

PROCEEDINGS, COMMON COUNCIL MEETING
TUESDAY, NOVEMBER 7, 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. Loreck, Ald. Duchniak, Ald. Toman, Ald. Gehl, and Ald. Guzikowski.

Also present were City Attorney Melissa Karls, Communications Coordinator Leslie Flynn, City Treasurer Barbara Guckenberger, Streets, Parks & Forestry Director Ted Johnson, Fire Chief Thomas Rosandich, Human Resource Director Becky Schermer, 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 10/17/17 meeting as published. On roll call, the vote was as follows: Ald. Kurkowski, aye; Ald. Loreck, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, aye. Ald. Duchniak abstained from voting.
4. **PRESENTED AND ADOPTED: RESOLUTION NO. 11881-110717, RESOLUTION OF CONDOLENCE UPON DEATH OF ROBERT R. HOWSKI.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11881-110717, a Resolution of Condolence upon the Death of Robert R. Howski. 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.

5. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY JASPAL SING DHALIWAL, JT PETROLEUM, LLC, FOR CUP ALLOWING GASOLINE SERVICE STATION WITH CONVENIENCE STORE AND TWO (2) UNDERGROUND FUEL TANKS ON PROPERTY AT 9502 S. HOWELL AVE.**

A public hearing was held to consider a request by Jaspal Sing Dhaliwal, JT Petroleum, LLC, for a Conditional Use Permit allowing a gasoline service station with convenience store and two (2) underground fuel tanks on the property at 9502 S. Howell Ave. (see item No. 6 for action on this hearing).

6. **PRESENTED AND ADOPTED: ORDINANCE NO. 2875, APPROVING CUP FOR GASOLINE SERVICE STATION WITH CONVENIENCE STORE ON PROPERTY AT 9502 S. HOWELL AVE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2875, to approve a Conditional Use Permit for a gasoline service station with convenience store on the property at 9502 S. Howell Ave., with an amendment to the Conditions and Restrictions allowing 24-hour operations of the gas station and convenience store. 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 REQUEST BY MEREDITH HALL, OLD FOREST STUDIO, LLC FOR CUP ALLOWING LICENSED TATTOO AND/OR BODY PIERCING STUDIO ON PROPERTY AT 8660 S. MARKET PL.**

A public hearing was held to consider a request by Meredith Hall, Old Forest Studio, LLC, for a Conditional Use Permit allowing a licensed tattoo and/or body piercing studio on the property at 8660 S. Market St. (see item No. 8 for action on this hearing).

8. **PRESENTED AND ADOPTED: ORDINANCE NO. 2876, APPROVING CUP FOR ONE (1) LICENSED TATTOO AND/OR BODY PIERCING STUDIO ON PROPERTY AT 8660 S. MARKET PL.**

Ald. Toman, seconded by Ald. Gehl, moved to adopt Ordinance No. 2876, approving a Conditional Use Permit for one (1) licensed tattoo and/or body piercing studio on the property at 8660 S. Market Pl. 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. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY OLYMPIC REAL ESTATE HOLDINGS, LLC FOR CUP FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT USES ON PROPERTY AT 10450 S. OAKVIEW PARKWAY.**

A public hearing was held to consider a request submitted by Olympic Real Estate Holdings, LLC for a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview Parkway (see item No. 10 for action on this hearing).

10. **PRESENTED AND ADOPTED: ORDINANCE NO. 2877, APPROVING CUP FOR FREIGHT YARD/FREIGHT TERMINAL/TRANS-SHIPMENT DEPOT USES ON PROPERTY AT 10450 S. OAKVIEW PARKWAY.**

Ald. Gehl, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2877, approving a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot uses on the property at 10450 S. Oakview 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.

11. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY CHRIS NUTINI, KWIK TRIP, FOR AMENDMENT TO EXISTING CUP ALLOWING OUTDOOR STORAGE AND DISPLAY OF RETAIL ICE AND PROPANE MERCHANDISE ON PROPERTY AT 6300 S. 27TH ST.**

A public hearing was held to consider a request submitted by Chris Nutini, Kwik Trip, for an amendment to the existing Conditional Use Permit to allow outdoor storage and display of retail ice and propane merchandise on the property at 6300 S. 27th St. (see item No. 12 for action on this hearing).

12. **PRESENTED AND ADOPTED: ORDINANCE NO. 2878, AMENDING CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2331 ALLOWING OUTDOOR STORAGE AND DISPLAY OF ICE AND PROPANE RETAIL MERCHANDISE ON PROPERTY AT 6300 S. 27TH ST.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2878, to amend the Conditions and Restrictions in Ordinance No. 2331 to allow outdoor storage and display of ice and propane retail merchandise on the property at 6300 S. 27th St. 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.

13. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING SEPTEMBER 30, 2017.**

The Council was provided a Summarized Treasurer's Report on investment and banking accounts for

the month ending September 30, 2017.

14. **PRESENTED AND ADOPTED: ORDINANCE NO. 2873, CONFIRMING ADOPTING OF SETTLEMENT AGREEMENT BETWEEN CITY AND LAW, INC.; FIXING SALARY FROM 9/1/17 – 9/1/18.**

Ald. Loreck, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2873, confirming adopting of the Settlement Agreement between the City of Oak Creek and the Labor Association of Wisconsin, Inc., and fixing the salary for members of the Association from September 1, 2017 through September 1, 2018. 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.

