

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, OCTOBER 3, 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, Ald. Duchniak (arrived at 7:24 p.m.), Ald. Toman, Ald. Gehl, and Ald. Guzikowski. Ald. Loreck was excused.

Also present were City Attorney Melissa Karls, Interim Community Public Health Officer Anne Barberena, City Treasurer Barbara Guckenberger, Parks, Streets and Forestry Director Ted Johnson, City Forester Rebecca Lane, Water and Sewer Utility Engineer Ronald Pritzlaff, Fire Chief Thomas Rosandich, Human Resource Manager Becky Schermer, Community Development Director Douglas Seymour, 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 9/19/17 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.
4. **DIRECTED FILED: RESOLUTION NO. 11850-090517, APPROVING CSM FOR WESLEY SCHAEFER FOR PROPERTIES AT 3607 E. FITZSIMMONS RD. AND 10028 S. HILLVIEW AVE.**

The applicant requested to withdraw his application for a certified survey map for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave., and as a result, Ald. Toman, seconded by Ald. Gehl, moved to file Resolution No. 11850-090517, a Resolution approving a certified survey map for Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

5. **PRESENTED AND ADOPTED: RESOLUTION NO. 11859-100317, APPROVING AND DIRECTING EXECUTION OF INTERAGENCY AGREEMENT BY AND BETWEEN OAK CREEK HEALTH DEPARTMENT AND OAK CREEK INSPECTION DEPARTMENT REGARDING ADMINISTRATION OF CERTAIN RESPONSIBILITIES UNDER AGENT CONTRACTS WITH STATE.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11859-100317, a Resolution approving and directing the execution of an Interagency Agreement by and between the Oak Creek Health Department and the Oak Creek Inspection Department regarding Administration of Certain Responsibilities under Agent Contracts with the State. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

6. **COUNCIL CONCURS WITH MAYOR'S APPOINTMENT OF JAMES D. POTTER TO BOARD OF REVIEW.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to concur with the Mayor's appointment of James D. Potter, 10656 S. Howell Ave., to the Board of Review, filling a vacant 5 year term expiring 5/2021. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

7. **COUNCIL APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the Vendor Summary Report in the amount of \$1,341,609.97. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

8. **PRESENTED AND ADOPTED: RESOLUTION NO. 11856-100317, AUTHORIZING SUBMITTAL OF APPLICATION FOR 2018 DNR URBAN FORESTRY GRANT PROGRAM.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11856-100317, authorizing the submittal of an application for the 2018 Department of Natural Resources Urban Forestry Grant Program. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

9. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING AUGUST 31, 2017.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for the month ending August 31, 2017.

10. **COUNCIL APPROVES RENEWAL OF CURRENT INSTITUTIONAL AGENCY AND CUSTODY AGREEMENTS WITH MARSHALL & ILSLEY (M&I) BANK (BMO HARRIS BANK N.A.) UNDER WHICH IT DELEGATES INVESTMENT AUTHORITY, FOR PERIOD 1/1/18 - 12/31/18; AUTHORIZES CITY OFFICIALS TO EXECUTE AGREEMENT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the renewal of the current Institutional Agency and Custody Agreements with Marshall & Ilesley (M&I) Bank (BMO Harris Bank N.A.), under which it delegates its investment authority, for the period of January 1, 2018 and ending December 31, 2018, and to authorize the appropriate City officials to execute such agreement. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

11. **COUNCIL DESIGNATES TRI CITY NATIONAL BANK AS CITY'S DEPOSITORY FOR BANKING SERVICES FOR THREE-YEAR (3) PERIOD, WITH OPTION TO RENEW FOR TWO (2) ADDITIONAL THREE-YEAR (3) PERIODS; AUTHORIZES CITY OFFICIALS TO EXECUTE CONTRACT AGREEMENT EFFECTIVE 11/15/17.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to designate Tri City National Bank as the City's depository for banking services, as signed and dated on August 24, 2017, in the Request for Proposal submitted by Tri City National Bank, for a three-year (3) period, with the option to renew for two (2) additional three-year (3) periods, and to authorize the appropriate City officials to execute such contract agreement effective November 15, 2017. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

Ald. Duchniak arrived at 7:24 p.m.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11857-100317, APPROVING BUS SHELTER EASEMENT WITH CITY AND ONE WEST DREXEL AT 120 W. TOWN SQUARE WAY.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11857-100317, approving a bus shelter easement with the City of Oak Creek and One West Drexel at 120 W. Town Square Way. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

13. **PRESENTED AND ADOPTED: RESOLUTION NO. 11858-100317, APPROVING CSM FOR OAK CREEK WATER AND SEWER UTILITIES AT 9175, 9235 AND 9325 S. 5<sup>TH</sup> AVE. AND 3975 E. AMERICAN AVE.**

Ald. Toman, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11858-100317, approving a certified survey map for Oak Creek Water and Sewer Utilities at 9175, 9235 and 9325 S. 5<sup>th</sup> Avenue and 3975 E. American Ave. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

