



Common Council Chambers  
8040 S. 6<sup>TH</sup> Street  
Oak Creek, WI 53154  
(414) 766-7000

## COMMON COUNCIL MEETING AGENDA

AUGUST 6, 2018

7:00 P.M.

Daniel Bukiewicz - Mayor  
Steven Kurkowski - 1<sup>st</sup> District  
Greg Loreck - 2<sup>nd</sup> District  
Richard Duchniak - 3<sup>rd</sup> District  
Michael Toman - 4<sup>th</sup> District  
Kenneth Gehl - 5<sup>th</sup> District  
Chris Guzikowski - 6<sup>th</sup> District

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 7/17/18

### Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 18-09, to Kevin Archambeau for dedicated service to the City of Oak Creek as a Member of the Celebrations Commission (by Committee of the Whole).

### Public Hearings (beginning at 7:00 p.m.)

*Citizen input, comments and suggestions are requested on the specific item(s) identified below. Action by the Council may occur at the same meeting if so included in the agenda.*

5. **Rezone:** Consider a request by John Thomsen, Highgate LLC to rezone the properties at 7781 and 7811 S. 12<sup>th</sup> St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and a portion of 7869 S. 13<sup>th</sup> St., from B-4, Highway Business to I-1, Institutional (1<sup>st</sup> District).
6. **Ordinance:** Consider Ordinance No. 2908, an ordinance to approve a rezone of the properties at 7781 and 7811 S. 13<sup>th</sup> St., to B-4, Highway Business, and a portion of 7869 S. 13<sup>th</sup> St., to I-1, Institutional (1<sup>st</sup> District).
7. **Conditional Use:** Consider a request by Brett Ippolite, Camp Bow Wow, for an amendment to the existing Conditional Use Permit to allow additional dogs on the property as part of the dog daycare and kennel operations affecting the property located at 8411 S. Liberty Ln. (2<sup>nd</sup> District).
8. **Ordinance:** Consider Ordinance No. 2904, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2399 for a Conditional Use Permit for an Animal Boarding Kennel / Dog Day Care Facility with Outdoor Exercise Area at 8411 S. Liberty Ln. (2<sup>nd</sup> District).

9. **Code Amend:** Consider a proposed amendment to Sec. 17.0325 to specify and clarify permitted and conditional uses within a Planned Unit Development, and to renumber subsequent subsections of the Code (by Committee of the Whole).
10. **Ordinance:** Consider Ordinance No. 2907, an ordinance to repeal and recreate Section 17.0325 of the Municipal Code to specify and clarify permitted and conditional uses within a Planned Unit Development and to renumber subsequent sections accordingly (by Committee of the Whole).

**New Business**

11. **Resolution:** Consider Resolution No. 11970-080618, accepting the 2017 Financial Statement and Auditors' Report as prepared and presented by Baker Tilly Virchow Krause, LLP (by Committee of the Whole).
12. **Resolution:** Consider Resolution No. 11963-080618, a Resolution Authorizing the Issuance and Sale of Approximately \$5,150,000 General Obligation Refunding Bonds, Series 2018B (by Committee of the Whole).
13. **Resolution:** Consider Resolution No. 11964-080618, a Resolution Authorizing the Issuance and Sale of Approximately \$5,130,000 Taxable General Obligation Refunding Bonds, Series 2018C (by Committee of the Whole).
14. **Informational:** Presentation of proposed revamping of landscaping of the South Plaza of the Oak Creek Civic Center.
15. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending June 30, 2018.
16. **Motion:** Consider a motion to concur with the Mayor's appointment as follows:
  - a. Celebrations Commission – 3 year term expiring 4/2021
    - Cindy Bautch – 3264 E. Lindy Ln.
17. **Resolution:** Consider Resolution No. 11969-080618, accepting the workmanship of CW Purpero, and authorizing final payment for Project No. 15023, IKEA Way, Phase 2 (2<sup>nd</sup> District).
18. **Motion:** Consider a motion to approve the July 31, 2018 Vendor Summary Report in the combined total amount of \$814,746.38 (by Committee of the Whole).

**COMMUNITY DEVELOPMENT**

19. **Resolution:** Consider Resolution No. 11965-080618, approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 741 W. Ryan Rd. (5<sup>th</sup> District).
20. **Resolution:** Consider Resolution No. 11966-080618, approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 9900 S. 13<sup>th</sup> St. (5<sup>th</sup> District).
21. **Resolution:** Consider Resolution No. 11967-080618, approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 9600 S. 13<sup>th</sup> St. (5<sup>th</sup> District).
22. **Resolution:** Consider Resolution No. 11968-080618, approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the properties at 741 W. Ryan Rd. and 9600, 9700, and 9900 S. 13<sup>th</sup> St. (5<sup>th</sup> District).

23. **Ordinance:** Consider Ordinance No. 11973-080618, amending the boundaries of the designated nature center at 10025 S. Shepard Ave. (5<sup>th</sup> District).
24. **Resolution:** Consider Resolution No. 11971-080618, accepting the Vacant Land Offer to Purchase and Authorizing Closing on the Sale of the Property at 8159R S. Waring Drive to Chad and Sarah Johnson (2<sup>nd</sup> District).
25. **Resolution:** Consider Resolution No. 11972-080618, accepting the Vacant Land Offer to Purchase and Authorizing Closing on the Sale of the Property at 10025 S. Shepard Avenue to the Oak Creek-Franklin Joint School District (5<sup>th</sup> District).

### **LICENSE COMMITTEE**

26. **Motion:** Consider a motion to adopt the License Committee recommendations as listed on the 8/6/18 License Committee Report (by Committee of the Whole).

### **MISCELLANEOUS**

27. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes Section 19.85(1)(e) to discuss a proposed Finance Development Agreement by and between the City of Oak Creek and Ryan Business Park, LLC for the properties at 741 and 1001 W. Ryan Rd. and 9600, 9700, and 9900 S. 13<sup>th</sup> St. (5<sup>th</sup> District).
28. **Motion:** Consider a motion to reconvene into Open Session.
29. **Motion:** Consider a motion to take action, if required.

### ***Adjournment.***

#### **Public Notice**

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

**COUNCIL PROCLAMATION NO. 18-09**

**TO**

**KEVIN ARCHAMBEAU**

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK  
AS A MEMBER OF THE  
CELEBRATIONS COMMISSION**

WHEREAS, Kevin Archambeau was appointed to the Celebrations Commission in March, 2012, and has served for six years; and

WHEREAS, Kevin Archambeau has resigned from the Celebrations Commission effective August, 2018; and

WHEREAS, Kevin Archambeau took the reins and was instrumental in organizing the yearly 4<sup>th</sup> of July Celebration; and

WHEREAS, Kevin Archambeau joyfully participated in the Easter Egg Hunt, Summer Soulstice, and the Giving Tree event; and

WHEREAS, Kevin Archambeau, always willing to lend a hand, fulfilled the duties of the Celebration Commission with the greatest devotion and pride; and

WHEREAS, Kevin Archambeau has served the City in a thorough, conscientious and professional manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to Kevin Archambeau for his dedicated service to the City of Oak Creek as a member of the Celebrations Commission.

BE IT FURTHER RESOLVED that this proclamation be spread upon the minutes of this meeting and that the City Clerk be and she is hereby directed to transmit a suitable copy thereof to Kevin Archambeau.

Introduced and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
Kenneth Gehl, Common Council President

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

Vote: Ayes \_\_\_\_ Noes \_\_\_\_

TO BE PUBLISHED JULY 18 & 25, 2018

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request by John Thomsen, Highgate LLC to rezone the properties at 7781 and 7811 S. 13<sup>th</sup> St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and a portion of 7869 S. 13<sup>th</sup> St. from B-4, Highway Business to I-1, Institutional.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
 8040 South 6<sup>th</sup> Street  
 Oak Creek, WI 53154  
 Common Council Chambers

**Applicant:** John Thomsen, Highgate, LLC  
**Property Owner(s):** Dennis and Susan Cieslak; Highgate, LLC  
**Property Location(s):** 7781, 7811, 7869 S. 13<sup>th</sup> St  
**Tax Key(s):** 784-9991-001, 784-9990-001, 784-9993-002

**Legal Description:**

PARCEL 1, Tax Key No: 784-9991-001 Address: 7781 S. 13<sup>th</sup> Street

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 773.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 137.00 feet to a point; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

PARCEL 2, Tax Key No: 784-9990-001 Address: 7811 S. 13<sup>th</sup> Street

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 499.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to a point on the West line of South 13th Street; thence South 00°05'47" West along said West line 137.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres..

PARCEL 3, Part of Tax Key No: 784-9993-002 Address: 7869 S. 13<sup>th</sup> St

Lot 2 of Certified Survey Map No. \_ (to be recorded), being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 440.91 feet to a point; thence South 89°18'02" West 75.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 28.75 feet to a point; thence South 07°54'36" West continuing along said West line 62.58 feet to a point; thence South 00°05'47" West along said West line 216.38 feet to a point; thence South 44°42'54" West 75.76 feet to a point on the North line of West Drexel Avenue; thence South 89°18'02" West along said North line 206.46 feet to a point; thence North 00°09'10" East 364.02 feet to a point; thence South 89°52'55" East 267.80 feet to the point of beginning.

Containing 93,064 square feet or 2.1365 acres.

The Common Council has scheduled other public hearings for August 6, 2018 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: July 11, 2017

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

### **PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, or by writing to the ADA Coordinator at the Health Department, City Hall, 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

## COMMON COUNCIL REPORT

- Item:** Rezone - John Thomsen, Highgate, LLC - 7781 and 7811 S. 13th St., portion of 7869 S. 13th St.
- Recommendation:** That the Council adopts Ordinance 2908, an ordinance to approve a rezone of the properties at 7781 and 7811 S. 13th St. to B-4, Highway Business, and a portion of 7869 S. 13th St. to I-1, Institutional.
- Fiscal Impact:** Approval will allow for the development and redevelopment of former residential and vacant parcels in a future mixed-use development. Approximately 2 acres are proposed for a medical use (Lot 2 of a CSM approved July 17, 2018). Development and redevelopment of the parcels will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. These properties are not located in a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

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**Background:** The Applicant, John Thomsen, Highgate, LLC, is requesting that the properties at 7781 and 7811 S. 13th St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business District, and a portion of 7869 S. 13th St. (Lot 2 of proposed CSM) from B-4, Highway Business to I-1, Institutional. This request is in advance of pursuing a future mixed-use Planned Unit Development (PUD) and a future medical development (both plans in progress), and which were part of the CSM reviewed in the previous agenda item. The Comprehensive Plan was amended in 2017 to reflect Planned Mixed Use for the area. The proposed rezone requests would be consistent with that amended Land Use Category.

Existing parcels in the immediate area are zoned for residential, commercial, and institutional uses. Within 1,000 feet are manufacturing and park uses. The B-4, Highway Business district “is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state, and county highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.” The parcels are located along a county (13th Street) highway route, adjacent to the larger parcel along I-94. Considering the consolidation via CSM and plans for the development of a commercial PUD, the proposal appears to be consistent with the B-4 purpose statement.

The I-1, Institutional district, “is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public, public-related or private ownership and where the use for public

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purpose is anticipated to be permanent. Uses permitted shall generally serve the public benefit.” Based on the proposal for Lot 2 shown in the CSM reviewed in the previous agenda item to be developed with a medical use, the proposed rezone appears to be consistent with the I-1 purpose statement. Considering the proximity to the mixed-use PUD currently in the planning stages, the proposed rezone for the proposed Lot 2 is not incompatible with the zoning in the area. Staff supports the proposed rezone requests.

**Options/Alternatives:** Council has the discretion to approve or not approve the proposed rezone requests. Disapproval of the rezone would result in the parcels remaining zoned for residential uses, and likely remaining in their existing conditions for the foreseeable future.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Karri Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ordinance 2908

Location Map

Hearing Notice

CSM (Sheet 1 only)

Rezoning Exhibits (3 sheets)

Plan Commission Minutes



ORDINANCE NO. 2908

By: \_\_\_\_\_

AN ORDINANCE TO REZONE THE PROPERTIES AT 7781 AND 7811 S. 13<sup>TH</sup> ST. FROM RS-3, SINGLE FAMILY RESIDENTIAL TO B-4, HIGHWAY BUSINESS, AND A PORTION OF 7869 S. 13<sup>TH</sup> ST. FROM B-4, HIGHWAY BUSINESS TO I-1, INSTITUTIONAL

(1<sup>st</sup> Aldermanic District)

WHEREAS, JOHN THOMSEN, HIGHGATE, LLC, has applied for a rezoning of the properties at 7781 and 7811 S. 13<sup>th</sup> St. from Rs-3, Single Family Residential to B-4, Highway Business, and for a portion of the property at 7869 S. 13<sup>th</sup> St. from B-4, Highway Business to I-1, Institutional.

WHEREAS, the properties are more precisely described as follows:

7781 S. 13<sup>th</sup> Street (from Rs-3, Single Family Residential to B-4, Highway Business)

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 773.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 137.00 feet to a point; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

7811 S. 13<sup>th</sup> Street (from Rs-3, Single Family Residential to B-4, Highway Business)

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 499.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to a point on the West line of South 13th Street; thence South 00°05'47" West along said West line 137.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

7869 S. 13<sup>th</sup> St. (from B-4, Highway Business to I-1, Institutional)

Lot 2 of Certified Survey Map No. \_ (to be recorded), being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 440.91 feet to a point; thence South 89°18'02" West 75.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 28.75 feet to a point; thence South 07°54'36" West continuing along said West line 62.58 feet to a point; thence South 00°05'47" West along said West line 216.38 feet to a point; thence South 44°42'54" West 75.76 feet to a point on the North line of West Drexel Avenue; thence South 89°18'02" West along said North line 206.46 feet to a point; thence North 00°09'10" East 364.02 feet to a point; thence South 89°52'55" East 267.80 feet to the point of beginning.

Containing 93,064 square feet or 2.1365 acres.

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning requests be approved; and

WHEREAS, the Common Council held a public hearing on said application on August 6, 2018, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described.

NOW, THEREFORE, the Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands at 7781 and 7811 S. 13<sup>th</sup> St. hereinabove described shall be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and the portion of the lands at 7869 S. 13<sup>th</sup> St. hereinabove described shall be rezoned from B-4, Highway Business to I-1, Institutional, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezonings.

SECTION 2: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 3: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 4: The rezonings shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
Mayor

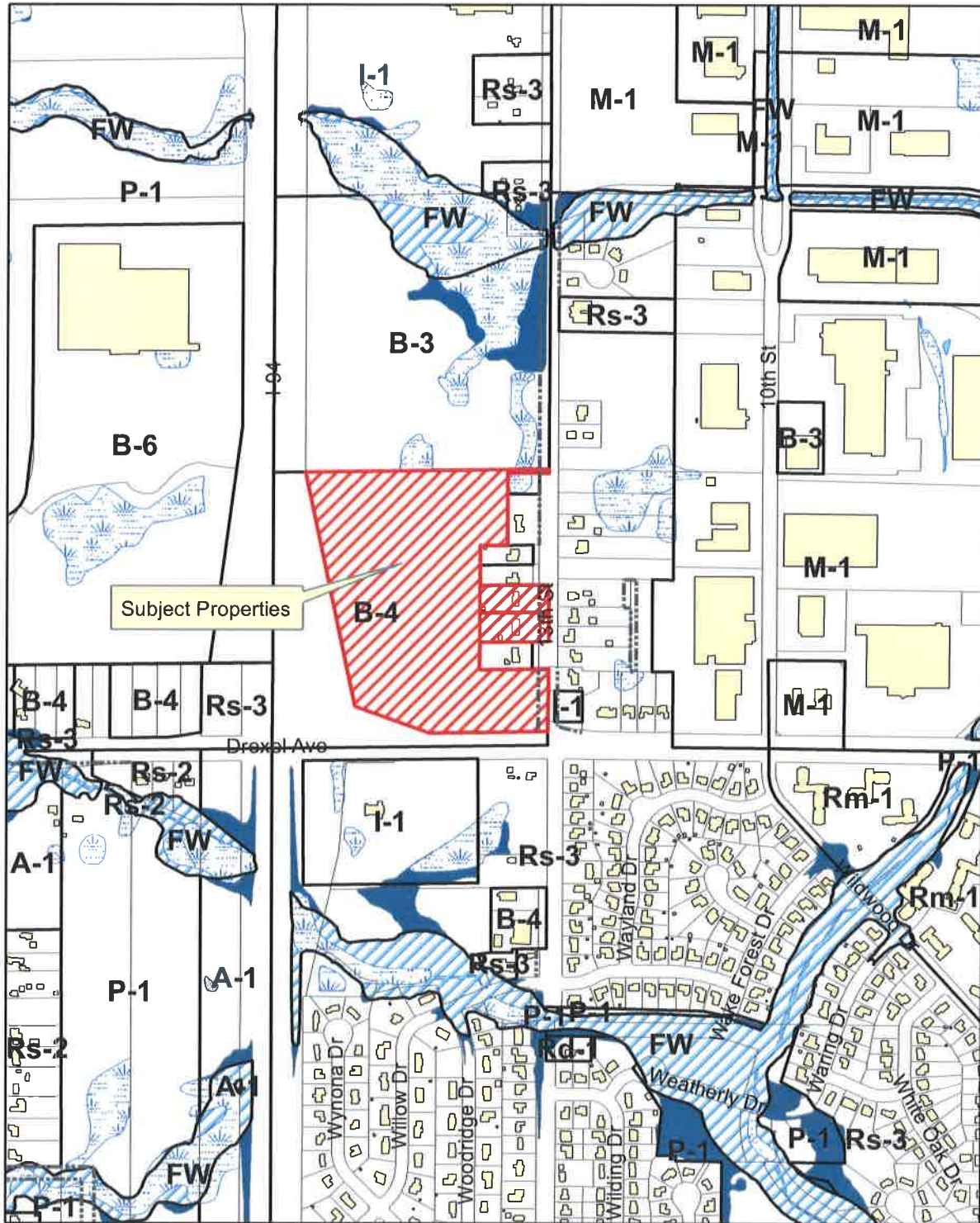
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:      Ayes \_\_\_\_\_      Noes \_\_\_\_\_

# Location Map

## 7781, 7811, & 7869 S. 13th Street



This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

- Officially Mapped Streets
- Subject Properties
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request by John Thomsen, Highgate LLC to rezone the properties at 7781 and 7811 S. 13<sup>th</sup> St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and a portion of 7869 S. 13<sup>th</sup> St. from B-4, Highway Business to I-1, Institutional.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** John Thomsen, Highgate, LLC  
**Property Owner(s):** Dennis and Susan Cieslak; Highgate, LLC  
**Property Location(s):** 7781, 7811, 7869 S. 13<sup>th</sup> St  
**Tax Key(s):** 784-9991-001, 784-9990-001, 784-9993-002

**Legal Description:**

PARCEL 1, Tax Key No: 784-9991-001 Address: 7781 S. 13<sup>th</sup> Street

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 773.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 137.00 feet to a point; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

PARCEL 2, Tax Key No: 784-9990-001 Address: 7811 S. 13<sup>th</sup> Street

Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 499.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to a point on the West line of South 13th Street; thence South 00°05'47" West along said West line 137.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres..

PARCEL 3, Part of Tax Key No: 784-9993-002 Address: 7869 S. 13<sup>th</sup> St

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Containing 93,064 square feet or 2.1365 acres.

The Common Council has scheduled other public hearings for August 6, 2018 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: July 11, 2017

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

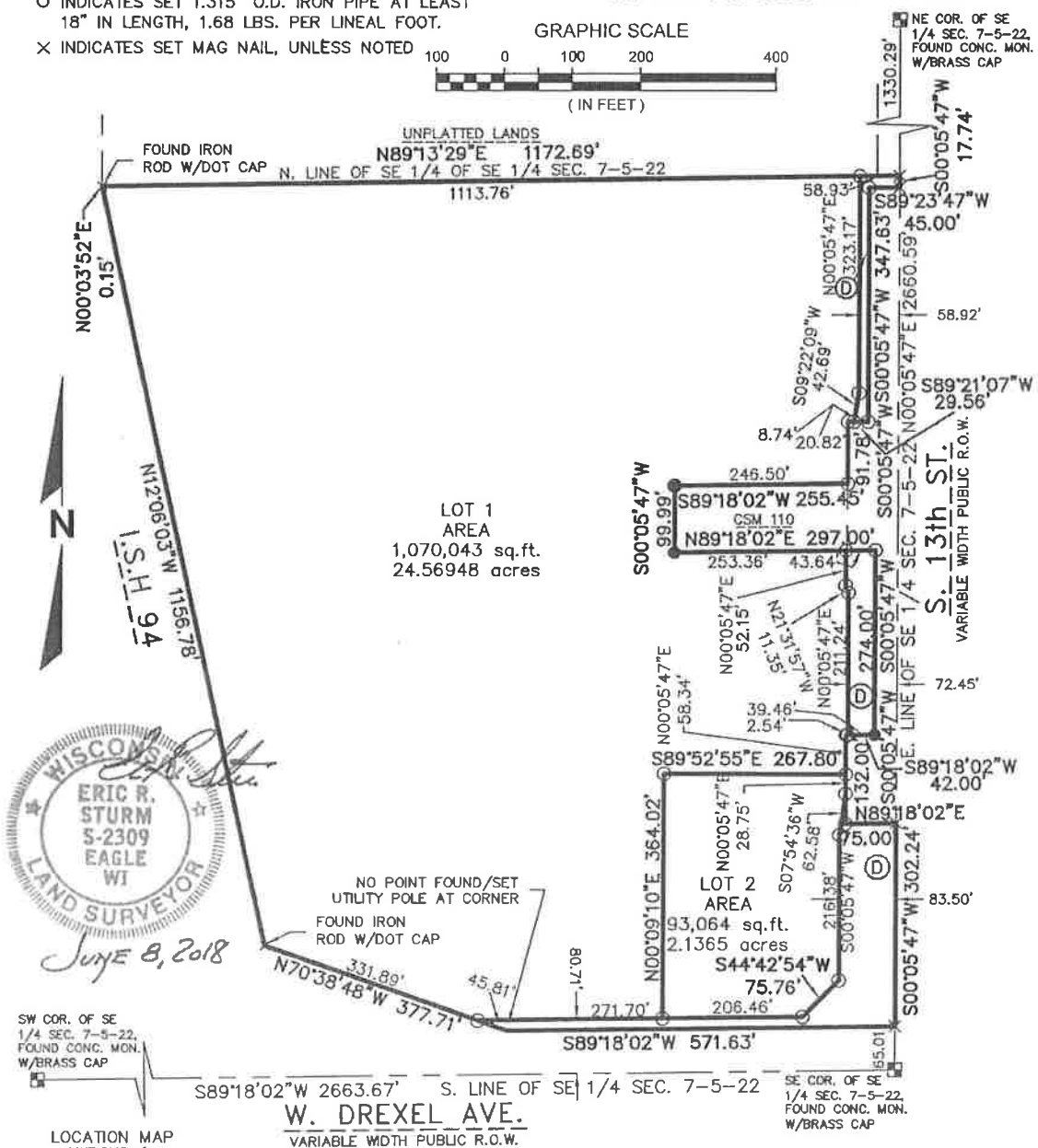
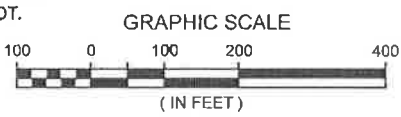
### **PUBLIC NOTICE**

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# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

A division of Lot 1 of Certified Survey Map No. 271, Lot 1 of Certified Survey Map No. 130, Lots 1 and 2 of Certified Survey Map No. 7578, and lands, being part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.
- × INDICATES SET MAG NAIL, UNLESS NOTED
- Ⓧ INDICATES LANDS DEDICATED TO THE CITY OF OAK CREEK FOR PUBLIC ROAD PURPOSES.



**ERIC R. STURM**  
 S-2309  
 EAGLE  
 WI  
 JUNE 8, 2018

SW COR. OF SE 1/4 SEC. 7-5-22, FOUND CONC. MON. W/BRASS CAP

SE COR. OF SE 1/4 SEC. 7-5-22, FOUND CONC. MON. W/BRASS CAP



SEE SHEET 2 FOR EASEMENT DETAILS

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDRETH OF A FOOT.

ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SE 1/4 OF SECTION 7, T 5 N, R 22 E, WHICH BEARS N00°05'47"E.

OWNER:  
SOMERSTONE LLC  
19035 W. CAPITOL DR. STE. 108  
BROOKFIELD, WI 53186

raSmith

CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com

# REZONING EXHIBIT

Known as 7781 South 13th Street, in the City of Oak Creek, Milwaukee County, Wisconsin.

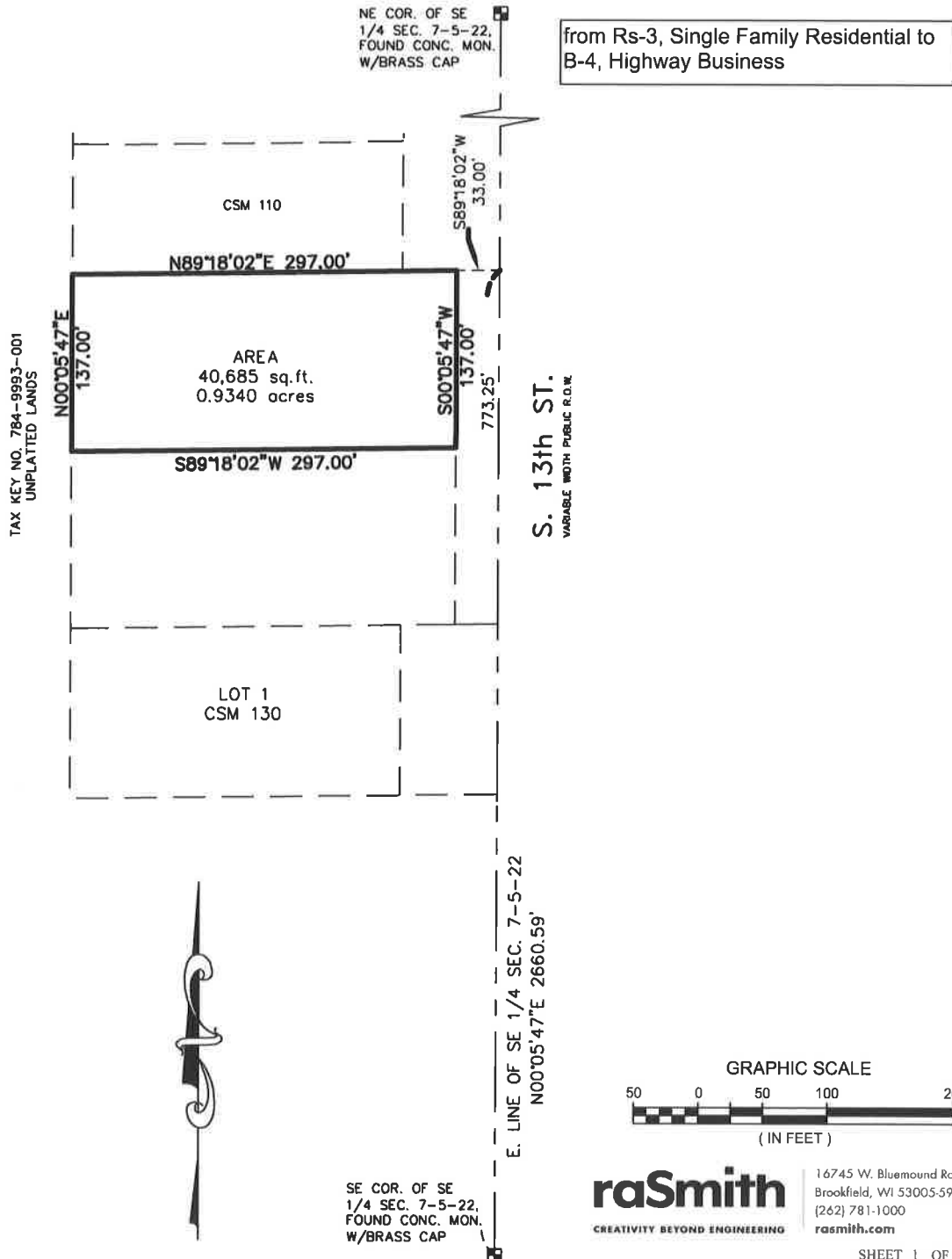
Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 773.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 137.00 feet to a point; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

June 8, 2018

Project No. 166553-ERS





# REZONING EXHIBIT

Known as 7811 South 13th Street, in the City of Oak Creek, Milwaukee County, Wisconsin.

