

PROCEEDINGS, COMMON COUNCIL MEETING  
TUESDAY, SEPTEMBER 5, 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, Police Chief Steven Anderson, Interim Community Public Health Officer Anne Barberena, Communications Coordinator Leslie Flynn, Administrative Support Supervisor Sherry Grant, Fire Chief Thomas Rosandich, Human Resource Manager Becky Schermer, Community Development Director Douglas Seymour, City Engineer / Acting Building Commissioner Michael Simmons, Water & Sewer Utility General Manager Michael 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. Guzikowski, seconded by Ald. Gehl, moved to approve the minutes of the 8/15/17 meeting as published. 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.
4. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY DANIEL ZIESEMER TO REZONE PROPERTY AT 9838 S. CHICAGO RD. FROM RS-3, SINGLE FAMILY RESIDENTIAL AND A-1, LIMITED AGRICULTURAL TO A-1, LIMITED AGRICULTURAL.**

A public hearing was held to consider a request by Daniel Ziesemer to rezone the property at 9838 S. Chicago Rd., from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (see Item No. 5 for action on this hearing).

5. **PRESENTED AND ADOPTED: ORDINANCE NO. 2864, REZONING PROPERTY AT 9838 S. CHICAGO RD., FROM RS-3, SINGLE-FAMILY RESIDENTIAL AND A-1, LIMITED AGRICULTURAL, TO A-1, LIMITED AGRICULTURAL DISTRICT.**

Ald. Toman, seconded by Ald. Loreck, moved to adopt Ordinance No. 2864, an ordinance to rezone the property at 9838 S. Chicago Rd., from Rs-3, Single-Family Residential and A-1, Limited Agricultural, to A-1, Limited Agricultural 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.

6. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY LORI KOPECKY, U.S. CELLULAR OPERATING CO., LLC, FOR CUP ALLOWING 120-FOOT-TALL MONOPOLE WITH 6-FOOT-TALL LIGHTNING ROD AND APPURTENANCES IN GATED AND FENCED COMPOUND ON PROPERTY AT 2330 E. RAWSON AVE.**

A public hearing was held to consider a request by Lori Kopecky, U.S. Cellular Operating Co., LLC, for a Conditional Use Permit allowing a 120-foot-tall monopole with a 6-foot-tall lightning rod (total height=126 feet) and appurtenances in a gated and fenced compound on the property at 2330 E. Rawson Ave (see Item No. 7 for action on this hearing).

7. **PRESENTED AND ADOPTED: ORDINANCE NO. 2865, APPROVING CUP FOR 120' FOOT-TALL WIRELESS TELECOMMUNICATIONS MONOPOLE (WITH 6-FOOT LIGHTNING ROD) AND ASSOCIATED EQUIPMENT ON PROPERTY AT 2330 E. RAWSON AVE.**

Ald. Gehl, seconded by Ald. Toman, moved to adopt Ordinance No. 2865, approving a Conditional Use Permit for a 120' foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment on the property at 2330 E. Rawson Ave. On roll call, the vote was as follows: Ald. Kurkowski, no; Ald. Loreck, aye; Ald. Duchniak, aye; Ald. Toman, aye; Ald. Gehl, aye; and Ald. Guzikowski, no.

8. **PUBLIC HEARING HELD TO CONSIDER REQUEST BY ST. MATTHEW'S CONGREGATION TO REZONE PORTION OF PROPERTY AT 9261 S. CHICAGO RD., FROM RS-3, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL, AND PROPERTY AT 9348R S. REGENCY DR., FROM RS-2, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL.**

A public hearing was held to consider request by St. Matthew's Congregation to rezone a portion of the property at 9261 S. Chicago Rd., from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr., from Rs-2, Single Family Residential to I-1, Institutional (see Item No. 9 for action on this hearing).

9. **PRESENTED AND ADOPTED: ORDINANCE NO. 2866, REZONING PORTION OF PROPERTY AT 9261 S. CHICAGO RD., FROM RS-3, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL, AND PROPERTY AT 9348R S. REGENCY DR., FROM RS-2, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL.**

Ald. Toman, seconded by Ald. Duchniak, moved to adopt Ordinance No. 2866, an ordinance to rezone a portion of the property at 9261 S. Chicago Rd., from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr., from Rs-2, Single Family Residential to I-1, Institutional. 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.

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

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

- a. Celebrations Commission – 3 year term to expire 5/20  
Kelly J. Prawdzich, 8140 S. White Oak 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11852-090517, ACCEPTING LIABILITY INSURANCE PROPOSAL DATED JUNE 30, 2017, FROM CVMIC; AGREES TO CONTINUED MEMBERSHIP IN CVMIC FOR POLICY YEARS 2018-2020.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11852-090517, accepting the liability insurance proposal dated June 30, 2017, from Cities and Villages Mutual Insurance Company (CVMIC) and agreeing to continued membership in CVMIC for policy years 2018-2020, based upon guaranteed premiums from CVMIC for these years. 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.

