve Class B Combination alcohol license issued to Za Man 3, LLC dba Pizza Man Oak Creek, 7974 S. Main St., changing the premise location from "7974 S. Main Street" to "7974 S. Main St., entire building and sidewalk dining on the south and west sides of their building. Sidewalk dining does not extend into the street". On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

25. **COUNCIL GRANTS 2016-17 CLASS B BEER LICENSE TO SHELLY A. URBAN, AGENT, GEORGIE PORGIE'S LTD. DBA GEORGIE PORGIE'S, 9555 S. HOWELL AVE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a 2016-17 Class B Beer license to Shelly A. Urban, Agent, Georgie Porgie's Ltd., dba Georgie Porgie's, 9555 S. Howell Ave. On roll call, the

vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

26. COUNCIL GRANTS TRANSIENT MERCHANT LICENSES ON BEHALF OF APTIVE ENVIRONMENTAL.

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a Transient Merchant license to the following salespersons on behalf of Aptive Environmental, 17919 W. Lincoln Ave., New Berlin, WI, selling pest control services:

- Bryten C. Farley, 2420 W. Briar Lake Way
- Andrew M. Durant, 2420 W. Briar Lake Way
- Gregory C. Bess, 2480 W. Briar Lake Way
- Dylan M. Smith, 2915 W. Greenbriar Ct.
- Tyler D. Murdock, 9306 S. Orchard Park Cir.
- Carson L. Dean, 9306 S. Orchard Park Cir.
- Minroy J. Choi, 9306 S. Orchard Park Cir.
- McKay M. Smith, 9306 Orchard Park Cir.
- Brenton R. Clark, 9306 S. Orchard Park Cir.

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

27. COUNCIL GRANTS 2017 DOG KENNEL LICENSE TO JILL PLASKY, THE BARK PARK, LLC, DBA CENTRAL BARK, 1075 W. NORTHBRANCH DR., UNIT B.

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a 2017 Dog Kennel license to Jill Plasky, The Bark Park, LLC, dba Central Bark, 1075 W. Northbranch Dr., Unit B, with release of license subject to final Sanitarian approval and issuance of an Occupancy Permit. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

28. COUNCIL CONVENES INTO CLOSED SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 9:12 p.m., pursuant to Wisconsin State Statutes Section 19.85(1)(g) to discuss litigation the City is likely to be involved in regarding the levying of special assessments against 11 lots in the Willow Creek Subdivision pursuant to Resolution No. 11779-122016 and proposed settlement. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

29. COUNCIL RECONVENES INTO OPEN SESSION.

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:42 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

30. COUNCIL APPROVES SETTLEMENT AGREEMENT.

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the settlement agreement with Willow Creek Estates, VG KI, LLC, and DDR Builders, LLC, by Acorn 6A Willow Court, LLC, regarding the satisfaction of the special assessment imposed under Resolution No. 11779-122016 as outlined by the City Attorney in closed session and to authorize the Mayor to execute a release. On roll call, the

vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ADJOURNMENT.

Ald. Kurkowski, seconded by Ald. Loreck, moved to adjourn this meeting at 9:44 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

Catherine A. Roeske, City Clerk

Daniel J. Bukiewicz, Mayor