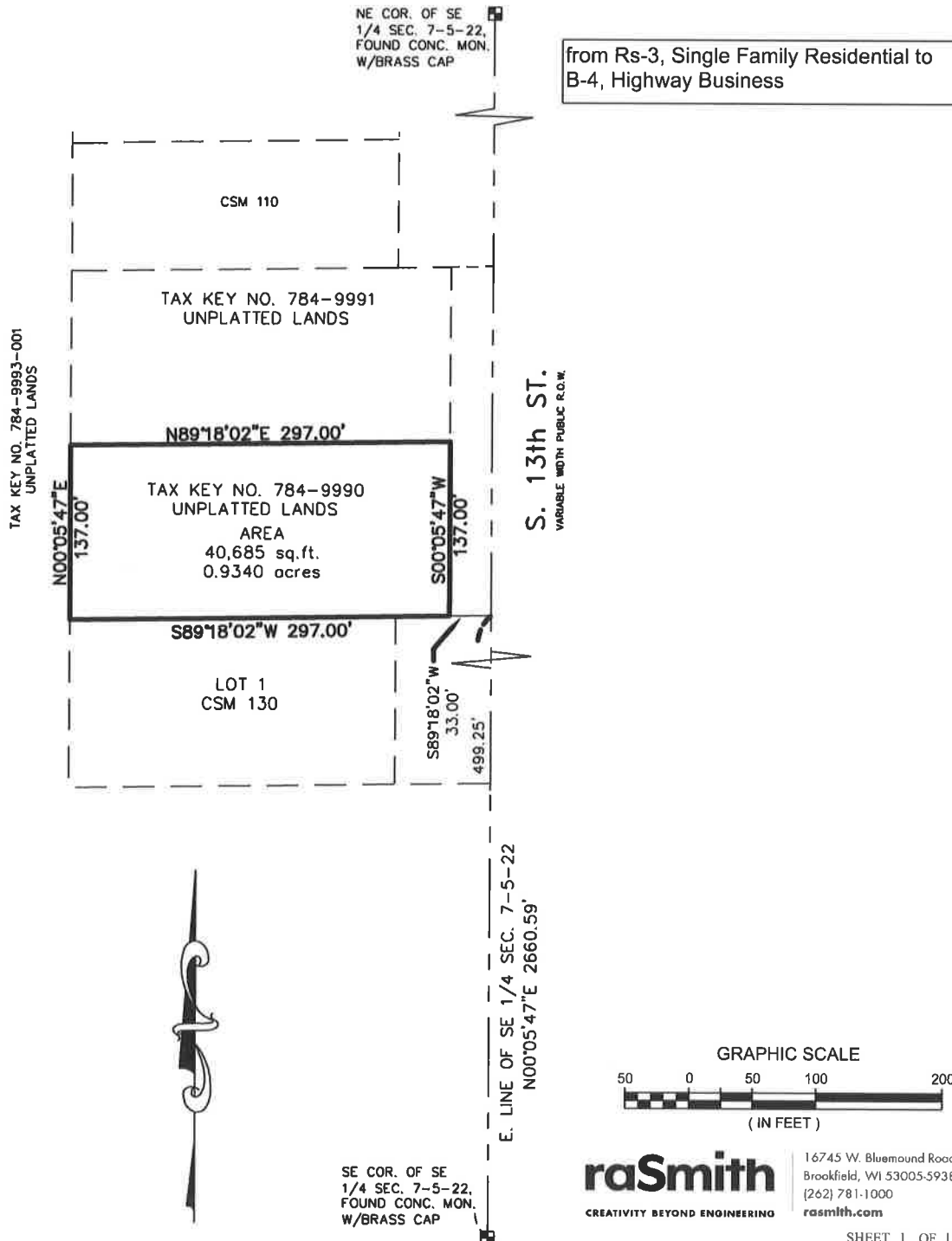
Unplatted Lands, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 499.25 feet to a point; thence South 89°18'02" West 33.00 feet to the point of beginning of lands to be described; thence South 89°18'02" West 297.00 feet to a point; thence North 00°05'47" East 137.00 feet to a point; thence North 89°18'02" East 297.00 feet to a point on the West line of South 13th Street; thence South 00°05'47" West along said West line 137.00 feet to the point of beginning.

Containing 40,685 square feet or 0.9340 acres.

June 8, 2018

Project No. 166553-ERS



# REZONING EXHIBIT

Situated on South 13th Street, in the City of Oak Creek, Milwaukee County, Wisconsin.

Lot 2 of Certified Survey Map No. \_\_\_\_\_, being a part of the Southeast 1/4 of the Southeast 1/4 of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows:

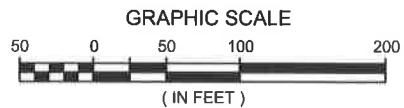
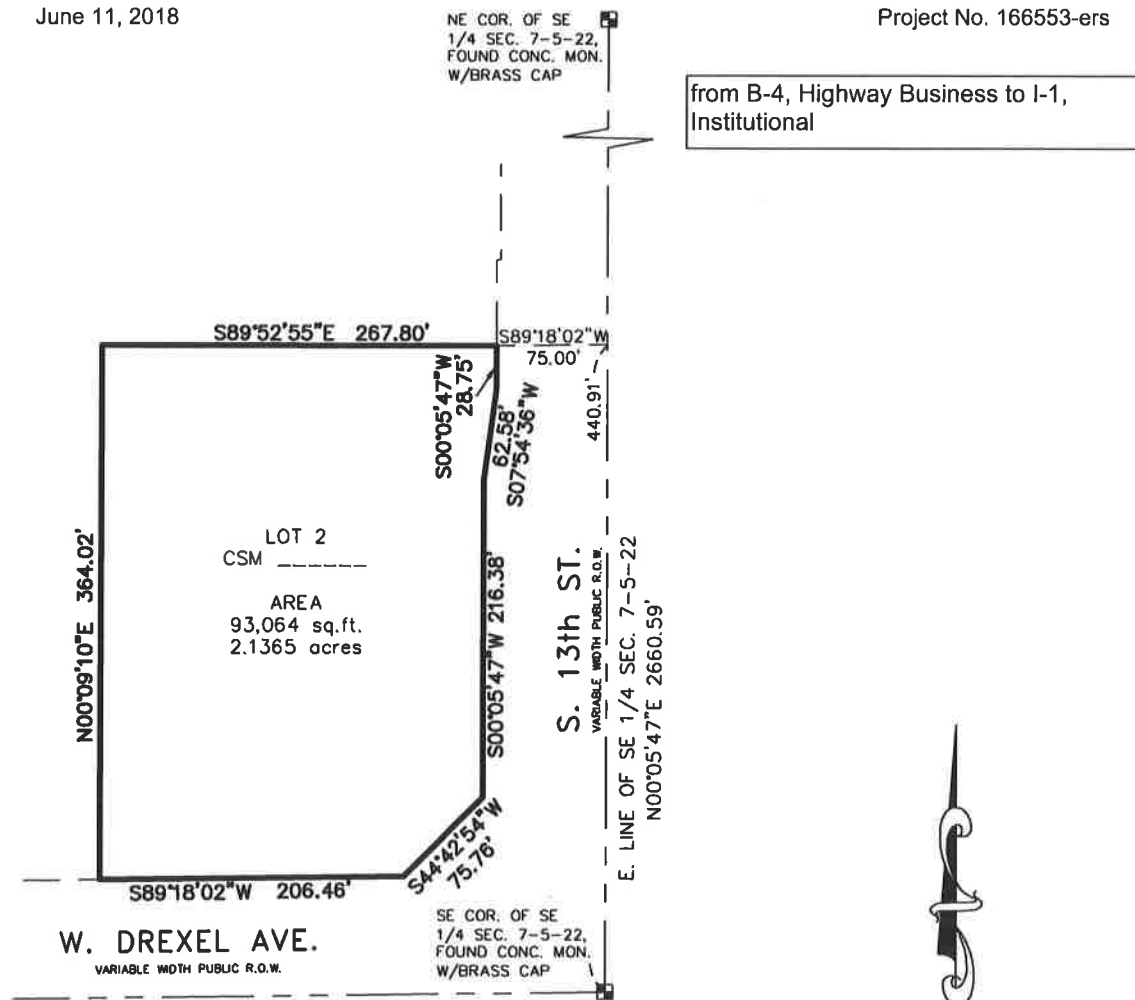
Commencing at the Southeast corner of said Southeast 1/4 Section; thence North 00°05'47" East along the East line of said Southeast 1/4 Section 440.91 feet to a point; thence South 89°18'02" West 75.00 feet to the point of beginning of lands to be described; thence South 00°05'47" West along the West line of South 13th Street 28.75 feet to a point; thence South 07°54'36" West continuing along said West line 62.58 feet to a point; thence South 00°05'47" West along said West line 216.38 feet to a point; thence South 44°42'54" West 75.76 feet to a point on the North line of West Drexel Avenue; thence South 89°18'02" West along said North line 206.46 feet to a point; thence North 00°09'10" East 364.02 feet to a point; thence South 89°52'55" East 267.80 feet to the point of beginning.

Containing 93,064 square feet or 2.1365 acres.

June 11, 2018

Project No. 166553-ers

from B-4, Highway Business to I-1, Institutional



**raSmith**  
CREATIVITY BEYOND ENGINEERING

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com

**MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JULY 10, 2018**

**CERTIFIED SURVEY MAP  
HIGHGATE, LLC  
7781, 7811 AND 7869 S. 13<sup>TH</sup> ST.  
784-9991-001, 784-9990-001, 784-9993-001**

Planner Papelbon provided an overview of this certified survey map request. (See staff report for details.)

Mayor Bukiewicz opened up the discussion to the Commissioners. Seeing none, Mayor Bukiewicz called for a motion.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by John Thomsen, Highgate, LLC, for the properties at 7781, 7811, and 7869 S. 13<sup>th</sup> St. be approved with the following conditions:

1. That the CSM approved by the Common Council December 19, 2017 is submitted for recording prior to or concurrently with submission of this CSM for recording.
2. That the CSM is revised to incorporate the "no access" restrictions along Drexel Avenue, a portion of 13<sup>th</sup> St., and along I-94.
3. That the CSM is revised to incorporate all wetland areas on all sheets.
4. That easements (access, utilities, etc.) are depicted on the map prior to recording.
5. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Commissioner Hanna seconded. On roll call: all voted aye. Motion carried.

**REZONE  
SOMMERSTONE, LLC  
7781, 7811 AND 7869 S. 13<sup>TH</sup> ST.  
784-9991-001, 784-9990-001, 784-9993-001**

Planner Papelbon provided an overview of this certified survey map request. (See staff report for details.)

Seeing as there were no comments and questions, Mayor Bukiewicz called for a motion.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the properties at 7781 and 7811 S. 13<sup>th</sup> St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business, and a portion of 7869 S. 13<sup>th</sup> St. (Lot 2 of proposed CSM) from B-4, Highway Business to I-1, Institutional after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

July 24, 2018  
\_\_\_\_\_  
Date

TO BE PUBLISHED JULY 4 & 11, 2018

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Brett Ippolite, Camp Bow Wow, for an amendment to the existing Conditional Use Permit to allow additional dogs on the property as part of the dog daycare and kennel operations affecting the property located at 8411 S. Liberty Lane.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 p.m.  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Brett Ippolite, Camp Bow Wow  
**Property Owner:** DDA Oak Creek, LLC c/o Brett Ippolite  
**Property Location(s):** 8411 S. Liberty Lane  
**Tax Key(s):** 828-0001-000

**Legal Description:**

LIBERTY WOODS SUBD. LOT 1 (1.609 ACS.) SE 1/4 SEC 17-5-22.

The Common Council has scheduled other public hearings for August 6, 2018 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: June 27, 2017  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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## COMMON COUNCIL REPORT

**Item:** Conditional Use Amendment - Brett Ippolite, Camp Bow Wow - 8411 S. Liberty Ln.

**Recommendation:** That the Council adopts Ordinance 2904, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2399 to allow a maximum of 125 dogs onsite as part of the existing Conditional Use Permit for an animal boarding kennel/dog day care facility with outdoor exercise area at the property at 8411 S. Liberty Ln.

**Fiscal Impact:** Approval will allow for the occupancy of an existing, vacant commercial building for which a Conditional Use Permit had been previously approved for an animal boarding kennel/dog day care facility with outdoor exercise area. Approval will also allow for an increase in the number of dogs allowed to be boarded at the facility to 80, and an increase in the number of dogs allowed at the facility at any one time to a maximum of 125 dogs. No direct fiscal impacts, other than permit fees, would occur with the approval; however, positive fiscal impacts in terms of assessment and development fees would occur from approval of the proposed addition to the building resulting from the approval of the proposed Conditional Use Permit Amendment. This property is not part of a TID.

- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant, Brett Ippolite, Camp Bow Wow, is requesting approval for an increase in the number of dogs allowed as part of the existing Conditional Use Permit for an animal boarding kennel / dog day care facility with outdoor exercise area on the property at 8411 S. Liberty Ln. Animal hospitals and boarding kennels, provided that any outdoor animal facilities are located not less than 300 feet from a residential district, are Conditional Uses in the M-1, Manufacturing district. Section 6(E) of the Conditions and Restrictions approved by the Common Council in Ordinance 2399 for Puppy Playground limited the number dogs to a maximum of fifty (50) at the facility at any given time (see attached Conditions and Restrictions). Puppy Playground ceased operations more than one (1) year ago.

Per the narrative submitted with this request, the current owner of the property wishes to open a Camp Bow Wow facility similar to that of the former Puppy Playground. The proposal includes an approximate 50.8' x 101.4' addition with five (5) new outdoor kennels of various sizes on the west side of the existing building. Additional information regarding the operation of the proposed business is included with this report. The Applicant is specifically requesting an allowance of up to 137 dogs at the facility at any given

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time. However, the narrative submitted stated that a similar-sized facility with a similar floorplan in Waukesha provides daycare and boarding for a maximum of 108 dogs. After careful consideration, the Plan Commission recommended approval of a maximum of 125 dogs to be allowed at the facility at any given time, and for a maximum of 80 dogs to be boarded at the facility. These recommendations are reflected in the draft Conditions and Restrictions included with this report for Council consideration.

The Plan Commission reviewed the proposed Amendment to the existing Conditional Use Permit at their June 26, 2018 meeting, and has recommended the approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Conditional Use Permit.

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Respectfully submitted:



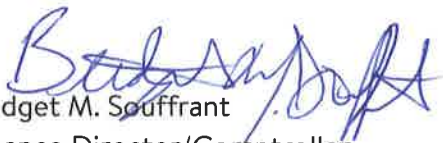
Andrew J. Vickers, MPA  
City Administrator

Prepared:



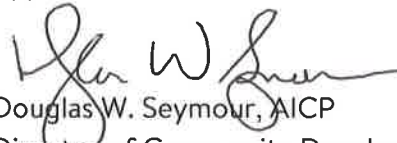
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Ord. 2904

Location Map

Hearing Notice

Conditions and Restrictions for Ord. 2399

Narrative dated May 24, 2018

Letter dated June 14, 2018

Proposed Site Plan (C-2.0)

Plan Commission minutes

Conditions and Restrictions

ORDINANCE NO. 2904

By: \_\_\_\_\_

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS  
IN ORDINANCE NO. 2399 FOR A CONDITIONAL USE PERMIT FOR AN ANIMAL  
BOARDING KENNEL/DOG DAY CARE FACILITY WITH OUTDOOR EXERCISE AREA  
AT 8411 S. LIBERTY LANE

(2<sup>nd</sup> Aldermanic District)

The Common Council of the City of Oak Creek does ordain as follows:

WHEREAS, Ordinance No. 2399 (The "Ordinance"), which approved a conditional use permit for an animal boarding kennel/dog day care facility with outdoor exercise area on the property at 8411 S. Liberty Lane, was approved on April 3, 2006, and the conditional use permit contained a requirement for the commencement of construction within twelve (12) months of the date of adoption of the ordinance approving the Conditional Use Permit; and

WHEREAS, the Ordinance affected the following legally described property;

LIBERTY WOODS SUBD. LOT 1 (1.609 ACS.) SE 1/4 SEC 17-5-22.

WHEREAS, the owner of the Property, Brett Ippolite (DDA Oak Creek LLC), Camp Bow Wow, is requesting that the Ordinance be amended to increase the maximum number of dogs allowed at the facility; and

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the requested amendment be approved to allow a maximum of 125 dogs to be at the facility at any given time, and a maximum of 80 dogs to be boarded overnight; and

WHEREAS, a public hearing was held on this matter on August 6, 2018 to hear comments from all who were interested.

NOW, THEREFORE, BE IT RESOLVED, the Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 8 of the Conditions and Restrictions approved by the Ordinance affecting the Property is renumbered to Section 3, SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS and is amended as follows:

- A. One (1) animal boarding kennel/dog day care with outdoor exercise area in accordance with these Conditions and Restrictions is allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code and these Conditions and Restrictions, are also allowed on the property.

- B. Outdoor storage is limited to fenced outdoor play areas approved by the Plan Commission, as shown in Exhibit A. Outdoor storage of materials, other vehicles (e.g., service trucks, personal vehicles, and recreational vehicles), equipment, supplies, and merchandise is prohibited.
- C. The use of the outdoor play area shall be limited to between 6:30 AM and 8:00 PM. The facility is permitted to operate 24 hours per day, 7 days per week.
- D. There shall be no more than 125 dogs at the facility at any one time, and no more than 80 dogs boarded overnight at the facility.
- E. Per Section 7.61 of the Municipal Code (as amended): No person shall operate a kennel unless he holds a valid license authorized by the Common Council of the City of Oak Creek. When all applicable provisions of this Section have been complied with by the applicant and such compliance has been certified by the Sanitarian and a valid occupancy permit has been issued by the Building Inspector, the Sanitarian shall issue a permit to operate upon the payment of a fee as listed in Section 3.40. Every such permit shall expire on the last day of December.
- F. Kennels shall be operated in accordance with Section 7.6 of the Municipal Code (as amended).
- G. The number, size, location, and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling, and pet waste removal and disposal shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

SECTION 2: Section 1 of the Conditions and Restrictions is renumbered (was Section 2 in Ord. 2399), and amended to include the legal description of the property.

SECTION 3: Section 2 of the Conditions and Restrictions is renumbered (was Section 1 in Ord. 2399), and Section 2A is amended to read "All requirements of the City of Oak Creek Municipal Code, as amended, are in effect."

SECTION 4: Section 2 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 4, PARKING AND ACCESS.

SECTION 5: Section 3 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 5, LIGHTING.

SECTION 6: Section 4 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 6, BUILDING AND PARKING SETBACKS.



SECTION 7: Section 5 of the Conditions and Restrictions in Ord. 2399 is stricken (covered by the new Section 2A).

SECTION 8: Section 6 of the Conditions and Restrictions in Ord. 2399 is moved to Section 3, SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS.

SECTION 9: Section 7 of the Conditions and Restrictions in Ord. 2399 is stricken (covered by the new Section 2A).

SECTION 10: Section 8 of the Conditions and Restrictions in Ord. 2399 is moved to Section 3A.

SECTION 11: Section 9 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 7, TIME OF COMPLIANCE. Section 9 is amended as follows:

**VIOLATIONS & PENALTIES:** Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

SECTION 12: Section 10 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 8, OTHER REGULATIONS.

SECTION 13: Section 11 of the Conditions and Restrictions in Ord. 2399 is renumbered to Section 10, REVOCATION. Section 11 is amended as follows:

**ACKNOWLEDGEMENT:** The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

SECTION 14: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 15: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 16: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 17: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

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President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

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Mayor

ATTEST:

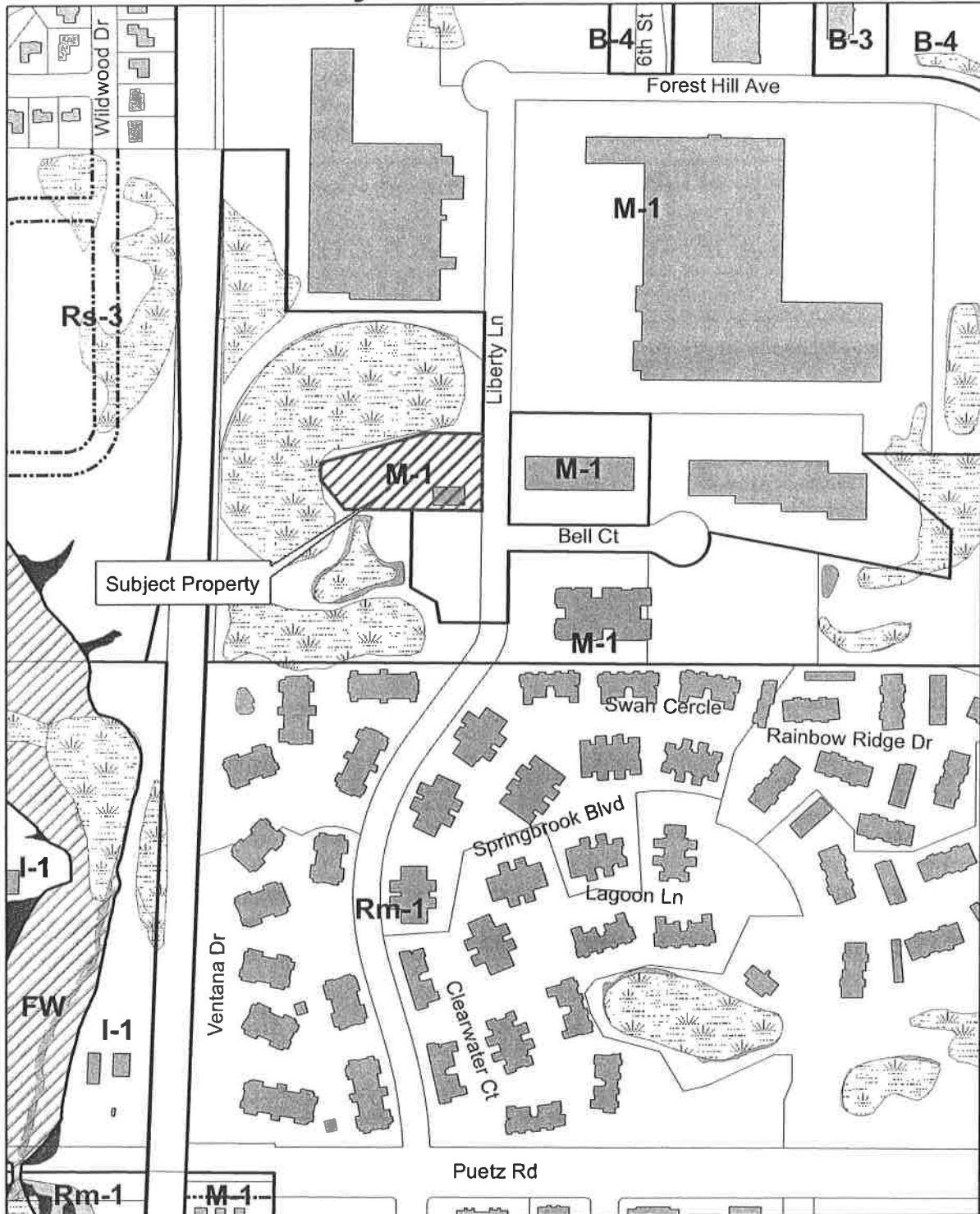
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City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map

## 8411 S Liberty Ln



This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

- Officially Mapped Streets
- Subject Property
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Brett Ippolite, Camp Bow Wow, for an amendment to the existing Conditional Use Permit to allow additional dogs on the property as part of the dog daycare and kennel operations affecting the property located at 8411 S. Liberty Lane.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 p.m.  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Brett Ippolite, Camp Bow Wow  
**Property Owner:** DDA Oak Creek, LLC c/o Brett Ippolite  
**Property Location(s):** 8411 S. Liberty Lane  
**Tax Key(s):** 828-0001-000

**Legal Description:**

LIBERTY WOODS SUBD. LOT 1 (1.609 ACS.) SE 1/4 SEC 17-5-22.

The Common Council has scheduled other public hearings for August 6, 2018 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 766-7000, during regular business hours.

Date of Notice: June 27, 2017  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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# THE W-T GROUP, LLC

## CIVIL ENGINEERING DIVISION

2675 PRATUM AVENUE | HOFFMAN ESTATES, IL 60192

PH: (224) 293-6333 | [WWW.WTENGINEERING.COM](http://WWW.WTENGINEERING.COM)

May 24, 2018

City of Oak Creek  
8040 S. 6<sup>th</sup> Street  
Oak Creek, WI 53154

Attn: Ms. Kari Papelbon, CFM, AICP

Re: Camp Bow Wow Business Operations  
8411 S. Liberty Lane  
Oak Creek, WI 53154

Dear Ms. Papelbon:

Below is a narrative which describes the business operations for the new Camp Bow Wow project located at 8411 S. Liberty Lane in Oak Creek, Wisconsin.

### MAINTENANCE AND OPERATIONS

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner. Camp Bow Wow® (CBW) Oak Creek will have five (5) indoor play yards (IPY) and five (5) outdoor play yards (OPY). Each of the five (5) OPYs will have a 10gal galvanized metal solid waste can with lid; and lined with a medium to heavy duty plastic bag. There will also be a 10gal galvanized metal solid waste can with lid and bag liner in the Groom Room and Prep Room. There will also be a rolling janitorial type cart with medium to heavy duty waste bags for use in cleaning the cabin areas.

For the play yards, solid waste is collected immediately and dispensed into the OPY waste can or in the PowerLoo (in floor toilet) system if installed in the Camp. Any excess solid waste and urine will be mopped up using veterinary grade chemicals. For the cabins, Day Camp cabins are swept and mopped each day with an additional deep clean throughout the week, while overnight Cabins are deep cleaned between all Campers. Solid waste from these cleanings is collected and dispensed into the waste bag on the janitorial cart and transported to the onsite dumpster for disposal.

CITY OF OAK CREEK

MAY 25 2018

RECEIVED

CBW policy is that no 10gal waste can is to get more than half full and are to be emptied at a minimum of twice per day and more often depending on activity of the Camp. The collected waste can bags are disposed of in an onsite dumpster that is emptied weekly.

---

### ONE SOURCE. INFINITE SOLUTIONS.

CIVIL ENGINEERING | STRUCTURAL ENGINEERING | ACCESSIBILITY CONSULTING  
MECHANICAL/ELECTRICAL/PLUMBING ENGINEERING | LAND SURVEYING  
COMMUNICATIONS DESIGN | CONSTRUCTION | AQUATIC DESIGN | PROJECT MANAGEMENT

- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.  
The Owner will ensure all areas requiring snow removal are cleared of snow and will investigate hiring landscaping/snow removal contractor.
- C. There shall be no outside storage of materials, equipment, or sales and/or service vehicles. All materials, equipment, and service trucks must be stored indoors.  
CBW Oak Creek will have no sales or service vehicles as part of its operations. All materials and equipment will be stored inside facility or within enclosed OPYs.
- D. The use of the outdoor play area shall be limited to the hours between 6.30 A.M. to 8:00 P.M.  
CBW Oak Creek hours of operation will be as follows:  
6:30 AM to 7:00 PM Monday thru Saturday and  
6:30 AM to 10:00 AM and 4:00 PM to 7:00 PM on Sundays.
- E. There shall be no more than fifty (50) dogs at the dog day care facility at any given time. The Owner of CBW Oak Creek has an existing Camp (CBW Waukesha) in Waukesha County, Wisconsin about 20 miles from the proposed Oak Creek location at 1707 Paramount Court, Waukesha, WI 53186. CBW Waukesha is approximately 6480 SF and the floor plan is designed similar to CBW Oak Creek; and provides daycare and boarding to a maximum of 108 dogs.

CBW Oak Creek requests an exception to the fifty (50) dogs at the dog day care facility at any given time and requests a maximum of 137 dogs.

CBW Oak Creek is premier dog day care and boarding franchise offering day care via five (5) large indoor play yards (approx. 1965 SF) and five (5) outdoor play yards (approx. 2094 SF) and boarding via 73 4x4 and 4x6 boarding cabins, three (3) 6x8 family cabins and six (6) high-end Luxury Suites that will be used to house dogs for day care and boarding dogs for longer periods of time depending on pet parent's needs.

CBW Franchise policy for Camp Counselor to dog ratio is 1:25 (1 counselor for every 25 dogs) in the indoor/outdoor play yards during Camp hours of operations. The maximum number of dogs that would be permitted in Camp during hours of operation will NOT exceed 137 dogs; derived based on total building size of 8190 SF divided by 60SF per dog = 136.5 dogs. Rounded up to 137 dogs per day.

Additionally, for the health, welfare and safety of all employees and day care/boarding dogs in the Camp, CBW Franchise Corp requires the following:

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ONE SOURCE. INFINITE SOLUTIONS.



**CBW Franchise Corp Mechanical Design Criteria:**

CBW Franchise Corp mechanical design criteria requires that all Camps MUST install an HVAC system meeting local and state kennel requirements and MUST have separate temperature controls for front of Camp (Lobby/Reception, offices, etc.) and for back of Camp (boarding and indoor play yards). All thermostats must be programmable with automatic change over from Heat to Cool and support the following conditions:

– Outdoor Conditions: ASHREA 1% design temperature.