15. **PRESENTED AND ADOPTED: ORDINANCE NO. 2879, FIXING THE SALARY AND CERTAIN ALLOWANCES FOR ELECTED CITY CLERK AND CITY TREASURER OFFICES FOR THREE-YEAR TERM MAY 1, 2018 - APRIL 30, 2021.**

Ald. Gehl, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2879, an Ordinance fixing the Salary and Certain Allowances for Elected City Clerk and City Treasurer Offices for the Three-Year Term May 1, 2018 - April 30, 2021. 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: ORDINANCE NO. 2874, CREATING SECTION 2.79 OF MUNICIPAL CODE ESTABLISHING BOARD OF ABSENTEE CANVASSERS.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Ordinance No. 2874, creating Section 2.79 of the Municipal Code to establish a Board of Absentee Canvassers. 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. **COUNCIL APPROVES APPOINTMENT OF ELECTION OFFICIALS FOR TWO-YEAR PERIOD – 1/1/18-12/31/19.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the appointment of election officials for the two-year period of January 1, 2018 through December 31, 2019. 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. **INFORMATIONAL: COUNCIL DISCUSSION REGARDING PROPOSED 2018 REGULAR COMBINED COMMON COUNCIL MEETING DATES.**

The Common Council was presented with the proposed 2018 regular combined Common Council dates and concurred with the Mayor's recommendation to vacate the January 3 and July 3, 2018 meetings. This item will be brought to the Council at their next meeting for formal approval.

19. **PRESENTED AND ADOPTED: RESOLUTION NO. 11873-110717, DESIGNATING OFFICIAL HOLIDAYS FOR 2018.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11873-110717, designating official holidays for 2018. 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 APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the Vendor Summary Report in the amount of \$1,744,039.52. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11863-110717, APPROVING FEDEX DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 500 W. OPUS DR.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11863-110717, approving the FedEx Development Agreement for the design and installation of public improvements at 500 W. Opus Dr. (Tax Key No. 924-9012-000) (Project Nos. 17061 and 17062). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11876-110717, APPROVING SWMP MAINTENANCE AGREEMENT WITH SETZER PROPERTIES MKE, LLC, FOR FEDEX FREIGHT TERMINAL LOCATED AT 500 W. OPUS DR.**

Ald. Gehl, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11876-110717, approving a Storm Water Management Practices Maintenance Agreement with Setzer Properties MKE, LLC, for the FedEx Freight Terminal located at 500 W. Opus Dr. (Tax Key No. 924-9012). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11874-110717, ESTABLISHING STORM WATER MANAGEMENT SERVICE CHARGES.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11874-110717, a Resolution to Establish Storm Water Management Service Charges for 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.

24. **PRESENTED AND ADOPTED: RESOLUTION NO. 11875-110717, APPROVING TRANSFER OF 12'-WIDE STRIP OF LAND ALONG PROPERTY FRONTAGE AT 7500 S. 13TH ST. (0.040 ACRES) TO COUNTY AS ADDITIONAL RIGHT-OF-WAY, AND GRANTING TEMPORARY LIMITED EASEMENT CONSISTING OF ADJACENT 25'-WIDE STRIP (0.079 ACRES) FOR COUNTY'S FAIR MARKET VALUE OFFER OF \$500.00.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 11875-110717, approving the transfer of a 12'-wide strip of land along the property frontage at 7500 S. 13th St. (.040 acres) to Milwaukee County as additional right-of-way and granting a temporary limited easement consisting of an adjacent 25'-wide strip (0.079 acres) for the County's fair market value offer of \$500.00. (Tax Key No. 783-9000-003). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11877-110717, APPROVING MURPHY CSM DEVELOPMENT AGREEMENT FOR DESIGN AND INSTALLATION OF PUBLIC IMPROVEMENTS AT 3413 E. ELM RD.**

Ald. Toman, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11877-110717, approving the Murphy CSM Development Agreement for the design and installation of public improvements at 3413 E. Elm Rd. (Tax Key No. 969-9029-000) (Project No. 17058). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11878-110717, ACCEPTING WORKMANSHIP AND AUTHORIZING FINAL PAYMENT TO ALL-WAYS CONTRACTORS, INC.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 11878-110717, accepting the workmanship and authorizing final payment to All-Ways Contractors, Inc. (Project No. 15015). 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11879-110717, APPROVING AMENDMENT EASEMENT AGREEMENT BETWEEN SSV OAK CREEK II, LLC AND CITY.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to adopt Resolution No. 11879-110717, a Resolution approving an Amendment Easement Agreement between SSV Oak Creek II, LLC and 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.

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

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

- Nhan T. Vu, 345 E. Arbor Cir., Oak Creek (Walgreens)
- Jessilyn Schafrik, 2202 E. Michigan Ave., Oak Creek (Kwik Trip)
- Austin D. Harrison, 9370 S. Burrell St., Oak Creek (Kwik Trip)
- Sean M.P. Howard, 728 W. Abbott Ave., Milwaukee (Kwik Trip)
- Robin E. Conti, 8316 W. Crawford Ave., Milwaukee (Meijer)
- Victoria M. Sberna, 2576 S. 77th St., West Allis (Meijer)
- Nicholas C. Dalzell, 2617 S. Howell Ave., Milwaukee (Pizza Man)
- Harshdeep Oberoi, 3556 W. Rawson Ave., Franklin (Mobil)
- Larry McArthur, 13740 W. Wildflower Ln., New Berlin (Charcoal Grill)
- Jeri L. Lubeno, 1725 Old Fancher Rd., Mt. Pleasant (Pick 'n Save)

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 8:12 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