14. **COUNCIL DENIES TRANSIENT MERCHANT SOLICITOR LICENSE TO DAVID M. DUFEK FOR FALSIFICATION BY OMISSION.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to deny a Transient Merchant solicitor license to David M. Dufek, 3250 S. Pinewood Creek Ct., New Berlin on behalf of Sidex Home Improvement Zone, for falsification by omission. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

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

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

- Melony A. Jekich, 3934 E. Martin Ave., Cudahy (Sidetracked)
- Ashley M. Servant, 3826 E. Ryan Rd., Oak Creek (Ryan Road Mobil)
- Samantha M. Michi, 1544 S. 21<sup>st</sup> St., Milwaukee (Meijer)
- Barbara J. Streeter, 9771 S. Austin St., Oak Creek (Sidetracked)
- Christopher Cordero Miranda, 3711 W. Hilda Ave., Milwaukee (Cubanita's)
- Johanna M. Burrill, 1423 Milwaukee Ave., South Milwaukee (BelAir Cantina)
- Paulette S. Hackbarth, 1265 52nd Ave., Kenosha (Meijer)
- Gabriel I. Wenzelow, 2616 S. Chicago Ave., South Milwaukee (Walgreens)
- Ciara M. Marino, 615 E. Pergola Pl., Oak Creek (Aldi)
- Niah L. Hobbs, 515 E. Shepards Hill Dr., Oak Creek (Charcoal Grill)
- Nathan C. Miller, 3740 Debby Ln., Franksville (Buffalo Wild Wings)

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

16. **COUNCIL GRANTS TRANSIENT MERCHANT SOLICITOR LICENSE TO DALLAS D. BERNAL.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a Transient Merchant solicitor license to Dallas D. Bernal, selling home improvement products on behalf of Sidex Home Improvement Zone. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

17. **COUNCIL GRANTS CHANGE OF PREMISE OF 2017-18 RESERVE CLASS B COMBINATION LICENSE TO MARK BIANCHINI, CUB DTS, LLC DBA CUBANITA'S, 7973 S. MAIN ST.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a change of premise of the 2017-18 Reserve Class B Combination license to Marc Bianchini, CUB DTS, LLC dba Cubanita's, 7973 S. Main St., to include an extension of premise into Drexel Town Square for the following events: Fall Festival (10/21/17) and Winter Festival (2/17/18). On roll call, the vote was as follows: Ald. Kurkowski, aye;

Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

18. **COUNCIL GRANTS TEMPORARY CLASS “B” BEER LICENSE TO ANGELA WEINS, AGENT, OAK CREEK LIONS CLUB, FOR BIKE MS-THROW MS IN THE HOLE EVENT AT FUEL FITNESS, LLC, 440 W. RAWSON AVE. ON 10/21/17.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to grant a temporary Class “B” beer license to Angela Weins, Agent on behalf of the Oak Creek Lions Club for a Bike MS-Throw MS in the Hole event to be held at Fuel Fitness, LLC, 440 W. Rawson Ave., Oak Creek, on Saturday, October 21, 2017. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

19. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 7:35 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85(1)(e) to consider a proposed term sheet, including a TIF incentive grant, between HSA Acquisitions, Inc. and the City of Oak Creek regarding the property at 610 West Rawson Avenue, 7001 South 6<sup>th</sup> Street and 7045 South 6<sup>th</sup> Street.
- b. Section 19.85(1)(g) to consider the Notice of Claim filed by Barbara Stamm regarding an injury sustained on May 11, 2016 near the intersection of Wood Creek Drive and Sunnyview Drive.
- c. Section 19.85(1)(e) to discuss negotiating strategy with respect to outstanding issues related to closing on the sale of the property at 8000 South Market Street to The Waters Senior Living Holdings, LLC, pursuant to the Land Purchase Agreement.

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

20. **COUNCIL RECONVENES INTO OPEN SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:04 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

21. **COUNCIL DENIES NOTICE OF CLAIM FILED BY BARBARA STAMM REGARDING INJURY SUSTAINED ON MAY 11, 2016 NEAR INTERSECTION OF WOOD CREEK DRIVE AND SUNNYVIEW DRIVE; AUTHORIZES STAFF TO ISSUE NOTICE OF DISALLOWANCE OF CLAIM.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to deny the Notice of Claim filed by Barbara Stamm regarding an injury sustained on May 11, 2016, near the intersection of Wood Creek Drive and Sunnyview Drive and authorizes staff to issue a Notice of Disallowance of the claim. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

22. **PRESENTED AND ADOPTED: RESOLUTION NO. 11860-100317, APPROVING SECOND AMENDMENT TO LAND PURCHASE AGREEMENT WITH THE WATERS SENIOR LIVING HOLDINGS, LLC.**

Ald. Gehl, seconded by Ald. Duchniak, moved to adopt Resolution No. 11860-100317, a Resolution approving a Second Amendment to the Land Purchase Agreement with The Waters Senior Living

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

**ADJOURNMENT.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adjourn this meeting at 9:06 p.m. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye.

ATTEST:

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Catherine A. Roeske, City Clerk

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Daniel J. Bukiewicz, Mayor