– Indoor Conditions:

- Front of Camp –
- 74 degrees Fdb/50%RH Summer
- 70 degrees Fdb/20%RH Winter
- Back of Camp –
- 75 degrees Fdb/60%RH Summer
- 68 degrees Fdb/20%RH Winter.

**CBW Franchise Corp Security and Alarm Requirements:**

Additionally, for the safety of all employees and day care/boarding dogs, CBW requires each Camp have a complete perimeter protection, meaning all doors and windows must be alarmed. Doors require position switches and motion sensors are preferred in the lobby and office area. The Camp's fire and security alarm systems MUST be monitored 24x7x365.

- Carbon Monoxide detection is required in the back of Camp if the building has natural gas service.
- Smoke detection is required throughout the building.
- Fire alarm system must be tied into any Detex V40xEE delayed egress devise.
- Must install at least one mechanical Hi/Low temperature sensor (many Camps install 2+ sensors) in a place that is visible in the back of Camp and installed 48" O.C. A.F.F. on a demising wall. The sensor(s) must be visible to the Camp staff and public when on tour and be monitored 24x7x365 by the Camp's security alarm company. The sensor(s) MUST be set for 64 degrees on the low end and 78 degrees on the high end at all times; and send an alert to security company whenever the back of Camp environment falls below 64 degrees or rises above 78 degrees +/-2 degrees.

**Webcam System:**

CBW Franchise Corp requires each Camp to install one web camera in each indoor and outdoor play yard, lobby, TeaCup room, luxury suite, groom room and prep room. Views of the webcams must be displayed on a flat Screen TV mounted in the lobby viewable to reception staff. All webcams are also web-based accessible and viewable 24x7 by each pet owner whether their dog be in the Camp for day care or boarding. Additionally, the Camp MUST have a "Pupupdate" messaging system in back of Camp requiring 2+ large monitors in the indoor play yards, that audibly and visually notifies Camp staff of new pet arrivals and pet departures. The Pupupdate system assists the Camp staff digitally and accurately to keep track of daycare and boarding dogs during hours of operation.

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- F. This operation shall meet all provisions of Section 7.6 of the Municipal Ordinance regarding Kennels, Pet Stores, and Grooming Establishments.

CBW Oak Creek has read, understands and will comply with all applicable provisions as specified in Section 7.6 of the Municipal Ordinance regarding Kennels, Pet Stores and Grooming Establishments.

### SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. See the attached examples of CBW Franchise Corp approved building and monument signage options.

Attachment for Signs.



CITY OF OAK CREEK

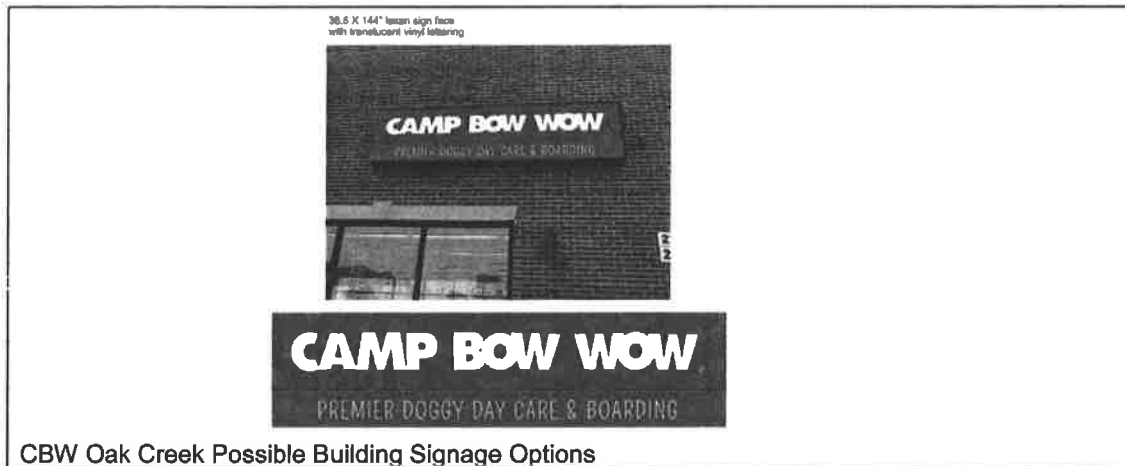
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Please feel free to contact me if you have any questions or comments.

Respectfully Submitted,

Todd Abrams, PE, CFM  
President

CITY OF OAK CREEK

MAY 25 2018

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THE W-T GROUP, LLC  
CIVIL ENGINEERING DIVISION  
ONE SOURCE. INFINITE SOLUTIONS.



June 14<sup>th</sup>, 2018

Dear Ms. Papelbon,

Camp Bow Wow® is a long-standing dog boarding, daycare, grooming, and training franchise that currently has 153 operating locations throughout North America. Safety is our priority and Camps are required to have the following features:

- Ambient temperature control
- Fire and security alarm system
- Motion detectors
- Camera system on and functional 24/7

Camp Bow Wow® offers large boarding spaces (referred to as Cabins) for each dog staying overnight and only boards dogs together who currently live together in the same home. We don't have an overnight staff in the building because we want the dogs to have a full night's sleep after a day of playing. Staff members present would disrupt their sleep and not allow them the full rest they need. There are also staff members nearby to come to Camp in the event any alert system is triggered.

The max capacity of dogs refers to the max number of both overnight boarding dogs and day camp dogs in the building at the same time. Therefore, the number is more than the dogs that would be able to spend the night.

Brett Ippolite is a Franchise Owner in good standing and already owns and operates another Camp Bow Wow® location.

Should the Plan Commission have further questions or concerns, please don't hesitate to reach out.

Sincerely,

Erin Askeland  
Animal Health & Behavior Consultant  
Camp Bow Wow Franchising, Inc.  
[easkeland@cbwcorp.com](mailto:easkeland@cbwcorp.com)  
720-259-2930

**DRAFT MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JUNE 26, 2018**

**CONDITIONAL USE AMENDMENT  
CAMP BOW WOW  
8411 S. LIBERTY LN.  
TAX KEY NO. 828-0001-000**

Planner Papelbon provided an overview of the amendment to the existing conditional use permit. (See staff report for details.)

Mayor Bukiewicz stated his concern about the proposed capacity of 137 dogs at this facility.

Leah Bouchart, 8411 S. Liberty Lane, Oak Creek, WI, camp director for the Waukesha location, stated that they are slated to have 108 dogs at their facility as there are a lot of people that need this service. The location in Oak Creek is going to be larger than the one in Waukesha. This location is going to have an additional play yard for a total of 5 indoor and 5 outdoor play yards. This will be 2,000 SF larger than the Waukesha location. Waukesha is at 108 dogs; with the additional space in Oak Creek, they can comfortably house 137 dogs. That is the maximum capacity. The number of suites for overnight care is at 70 spaces. They would never likely house over 80 dogs a night and that is at booked capacity. This number includes daycare and boarding. The capacity is often reached at the Waukesha location and that is why they are seeking additional space. The larger space in Oak Creek will allow them to accommodate more dogs as needed. Also, being close to the airport is an advantage.

Commissioner Correll asked what the capacity is based on. Planner Papelbon responded that they based it on interior space because there will not be any outdoor boarding. There will be periods of time when dogs are rotating in and out, so the interior square footage is what staff was using for calculations. The 60 SF per dog calculation came from the submitted narrative. The interior square footage is an estimate based on the general interior floorplan. The 108 came from the narrative supplied saying what was similar to Waukesha. The calculation of 62 dogs is based on the interior calculations. The calculation for that is taking the additional interior space that may be devoted to kenneling and that is because staff does not have those calculations/measurements. The 137 number is a round-up based on the entire square footage of the facility.

Ms. Bouchart stated that they are a year-round facility. The dogs have access to the inside and outside the entire time that the facility is open. There are boarding dogs that go in the cabins for specified meal breaks and daycare dogs that are out in the play yards all day long. There are 5 play yards with roughly 25 dogs per play yard. That is corporate mandated and there is one camp counselor to every 25 dogs. The 137 capacity includes the daycare dogs.

Planner Papelbon stated that calculations are based on just interior space. The figure that she quoted for 3700 SF is probably a little bit low. That is because that was based on the number of kennels. The actual number is probably higher than that, which is why staff is comfortable with the 108 that was recommended in the Waukesha example. Planner Papelbon asked if there is inclement weather, where the 137 dogs would go. Ms. Bouchart responded that when inclement weather occurs, 99% of the time, they are not at capacity because people are

choosing to keep their dogs at home because they are home. There are the cabins, and the indoor yards can get shut. There are also luxury suites, which are 8' x 7' interior rooms that have cameras in them, so the owners can check up on their dogs 24/7 to see how they are doing. There is a grooming area, the offices, the bathrooms, the lobby; it is not necessarily where they would stay without staff, but during inclement weather, they go in those places with staff. There is one staff person for every 15 dogs in the building and 1 to 25 dogs in the play yards. There is also additional staff out of the play yards helping move dogs as needed if there was an emergency or during inclement weather.

Planner Papelbon stated that if the addition is roughly 5100 SF and the luxury suites are 8' x 7' and there are going to be six of those, that means there is approximately 5,487 SF for an addition for dog space, interior only. When divided by the 60 SF required per dog, the number is already up to 91 dogs. That is only interior space devoted to dogs.

Ms. Bouchart stated that the 137 number corporate is comfortable with. She stated she would contact corporate and get another letter about those facilities.

Planner Papelbon stated that there is one more update to the math. If the outdoor play areas are included, that adds some square footage, and 126 dogs would be allowed for the interior and exterior space for the dogs only.

Commissioner Hanna stated she would only be comfortable with 108 regardless of square footage. Unfortunately for all of us we live in Wisconsin, so there are only three months out of the year, maybe four that the weather would be nice and people travel. Even if the weather is inclement, people travel so they are not at the luxury of coming home and picking up their dogs.

Commissioner Johnston stated there might be some confusion as to space for overnight and space for dogs during the daytime. If the 60 SF per dog is boarding space, we're talking a maximum of 80 dogs to board there. The 137 is feasible is corporate is okay with that and the dogs are running around in play spaces.

Ms. Bouchart stated that they have no problem if they see inclement weather coming shutting down the daycare portion of their business and just accepting the boarding dogs. Commissioner Johnston stated that there are 70 kennels plus the inside areas that they can be using to accommodate that amount of dogs.

Planner Papelbon explained that if the Plan Commission wanted to split out the number of dogs that can be there for a daycare facility as opposed to boarding, staff can do that with direction of the Plan Commission.

Commissioner Correll asked if there is a boarding number. Ms. Bouchart responded that if there are 70 cabins with one in every cabin, there are 70 boarding dogs. There are families that have more than one dog and they want them boarding together, so there may be three in a cabin.

Planner Papelbon stated that based on the kennel sizes, the 60 SF is a general daytime and not a kenneling situation.

Commissioner Correll stated the location is right for this type of use and the City has a need for this.

Commissioner Correll asked Planner Papelbon if he were to propose a change to the restrictions, where would they include the daytime and boarding numbers. Planner Papelbon responded on page 2 of 5 of the conditions and restrictions under Section 3, Site and Use Restrictions Maintenance and Operation Requirements, letter D there shall be no more than 108 dogs at the facility at any one time. Ms. Bouchart stated that it is difficult to do a boarding/daycare number because if she only has 20 boarding dogs, then they can take 110 daycare dogs. If she has 80 boarding dogs, they can take way less daycare dogs. Ms. Bouchart stated she would be comfortable with a maximum number for both the boarding and the daycare. Planner Papelbon stated that if they give her the maximum boarding and the maximum total, she will say that the Plan Commission has changed the conditions and restrictions. It isn't necessary to specify that in the motion as long as everyone is clear on what D is going to say. Commissioner Correll stated his proposal would be a maximum number of 80 boarded dogs or 125 dogs total on a daily basis. Commissioner Correll stated he is okay with the 85 boarded dogs and a maximum of 125 dogs.

Commissioner Hanna stated that she is not okay with stuffing dogs in cabins just because they want to get numbers. Ms. Bouchart stated that that is not what they do. She majored in animal behavior at Carroll University, has four dogs of her own and safety is number one. All dogs go through the interview process so there are not aggressive dogs. It is not the place for every dog. Of her four dogs, one of them doesn't do well at camp. They are not about the money. It is about dogs having fun and the owners having a safe place for the dogs to go. They have live web cams that owners can watch their dogs while they are there. They want to be able to provide an environment that they can do that and give owners a place that they can trust. She does not have a problem dismissing dogs from camp if they start to develop behavior problems or if they start to get extra nervous. She doesn't want them there because it stresses them out. They are all about safety and she would never cram dogs in nor will they be shoved in random places. When there is inclement weather, they will shut down and make sure that there are spaces to monitor everyone. She is not putting dogs in cabins just so that she can reach their maximum capacity. The dogs are not just put in cabins to get them in the door so they can make money.

Commissioner Hanna stated that 80 is her maximum for boarding and 125 total. Commissioner Correll suggested leaving it at 80 and 125.

Commissioner Correll moved that the Plan Commission recommends the Common Council approve a Conditional Use Permit Amendment for the property at 8411 S. Liberty Lane, after a public hearing. Commissioner Johnston seconded. On roll call: all voted aye. Motion carried.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

June 21, 2018  
\_\_\_\_\_  
Date

**City of Oak Creek – Conditional Use Permit (CUP)**  
**DRAFT Amended Conditions and Restrictions**

<b>Applicant:</b> Brett Ippolite, Camp Bow Wow	<b>Approved by Plan Commission:</b> 6-26-18
<b>Property Address:</b> 8411 S. Liberty Ln.	<b>Approved by Common Council:</b> TBD
<b>Tax Key Number(s):</b> 828-0001-000	(Ord. 2904, Amending Ord. 2399)
<b>Conditional Use:</b> Animal Boarding Kennel / Dog Day Care with Outdoor Exercise Area (increased max dogs allowed)	

1. LEGAL DESCRIPTION

LIBERTY WOODS SUBD. LOT 1 (1.609 ACS.) SE 1/4 SEC 17-5-22.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
  - i) Location
  - ii) Number of employees
  - iii) Number of unit & surface spaces
  - iv) Dimensions
  - v) Setbacks
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s), square footage and height of sign(s) and fencing

2) **Landscape Plan**

- a) Screening plan
- b) Number, initial size and type of plantings
- c) Parking lot screening/berming & buffer yard landscaping

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction

B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.

C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

D. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. One (1) animal boarding kennel/dog day care with outdoor exercise area in accordance with these Conditions and Restrictions is allowed on the property. Other uses permitted by the zoning district, in accordance with other applicable Sections of the City of Oak Creek Municipal Code and these Conditions and Restrictions, are also allowed on the property.
- B. Outdoor storage is limited to fenced outdoor play areas approved by the Plan Commission, as shown in Exhibit A. Outdoor storage of materials, other vehicles (e.g., service trucks, personal vehicles, and recreational vehicles), equipment, supplies, and merchandise is prohibited.
- C. The use of the outdoor play area shall be limited to between 6:30 AM and 8:00 PM. The facility is permitted to operate 24 hours per day, 7 days per week.
- D. There shall be no more than 125 dogs at the facility at any one time, and no more than 80 dogs boarded overnight at the facility. The maximum number of allowed dogs at the facility at any given time shall revert back to the original approval of 50 should the proposed addition to the building in Exhibit A not be constructed.
- E. Per Section 7.61 of the Municipal Code (as amended): No person shall operate a kennel unless he holds a valid license authorized by the Common Council of the City of Oak Creek. When all applicable provisions of this Section have been complied with by the applicant and such compliance has been certified by the Sanitarian and a valid occupancy permit has been issued by the Building Inspector, the Sanitarian shall issue a permit to operate upon the payment of a fee as listed in Section 3.40. Every such permit shall expire on the last day of December.
- F. Kennels shall be operated in accordance with Section 7.6 of the Municipal Code (as amended).
- G. The number, size, location, and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling, and pet waste removal and disposal shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).

5. LIGHTING

All plans for new outdoor lighting for each stage of the development shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0808 of the Municipal Code (as amended).

6. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40 ft	20 ft	20 ft

Accessory Structure(s)*	40 ft	5 ft	5 ft
Off-street Parking	40 ft	5 ft	5 ft

\* No accessory structures shall be permitted in the front yard or in required buffer yards.

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these conditions and restrictions for the Conditional Use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, ordinances, and orders not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the city shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 14 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

10. REVOCATION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

11. ACKNOWLEDGEMENT

The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

\_\_\_\_\_  
Owner / Authorized Representative Signature

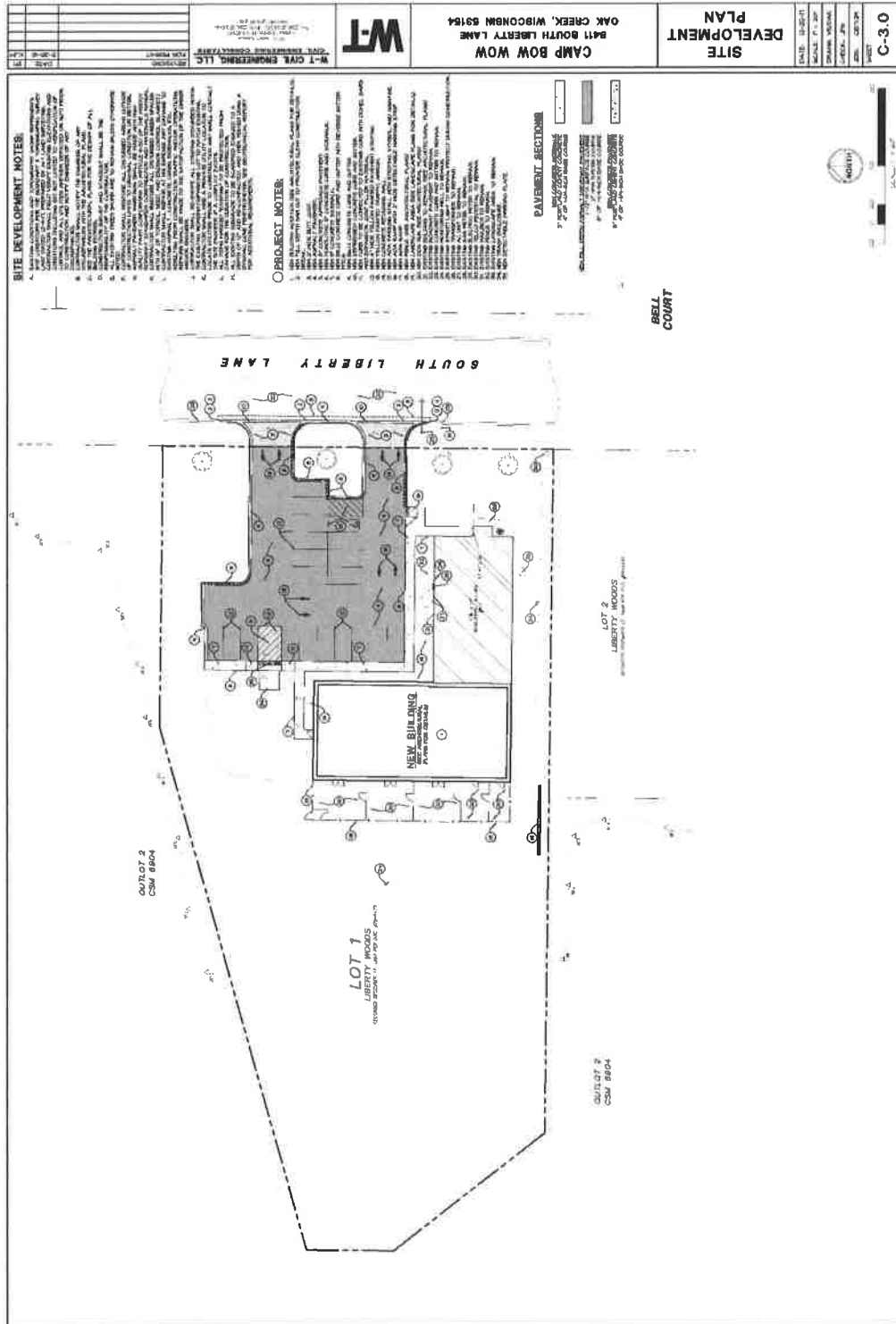
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Date

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(please print name)

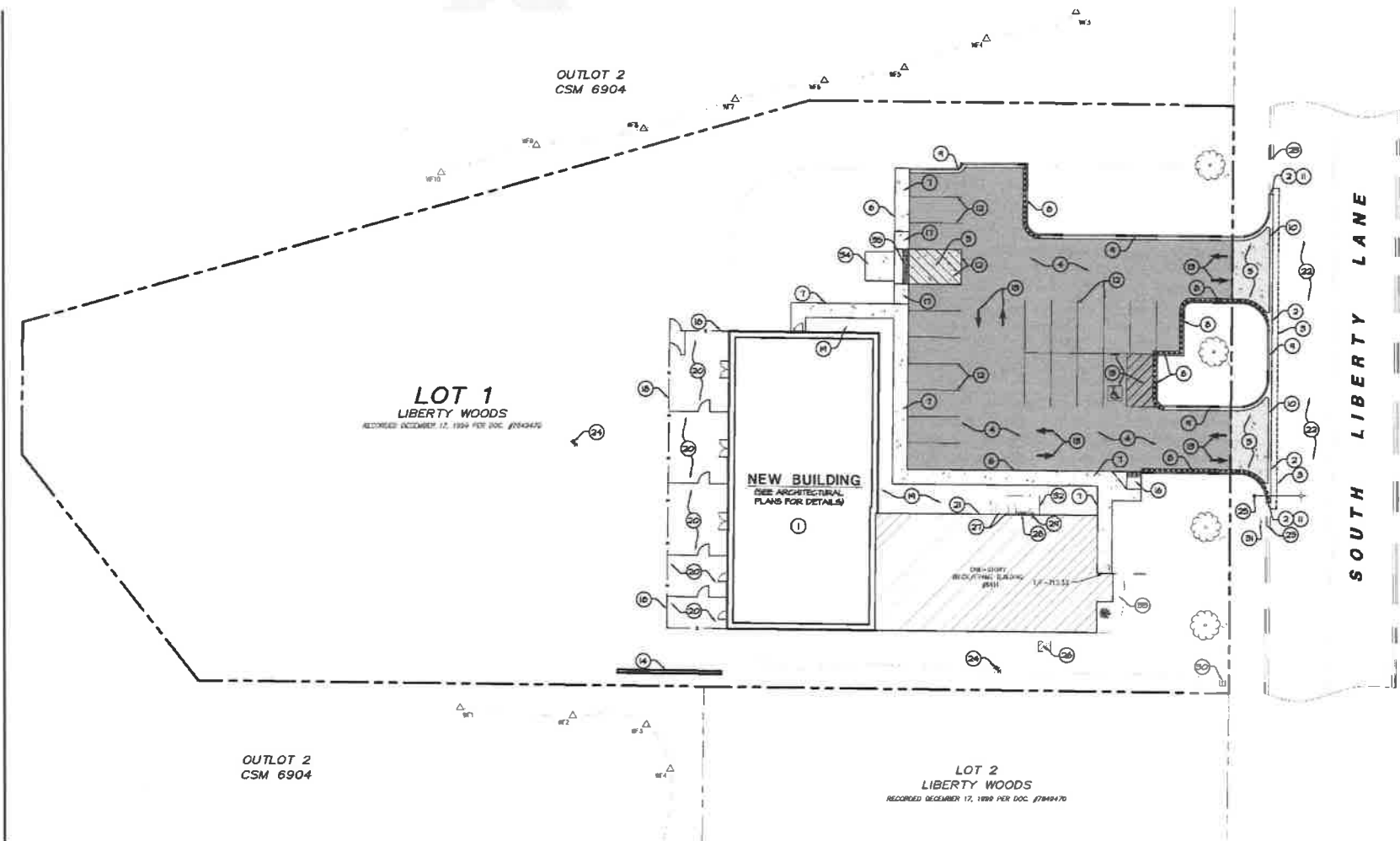


## EXHIBIT A: CONCEPT SITE PLAN

(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)



**EXHIBIT A: CONCEPT SITE PLAN (ENLARGED)**



OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a proposed amendment to Sec. 17.0325 to specify and clarify permitted and conditional uses within a Planned Unit Development, and to renumber subsequent subsections of the Code.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Proposal:** The proposed Code Amendment for Sec. 17.0325 would specify and clarify uses that are considered permitted and conditional within the context of a Planned Unit Development (PUD) review. Below is the proposed text:

- (a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) Conditional Uses. Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:
  - (1) Uses Requested – The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.
  - (2) Compliance with Code – Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.
  - (3) Recommendation – The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

The existing text of Sec. 17.0325 of the Municipal Code can be found on the City’s website at [www.oakcreekwi.org/your-government/municipal-code](http://www.oakcreekwi.org/your-government/municipal-code). Any person(s) with questions regarding the proposed changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: July 11, 2018

CITY OF OAK CREEK COMMON COUNCIL

By: Dan Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6<sup>th</sup> St., Oak Creek, WI 53154.

## COMMON COUNCIL REPORT

**Item:** Text Amendment - Planned Unit Development Allowed Uses

**Recommendation:** That the Council adopts Ordinance 2907, an ordinance to repeal and recreate Section 17.0325 of the Municipal Code to specify and clarify permitted and conditional uses within a Planned Unit Development, and to renumber subsequent sections accordingly.

**Fiscal Impact:** No direct fiscal impact will occur with approval of the proposed Text Amendment; however, approval will allow for clarity in the creation of Planned Unit Developments and their related Conditions and Restrictions. Approval will also directly affect the proposed Manufacturing Planned Unit Development for Ryan Business Park at the southeast corner of Ryan Rd. and 13<sup>th</sup> St., of which the properties will be contained in the proposed TID 16.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

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**Background:** City staff are initiating a zoning text amendment for Plan Commission and Common Council consideration to both specify and clarify uses that are considered permitted and conditional within the context of a Planned Unit Development (PUD) review. Currently, Section 17.0325(a) of the Code states:

Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development

However, no such specifications are included in this Section of Code regarding conditional uses. Staff is proposing to amend the text to the following:

(a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall

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comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

(b) Conditional Uses. Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:

(1) Uses Requested – The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.

(2) Compliance with Code – Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.

(3) Recommendation – The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

The proposed language provides clear direction to applicants, consultants, staff, the Plan Commission, and the Common Council regarding PUD allowed uses. The Plan Commission reviewed the proposal at their meeting on July 10, 2018 and recommended Council approval.

**Options/Alternatives:** Council has the discretion to approve, approved with amendments, or not approve the proposed Zoning Text Amendment. Disapproval of the proposal may affect future proposals for Planned Unit Developments within the City, up to and including loss of potential projects and the existing conditions of undeveloped or underutilized parcels to remain.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:

  
Bridget M. Souffrant  
Finance Director/Comptroller

Approved:

  
Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ordinance 2907

Hearing Notice

Section 17.0325

Plan Commission Minutes

ORDINANCE NO. 2907

BY: \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 17.0325 OF THE MUNICIPAL CODE REGARDING PERMITTED AND CONDITIONAL USES WITHIN A PLANNED UNIT DEVELOPMENT

The Common Council of the City of Oak Creek does hereby ordain as follows:

SECTION 1: Section 17.0325 of the Municipal Code is hereby amended to read as follows:

- (a) **Permitted Uses.** Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) **Conditional Uses.** Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:
  - (1) **Uses Requested –** The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.
  - (2) **Compliance with Code –** Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.
  - (3) **Recommendation –** The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

SECTION 2: All subsequent sections are renumbered as in the table below:

<b>Existing Section</b>	<b>Renumbered Section</b>
Sec. 17.0325(b)	Sec. 17.0325(c)
Sec. 17.0325(c)	Sec. 17.0325(d)
Sec. 17.0325(d)	Sec. 17.0325(e)
Sec. 17.0325(e)	Sec. 17.0325(f)
Sec. 17.0325(f)	Sec. 17.0325(g)
Sec. 17.0325(g)	Sec. 17.0325(h)
Sec. 17.0325(h)	Sec. 17.0325(i)
Sec. 17.0325(i)	Sec. 17.0325(j)



SECTION 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 6<sup>th</sup> day of August, 2018.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
President, Common Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_ Noes \_\_\_\_

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK COMMON COUNCIL**

**PURPOSE:** The purpose of this public hearing is to consider a proposed amendment to Sec. 17.0325 to specify and clarify permitted and conditional uses within a Planned Unit Development, and to renumber subsequent subsections of the Code.