12. **PRESENTED AND ADOPTED: RESOLUTION NO. 11854-090517, APPROVING AGREEMENT TO RECORD DECLARATION BETWEEN CITY AND ONE WEST DREXEL LLC FOR DREXEL TOWN SQUARE.**

Ald. Loreck, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11854-090517, approving the Agreement to Record Declaration between the City of Oak Creek and One West Drexel LLC for Drexel Town Square. 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. **PRESENTED AND ADOPTED: RESOLUTION NO. 11855-090517, APPROVING AMENDED SERVICES AGREEMENT BETWEEN DREXEL TOWN SQUARE OWNERS ASSOCIATION INC. AND CITY FOR DTS.**

Ald. Loreck, seconded by Ald. Kurkowski, moved to adopt Resolution No. 11855-090517, approving the Amended Services Agreement between Drexel Town Square Owners Association Inc. and the City of Oak Creek for Drexel Town Square. 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 APPROVES VENDOR SUMMARY REPORT.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to approve the Vendor Summary Report in the amount of \$924,173.08. 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. **SUMMARIZED TREASURER'S REPORT ON INVESTMENT AND BANKING ACCOUNTS FOR MONTH ENDING JULY 31, 2017.**

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

16. **COUNCIL APPROVES PROPOSED ANNUAL AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES FOR 2017-18 SCHOOL YEAR.**

Ald. Duchniak, seconded by Ald. Kurkowski, moved to approve the proposed annual Agreement for School Resource Officer Services for the 2017-18 school year. 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 ENDORSES RESTRUCTURING HEALTH DEPARTMENT.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to endorse the restructuring of the Health Department, in accordance with the City Administrator's memo dated August 24, 2017, and to direct the City Administrator to bring back an Interagency Agreement (related to certain Sanitarian functions) for Council consideration within 60 days. 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. **COUNCIL AUTHORIZES STAFF TO RELEASE RFP FOR UPDATE TO CITY'S COMPREHENSIVE PLAN AND ZONING ORDINANCE.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to authorize staff to release a request for proposals

for an update to the City's Comprehensive Plan and Zoning Ordinance. 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 HELD TO OCTOBER 3, 2017 COUNCIL MEETING: RESOLUTION NO. 11850-090517, APPROVING CSM FOR WESLEY SCHAEFER FOR PROPERTIES AT 3607 E. FITZSIMMONS RD., AND 10028 S. HILLVIEW AVE.**

Ald. Toman, seconded by Ald. Guzikowski, moved to hold Resolution No. 11850-090517, approving a Certified Survey Map for Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave. to the October 3, 2017 Common Council meeting at the request of the applicant. 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 INSTALLATION OF "NO OUTLET" SIGNS ON JESSICA CIRCLE AND KYLE COURT.**

Ald. Gehl, seconded by Ald. Duchniak, moved to concur with the Traffic and Safety commission's recommendation to approve the installation of "NO OUTLET" signs on Jessica Circle and Kyle Court. 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 DENIES OPERATOR LICENSE TO KIMBERLY E. CONDELEO.**

Ald. Kurkowski, seconded by Ald. Gehl, moved to deny an Operator license to Kimberly E. Condeleo, N168 W21700 W. Main St., Jackson (Victor's Again) 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.

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

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

- Brandon J. Fettig, 719 Lakeview Ave., South Milwaukee (Legion)
- Cindy A. Johnson, 4655 S. Lake Dr., Cudahy (Woodland Golf)
- Vicki R. Anderson-Hipke, 1119 Yout St., Racine (Fairfield Inn)
- Alissa A. Zeteman, 40 E. Fieldstone Cir., Oak Creek (Pizza Man)
- Tanya R. Krolicki, 2239 S. 6<sup>th</sup> St., Milwaukee (Sidetracked)
- Amber M. Krause, 215 E. Lisa Dr., Oak Creek (Sidetracked)
- Amy N. McIntosh, 3411 18<sup>th</sup> Ave., South Milwaukee (Target)
- Zachary T. Leschke, 435 W. Aspen Dr., Oak Creek (Target)
- Benjamin D. Jeske, 1535 W. Abbott Ave., Milwaukee (Target)
- Jennifer A. Krenz, 676 E. Summit Ave., Oconomowoc (Target)
- Angela M. Harris, 3301 E. Woodview Ave., Oak Creek (Target)
- Michael J. Nowakowski, 1197 E. Stonegate Dr., Oak Creek (Ryan Road Mobil)
- Jamie M. Moore, 4079 W. Hawthorne Trace Rd., Brown Deer (South Shore Cinema)
- Adesia L. Randle, 2101 N. Kensington Dr., Waukesha (Fairfield Inn)
- LaCoya A. Addison, 1111 Marion Ave., South Milwaukee (Meijer)