**Hearing Date:** August 6, 2018  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Proposal:** The proposed Code Amendment for Sec. 17.0325 would specify and clarify uses that are considered permitted and conditional within the context of a Planned Unit Development (PUD) review. Below is the proposed text:

- (a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) Conditional Uses. Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:
  - (1) Uses Requested – The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.
  - (2) Compliance with Code – Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.
  - (3) Recommendation – The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

The existing text of Sec. 17.0325 of the Municipal Code can be found on the City's website at [www.oakcreekwi.org/your-government/municipal-code](http://www.oakcreekwi.org/your-government/municipal-code). Any person(s) with questions regarding the proposed changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: July 11, 2018

CITY OF OAK CREEK COMMON COUNCIL

By: Dan Bukiewicz, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000 or write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6<sup>th</sup> St., Oak Creek, WI 53154.

## PUD DISTRICT

### SEC. 17.0325 PUD PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district.

- (a) **Permitted Uses.** Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) **Minimum Area Requirements.** Areas designated as Planned Unit Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

	Principal Uses	Minimum Area of PUD
a.	Residential PUD	10 acres
b.	Commercial PUD	10 acres
c.	Industrial PUD	20 acres
d.	Mixed Compatible Use	20 acres

- (c) **Procedural Requirements.**
  - (1) **Pre-Application Conference.** Prior to the official submission of the application for the approval of a Planned Unit Develop-

ment Overlay District, the owner or his agent making such application shall meet with the City Plan Commission staff to discuss the scope and proposed nature of the contemplated development.

- (2) **Application.** Following the pre-application conference, the owner or his agent may file an application with the Department of Community Development for approval of a Planned Unit Development Overlay District. Such application shall be accompanied by a filing fee, as required by Section 3.40 of the Municipal Code of the City of Oak Creek, and the following information:

- a. A statement which sets forth the relationship of the proposed PUD to the City's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including, but not limited to, the following information:
  - 1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
  - 2. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
  - 3. A general outline of the organizational structure of a property owners' or management association, which may be proposed to be established for the purpose of providing any necessary private services.
  - 4. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
  - 5. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted. A statement indicat-

ing the type of Federal or State program being used to provide a subsidy or less-than-market rents for the units proposed.

- b. A general development plan including, but not limited to:
  1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
  2. The location of public and private roads, driveways, and parking facilities.
  3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
  4. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
  5. The type, size, and location of all structures.
  6. General landscape treatment.
  7. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
  8. The existing and proposed location of public sanitary sewer and water supply facilities.
  9. The existing and proposed location of all private utilities or other easements.
  10. Characteristics of soils related to contemplated specific uses.
  11. Existing topography on the site with contours at no greater than two (2) foot intervals.
  12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
  13. Anticipated phasing of the development, if applicable.
- (3) Referral to Plan Commission. The application for a Planned Unit Development Overlay District shall be referred to the City Plan Commission for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate. For such an application, property owners within 300 feet of the subject property, or more if requested by the Alderman of the district, will be sent a notice of the meeting

at which it will be discussed. In addition to the notice, a copy of the staff review will be sent; which will provide an explanation of the proposal, as well as the staff recommendation. As soon as is practical following the meeting, the Plan Commission, through its Corresponding Secretary, shall report its findings and recommendations to the Common Council; which may be a recommendation for approval, approval with conditions or denial of the application.

- (4) Common Council Public Hearing. Following the Plan Commission public hearing and the formulation of the Plan Commission recommendation, the Common Council shall hold a public hearing pursuant to the requirements of Sections 17.1200 and 17.1300 of this Chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District. Following the public hearing, the Common Council shall decide whether the Planned Unit Development Overlay District application is to be granted or denied.
- (d) Basis for Approval of the Application.
  - (1) The City Plan Commission in making its recommendation and the Common Council in making its determination, shall consider:
    - a. That the applicants for the proposed Planned Development Overlay District have indicated that they intend to begin and complete the physical development of the PUD within a time frame approved by the Common Council, after recommendation by the Plan Commission.
    - b. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Chapter; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
    - c. The constraint or burden that will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
    - d. All property to be included in a Planned Unit Development Overlay

District shall be held in single ownership. However if there is more than one (1) owner, the applicants shall create a property owners association; whose responsibility it shall be to agree upon any plan prior to it being presented to the Plan Commission for approval and, thereafter, shall be the responsible entity for the maintenance of the exterior of all buildings, as well as all common areas within its Planned Unit Development Overlay District. The by-laws of this association, which contain its duties and responsibilities, shall be first approved by the Plan Commission and shall be written so that all subsequent amendments shall also have to be approved by the Plan Commission before they can take effect.

- e. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
  - f. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - g. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the City.
  - h. Public water and sewer facilities shall be provided.
  - i. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
- (5) That in the case of a proposed residential Planned Unit Development Overlay District:
- a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
  - b. The total net residential density within the Planned Unit Development Overlay District will be consistent with development permitted in the

underlying basic use district. The district area, width, and yard requirements of the underlying basic use district may be modified, however, in no case shall the average density in the district exceed the number of dwelling units that would have been permitted on that amount of land if the PUD Planned Unit Development Overlay District regulations had not been utilized. This allows for transfer of density within a site, but not an increase in density.

- c. Each residential planned unit development, having more than one property owner involved and featuring common open space or other common improvements, shall be managed by a Property Owners' Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall be included with the PUD application; which shall initially be approved by the Plan Commission as well as any subsequent amendments thereto.
- (6) That in the case of a proposed commercial Planned Unit Development Overlay District:
- a. The proposed development will be adequately served by off-street parking and truck service facilities.
  - b. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - c. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with the surrounding neighborhood.
  - d. Each commercial planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall

- be included with the PUD application.
- (7) That in the case of a proposed industrial Planned Unit Development Overlay District:
    - a. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and development design and will not result in adverse effect upon the surrounding neighborhood.
    - b. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
    - c. Each industrial planned unit development featuring common open space or other common improvements shall be managed by a Property Owner's Association, or other appropriate management mechanism, to assure that any common facilities are properly maintained. A copy of the by-laws of the management association shall be included with the PUD application.
  - (e) Determination. The Common Council, after due consideration, may deny the application, approve the application as submitted, or approve the application subject to additional conditions and restrictions; including but not limited to, beginning and completing the physical development of the PUD within a time frame approved by the Common Council, after recommendation by the Plan Commission and that the City shall be a part of the approval process for any amendment to the by-laws of the Property Owners' Association. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the City Council. The approval of a planned unit development, and the attendant conditions of approval, shall be applicable to the developer, his heirs, successors, or assigns.
  - (f) Existing Planned Developments. All properties with planned development zoning, on the effective date of this Chapter, which remain planned developments after the effective date of this Chapter are hereby declared to be conforming planned developments. Such planned developments shall be subject to the regulations contained in the resolution or ordinance which authorized and approved the planned development.
  - (g) Changes and Additions Prior to Final PUD Approval. Any change or addition to the plans or uses prior to the issuance of an occupancy permit shall first be submitted for approval to the City Plan Commission and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 17.1300 of this Chapter, and said proposed alterations shall be submitted to the Common Council for approval after a public hearing.
  - (h) Subsequent Land Division. The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the City and when such division is contemplated, a subdivision plat or certified survey map, as may be appropriate, of the lands to be divided shall accompany the application for PUD approval.
  - (i) Changes and Additions to the PUD After Final Approval.
    - (1) Any change in occupancy within an approved planned unit development project shall be administered in the same manner as a change in occupancy in a basic use district as set forth in Section 17.1006 of this Chapter. A certificate of compliance shall not be issued to a use that is not consistent with conditions placed on approval in any PUD district.
    - (2) Any addition to a planned unit development in years subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings required by this section.

**SEC. 17.0326 ADJUSTMENTS TO MINIMUM AREA REQUIREMENTS.**

The purpose of this section is to allow adjustments to the minimum area requirements for the creation of a Planned Unit Development (PUD) district. Reducing the minimum area requirements, where justified, will allow for the more efficient development of certain properties that are less likely to develop under a conventional zoning district due to such limiting factors as shape, size and accessibility. The Plan Commission may recommend approval to the Common Council of a request for a PUD district on a property, that does not meet the minimum area requirements as

**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, JULY 10, 2018**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Johnston, Commissioner Carrillo, Commissioner Loreck, Alderman Guzikowski, and Commissioner Siefert. Commissioner Correll and Commissioner Chandler were excused. Also present: Kari Papelbon, Planner; Pete Wagner, Zoning Administrator; and Community Development Director Doug Seymour.

**ZONING TEXT AMENDMENT  
CITY ZONING ORDINANCE (SECTION 17.0325)  
PERMITTED AND CONDITIONAL USES IN A PLANNED UNIT DEVELOPMENT**

Planner Papelbon provided an overview of the request for this zoning text amendment as it pertains to planned unit developments. Below is the proposed language:

- (a) Permitted Uses. Uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying base zoning district, as more particularly set forth in the specific PUD Overlay District pursuant to Section 17.0325(2)(a) of the Municipal Code. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district unless otherwise modified pursuant to Section 17.0325(c)(2)a.4 of the Municipal Code. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (b) Conditional Uses. Uses listed as Conditional Uses in the underlying base zoning district may be allowed as permitted uses as part of a Planned Unit Development if all of the following requirements are fulfilled:
  - (1) Uses Requested – The petitioner shall submit a written request for consideration by the Plan Commission at the time of application for a proposed Planned Unit Development that details each requested use. Only those uses listed as Conditional Uses in the base zoning district shall qualify for consideration.
  - (2) Compliance with Code – Each requested use shall comply with the Performance Standards, Conditional Use Permit requirements, and all other applicable Sections of the Municipal Code.
  - (3) Recommendation – The Plan Commission shall review and make recommendation to the Common Council for approval or disapproval of the requested uses as part of the proposed Planned Unit Development, including any Conditions and Restrictions deemed appropriate. Any recommendation for Common Council approval of Conditional Uses to be permitted as part of the Planned Unit Development shall be by a majority vote of the Plan Commissioners present at a meeting.

Seeing as there were no comments or questions, Mayor Bukiewicz called for a motion.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that Section 17.0325 of the Municipal Code be amended as presented to specify and clarify



permitted and conditional uses within a Planned Unit Development, and that subsequent subsections of the Code be renumbered, after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn. Commissioner Siepert seconded. On roll call: all voted aye. The meeting was adjourned at 7:01 p.m.

ATTEST:

  
\_\_\_\_\_  
Douglas Seymour, Plan Commission Secretary

July 24, 2018  
\_\_\_\_\_  
Date



## COMMON COUNCIL REPORT

Item: Accepting the 2017 Financial Statement and Auditor's report

Recommendation: That the Common Council approve Resolution No. 11970-080618 accepting the 2017 Financial Statement and Auditors' Report as prepared and presented by Baker Tilly Virchow Krause, LLP.

Fiscal Impact: Fees for the 2017 audit were contracted and paid out of the 2018 budget

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: Annually, the Common Council formally accepts the financial statements completed by Baker Tilly Virchow Krause, LLP. Attached is a copy of the 2017 Financial Statements and Auditor's Report for the Common Council's review and approval.

Representatives from Baker Tilly Virchow Krause, LLP will be in attendance at the Council meeting to present the financials.

In 2017, the City added \$513,942 to the General Fund fund balance. This was related in large part due to increased permit revenue and retirements and vacant positions throughout the year. The City's General Fund fund balance ended at \$8,212,130 with an unassigned fund balance at 17.9% which falls into the 15-25% fund balance policy.

Each year the auditor's report on weaknesses and deficiencies that may exist inside the organization. It is management's responsibility to correct these items each year to improve as the year's progress. The auditors reported the standard note regarding internal control over financial reporting. This essentially says that we do not have an auditor on staff that completes and then reviews the financials, which most small and medium size communities do not. Additionally, there remains a note from 2015 relating to Information Technology recommendations that need to be addressed for the upcoming audit. There no other weaknesses nor deficiencies noted by the auditors, which is a significant achievement.

Options/Alternatives:

NA

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

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Attachments: Resolution No. 11970-080618

RESOLUTION NO. 11970-080618

BY: \_\_\_\_\_

A RESOLUTION ACCEPTING THE 2017 FINANCIAL STATEMENT  
AND AUDITORS' REPORT AS PREPARED BY BAKER TILLY VIRCHOW KRAUSE, LLP

WHEREAS, the City of Oak Creek has an annual audit performed in accordance with State Statutes; and

WHEREAS, the City had engaged the services of the accounting firm of Baker Tilly Virchow Krause, LLP to conduct the audit of the 2017 fiscal year; and

WHEREAS, the Common Council finds the statement and report to be acceptable and complete.

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek accepts the 2017 Financial Statement and Auditors' Report as prepared and presented by Baker Tilly Virchow Krause, LLP.

Introduced at a regular meeting of the Common Council of the City of Oak Creek this 6th day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Vote: Ayes \_\_\_\_ Noes \_\_\_\_

**CITY OF OAK CREEK**  
**REPORT TO THE CITY COMMON COUNCIL**  
**August 6, 2018**

Presented By:

Baker Tilly Virchow Krause, LLP

Steve Henke, CPA, Senior Manager 414.777.5342

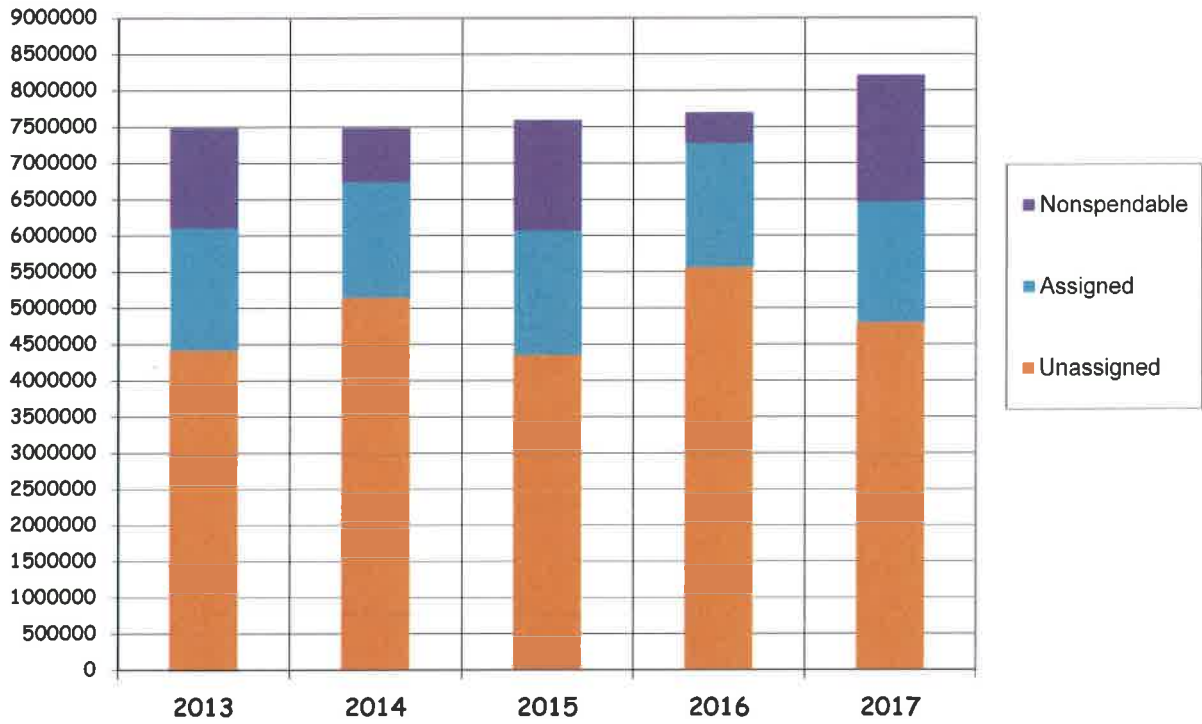
Tim Sowinski, Senior Accountant 414.777.5366

Note: Data was derived from current and prior years audited financial statements

# City of Oak Creek

## General Fund's Fund Balance

Actual 2013 - 2017

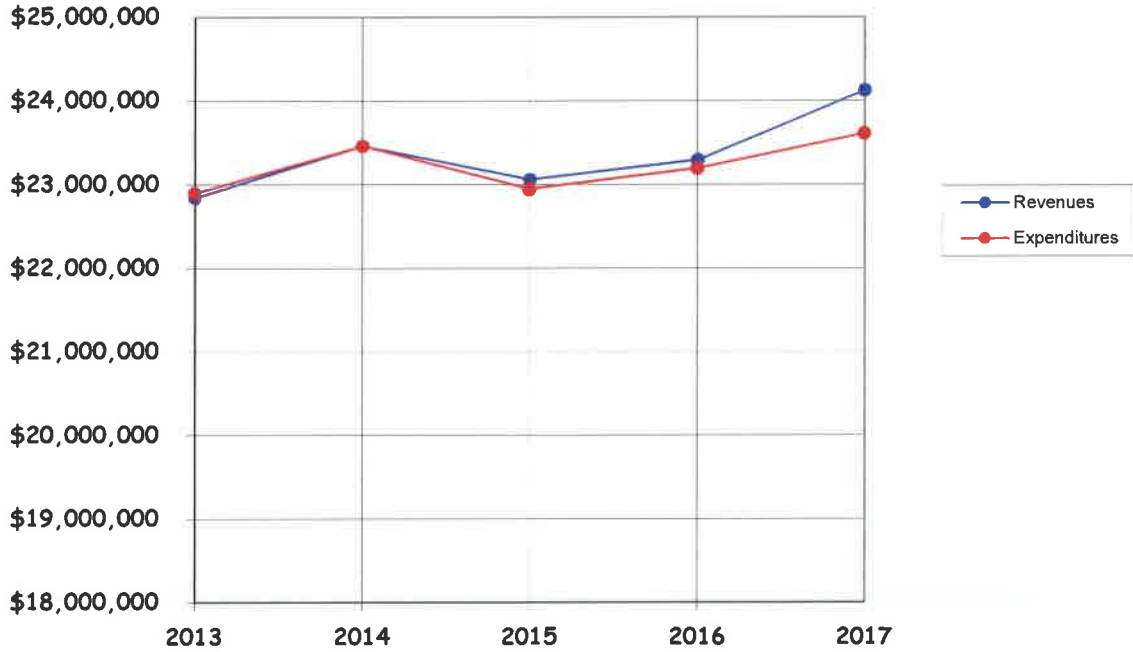


	2013	2014	2015	2016	2017
Nonspendable	\$ 1,381,913	\$ 745,992	\$ 1,525,608	\$ 429,425	\$ 1,753,084
Assigned	1,683,672	1,596,033	1,719,547	1,707,741	1,663,609
Unassigned	4,417,816	5,141,376	4,350,890	5,561,022	4,795,437
<b>Total</b>	<b>\$ 7,483,401</b>	<b>\$ 7,483,401</b>	<b>\$ 7,596,045</b>	<b>\$ 7,698,188</b>	<b>\$ 8,212,130</b>

# City of Oak Creek

## General Fund Revenues & Expenditures

Actual 2013 - 2017

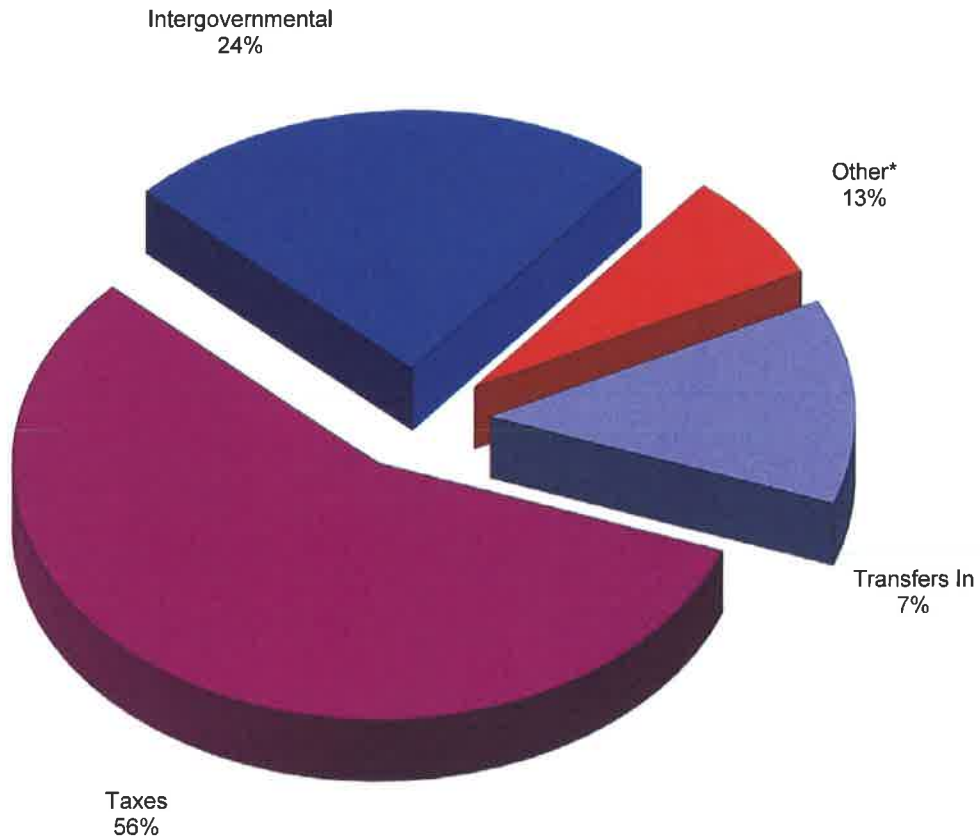


	2013	2014	2015	2016	2017
Total Revenues & Transfers In	\$ 22,843,354	\$ 23,464,769	\$ 23,062,000	\$ 23,297,453	\$ 24,128,895
Total Expenditures & Transfers Out	\$ 22,901,700	\$ 23,464,769	\$ 22,949,356	\$ 23,195,310	\$ 23,614,953
Excess (Deficiency)	\$ (58,346)	\$ -	\$ 112,644	\$ 102,143	\$ 513,942
<b>Fund Balance</b>					
General Fund	\$ 7,483,401	\$ 7,483,401	\$ 7,596,045	\$ 7,698,188	\$ 8,212,130

# City of Oak Creek

## 2017 General Fund Revenues and Transfers In

Total Revenues: \$24,128,895

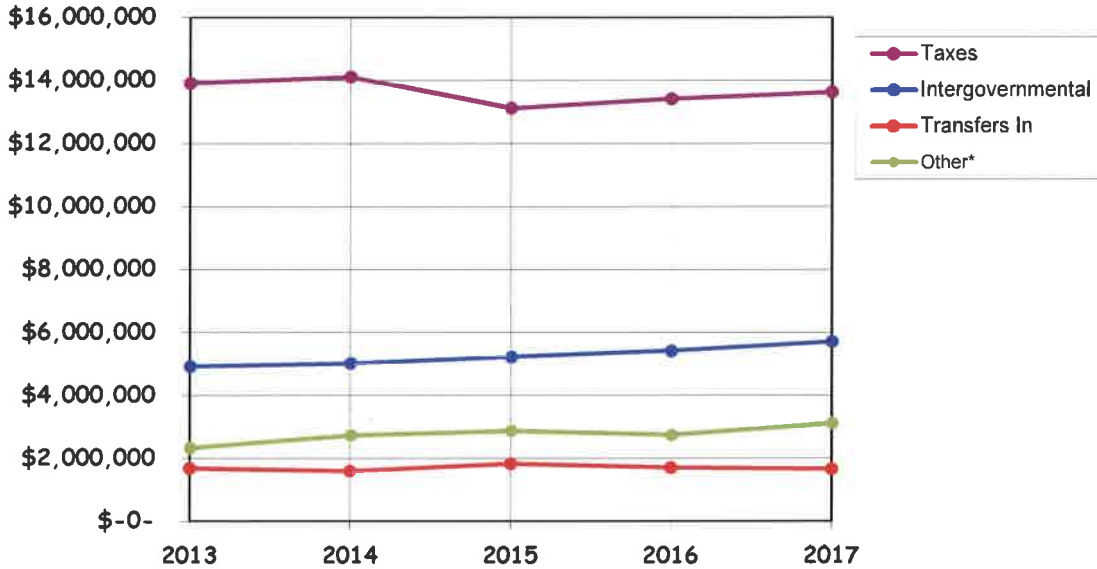


\* Other includes regulation and compliance, public charges for services, investment income, miscellaneous, interfund charges for services and sale of property.



# City of Oak Creek

## General Fund Revenues and Transfers In Actual 2013 - 2017



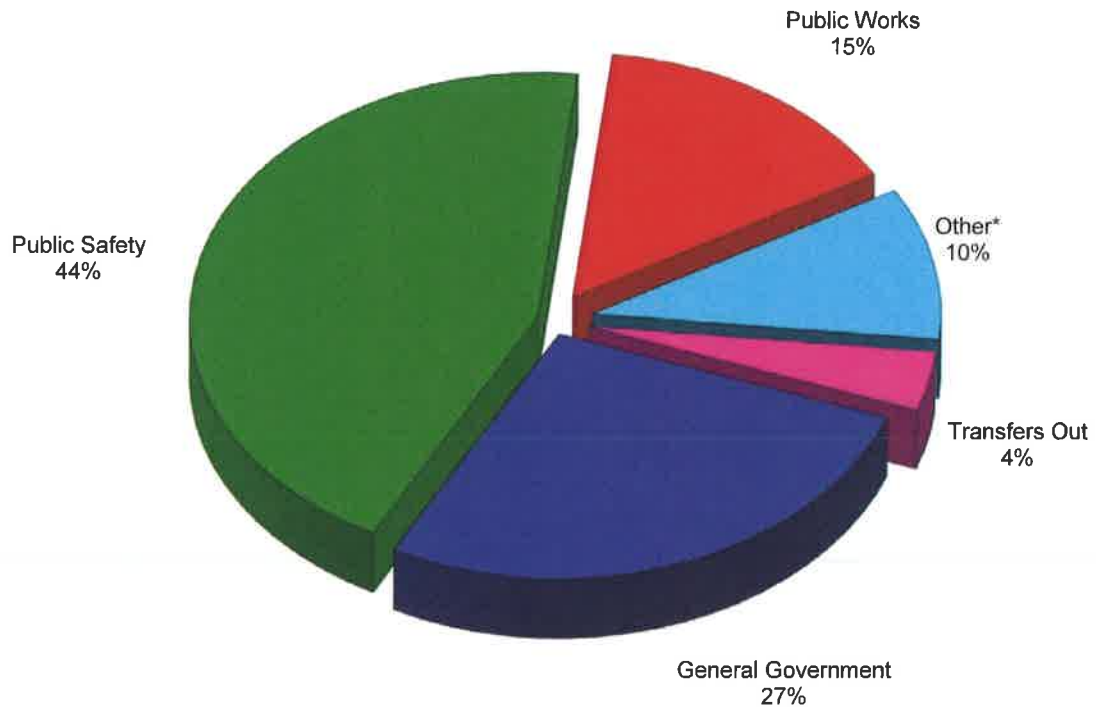
	2013	2014	2015	2016	2017
Taxes	\$ 13,913,177	\$ 14,119,926	\$ 13,130,408	\$ 13,427,303	\$ 13,632,350
Intergovernmental	4,920,159	5,015,928	5,225,738	5,415,480	5,714,573
Transfers In	1,683,672	1,596,033	1,827,248	1,707,741	1,663,609
Other*	2,326,346	2,732,882	2,878,606	2,746,929	3,118,363
<b>Totals</b>	<b>\$ 22,843,354</b>	<b>\$ 23,464,769</b>	<b>\$ 23,062,000</b>	<b>\$ 23,297,453</b>	<b>\$ 24,128,895</b>

\* Other includes regulation and compliance, public charges for services, investment income, miscellaneous, interfund charges for services and sale of property.

# City of Oak Creek

## 2017 General Fund Expenditures and Transfers Out

Total Expenditures: \$23,614,953

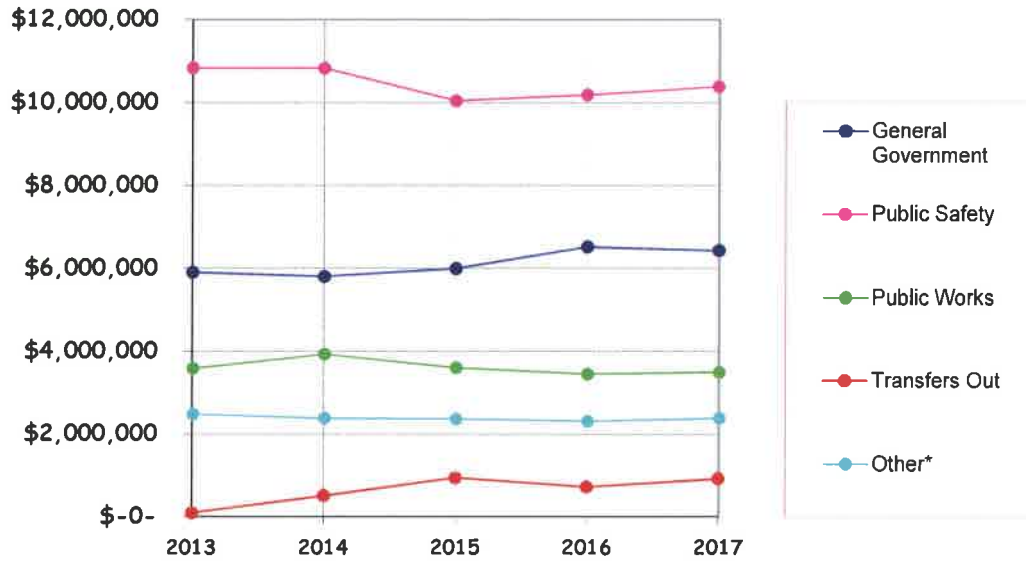


\* Other includes Leisure Activities, and Health and Social Services.

# City of Oak Creek

## General Fund Expenditures and Transfers Out

Actual 2013 - 2017



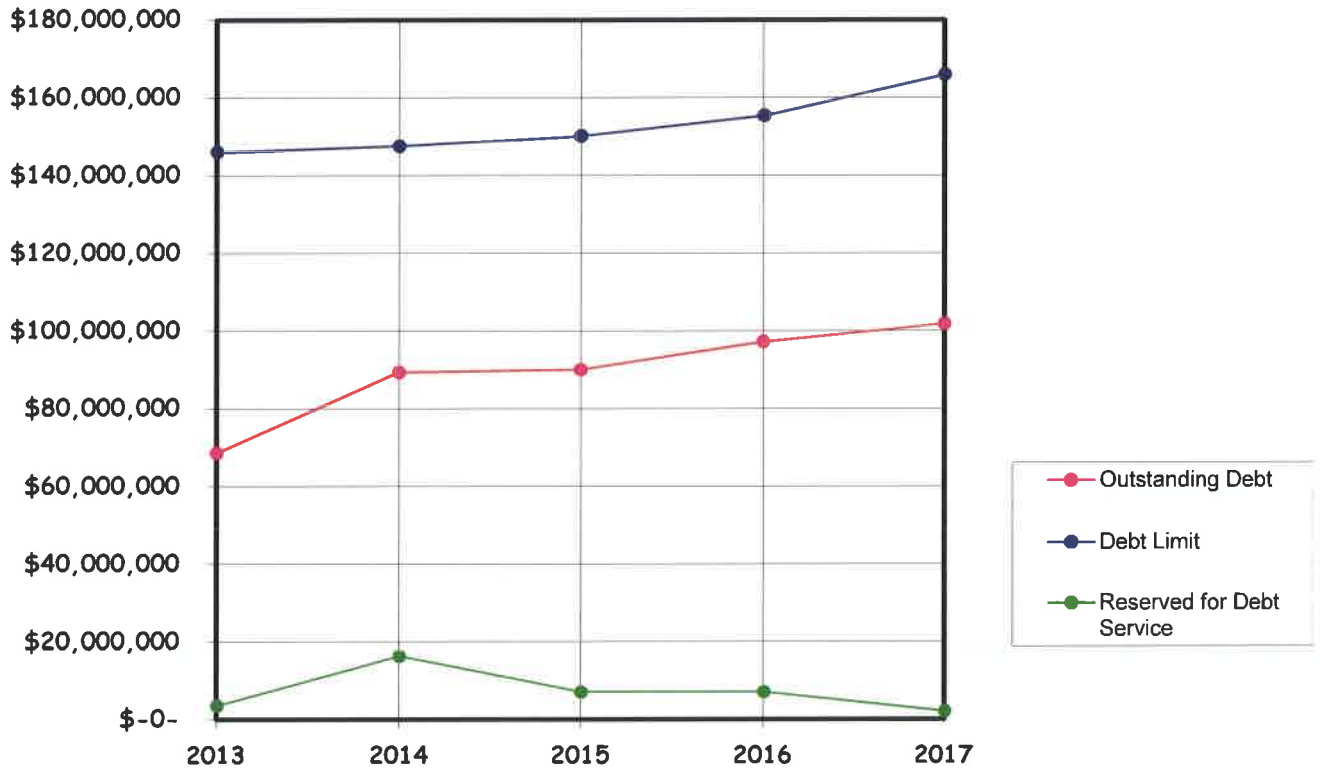
	2013	2014	2015	2016	2017
General Government	\$ 5,904,285	\$ 5,806,073	\$ 5,995,906	\$ 6,517,355	\$ 6,431,888
Public Safety	10,835,935	10,833,134	10,046,212	10,191,351	10,386,204
Public Works	3,584,056	3,927,478	3,598,761	3,449,221	3,493,477
Other*	2,476,637	2,382,932	2,363,066	2,311,554	2,379,428
Transfers Out	100,787	515,152	945,411	725,829	923,956
<b>Totals</b>	<b>\$ 22,901,700</b>	<b>\$ 23,464,769</b>	<b>\$ 22,949,356</b>	<b>\$ 23,195,310</b>	<b>\$ 23,614,953</b>

\* Other includes Leisure Activities, and Health and Social Services.

# City of Oak Creek

## G. O. Debt vs. Capacity

Actual 2013 - 2017



	2013	2014	2015	2016	2017
Debt Limit	\$ 146,099,195	\$ 147,604,865	\$ 150,195,965	\$ 155,444,895	\$ 165,916,655
Outstanding Debt	68,676,879	89,423,656	90,105,000	97,330,000	101,850,000
Difference	\$ 77,422,316	\$ 58,181,209	\$ 60,090,965	\$ 58,114,895	\$ 64,066,655
% Available	52.99%	39.42%	40.01%	37.39%	38.61%
Equalized Value	\$ 2,921,983,900	\$ 2,952,097,300	\$ 3,003,919,300	\$ 3,108,897,900	\$ 3,318,333,100
Growth	\$ (10,782,700)	\$ 30,113,400	\$ 51,822,000	\$ 104,978,600	\$ 209,435,200
% Growth	-0.37%	1.03%	1.76%	3.49%	6.74%
Restricted for debt service	\$ 3,565,826	\$ 16,318,797	\$ 7,068,285	\$ 7,032,214	\$ 2,103,371



## COMMON COUNCIL REPORT

Item: \$5,150,000 General Obligation Refunding Bonds, Series 2018B

Recommendation: That the Common Council approve Resolution No. 11963-080618 authorizing the issuance and sale of \$5,150,000 general obligation refunding bonds, Series 2018B

Fiscal Impact: The long term bonds will be paid from tax increment revenue in TID 8 from the values generated by the projects within the TID boundaries

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

### Background:

In October 2013, the City first issued \$10,525,000 in short term debt for OakView Business Park infrastructure. This short term note came due September of 2015 and the City opted to extend it with another short term note due to the build out of the district lagging with the economy. This short term note is now coming due and the district is in a place where we are comfortable taking the debt out long term. We worked with HSE and Bond Counsel as we have in the past to review the costs of the infrastructure in order to determine how to split the costs related to private entity benefit (grading of the sites etc) and public costs. This split resulted in a \$5.150 GO refunding bond (tax exempt for public costs) and a \$5.130 taxable GO refunding bond for the private related costs.

The City has utilized the services of Quarles & Brady as bond counsel for this issuance as well as Kevin Mullen of Hutchinson, Shockley, Erley & Co. to prepare and issue all of the required documentation for these bonds. Mr. Mullen will be at the Council meeting to answer questions and provide the Council with the interest rates obtained for the sale of these bonds. Moody's Investor Service has issued an Aa2 rating on these bonds and reaffirmed the rating of Aa2 for our other outstanding bonds and notes.

Options/Alternatives: NA

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Soliffrant  
Finance Director/Comptroller

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Attachments: Resolution No. 11963-080618

CITY OF OAK CREEK  
 \$5,150,000.00 G.O Tax-exempt Refunding Bonds  
 Series 2018B

**Debt Service Schedule**

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/30/2018	-	-	-	-	-
04/01/2019	-	-	98,466.67	98,466.67	-
10/01/2019	-	-	84,000.00	84,000.00	182,466.67
04/01/2020	500,000.00	2.000%	84,000.00	584,000.00	-
10/01/2020	-	-	79,000.00	79,000.00	663,000.00
04/01/2021	500,000.00	2.000%	79,000.00	579,000.00	-
10/01/2021	-	-	74,000.00	74,000.00	653,000.00
04/01/2022	650,000.00	2.500%	74,000.00	724,000.00	-
10/01/2022	-	-	65,875.00	65,875.00	789,875.00
04/01/2023	550,000.00	2.500%	65,875.00	615,875.00	-
10/01/2023	-	-	59,000.00	59,000.00	674,875.00
04/01/2024	575,000.00	4.000%	59,000.00	634,000.00	-
10/01/2024	-	-	47,500.00	47,500.00	681,500.00
04/01/2025	775,000.00	4.000%	47,500.00	822,500.00	-
10/01/2025	-	-	32,000.00	32,000.00	854,500.00
04/01/2026	800,000.00	4.000%	32,000.00	832,000.00	-
10/01/2026	-	-	16,000.00	16,000.00	848,000.00
04/01/2027	800,000.00	4.000%	16,000.00	816,000.00	-
10/01/2027	-	-	-	-	816,000.00
<b>Total</b>	<b>\$5,150,000.00</b>	<b>-</b>	<b>\$1,013,216.67</b>	<b>\$6,163,216.67</b>	<b>-</b>

**Yield Statistics**

Bond Year Dollars	\$28,193.47
Average Life	5.474 Years
Average Coupon	3.5937988%
Net Interest Cost (NIC)	2.9096653%
True Interest Cost (TIC)	2.8238878%
Bond Yield for Arbitrage Purposes	2.9178713%
All Inclusive Cost (AIC)	2.8238878%

**IRS Form 8038**

Net Interest Cost	2.3815385%
Weighted Average Maturity	5.553 Years

RESOLUTION NO. 11963-080618

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$5,150,000\* GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018B

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds to pay the cost of refinancing certain outstanding obligations of the City, to wit: a portion of the Taxable General Obligation Promissory Notes, Series 2015C, dated September 29, 2015 (the "2015 Notes") (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the remaining portion of the 2015 Notes shall be refunded by the Taxable General Obligation Refunding Bonds, Series 2018C to be issued simultaneously with this issue of bonds;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations on their September 1, 2018 maturity date for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell such general obligation refunding bonds to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIVE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$5,150,000\*) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, general obligation refunding bonds aggregating the principal amount of FIVE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$5,150,000\*) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

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\* Preliminary, subject to change.



Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2018B"; shall be issued in the aggregate principal amount of \$5,150,000\*; shall be dated August 30, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2027 are subject to redemption prior to maturity, at the option of the City, on April 1, 2026 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2018 through 2026 for payments due in the years 2019 through 2027 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other

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\* Preliminary, subject to change.

taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds, Series 2018B" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds and the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 11. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 12. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 13. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 15. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 16. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded August 6, 2018.

\_\_\_\_\_  
Kenneth Gehl  
Common Council President

\_\_\_\_\_  
Daniel Bukiewicz  
Mayor

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske  
City Clerk

VOTE COUNT: Ayes: \_\_\_\_\_ Noes \_\_\_\_\_

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)



EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, \_\_\_\_, \_\_\_\_, \_\_\_\_ and \_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
MILWAUKEE COUNTY  
NO. R- \_\_\_\_\_ CITY OF OAK CREEK \$ \_\_\_\_\_  
GENERAL OBLIGATION REFUNDING BOND, SERIES 2018B

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
April 1, \_\_\_\_\_ August 30, 2018 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,150,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of refunding certain obligations of the City, as authorized by a resolution adopted on August 6, 2018. Said resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on April 1, 2027 are subject to redemption prior to maturity, at the option of the City, on April 1, 2026 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond,

after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Oak Creek, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF OAK CREEK  
MILWAUKEE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Daniel Bukiewicz  
Mayor

(SEAL)

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk

Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the City of Oak Creek, Milwaukee County, Wisconsin.

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)





## COMMON COUNCIL REPORT

Item: \$5,130,000 Taxable General Obligation Refunding Bonds, Series 2018C

Recommendation: That the Common Council approve Resolution No. 11964-080618 authorizing the issuance and sale of \$5,130,000 taxable general obligation refunding bonds, Series 2018C

Fiscal Impact: The long term bonds will be paid from tax increment revenue in TID 8 from the values generated by the projects within the TID boundaries

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

### Background:

In October 2013, the City first issued \$10,525,000 in short term debt for OakView Business Park infrastructure. This short term note came due September of 2015 and the City opted to extend it with another short term note due to the build out of the district lagging with the economy. This short term note is now coming due and the district is in a place where we are comfortable taking the debt out long term. We worked with HSE and Bond Counsel as we have in the past to review the costs of the infrastructure in order to determine how to split the costs related to private entity benefit (grading of the sites etc) and public costs. This split resulted in a \$5.150 GO refunding bond (tax exempt for public costs) and a \$5.130 taxable GO refunding bond for the private related costs.

The City has utilized the services of Quarles & Brady as bond counsel for this issuance as well as Kevin Mullen of Hutchinson, Shockley, Erley & Co. to prepare and issue all of the required documentation for these bonds. Mr. Mullen will be at the Council meeting to answer questions and provide the Council with the interest rates obtained for the sale of these bonds. Moody's Investor Service has issued an Aa2 rating on these bonds and reaffirmed the rating of Aa2 for our other outstanding bonds and notes.

Options/Alternatives: NA

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:

  
Bridget M. Souffrant  
Finance Director/Comptroller

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Attachments: Resolution No. 11964-080618

CITY OF OAK CREEK  
 \$5,130,000.00 G.O Taxable Refunding Bonds  
 Series 2018C

## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/30/2018	-	-	-	-	-
04/01/2019	250,000.00	3.000%	116,753.33	366,753.33	-
10/01/2019	-	-	95,850.00	95,850.00	462,603.33
04/01/2020	200,000.00	3.500%	95,850.00	295,850.00	-
10/01/2020	-	-	92,350.00	92,350.00	388,200.00
04/01/2021	500,000.00	3.500%	92,350.00	592,350.00	-
10/01/2021	-	-	83,600.00	83,600.00	675,950.00
04/01/2022	500,000.00	4.000%	83,600.00	583,600.00	-
10/01/2022	-	-	73,600.00	73,600.00	657,200.00
04/01/2023	620,000.00	4.000%	73,600.00	693,600.00	-
10/01/2023	-	-	61,200.00	61,200.00	754,800.00
04/01/2024	650,000.00	4.000%	61,200.00	711,200.00	-
10/01/2024	-	-	48,200.00	48,200.00	759,400.00
04/01/2025	700,000.00	4.000%	48,200.00	748,200.00	-
10/01/2025	-	-	34,200.00	34,200.00	782,400.00
04/01/2026	825,000.00	4.000%	34,200.00	859,200.00	-
10/01/2026	-	-	17,700.00	17,700.00	876,900.00
04/01/2027	885,000.00	4.000%	17,700.00	902,700.00	-
10/01/2027	-	-	-	-	902,700.00
<b>Total</b>	<b>\$5,130,000.00</b>	<b>-</b>	<b>\$1,130,153.33</b>	<b>\$6,260,153.33</b>	<b>-</b>

### Yield Statistics

Bond Year Dollars	\$28,491.75
Average Life	5.554 Years
Average Coupon	3.9665985%
Net Interest Cost (NIC)	3.8610580%
True Interest Cost (TIC)	3.8427107%
Bond Yield for Arbitrage Purposes	2.9178713%
All Inclusive Cost (AIC)	3.8427107%

### IRS Form 8038

Net Interest Cost	3.4157019%
Weighted Average Maturity	5.566 Years

RESOLUTION NO. 11964-080618

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$5,130,000\* TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018C

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds to pay the cost of refinancing certain outstanding obligations of the City, to wit: a portion of the Taxable General Obligation Promissory Notes, Series 2015C, dated September 29, 2015 (the "2015 Notes") (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the remaining portion of the 2015 Notes shall be refunded by the General Obligation Refunding Bonds, Series 2018B to be issued simultaneously with this issue of the bonds;

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations on their September 1, 2018 maturity date for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell such taxable general obligation refunding bonds to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIVE MILLION ONE HUNDRED THIRTY THOUSAND DOLLARS (\$5,130,000\*) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized,

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\* Preliminary, subject to change.

empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, taxable general obligation refunding bonds aggregating the principal amount of FIVE MILLION ONE HUNDRED THIRTY THOUSAND DOLLARS (\$5,130,000\*) (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2018C"; shall be issued in the aggregate principal amount of \$5,130,000\*; shall be dated August 30, 2018; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2027 are subject to redemption prior to maturity, at the option of the City, on April 1, 2026 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2018 through 2026 for payments due in the years 2019 through 2027 in the amounts set forth on the Schedule.

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\* Preliminary, subject to change.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

#### Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds, Series 2018C" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted

municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other

things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.



Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 16. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded August 6, 2018.

\_\_\_\_\_  
Kenneth Gehl  
Common Council President

\_\_\_\_\_  
Daniel Bukiewicz  
Mayor

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske  
City Clerk

VOTE COUNT: Ayes: \_\_\_\_\_ Noes \_\_\_\_\_

(SEAL)

EXHIBIT A

Bond Purchase Proposal

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by the Purchaser and incorporated into the Resolution.

(See Attached)

[ EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on April 1, \_\_\_\_, \_\_\_\_, \_\_\_\_ and \_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on April 1, \_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

EXHIBIT C

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
MILWAUKEE COUNTY  
NO. R- \_\_\_\_\_ CITY OF OAK CREEK \$ \_\_\_\_\_  
TAXABLE GENERAL OBLIGATION REFUNDING BOND, SERIES 2018C

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
April 1, \_\_\_\_\_ August 30, 2018 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2019 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,130,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of refunding certain obligations of the City, as authorized by a resolution adopted on August 6, 2018. Said resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on April 1, 2027 are subject to redemption prior to maturity, at the option of the City, on April 1, 2026 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the resolution authorizing the Bonds, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond,



after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Oak Creek, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF OAK CREEK  
MILWAUKEE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Daniel Bukiewicz  
Mayor

(SEAL)

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk

Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the City of Oak Creek, Milwaukee County, Wisconsin.

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

## COMMON COUNCIL REPORT

**Informational:** Presentation of the proposed revamping of landscaping of the South Plaza of the Oak Creek Civic Center

**Fiscal Impact:** Design and construction of the landscape modification is approximately \$55,000. The Oak Creek Public Library Foundation has already raised approximately 50% through private donations and continues to talk with potential donors to raise the remaining funds.

Aquatica offers an annual maintenance contract of \$800 to provide services for opening and closing of the water feature.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

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**Background:** In 2012, the Oak Creek Public Library Foundation launched the "Building for the Future" campaign to raise funds for the new Oak Creek Public Library. As part of the campaign, the Foundation identified naming opportunities throughout the Civic Center. These opportunities were based upon the initial building and site plan drawings. Various donors pledged \$5,000 to the South Plaza garden based on these site drawings, which included a water feature. Due to budget constraints, the landscaping of the south plaza garden was significantly downgraded.

A Library Foundation sub-committee has developed a plan to modify the landscaping for the area south of the Multi-Purpose room and west of the library to better realign with the original landscape design. The redesign of a "Serenity Garden" will include a recirculating water feature, quiet seating areas, and perennial flower beds. All of the features of the redesign are variations of features included in the original Civic Center site plan.

The concept designs and construction of the space will be performed by Aquatica. The Library Foundation will contract with a professional landscaper to plant a low maintenance perennial garden. After initial construction, the City will be responsible for the minimal ongoing maintenance of the space, including a monthly treatment of the water feature and the ongoing maintenance of the grass, pavement and planting beds, as they currently do.

Construction of the garden is slated to begin mid September, starting with concrete work. The water feature is scheduled to be installed beginning October 1 and completed by October 12. During the construction phase, areas of the south entrance, and at times the entire south entrance, of the Civic Center will need to be closed to guarantee timelines can be met. Clean-up and final landscaping will occur October 15 - October 26, with the entire project completed by November 2, 2018.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Jill Lininger  
Library Director

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

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**Attachments:** Serenity Garden - Recent Renderings, Serenity Garden - Budget

<b>SOUTH PLAZA GARDEN COSTS</b>	
	<b>COST</b>
Serenity Stream	\$ 32,500.00
Electrical Work for Pumps	\$ 500.00
Landscaping---grass area, bushes, flowers	\$ 2,000.00
Planter(s)	\$ 1,000.00
Benches, picnic tables, chairs	\$ 10,000.00
Signage	\$ 500.00
Concrete for new walks/added space	\$ 9,000.00
<b>Total:</b>	<b>\$ 55,500.00</b>

<b>FUNDRAISING as of JULY 31, 2018</b>	
COMMITTED	\$ 15,000.00
COMMITTED	\$ 5,000.00
COMMITTED	\$ 500.00
COMMITTED	\$ 2,000.00
COMMITTED	\$ 500.00
<b>TOTAL</b>	<b>\$ 23,000.00</b>

**REMAINING FUNDS TO BE RAISED \$ 32,500.00**

<b>ANNUAL MAINTENANCE COSTS</b>	
	<b>COST</b>
Spring Startup	\$ 300.00
Fall Shut Down	\$ 500.00
Bi-Monthly Water Treatment	\$ 100.00
Landscape Care <i>(Mowing, Leaf Blowing, Snow Blowing, Power Washing of Rocks &amp; Stream)</i>	DPW Responsibility
<b>Total:</b>	<b>\$ 900.00</b>

# South Parking Lot



PROPOSED BASIN  
BACK OF WATERFALL

ASCENDING  
WATERFALLS

TERRACED  
WATERFALLS

Proposed Woodchip/Grass

Middle Reservoir  
Pool

TIMBERED AREAS

Proposed Timber Areas

PROPOSED STEPPED PATH

NEW PATH

OPEN AREAS

SCREENS INTO

RESERVOIR  
W/LT AREA

NEW CONCRETE WALKWAY



## COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, ending June 30, 2018.

Fiscal Impact: Presenting the monthly condition of the City treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: The Treasurer Report on Investment and Banking displays the City's month end balances, to provide the Common Council and the public with the current condition of the City's treasury. Please note that some funds are allocated for specific purposes such as debt service, Tax Incremental Districts, capital improvement projects and distribution of tax collection to other taxing districts and are not available for general purpose spending. This monthly report, along with a comprehensive report, is reviewed at Finance Committee meetings to assist with investment decisions and financial strategies. Below is a brief summary:

Beginning Balance	Ending Balance	Interest Earned	Increase/Decrease
\$38,713,418.75	\$34,727,739.74	\$57,727.37	-\$3,985,679.01

June Tax Collection: \$860,254.65 or 1.1% of total levied      City Share (approx.): \$262,500

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Barbara Guckenberger, CMTW  
City Treasurer

Fiscal Review:

Bridget M. Souffrant  
Finance Director/Comptroller

Attachments: Treasurer Report on Investment and Banking



**City of Oak Creek  
Treasurer Report on Investment and Banking**

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
<b>Tri City National Bank</b>	<b>6,928,116.97</b>	<b>10,041,921.93</b>	<b>(10,058,858.12)</b>				
General Fund	5,911,590.02	8,723,342.08	(8,179,761.85)	6,455,170.25			
Title 125	47,146.95	22,306.00	(19,422.62)	50,030.33			
Police Credit Card	20,456.57	22,307.70	(21,177.88)	21,586.39			
Parks & Rec Counter Credit Card	5,148.82	9,236.51	(5,282.42)	9,102.91			
Tax Payment Account #2	736,122.57	881,008.71	(1,395,754.06)	221,377.22			
Parks & Rec Online Credit Card	14,724.78	8,501.00	(16,702.21)	6,523.57			
Health Insurance	70,409.60	266,112.57	(316,491.13)	20,031.04			
Tax Payment Account	18,251.71	-	-	18,251.71			
EMS	104,265.95	109,107.36	(104,265.95)	109,107.36			
0	-	-	-	-			
<b>DANA Investment Advisors</b>	<b>5,698,293.29</b>	<b>16,171.97</b>	<b>(10,056.13)</b>	<b>5,704,409.13</b>	<b>16,171.97</b>	<b>2.07%</b>	<b>16.43%</b>
<b>BMO Global Asset Management</b>	<b>4,859,400.18</b>	<b>7,467.66</b>	<b>(6,409.67)</b>	<b>4,860,458.17</b>	<b>3,834.70</b>	<b>1.90%</b>	<b>14.00%</b>
<b>American Deposit Management (ADM)</b>	<b>1,167,803.19</b>	<b>501,856.01</b>	<b>-</b>	<b>1,669,659.20</b>	<b>1,856.01</b>	<b>1.88%</b>	<b>4.81%</b>
*ADM General Account Balance	-	-	-	-	-	-	-
<b>Local Government Investment Pool (LGIP)</b>	<b>16,190,273.13</b>	<b>69,385.74</b>	<b>(4,044,352.60)</b>	<b>14,215,306.27</b>	<b>25,033.14</b>	<b>1.88%</b>	<b>40.93%</b>
*LGIP General Account Balance	10,414,744.42	57,426.83	(4,000,000.00)	6,472,171.25	13,074.23		
<b>**Ehlers Investment</b>	<b>1,869,531.99</b>	<b>12,277.35</b>	<b>(515,083.15)</b>	<b>1,366,726.19</b>	<b>3,100.43</b>	<b>1.5547%</b>	<b>3.94%</b>
	1,869,531.99	12,277.35	(515,383.37)	1,366,425.97			
<b>Total Balance</b>	<b>38,713,418.75</b>	<b>10,649,080.66</b>	<b>(14,634,759.67)</b>	<b>34,727,739.74</b>	<b>57,727.37</b>		

\*\*Ehlers balance is first shown gross of fees to balance to their monthly report; below that is shown net of fees for comparison purposes. Also, due to multiple CD's in the account, interest/dividends may not be earned monthly;

\*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses

and may not be available for general purpose spending;

Excludes Police Forfeiture Account;

Tri City Interest is an analyzed credited from previous month earnings;

Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals

Tax Collection Deposits		76,568,619.05
<b>Tax Payment Account #2</b>		<b>Distribution to other Taxing Jurisdictions</b>
City Deposit (Counter, Drop Box, Mail)	841,674.02	<i>(Tax Settlement occurs in August)</i>
Gov Tech		STATE
Credit Card	18,580.63	COUNTY \$ 179,704.24
<b>Total Tax Payment Account #2</b>	<b>860,254.65</b>	MMSD \$ 61,371.98
		SCHOOL \$ 307,920.85
<b>Tax Payment Account</b>		MATC \$ 44,719.76
Tri City Payments (At Bank, Lockbox)		UTILITY \$ 4,060.86
		<b>TOTAL DIST \$ 597,777.69</b>
<b>Total Tax Collection Deposits</b>	<b>860,254.65</b>	<b>TAX REFUNDS \$ 27.92</b>
		<b>*CITY \$ 262,449.04</b>

Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank

Prepared for Common Council; cc Finance Committee  
Barbara Guckenberger, CMTW  
City Treasurer



## COMMON COUNCIL REPORT

Item: Final Payment - Project No. 15023, Ikea Way Phase 2

Recommendation: That the Common Council approves Resolution No. 11969-080618, accepting the workmanship of CW Purpero, and authorizes final payment for Project No. 15023, IKEA Way, Phase 2.

Fiscal Impact: Final payment of \$6,500.00 is to be made from bond funds reserved under Project No. 15023.

Critical Success Factor(s):

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: This project involved the construction of the northern road extension of IKEA Way that spans from just north of the elementary school to just north of the IKEA store, approximately 1/3 of a mile in length. It also included sanitary sewer, water main, storm sewer, street lighting and traffic signal improvements.

This project provides the infrastructure to support development of the region north of Drexel Avenue between the Interstate and 27<sup>th</sup> Street.

The biggest factor in the project cost overage is related to the many additional requirements that were imposed by Milwaukee County Parks after the project was already under construction, the most significant being the wildlife barrier. The road and utilities lie within an easement that Milwaukee County Parks granted to the City, and the easement provides that agency with some degree of control on the construction and future maintenance.