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 TRANSIENT MERCHANT LICENSE TO THE WINDOW STORE HOME IMPROVEMENTS, 2706 S. 163<sup>RD</sup> ST., NEW BERLIN; AND TO SALESPERSONS.**

Ald. Kurkowski, seconded by Ald. Guzikowski, moved to grant a Transient Merchant license to The Window Store Home Improvements, 2706 S. 163<sup>rd</sup> St., New Berlin, selling home improvement products, and to the following salespersons:

- Keith Harvey, 4163 County Rd. G, Caledonia
- Clayton Stolberg, 8623 W. Highway G, Franksville

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 AGENT TO MEGA MARTS, LLC DBA PICK 'N SAVE #6862, 8770 S. HOWELL AVE., FROM ERIC THOMAS TO JOEL E. VAN WINKLE.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a Change of Agent to Mega Marts, LLC dba Pick 'n Save #6862, 8770 S. Howell Ave., from Eric Thomas to Joel E. Van Winkle, 1133 Kilbride Dr., Racine. 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 CLASS A COMBINATION LICENSE TO AMANDA WARD, AGENT, KWIK TRIP, INC., DBA KWIK TRIP #976, 6300 S. 27<sup>TH</sup> ST.**

Ald. Kurkowski, seconded by Ald. Loreck, moved to grant a Class A Combination license to Amanda Ward, Agent, Kwik Trip, Inc., dba Kwik Trip #976, 6300 S. 27<sup>th</sup> St., (fka PDQ), with release of license subject to final Sanitarian and building inspections. 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 TEMPORARY CLASS B BEER LICENSE TO KELLY STEFANICH, AGENT, ST. MATTHEW PARISH SCHOOL, 9303 S. CHICAGO RD., FOR ADULT FIELD DAY FUNDRAISER ON 9/16/17.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a Temporary Class B Beer license to Kelly Stefanich, Agent, St. Matthew Parish School, 9303 S. Chicago Rd., for an Adult Field Day Fundraiser to be held on September 16, 2017. 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 TEMPORARY CLASS B BEER LICENSE TO ROLAND KOMOROWSKI, AGENT, ST. MATTHEW PARISH SCHOOL, 9303 AND 9329 S. CHICAGO RD., FOR PARISH PICNIC ON 9/23/17.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a Temporary Class B Beer license to Roland Komorowski, Agent, St. Matthew Parish School, 9303 and 9329 S. Chicago Rd., for a Parish Picnic to be held on September 23, 2017. 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 TEMPORARY CLASS B BEER LICENSE TO MARK ZAPP, AGENT, ST. MATTHEW PARISH, 9303 S. CHICAGO RD., FOR ST. MATTHEW FISH BOILS ON 10/6/17, 3/23/18, AND 5/11/18.**

Ald. Kurkowski, seconded by Ald. Duchniak, moved to grant a Temporary Class B Beer license to Mark Zapp, Agent, St. Matthew Parish, 9303 S. Chicago Rd., for St. Matthew Fish Boils to be held on October 6, 2017, March 23, 2018, and May 11, 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.

29. **COUNCIL CONVENES INTO CLOSED SESSION.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to convene into Closed Session at 9:02 p.m., pursuant to Wisconsin State Statutes, to discuss the following:

- a. Section 19.85 (1)(e) to discuss the terms of a proposed development agreement, including a TIF incentive grant, for property owned by Woodman's Food Market, Inc., consisting of approximately four acres located at 8142 S. 6<sup>th</sup> St.
  - b. Section 19.85 (1) (e) to consider wholesale water supply to the City of Waukesha.
- 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.

30-31. **COUNCIL RECONVENES INTO OPEN SESSION; NO ACTION TAKEN.**

Ald. Gehl, seconded by Ald. Guzikowski, moved to reconvene into Open Session at 9:59 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. No action was taken.

32. **PRESENTED AND ADOPTED: RESOLUTION NO. 11851-090517, APPROVING TIF DISTRICT NO. 11 FINANCE DEVELOPMENT AGREEMENT BY AND BETWEEN CITY AND ZUND AMERICA, INC.**

Ald. Loreck, seconded by Ald. Guzikowski, moved to adopt Resolution No. 11851-090517, approving the Tax Incremental Finance District No. 11 Finance Development Agreement by and between the City of Oak Creek and Zund America, Inc. 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. Guzikowski, moved to adjourn this meeting at 10:06 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:

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Catherine A. Roeske, City Clerk

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Daniel J. Bukiewicz, Mayor