Options/Alternatives: N/A

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator


Prepared:

J. John Ozols  
Senior Engineering Technician

Fiscal Review:

  
Bridget M. Souffrant  
Finance Director/Comptroller

Approved:

  
Michael C. Simmons, PE  
City Engineer

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Attachments: Project No. 15023, IKEA Way - Phase 2, Final Payment Cost Breakdown, Resolution No. 11969-080618

**RESOLUTION NO. 11969-080618**

**BY: \_\_\_\_\_**

**RESOLUTION ACCEPTING THE WORKMANSHIP OF CW PURPERO  
AND AUTHORIZING FINAL PAYMENT**

**IKEA Way – Phase 2  
Street and Utility Improvements**

**PROJECT NO. 15023**

**(2<sup>nd</sup> ALDERMANIC DISTRICT)**

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and CW Purpero, hereinafter referred to as the Contractor, entered into a contract whereby the Contractor agreed to perform certain public works improvements under Project No. 15023 for the installation of street and utility improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the submitted and agreed upon unit bid price of \$2,122,182.07; and,

WHEREAS, said total final contract price has been determined to be \$2,239,017.78 as computed by the City Engineer using actual quantities as measured, including additions and deletions to the contract, and contract unit prices; and,

WHEREAS, the Contractor has completed all of the work set out in the specifications; and,

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$6,500.00.

NOW, THEREFORE, BE IT RESOLVED that the recommendation and report prepared by the City Engineer be accepted.

BE IT FURTHER RESOLVED that the City of Oak Creek does hereby accept the workmanship furnished by the Contractor, subject, however, to all guarantees and other obligations set out in the contract which the City of Oak Creek hereby reserves, if any, and subject to the right of the City of Oak Creek to commence an action or file a third party claim against the Contractor in the event that an action is commenced by anyone against the City of Oak Creek as a result of alleged injuries or wrongful death as a result of the condition of the work site or any other condition related to this project.

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the street improvement installation for a period of 12 months after the acceptance of the work, the performance or contract bond, which has been made a part of the contract, shall be in effect until 12 months after the passage of this Resolution.

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$6,500.00 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: AYES \_\_\_\_\_ NOES \_\_\_\_\_



## COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the July 31, 2018 Vendor Summary Report in the combined total of \$814,746.38.

Fiscal Impact: Total claims paid of \$814,746.38

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: Of note are the following payments:

1. \$95,654.31 to Advance Disposal (pg #1) for June recycling and trash pickup.
2. \$12,296.96 to Ascension Medical Group (pg #2) for June's random drug testing and nursing services/ supplies.
3. \$64,634.70 to Benistar (pg #3) for August Medicare supplement insurance.
4. \$5,744.00 to Champ Software Inc. (pg #4) for Health Department software, funded through grants.
5. \$60,193.13 to CORE BTS, Inc. (pg #5) for annual license fees and computer maintenance contracts.
6. \$6,500.00 to C.W. Purpero (pg #13) for Project 15023, Ikea Way Phase 2 street construction.
7. \$163,150.64 to GSI Family Investment of WI (pg #7) for road paving bond refund.
8. \$14,133.97 to Johnson Controls Security (pg #9) for card reader system for EOC, DTS restrooms, and council room.
9. \$12,273.02 to Kansas City Life Insurance (pg #9) for August disability insurance.
10. \$36,471.00 to Mercedes Benz of Elmbrook (pg #10) for new tactical vehicle.
11. \$6,000.00 to Metropolitan Milw Assoc. of Commerce (pg #10) for regional economic development campaign contribution.
12. \$16,932.50 to Oak Creek Water & Sewer (pg #12) for project inspection costs relating to: Ikea, Drexel Ridge, Glen Crossing, Murphy, Fedex, and East Brooke.
13. \$5,000.00 to Reserve Account (pg #13) for postage refill.
14. \$7,006.37 to Schroeder Solutions (pg #14) for replacement carpet in Detective Bureau's office.

- 
15. \$12,305.85 to The Sherwin-Williams (pg #15) for street road maintenance: traffic paint and glass beads.
  16. \$63,771.57 to Southfield Apartments, LLC. (pg #15) for tax assessment correction refund.
  17. \$13,969.60 to Stantec Consulting Services (pg #15) for Project 17010, Abendschein Park master plan.
  18. \$31,197.60 to Super Excavators, Inc. (pg #16) for Ikea Way Phase 3, water main construction.
  19. \$11,840.00 to Tyler Technologies, Inc. (pg #16) for assessor services.
  20. \$57,757.19 to WE Energies (pgs #17-18) for street lighting, electricity & natural gas.
  21. \$7,834.99 to Wisco Hotel Group (pg #19) for tax assessment correction refund.

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

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Attachments: 7/31/18 Invoice GL Distribution Report



## COMMON COUNCIL REPORT

- Item:** Certified Survey Map - Michael Faber, Ryan Business Park, LLC - 741 W. Ryan Rd.
- Recommendation:** That the Council adopts Resolution No. 11965-080618, a resolution approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 741 W. Ryan Rd.
- Fiscal Impact:** The division and reconfiguration of the property will create one (1) lot of approximately 6.9 acres to remain as residential/agricultural, one (1) lot of approximately 31.7 acres for future manufacturing development, and one (1) Outlot along the Creek. While development of both Lot 1 and Lot 2 would yield positive financial impacts in terms of assessed value and development fees, Lot 2 will be combined with portions of surrounding properties for potential development of a large manufacturing use as part of the proposed Ryan Business Park. This property is within the proposed T1D 16, which will be presented for Council review on August 21, 2018.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

**Background:** The Applicant, Michael Faber, Ryan Business Park, LLC, is requesting approval of a Certified Survey Map to divide and reconfigure the property at 741 W. Ryan Rd. Council will note that the portion of this property south of the Creek is currently part of a rezone and manufacturing Planned Unit Development (PUD) request.

Three lots are proposed:

- Lot 1 will be approximately 6.9 acres in size, contains the existing buildings north of the Creek, and will be retained by the current landowners.
- Lot 2 will be approximately 31.7 acres in size south of the Creek, will be conveyed to the Applicant, and will be part of the proposed PUD.
- Outlot 1 contains the remaining acreage that is 70 feet from the centerline of the Creek south, and will be conveyed to Milwaukee County. A condition of approval has been provided stating that acreage for Outlot 1 should be shown on the map prior to recording.



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Council should be aware that the proposed Lot 2 appears to be landlocked in this CSM. However, this situation is temporary as CSM #4 on tonight's agenda reconfigures and divides 4 parcels for the proposed PUD. CSM #4 depicts an expanded Lot 2 to S. 13th Street, thus providing access. In order to avoid confusion, staff has included a condition of approval that this CSM references CSM #4.

Wetlands and floodplain areas have been delineated and are shown on the map. Staff notes that there is a label error that incorrectly identifies S. 13th St. as S. 113th St. The Applicant has been made aware of this error. Department comments that were submitted to the Applicant include the following:

- Outlot 1 does not contain the entirety of the floodway, which does not follow Chapter 13 regulations.

The Applicant is aware, and any changes to the floodway will require additional modeling information.

- The trail easement is over an existing MMSD (sanitary sewer) easement. This may require MMSD approval.

The Applicant stated that a legal interpretation indicated that the MMSD easement is not exclusive and an additional approval from MMSD is not required for the trail.

- How does the trail connect to Ryan?

The Applicant stated that a conversation with the County's legal counsel indicated that since the 70-foot-wide Outlot is being conveyed to the County, an easement is not required. The trail will connect to the future City right-of-way with a sidewalk, which led to the County's decision that an easement is not required.

The Plan Commission reviewed this CSM at their meeting on July 24, 2018, and recommended approval with the following conditions:

1. That a label indicating the acreage for Outlot 1 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Options/Alternatives:** Council has the discretion to modify the conditions of Certified Survey Map approval, or deny the request. Disapproval will affect the proposal for the manufacturing Planned Unit Development, and may result in the loss of development for Ryan Business Park.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:

  
Bridget M. Spuffrant  
Finance Director/Comptroller

Approved:

  
Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 11965-080618

Location Map

Certified Survey Map (Sheets 1-7)

Exhibit

RESOLUTION NO. 11965-080618

BY: \_\_\_\_\_

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
MICHAEL FABER, RYAN BUSINESS PARK, LLC

741 W. Ryan Rd.  
(5<sup>th</sup> Aldermanic District)

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That a label indicating the acreage for Outlot 1 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That a label indicating the acreage for Outlot 1 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

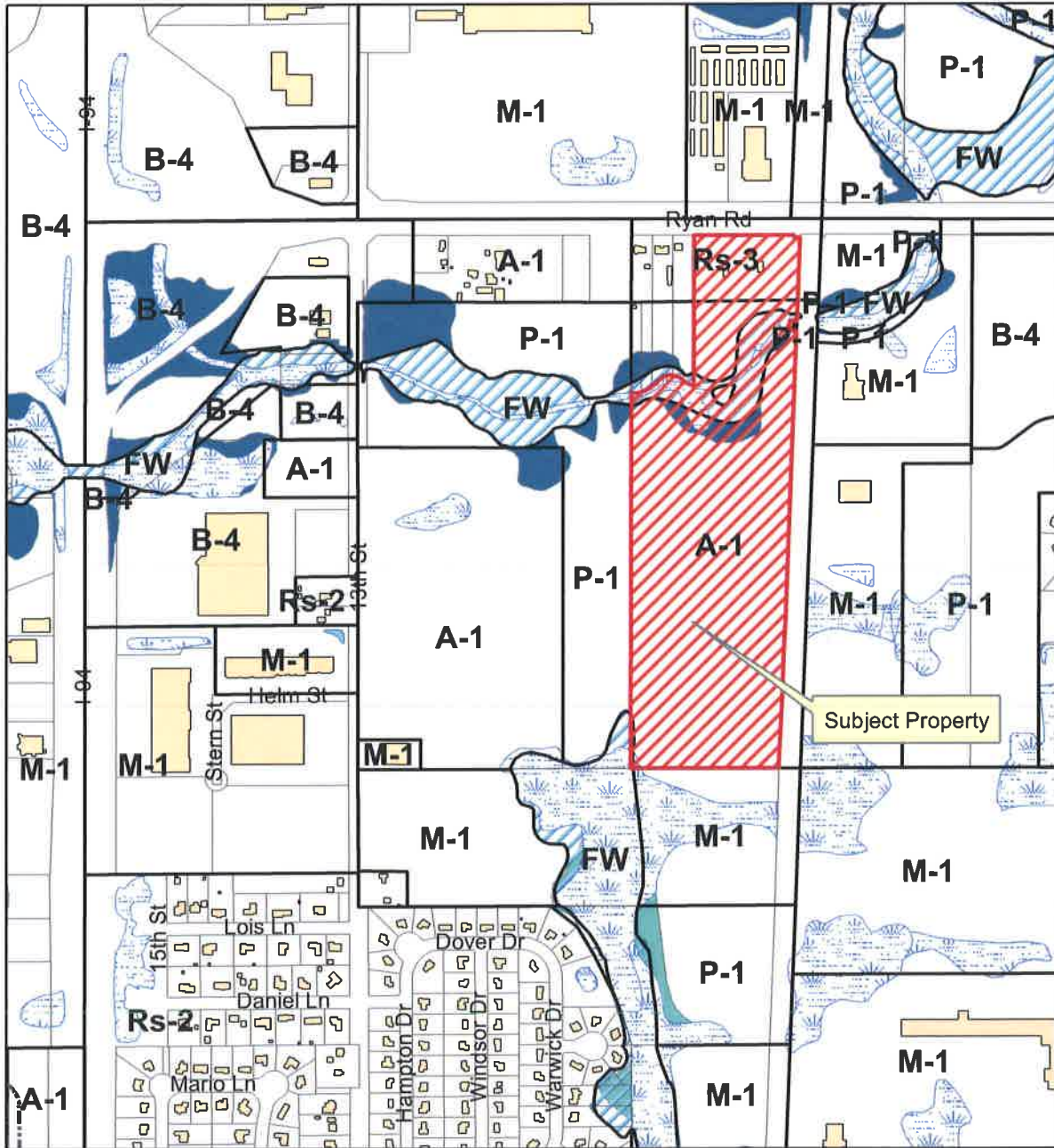
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map: 741 W Ryan Rd.



*This map is not a survey of the actual boundary of any property this map depicts.*



Department of Community Development



### Legend

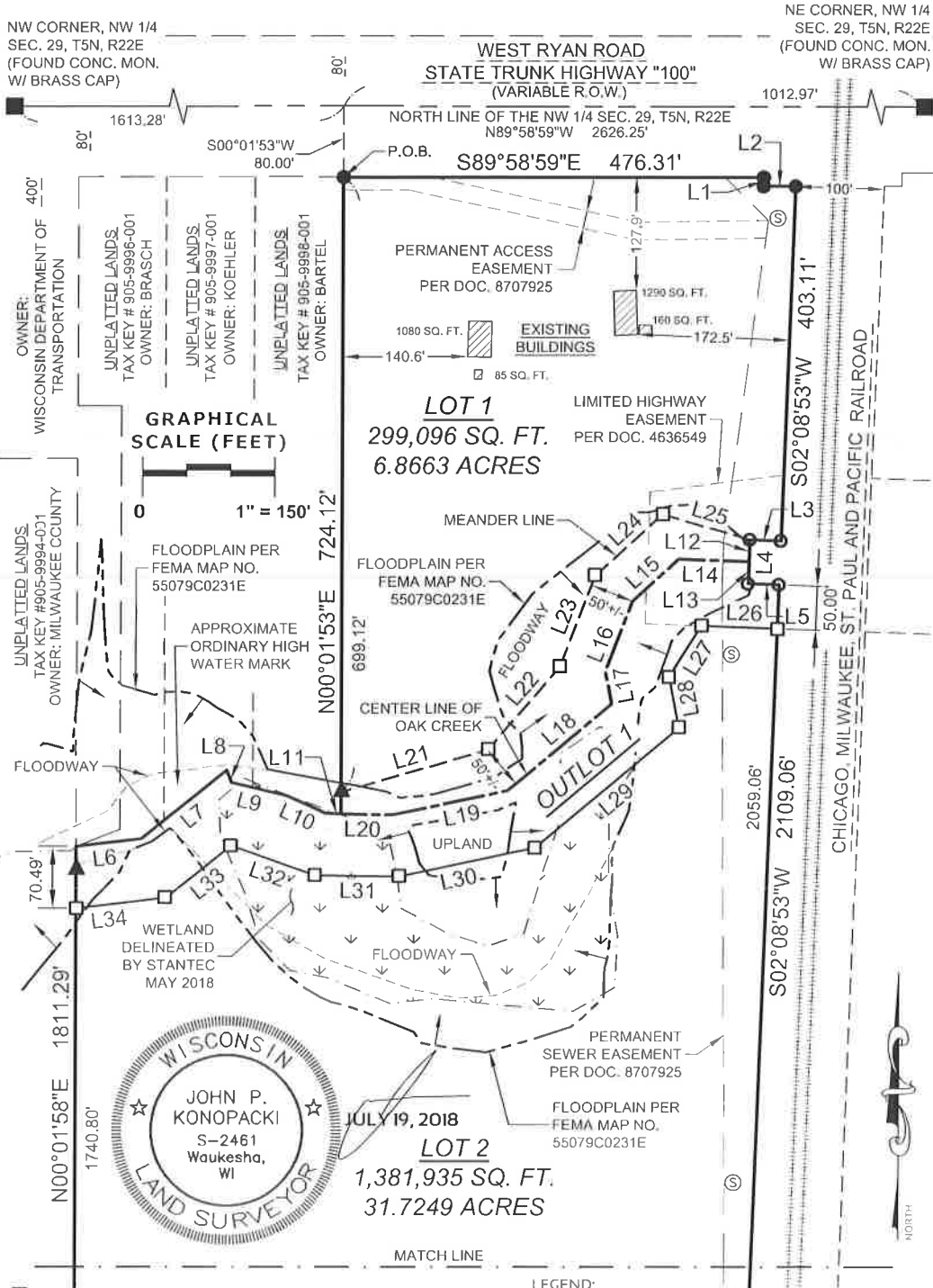
- Officially Mapped Streets
- Subject Property
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin



Prepared by:  
**PINNACLE ENGINEERING GROUP**  
 15850 BLUEBOND ROAD, SUITE 210  
 BROOKFIELD, WI 53005  
 OFFICE: (262) 754-8288

This instrument drafted by John P. Konopacki, PLS-License No. S-2461  
 PEG JOB#146.00  
**SHEET 1 OF 7**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin



JULY 19, 2018

GRAPHICAL SCALE (FEET)

0 1" = 150'

PERMANENT SEWER EASEMENT PER DOC. 8707925

UNPLATTED LANDS.  
TAX KEY #905-9994-001  
OWNER: MILWAUKEE COUNTY

WEST LINE OF THE EAST 1/2 OF THE NORTHWEST 1/4

N00°01'58"E 1811.29'

1740.80'

WETLAND DELINEATED BY STANTEC MAY 2018

**LOT 2**  
1,381,935 SQ. FT.  
31.7249 ACRES

Prepared for:  
Capstone Development Company  
c/o Mike Faber  
N17 W24222 Riverwood Drive, Suite 160  
Waukesha, WI 53188

SW CORNER, NW 1/4  
SEC. 29, T5N, R22E  
(FOUND CONC. MON.  
W/ BRASS CAP)

WETLAND DELINEATED BY STANTEC MAY 2018

10' x 30' WISCONSIN ELECTRIC  
POWER COMPANY EASEMENT  
PER DOC. 4782057

S89°51'06"W 2616.68'

SOUTH LINE OF THE NW 1/4 SEC. 29, T5N, R22E

1308.21'

100 YEAR FLOOD PLAIN PER  
FEMA MAP NO. 55079C0231E  
(GRAPHIC PLOTTING ONLY)

S89°51'06"W 718.13'

UNPLATTED LANDS.  
TAX KEY # 925-9999-000  
OWNER: CQ SOUTH OAK LAND LLC

SE CORNER, NW 1/4  
SEC. 29, T5N, R22E  
(FOUND CONC. MON.)

590.34'



Subject Property  
Zoning: A-1, Rs-3, P-1 & FW  
Tax Key Number: 905-9999-006

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEBOND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

**LEGEND:**

- - Denotes Found 1" Iron Pipe
- - Denotes Found 3/4" Iron Rod
- ▲ - Denotes Found 3/4" Iron Rod at 25' Offset
- - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS/FT.
- ⊙ - Denotes Sanitary Sewer Manhole

PEG JOB#146.00  
SHEET 2 OF 7

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

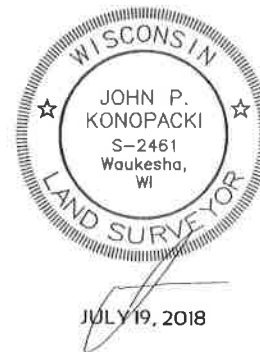
Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North,  
Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S00° 01' 01"W	10.00'
L2	S89° 58' 59"E	36.19'
L3	N87° 51' 11"W	35.00'
L4	S02° 08' 53"W	50.00'
L5	S87° 51' 11"E	35.00'
L6	N83° 15' 55"E	74.39'
L7	N51° 03' 50"E	124.02'
L8	S21° 04' 22"E	14.94'
L9	S76° 38' 51"E	63.91'
L10	S66° 01' 16"E	48.88'
L11	S86° 17' 32"E	17.70'
L12	S02° 08' 53"W	25.00'
L13	S02° 08' 53"W	25.00'
L14	N87° 51' 07"W	79.80'
L15	S47° 37' 13"W	71.19'
L16	S21° 04' 20"W	85.26'
L17	S11° 02' 26"E	38.16'

LINE TABLE		
LINE	DIRECTION	LENGTH
L18	S50° 01' 25"W	153.91'
L19	S78° 00' 53"W	131.84'
L20	N89° 14' 30"W	59.28'
L21	N73° 52' 04"E	172.45'
L22	N40° 42' 57"E	124.76'
L23	N21° 04' 20"E	111.44'
L24	N47° 37' 13"E	103.45'
L25	S73° 51' 06"E	103.34'
L26	N87° 51' 11"W	86.00'
L27	S32° 20' 21"W	68.51'
L28	S11° 02' 26"E	59.30'
L29	S50° 01' 25"W	212.65'
L30	S78° 00' 53"W	157.11'
L31	N89° 14' 30"W	96.01'
L32	N70° 33' 49"W	100.64'
L33	S51° 03' 50"W	94.29'
L34	S83° 15' 55"W	102.90'

**NOTES:**

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- The centerline of Oak Creek was located and surveyed August 2017.
- Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.
- Right of Way widths and locations are based on Wisconsin Department of Transportation State Right of Way Project Number 2040-16-20 - 406 dated August 26, 2013.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
- The property lies within Zone "AE" of the Flood Insurance Rate Map Community Panel No. 55079C023IE dated SEPTEMBER 26, 2008. Zone "AE" areas have Base Flood Elevations determined.
- Vertical Datum: City of Oak Creek (City of Oak Creek Vertical Datum conversion = National Geodetic Vertical Datum of 1929 minus (-) 580.56).
- Reference Benchmark: Concrete monument with brass cap at the southwest corner of the Northwest 1/4 Section 29, Town 5 North, Range 22 East, Elevation = 711.26 (NGVD29) = 130.70 (CITY).
- Total Area to Meander Line = 269,665 SQ. FT. / 6.1907 Acres.



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 15850 BLUEBOND ROAD | SUITE 210  
 BROOKFIELD, WI 53005  
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
**SHEET 3 OF 7**



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North,  
Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4, Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Commencing at the northeast corner of the Northwest 1/4 of said Section 29;  
Thence North 89°58'59" West along the north line of said Northwest 1/4, 1012.97 feet;  
Thence South 00°01'53" West, 80.00 feet to the south right of way line of West Ryan Road - State Trunk Highway "100" and the Point of Beginning;

Thence South 89°58'59" East along said south right of way line, 476.31 feet;  
Thence South 00°01'01" West along said south right of way line, 10.00 feet;  
Thence South 89°58'59" East along said south right of way line, 36.19 feet to the west right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad;

Thence the following courses along said right of way line:

South 02°08'53" West, 403.11 feet;  
North 87°51'11" West, 35.00 feet;  
South 02°08'53" West, 50.00 feet;  
South 87°51'11" East, 35.00 feet;  
South 02°08'53" West, 2109.06 feet to the south line of said Northwest 1/4;

Thence South 89°51'06" West along said south line, 718.13 feet to the west line of the East 1/2 of said Northwest 1/4;  
Thence North 00°01'58" East along said west line, 1811.29 feet to the centerline of Oak Creek;

Thence the following courses along said centerline:

North 83°15'55" East, 74.39 feet;  
North 51°03'50" East, 124.02 feet;  
South 21°04'22" East, 14.94 feet;  
South 76°38'51" East, 63.91 feet;  
South 66°01'16" East, 48.88 feet;  
South 86°17'32" East, 17.70 feet;

Thence North 00°01'53" East, 724.12 feet to the aforesaid south right of way line and the Point of Beginning.

Containing 1,750,234 square feet (40.1798 acres) of land more or less.

That I have made such survey, land division and map by the direction of Charles R. Koehler AND Deborah J. Meyer AND Bernice Bartel, owners of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

  
\_\_\_\_\_  
John P. Konopacki  
Professional Land Surveyor S-2461

Date: JULY 19, 2018

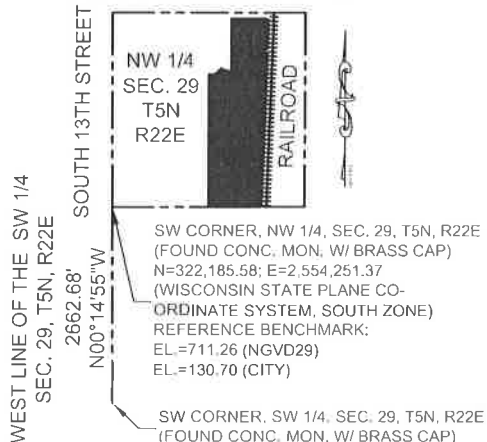


Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15250 BLUENOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

### VICINITY SKETCH SCALE 1"=2000'

WEST RYAN ROAD  
STATE TRUNK HIGHWAY "100"



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## OWNER'S CERTIFICATE

Charles R. Koehler AND Deborah J. Meyer AND Bernice Bartel, as owners, hereby certify that we caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the requirements of the City of Oak Creek.

Charles R. Koehler AND Deborah J. Meyer AND Bernice Bartel, as owners, do further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charles R. Koehler

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deborah J. Meyer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bernice Bartel

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Charles R. Koehler, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Deborah J. Meyer, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, Bernice Bartel, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



JULY 19, 2018

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEBOND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
SHEET 5 OF 7

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North,  
Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## CONSENT OF CORPORATE MORTGAGEE (Charles R. Koehler)

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Date President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE (Deborah J. Meyer)

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Date President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE (Bernice Bartel)

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Date President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

Prepared by:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEN ROUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE (262) 754-8288



JULY 19, 2018

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 29, Town 5 North,  
Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

## PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

\_\_\_\_\_ Daniel Bukiewicz, Chairman

\_\_\_\_\_

\_\_\_\_\_ Douglas W. Seymour, Secretary or Clerk

## COMMON COUNCIL APPROVAL

Approved by the Common Council of the City of Oak Creek on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

\_\_\_\_\_ Daniel Bukiewicz, Mayor

\_\_\_\_\_

\_\_\_\_\_ Catherine A. Roeske, City Clerk



JULY 19, 2018



Prepared By:

**PINNACLE ENGINEERING GROUP**

15850 BLUENOUND ROAD | SUITE 210

BROOKFIELD, WI 53005

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

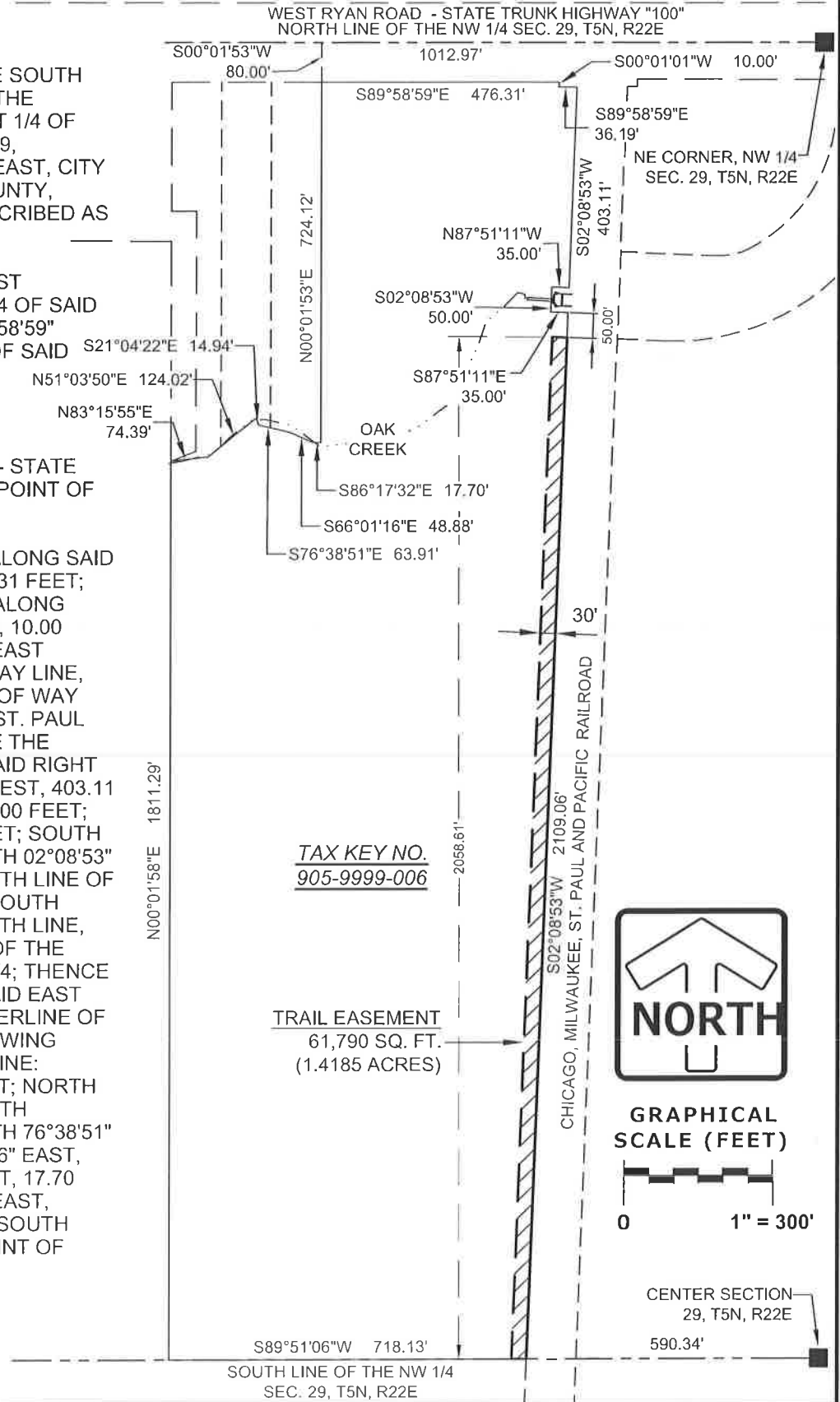
PEG JOB#146.00  
SHEET 7 OF 7

# LEGAL DESCRIPTION:

BEING THE EAST 30 FEET OF THE SOUTH 2058.61 FEET OF THAT PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4, SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 29; THENCE NORTH 89°58'59" WEST ALONG THE NORTH LINE OF SAID NORTHWEST 1/4, 1012.97 FEET; THENCE SOUTH 00°01'53" WEST, 80.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST RYAN ROAD - STATE TRUNK HIGHWAY "100" AND THE POINT OF BEGINNING:

THENCE SOUTH 89°58'59" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 476.31 FEET; THENCE SOUTH 00°01'01" WEST ALONG SAID SOUTH RIGHT OF WAY LINE, 10.00 FEET; THENCE SOUTH 89°58'59" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 36.19 FEET TO THE WEST RIGHT OF WAY LINE OF CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE THE FOLLOWING COURSES ALONG SAID RIGHT OF WAY LINE: SOUTH 02°08'53" WEST, 403.11 FEET; NORTH 87°51'11" WEST, 35.00 FEET; SOUTH 02°08'53" WEST, 50.00 FEET; SOUTH 87°51'11" EAST, 35.00 FEET; SOUTH 02°08'53" WEST, 2109.06 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4; THENCE SOUTH 89°51'06" WEST ALONG SAID SOUTH LINE, 718.13 FEET TO THE WEST LINE OF THE EAST 1/2 OF SAID NORTHWEST 1/4; THENCE NORTH 00°01'58" EAST ALONG SAID EAST LINE, 1811.29 FEET TO THE CENTERLINE OF OAK CREEK; THENCE THE FOLLOWING COURSES ALONG SAID CENTERLINE: NORTH 83°15'55" EAST, 74.39 FEET; NORTH 51°03'50" EAST, 124.02 FEET; SOUTH 21°04'22" EAST, 14.94 FEET; SOUTH 76°38'51" EAST, 63.91 FEET; SOUTH 66°01'16" EAST, 48.88 FEET; SOUTH 86°17'32" EAST, 17.70 FEET; THENCE NORTH 00°01'53" EAST, 724.12 FEET TO THE AFORESAID SOUTH RIGHT OF WAY LINE AND THE POINT OF BEGINNING.



## COMMON COUNCIL REPORT

**Item:** Certified Survey Map - Michael Faber, Ryan Business Park, LLC - 9900 S. 13<sup>th</sup> St.

**Recommendation:** That the Council adopts Resolution No. 11966-080618, a resolution approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 9900 S. 13<sup>th</sup> St.

**Fiscal Impact:** The division and reconfiguration of the property will create one (1) lot of approximately 12.3 acres for future manufacturing development, one (1) lot of approximately 2 acres, and one (1) Outlot of approximately 15.5 acres to be conveyed to Milwaukee County. While development of both Lot 1 and Lot 2 would yield positive financial impacts in terms of assessed value and development fees, Lot 2 will be combined with portions of surrounding properties for potential development of a large manufacturing use as part of the proposed Ryan Business Park. This property is within the proposed TID 16, which will be presented for Council review on August 21, 2018.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

---

**Background:** The Applicant, Michael Faber, Ryan Business Park, LLC, is requesting approval of a Certified Survey Map to divide and reconfigure the property at 9900 S. 13<sup>th</sup> St. Council will note that this property is currently part of a rezone and manufacturing Planned Unit Development (PUD) request.

Three lots are proposed:

- Lot 1 will be approximately 12.3 acres in size, and would be available for future development.
- Lot 2 will be approximately 2.0 acres in size. A condition of approval has been provided stating that acreage for Lot 2 should be shown on the map prior to recording.
- Outlot 2 will be 15.5 acres in size, contains a majority of the wetlands and floodplain on the parcel, and will be conveyed to Milwaukee County.

---

Council should be aware that the proposed Lot 2 appears to be landlocked in this CSM. However, this situation is temporary as CSM #4 on tonight's agenda reconfigures and divides 4 parcels for the proposed PUD. CSM #4 depicts an expanded Lot 2 to S. 13th Street, thus providing access. In order to avoid confusion, staff has included a condition of approval that this CSM references CSM #4.

Wetlands and floodplain areas have been delineated and are shown on the map. Staff notes that there is a label error that incorrectly identifies S. 13th St. as S. 113th St. The Applicant has been made aware of this error. Additional right-of-way dedication along S. 13th St. is also depicted. Department comments that were submitted to the Applicant include the following:

- Outlot 1 does not contain the entirety of the floodplain and wetlands.

The Applicant is aware, and the configuration was previously agreed to with the County as part of the proposed land swap.

- The map is depicting a 45-foot right-of-way dedication for future road improvements, but a Traffic Impact Analysis (TIA) has not yet been completed to confirm the need.

The Applicant is aware that the TIA is not complete, and stated that the existing 45-foot right-of-way will be modified if the TIA requires.

The Plan Commission reviewed this CSM at their meeting on July 24, 2018, and recommended approval with the following conditions:

1. That a label indicating the acreage for Lot 2 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Options/Alternatives:** Council has the discretion to modify the conditions of Certified Survey Map approval, or deny the request. Disapproval will affect the proposal for the manufacturing Planned Unit Development, and may result in the loss of development for Ryan Business Park.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



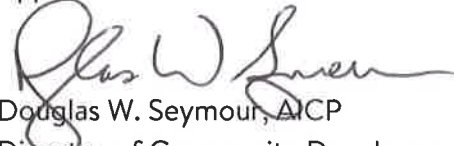
Karl Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 11966-080618

Location Map

Certified Survey Map (Sheets 1-4)

Exhibit



RESOLUTION NO. 11966-080618

BY: \_\_\_\_\_

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
MICHAEL FABER, RYAN BUSINESS PARK, LLC

9900 S. 13<sup>th</sup> St.  
(5<sup>th</sup> Aldermanic District)

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That a label indicating the acreage for Lot 2 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That a label indicating the acreage for Lot 2 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

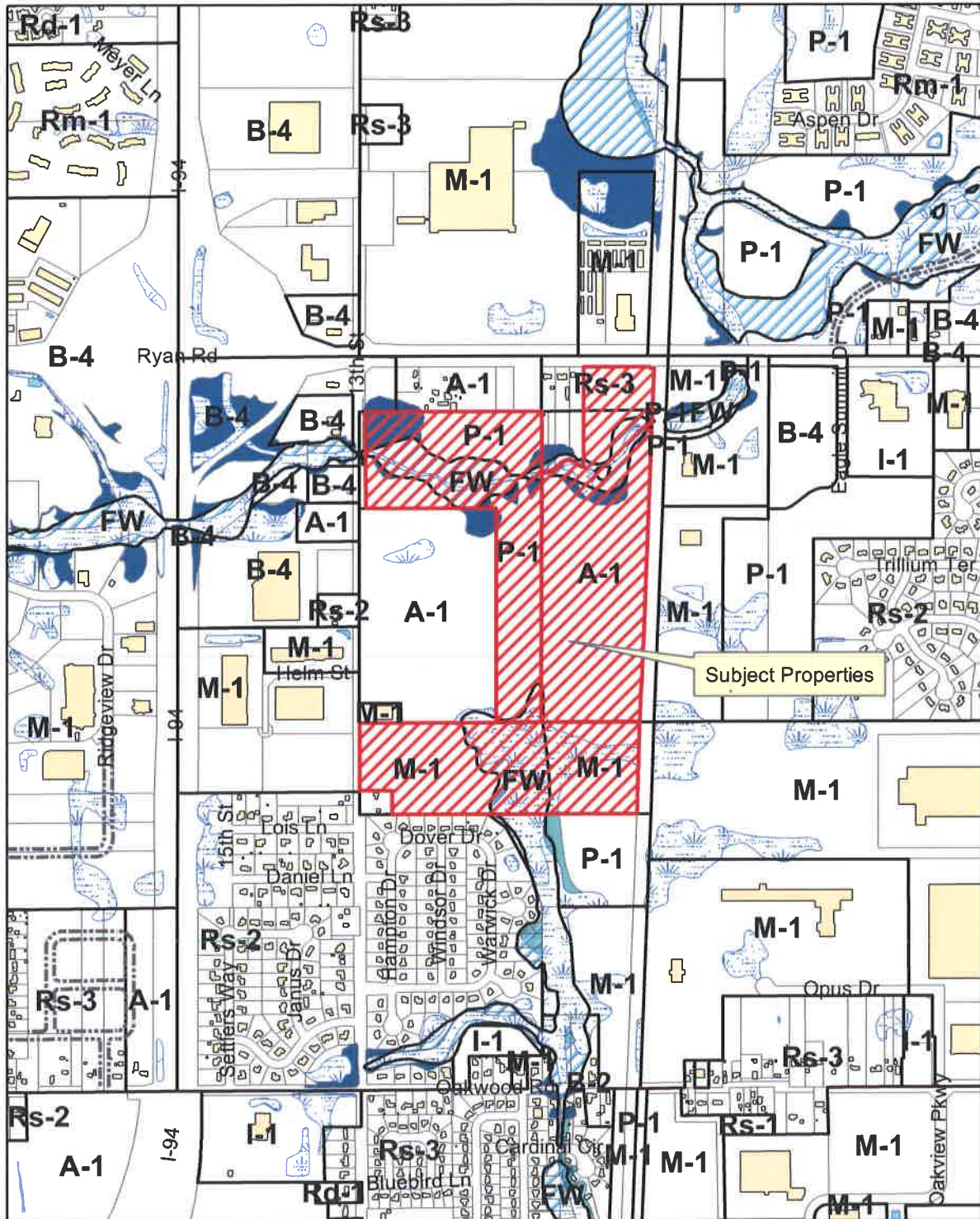
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# Location Map: 741 W Ryan Rd., 9600, & 9900 S. 13th St.



This map is not a survey of the actual boundary of any property this map depicts.

### Legend

- Officially Mapped Streets
- Subject Properties
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

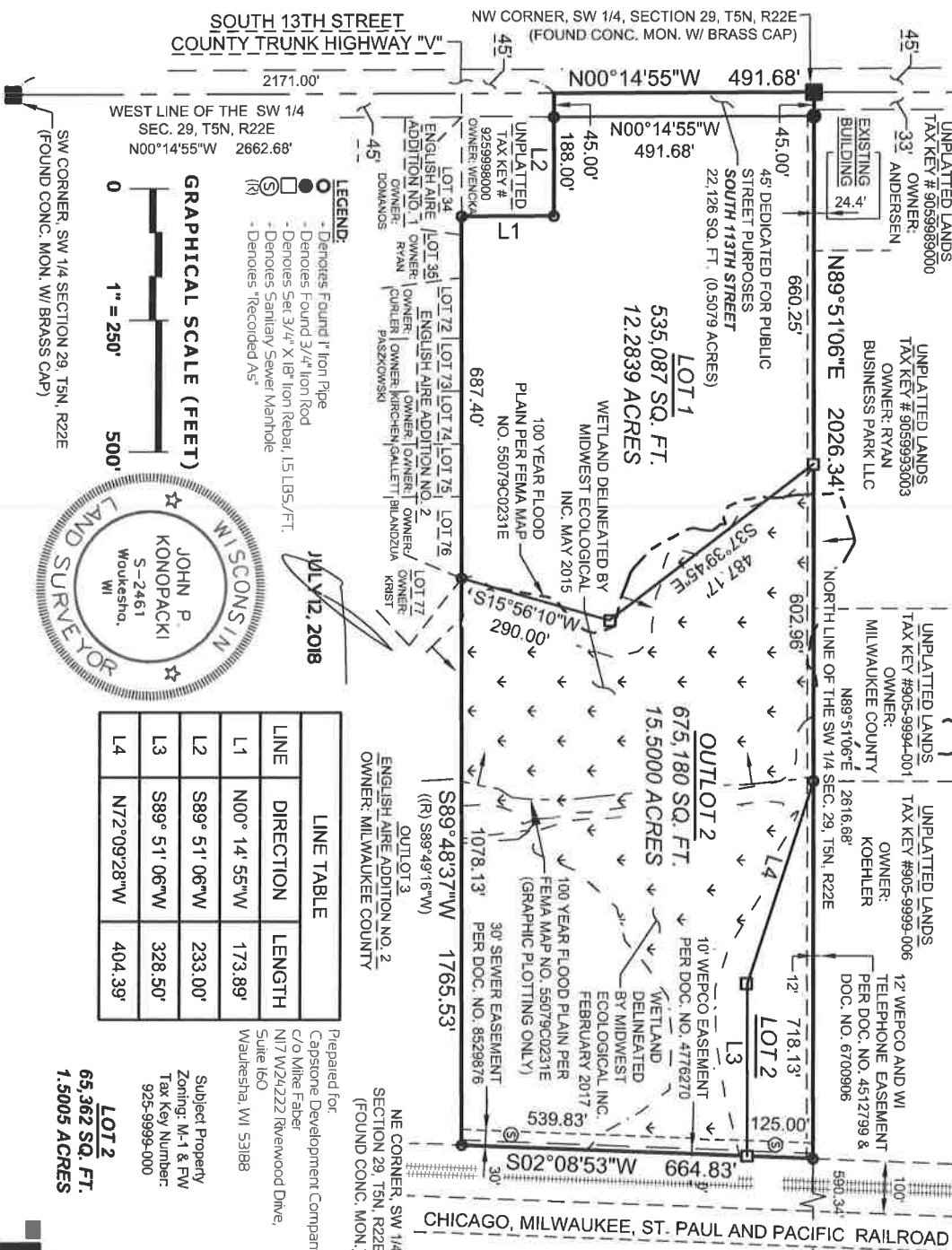


Department of Community Development

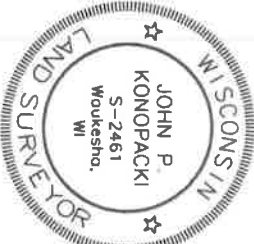
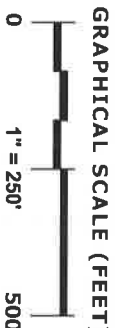


# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



WEST LINE OF THE SW 1/4  
SEC. 29, T5N, R22E  
N00°14'55"W 2662.68'



- LEGEND:**
- - Denotes Found 1" Iron Pipe
  - - Denotes Found 3/4" Iron Rod
  - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
  - Ⓢ - Denotes Sanitary Sewer Manhole
  - Denotes "Recorded As"

LINE	DIRECTION	LENGTH
L1	N00° 14' 55"W	173.89'
L2	S89° 51' 06"W	233.00'
L3	S89° 51' 06"W	328.50'
L4	N72° 09' 28"W	404.39'

**LOT 2**  
65,362 SQ. FT.  
1,5005 ACRES

Prepared for:  
Capstone Development Company  
c/o Mike Faber  
N17W24222 Rivewood Drive,  
Suite 160  
Waukesha, WI 53188

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB# 146.00  
SHEET 1 OF 4

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that part of the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Beginning at the northwest corner of the Southwest 1/4 of said Section 29;  
Thence North 89°51'06" East along the north line of said Southwest 1/4, 2026.34 feet to the west right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad;  
Thence South 02°08'53" West along said west railroad right of way line, 664.83 feet to the north line of English Aire Addition No. 2, a recorded subdivision;  
Thence South 89°48'37" West along the north line of said English Aire Addition No. 2 and then along the north line of English Aire Addition No. 1, a recorded subdivision, 1765.53 feet;  
Thence North 00°14'55" West, 173.89 feet;  
Thence South 89°51'06" West, 233.00 feet to the west line of said Southwest 1/4;  
Thence North 00°14'55" West along said west line, 491.68 feet to the Point of Beginning.

Dedicating the West 45 feet of subject property as graphically shown for public right of way purposes.

Containing 1,297,755 square feet (29.7923 acres) of land Gross and 1,275,629 square feet (29.2844 acres) of land Net more or less.


That I have made such survey, land division and map by the direction of CQ South Oak Land LLC, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land Division Ordinance in surveying, mapping and dividing the land within the subdivision / certified survey map.

Date: JULY 12, 2018



  
John P. Konopacki  
Professional Land Surveyor S-2461

### NOTES:

- All measurements have been made to the nearest one-hundredth of a foot
- All angular measurements have been made to the nearest one second.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
- The property lies within Zone "AE" of the Flood Insurance Rate Map Community Panel No. 55079C0231E dated SEPTEMBER 26, 2008. Zone "AE" areas have Base Flood Elevations determined.
- Vertical Datum: City of Oak Creek (City of Oak Creek Vertical Datum conversion = National Geodetic Vertical Datum of 1929 minus (-) 580.56).  
Reference Benchmark: Concrete monument with brass cap at the northwest corner of the Southwest 1/4 Section 29, Town 5 North, Range 22 East, Elevation = 711.26 (NGVD29) = 130.70 (CITY)

NW CORNER, SW 1/4, SEC. 29, T5N, R22E  
(FOUND CONC. MON. W/ BRASS CAP)  
N=322,185.58; E=2,554,251.37  
(WISCONSIN STATE PLANE CO-  
ORDINATE SYSTEM, SOUTH ZONE)  
REFERENCE BENCHMARK:  
EL.=711.26 (NGVD29)  
EL.=130.70 (CITY)



VICINITY SKETCH  
SCALE 1"=2000'

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB# 146.00  
SHEET 2 OF 4

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## OWNER'S CERTIFICATE OF DEDICATION

CQ South Oak Land LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Delaware, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

CQ South Oak Land LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

IN WITNESS WHEREOF, the said CQ South Oak Land LLC, has caused these presents to be signed by \_\_\_\_\_ (name - print) \_\_\_\_\_, (title) \_\_\_\_\_, at \_\_\_\_\_ County, State of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

In the presence of: CQ South Oak Land LLC

\_\_\_\_\_  
Name (signature) - Title

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, (name) \_\_\_\_\_, (title) \_\_\_\_\_, of the above named limited liability company, to me known to be the persons who executed the foregoing Instrument, and to me known to be such \_\_\_\_\_ (title) of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of \_\_\_\_\_, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described in the foregoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day \_\_\_\_\_, 2018.

\_\_\_\_\_  
Date \_\_\_\_\_ President \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_, to me known to be the person who executed the foregoing Instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



JULY 12, 2018

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Northeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 29,  
Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

## PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

\_\_\_\_\_ Daniel Bukiewicz, Chairman

\_\_\_\_\_

\_\_\_\_\_ Douglas W. Seymour, Secretary or Clerk

## COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

Approval and acceptance of dedication of land as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Resolution No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Daniel Bukiewicz, Mayor

\_\_\_\_\_

\_\_\_\_\_ Catherine A. Roeske, City Clerk



JULY 12, 2018



Prepared By:

**PINNACLE ENGINEERING GROUP**

15850 BLUEMOUND ROAD | SUITE 210

BROOKFIELD, WI 53005

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

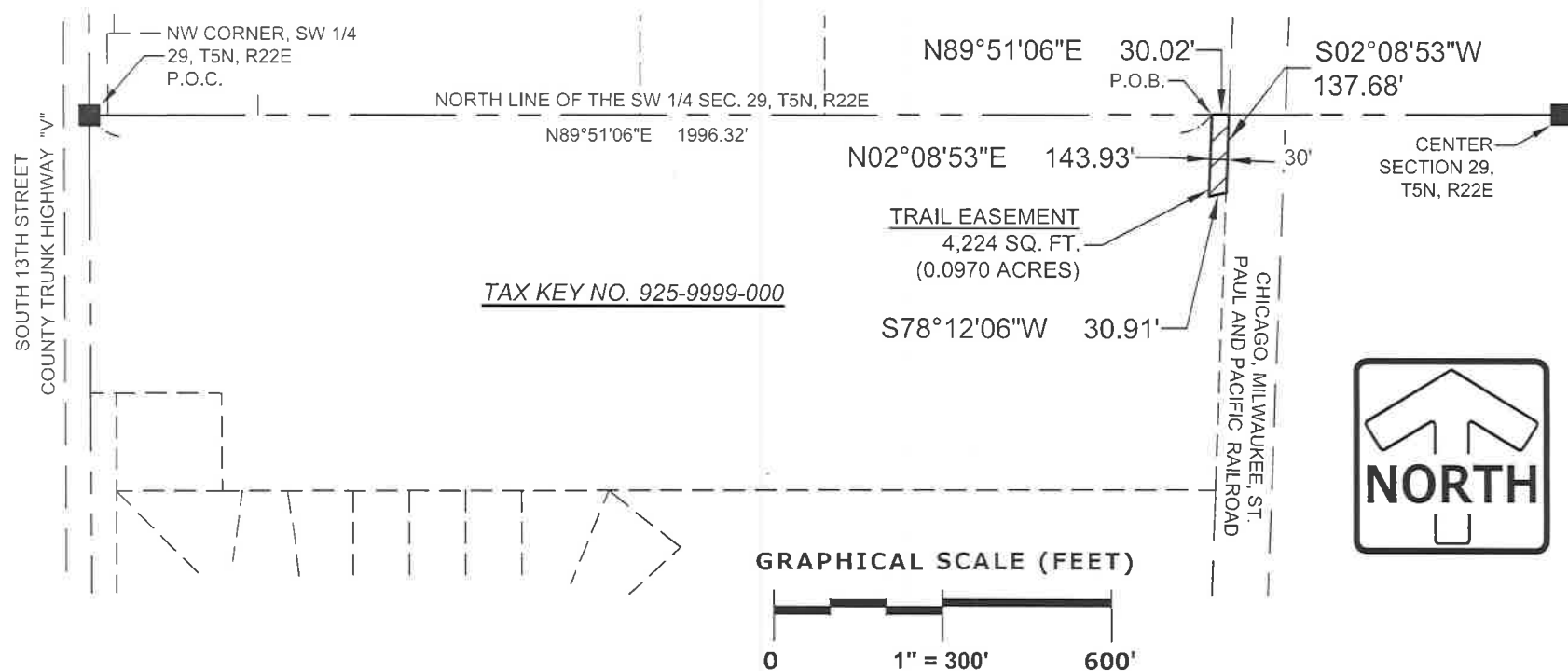
PEG JOB#146.00  
**SHEET 4 OF 4**

## LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, IN TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID 1/4 SECTION; THENCE NORTH 89° 51' 06" EAST ALONG THE NORTH LINE OF SAID 1/4 SECTION, 1996.32 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 89°51'06" EAST ALONG SAID NORTH LINE, 30.02 FEET TO THE WEST RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD; THENCE SOUTH 02° 08' 53" WEST ALONG SAID RAILROAD RIGHT OF WAY LINE, 137.68 FEET; THENCE SOUTH 78°12'06" WEST, 30.91 FEET; THENCE NORTH 02°08'53" EAST, 143.93 FEET TO THE POINT OF BEGINNING.



# EXHIBIT

## PINNACLE ENGINEERING GROUP

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005

07/09/18

## PLAN | DESIGN | DELIVER

WWW.PINNACLE-ENGR.COM

PEG JOB#146.01



## COMMON COUNCIL REPORT

- Item:** Certified Survey Map - Michael Faber, Ryan Business Park, LLC - 9600 S. 13<sup>th</sup> St.
- Recommendation:** That the Council adopts Resolution No. 11967-080618, a resolution approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the property at 9600 S. 13<sup>th</sup> St.
- Fiscal Impact:** The division and reconfiguration of the property will create one (1) lot of approximately 28 acres for future manufacturing development, one (1) Outlot of approximately 3.6 acres to be retained by Milwaukee County, and one (1) Outlot of approximately 1.2 acres to be retained by Milwaukee County. Parts of Lot 1 will be combined with portions of surrounding properties for potential development of a large manufacturing use as part of the proposed Ryan Business Park. Development of Lot 1 will yield positive financial impacts in terms of assessed value and development fees. This property is within the proposed TID 16, which will be presented for Council review on August 21, 2018.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

---

**Background:** The Applicant, Michael Faber, Ryan Business Park, LLC, is requesting approval of a Certified Survey Map to divide and reconfigure the property at 9600 S. 13<sup>th</sup> St. Council will note that this property is currently part of a rezone and manufacturing Planned Unit Development (PUD) request.

Three lots are proposed:

- Lot 1 will be approximately 28 acres in size and conveyed to Ryan Business Park.
- Outlot 3 will be approximately 3.6 acres in size, contains a portion of the Creek (approximately 70 feet north and approximately 70 feet south of the centerline) and much of the floodway, and will be retained by Milwaukee County.
- Outlot 4 will be approximately 1.2 acres in size, contains a portion of the Creek (approximately 70 feet north and approximately 70 south of the centerline), and will be retained by Milwaukee County. A

---

condition of approval has been provided stating that acreage for Outlot 4 should be shown on the map prior to recording.

Council will note that there is an 80-foot gap between Outlots 3 and 4. This gap is part of Lot 1, and is intended for public right-of-way purposes for the proposed business park. As with the previous CSMs for Ryan Business Park, staff has included a condition of approval that this CSM references CSM #4.

Wetlands and floodplain areas have been delineated and are shown on the map. Staff notes that there is a label error that incorrectly identifies S. 13th St. as S. 113th St. The Applicant has been made aware of this error. Additional right-of-way dedication along S. 13th St. is also depicted. Department comments that were submitted to the Applicant include the following:

- Outlots 3 and 4 do not appear to contain the entirety of the floodway, which does not follow Chapter 13 regulations.

Lands are part of an exchange agreement with Milwaukee County. The Applicant is aware of the presence of floodway and floodplain on the property, and any changes to the floodway will require additional modeling information.

- The map is depicting a 45-foot right-of-way dedication for future road improvements, but a Traffic Impact Analysis (TIA) has not yet been completed to confirm the need.

The Applicant is aware that the TIA is not complete, and stated that the existing 45-foot right-of-way will be modified if the TIA requires.

- Due to the location, State and County review of the CSMs is required.

The Applicant has been made aware of this.

The Plan Commission reviewed this CSM at their meeting on July 24, 2018, and recommended approval with the following conditions:

1. That a label indicating the acreage for Outlot 4 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.

---

3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Options/Alternatives:** Council has the discretion to modify the conditions of Certified Survey Map approval, or deny the request. Disapproval will affect the proposal for the manufacturing Planned Unit Development, and may result in the loss of development for Ryan Business Park.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



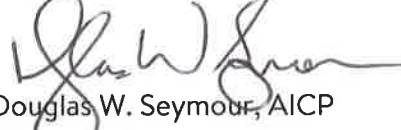
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 11967-080618

Location Map

Certified Survey Map (Sheets 1-5)

RESOLUTION NO. 11967-080618

BY: \_\_\_\_\_

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
MICHAEL FABER, RYAN BUSINESS PARK, LLC

9600 S. 13<sup>th</sup> St.  
(5<sup>th</sup> Aldermanic District)

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That a label indicating the acreage for Outlot 4 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That a label indicating the acreage for Outlot 4 is included on the map prior to recording.
2. That a note is included on the map prior to recording that references the proposed CSM #4.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

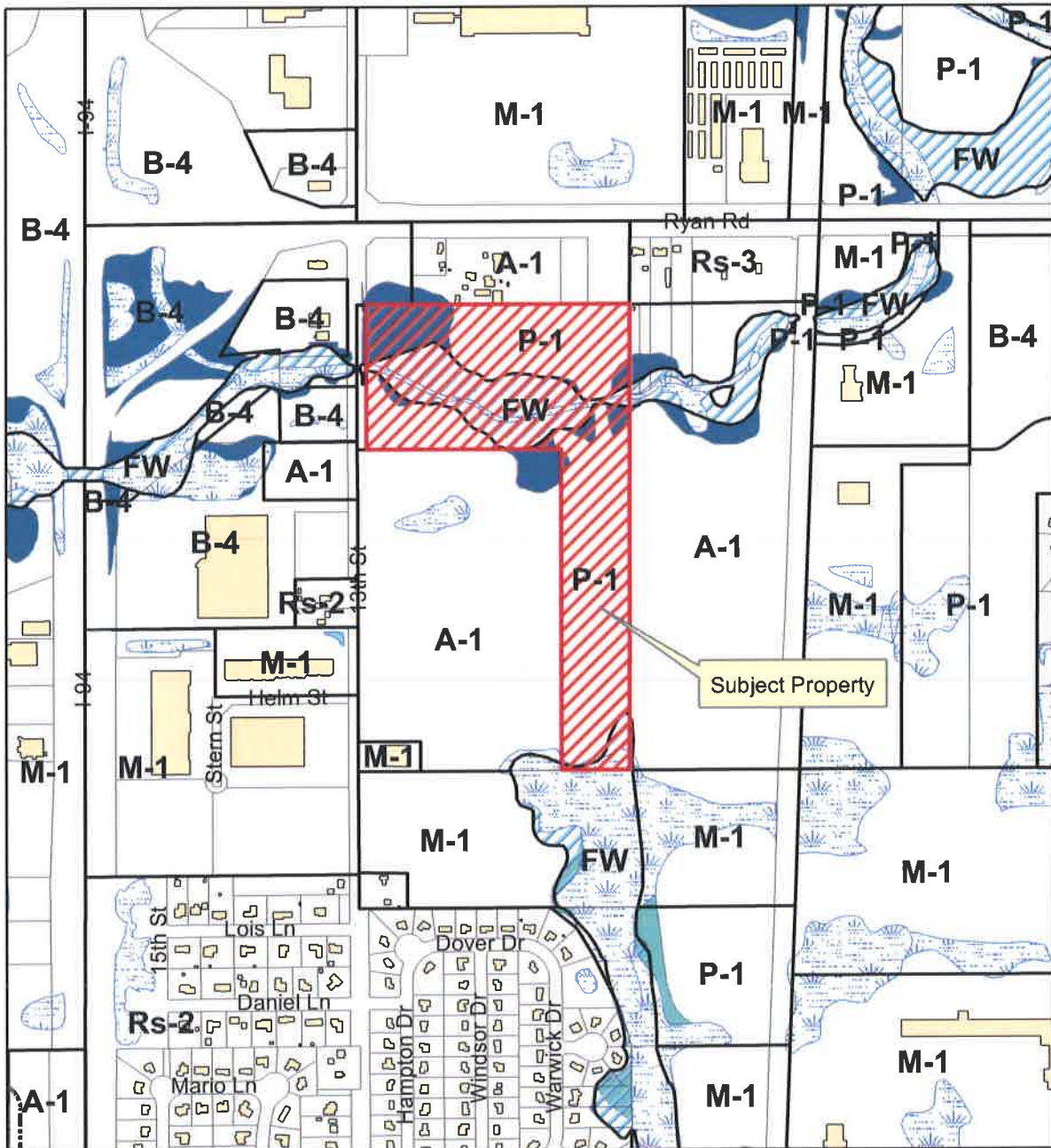
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

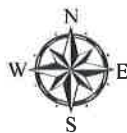
# Location Map: 9600 S. 13th St.



*This map is not a survey of the actual boundary of any property this map depicts.*



Department of Community Development



### Legend

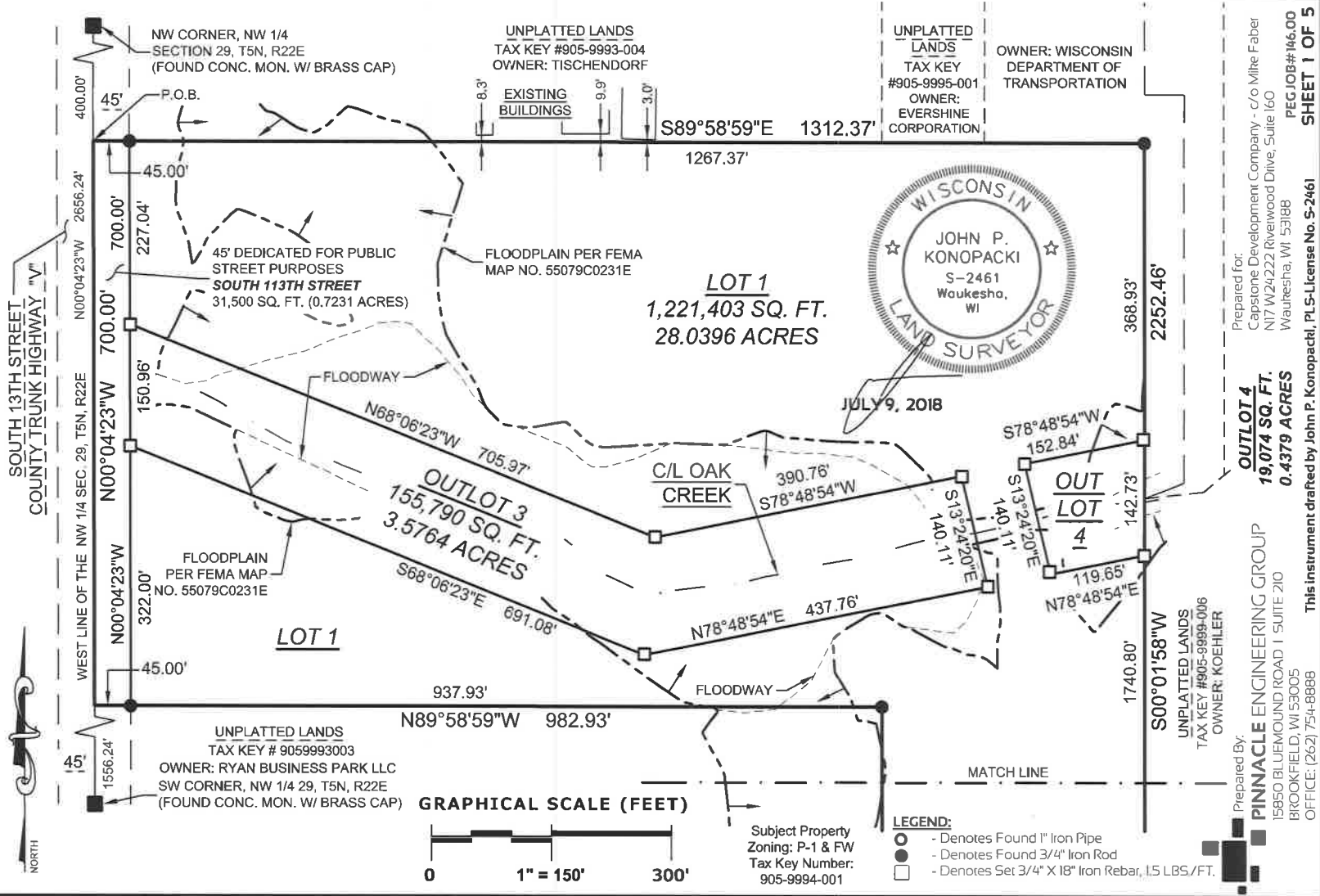
- Officially Mapped Streets
- Subject Property
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



Prepared for:  
Capstone Development Company - c/o Mike Faber  
N17 W24222 Riverwood Drive, Suite 160  
Waukesha, WI 53188  
PEC JOB# 146.00

Prepared by:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

**OUTLOT 4**  
19,074 SQ. FT.  
0.4379 ACRES

**SHEET 1 OF 5**

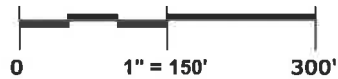
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

MATCH LINE

FLOODPLAIN PER FEMA  
MAP NO. 55079C0231E

Being a part of the Southwest 1/4 and  
Northwest 1/4 of the Northwest 1/4 of Section  
29, Township 5 North, Range 22 East, City of  
Oak Creek, Milwaukee County, Wisconsin.

### GRAPHICAL SCALE (FEET)



UNPLATTED LANDS  
TAX KEY #905-9999-006  
OWNER: KOEHLER



JULY 9, 2018

UNPLATTED LANDS  
TAX KEY # 9059993003  
OWNER: RYAN BUSINESS PARK LLC

**LOT 1**  
1,221,403 SQ. FT.  
28.0396 ACRES

N00°01'53"E 1553.41'

1740.80'

N00°01'58"E 2252.46'

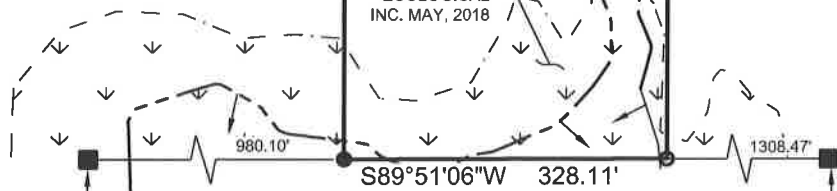
(EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4)

### LEGEND:

- - Denotes Found 1" Iron Pipe
- - Denotes Found 3/4" Iron Rod

WETLAND  
DELINEATED  
BY MIDWEST  
ECOLOGICAL  
INC. MAY, 2018

FLOODPLAIN PER FEMA  
MAP NO. 55079C0231E



SW CORNER, NW 1/4  
SECTION 29, T5N, R22E  
(FOUND CONC. MON. W/ BRASS CAP)

SE CORNER, NW 1/4  
SECTION 29, T5N, R22E  
(FOUND CONC. MON.)

UNPLATTED LANDS  
TAX KEY #925-9999-000  
OWNER: CQ SOUTH  
OAK LAND LLC



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB# 146.00  
**SHEET 2 OF 5**



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29,  
Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that part of the Southwest 1/4 and the Northwest 1/4 of the Northwest 1/4 of Section 29,  
Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 29;  
Thence South 00°04'23" East along the west line of said Northwest 1/4, 400.00 feet to the Point of Beginning;

Thence South 89°58'59" East, 1312.37 feet;  
Thence South 00°01'58" West, 2252.46 feet to the south line of said Northwest 1/4;  
Thence South 89°51'06" West along said south line, 328.11 feet;  
Thence North 00°01'53" East, 1553.41 feet;  
Thence North 89°58'59" West, 982.93 feet to the aforesaid west line of the Northwest 1/4;  
Thence North 00°04'23" West along said west line, 700.00 feet to the Point of Beginning.

Dedicating the Westerly 45 feet of subject property as graphically shown for public right of way purposes.

Containing 1,427,767 square feet (32.7770 acres) of land Gross and 1,396,267 square feet (32.0539 acres) of land Net more or less.

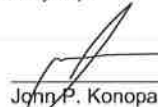
That I have made such survey, land division and map by the direction of Milwaukee County, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land  
Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

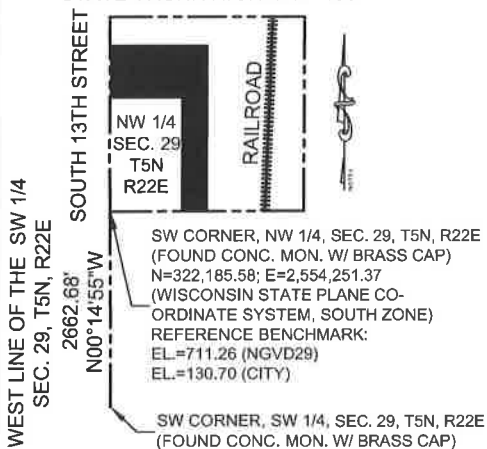
Date: JULY 9, 2018



  
John P. Konopacki  
Professional Land Surveyor S-2461

## VICINITY SKETCH SCALE 1"=2000'

WEST RYAN ROAD  
STATE TRUNK HIGHWAY "100"



## NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- The centerline of Oak Creek was located and surveyed June 2018.
- Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
- The property lies with in Zone "AE" of the Flood Insurance Rate Map Community Panel No. 55079C0231E dated SEPTEMBER 26, 2008. Zone "AE" areas have Base Flood Elevations determined.
- Vertical Datum: City of Oak Creek (City of Oak Creek Vertical Datum conversion = National Geodetic Vertical Datum of 1929 minus (-) 580.56). Reference Benchmark: Concrete monument with brass cap at the southwest corner of the Northwest 1/4 Section 29, Town 5 North, Range 22 East, Elevation = 711.26 (NGVD29) = 130.70 (CITY).

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
SHEET 3 OF 5

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29,  
Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

## OWNER'S CERTIFICATE OF DEDICATION

Milwaukee County, as owner, hereby certifies that it caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Oak Creek.

Milwaukee County, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

IN WITNESS WHEREOF, the said Milwaukee County has caused these presents to be signed by  
(name - print) \_\_\_\_\_, (title) \_\_\_\_\_, at  
\_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

In the presence of: Milwaukee County

\_\_\_\_\_  
Name (signature) - Title

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, (name) \_\_\_\_\_  
(title) \_\_\_\_\_, of the above named Milwaukee County, to me known to be the persons who  
executed the foregoing Instrument, and to me known to be such \_\_\_\_\_ (title) of said Milwaukee County,  
and acknowledged that they executed the foregoing instrument as such officer as the deed of said Milwaukee County, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



JULY 9, 2018

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
SHEET 4 OF 5

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29,  
Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

## PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

\_\_\_\_\_  
Daniel Bukiewicz, Chairman

\_\_\_\_\_

\_\_\_\_\_  
Douglas W. Seymour, Secretary or Clerk

## COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

Approval and acceptance of dedication of land as indicated above by the Common Council of the City of Oak Creek, per Plan  
Commission recommendation on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by Resolution No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Daniel Bukiewicz, Mayor

\_\_\_\_\_

\_\_\_\_\_  
Catherine A. Roeske, City Clerk



JULY 6, 2018



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
SHEET 5 OF 5

## COMMON COUNCIL REPORT

**Item:** Certified Survey Map - Michael Faber, Ryan Business Park, LLC - 741 W. Ryan Rd., and 9600, 9700, & 9900 S. 13<sup>th</sup> St.

**Recommendation:** That the Council adopts Resolution No. 11968-080618, a resolution approving a Certified Survey Map for Michael Faber, Ryan Business Park, LLC, for the properties at 741 W. Ryan Rd. and 9600, 9700, & 9900 S. 13<sup>th</sup> St.

**Fiscal Impact:** The division and reconfiguration of the property will create four (4) lots of various sizes for future manufacturing development as part of the proposed Ryan Business Park. Development of all lots will yield positive financial impacts in terms of assessed value and development fees. These properties are within the proposed TID 16, which will be presented for Council review on August 21, 2018.

**Critical Success Factor(s):**

- Vibrant and Diverse Cultural Opportunities
- Thoughtful Development and Prosperous Economy
- Safe, Welcoming, and Engaged Community
- Inspired, Aligned, and Proactive City Leadership
- Financial Stability
- Quality Infrastructure, Amenities, and Services
- Not Applicable

---

**Background:** The Applicant, Michael Faber, Ryan Business Park, LLC, is requesting approval of a Certified Survey Map to divide and reconfigure the properties at 741 W. Ryan Rd., and 9600, 9700, & 9900 S. 13<sup>th</sup> St. Council will note that portions of these properties are currently part of a rezone and manufacturing Planned Unit Development (PUD) request.

While the previous CSMs divided the properties for purposes of conveyance and land exchange agreements, this final CSM is required for configuration of lots for the proposed business park. Four lots are proposed:

- Lot 1 will be approximately 16.2 acres in size. This is primarily created from Lot 1 of the CSM for 9900 S. 13<sup>th</sup> St. and a portion of the property at 9700 S. 13<sup>th</sup> St.
- Lot 2 will be approximately 75.4 acres in size. This lot is created from a portion of Lot 1 of the CSM for 9600 S. 13<sup>th</sup> St., a portion of 9700 S. 13<sup>th</sup> St., Lot 2 of the CSM for 9900 S. 13<sup>th</sup> St., and Lot 2 of the CSM for 741 W. Ryan Rd. Council will recall from the PUD concepts that this lot is intended for a large, single user.

---

- Lot 3 will be approximately 2.6 acres in size, and is created from a portion of Lot 1 of the CSM for 9600 S. 13th St.

- Lot 4 will be approximately 11.9 acres in size, contains floodway and floodplain boundaries, and is created from a portion of Lot 1 of the CSM for 9600 S. 13th St.

Wetlands and floodplain areas have been delineated and are shown on the map. Staff notes that there is a label error that incorrectly identifies S. 13th St. as S. 113th St. The Applicant has been made aware of this error. Additional right-of-way dedication along S. 13th St. is also depicted. Department comments that were submitted to the Applicant include the following:

- An overall exhibit is preferred.

- Easements need to be shown.

- Trail easement extending through Milwaukee County lands needed.

- North half of drainage outlot as part of Outlot 1 required.

- There should be a 150-foot road easement between Outlots 3 and 4. This is required as a bridge is needed for roadway access.

- Floodplain labels should reference field-delineated elevations, not FIRM panels.

- Need drainage easement on channel (the Creek) for maintenance.

The Plan Commission discussed these items with the Applicant during their review.

The Plan Commission reviewed this CSM at their meeting on July 24, 2018, and recommended approval with the following conditions:

1. That all easements are shown in an easement exhibit on the map prior to recording.

---

2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

3. That an exhibit showing the overall division is included on the map prior to recording.

**Options/Alternatives:** Council has the discretion to modify the conditions of Certified Survey Map approval, or deny the request. Disapproval will affect the proposal for the manufacturing Planned Unit Development, and may result in the loss of development for Ryan Business Park.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



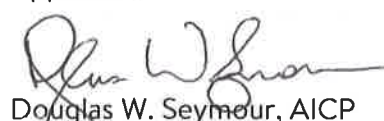
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 11968-080618

Location Map

Location Map Exhibit

Certified Survey Map

RESOLUTION NO. 11968-080618

BY: \_\_\_\_\_

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
MICHAEL FABER, RYAN BUSINESS PARK, LLC

741 W. Ryan Rd., 9600, 9700, 9900 S. 13<sup>th</sup> St.  
(5<sup>th</sup> Aldermanic District)

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That all easements are shown in an easement exhibit on the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.
3. That an exhibit showing the overall division is included on the map prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That all easements are shown in an easement exhibit on the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections (as provided), and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.
3. That an exhibit showing the overall division is included on the map prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
Mayor

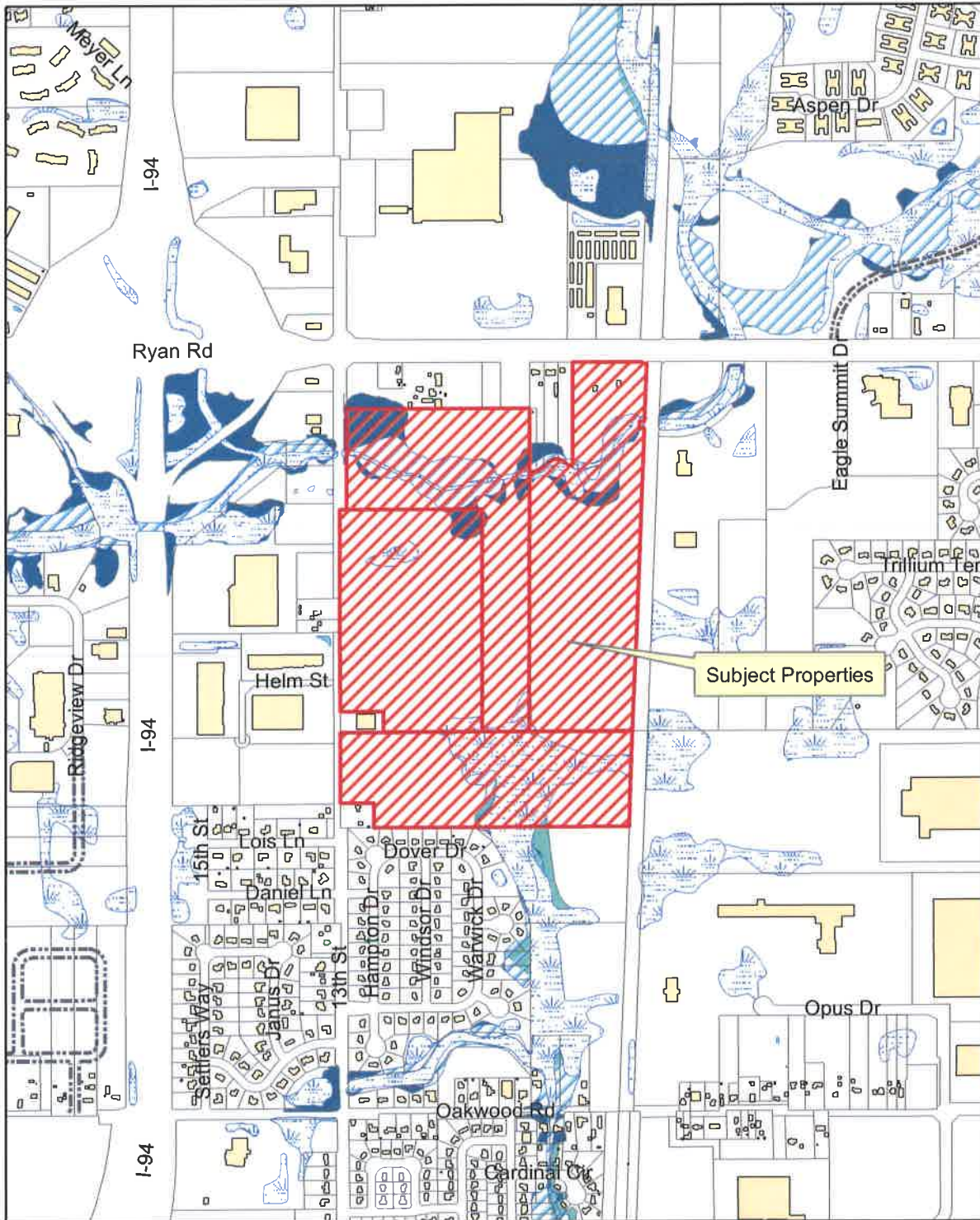
ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_



# Location Map: 741 W Ryan Rd., 9600, 9700, & 9900 S. 13th St.



This map is not a survey of the actual boundary of any property this map depicts.



Department of Community Development



### Legend

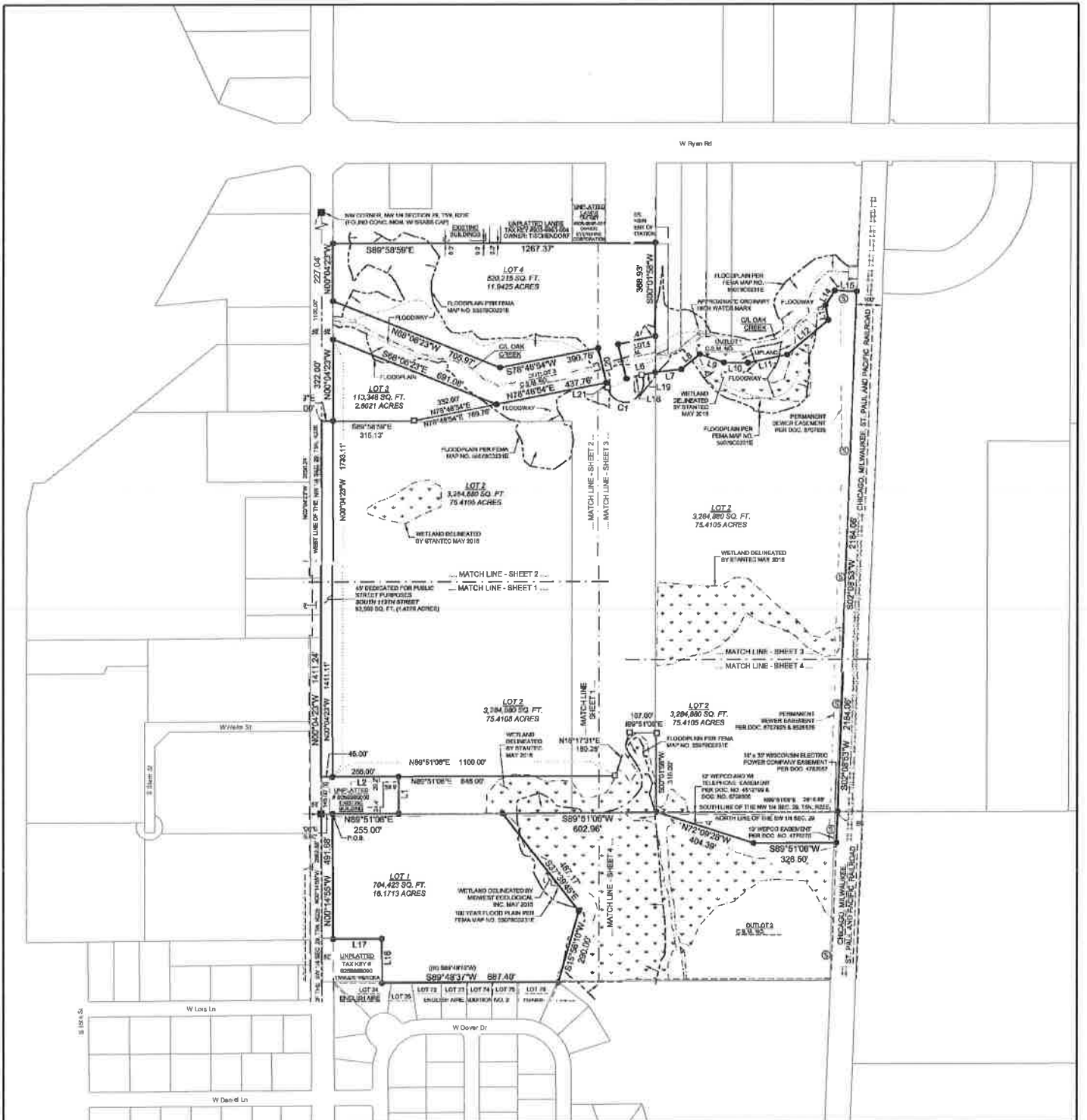
- Officially Mapped Streets
- Subject Properties
- DNR Wetlands Inventory
- Floodplain 2008
- Waterbodies

### Zoning Overlays

- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

# Location Map

741 W. Ryan Rd., & 9600, 9700, 9900 S. 13th St.



This map is not a survey of the actual boundary of any property this map depicts.



**OAKCREEK**  
— WISCONSIN —

Department of Community Development

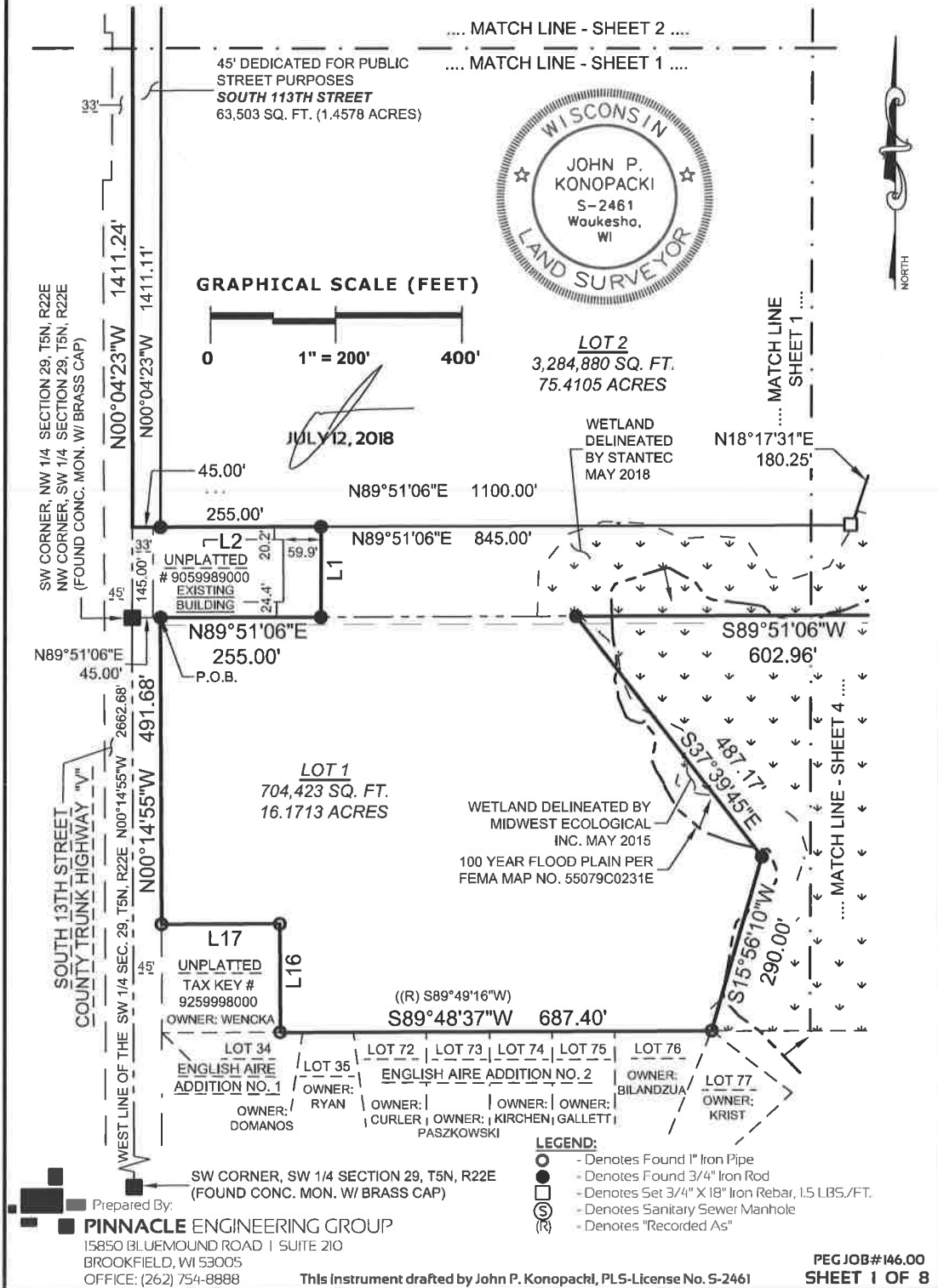


**Legend**

 Parcels

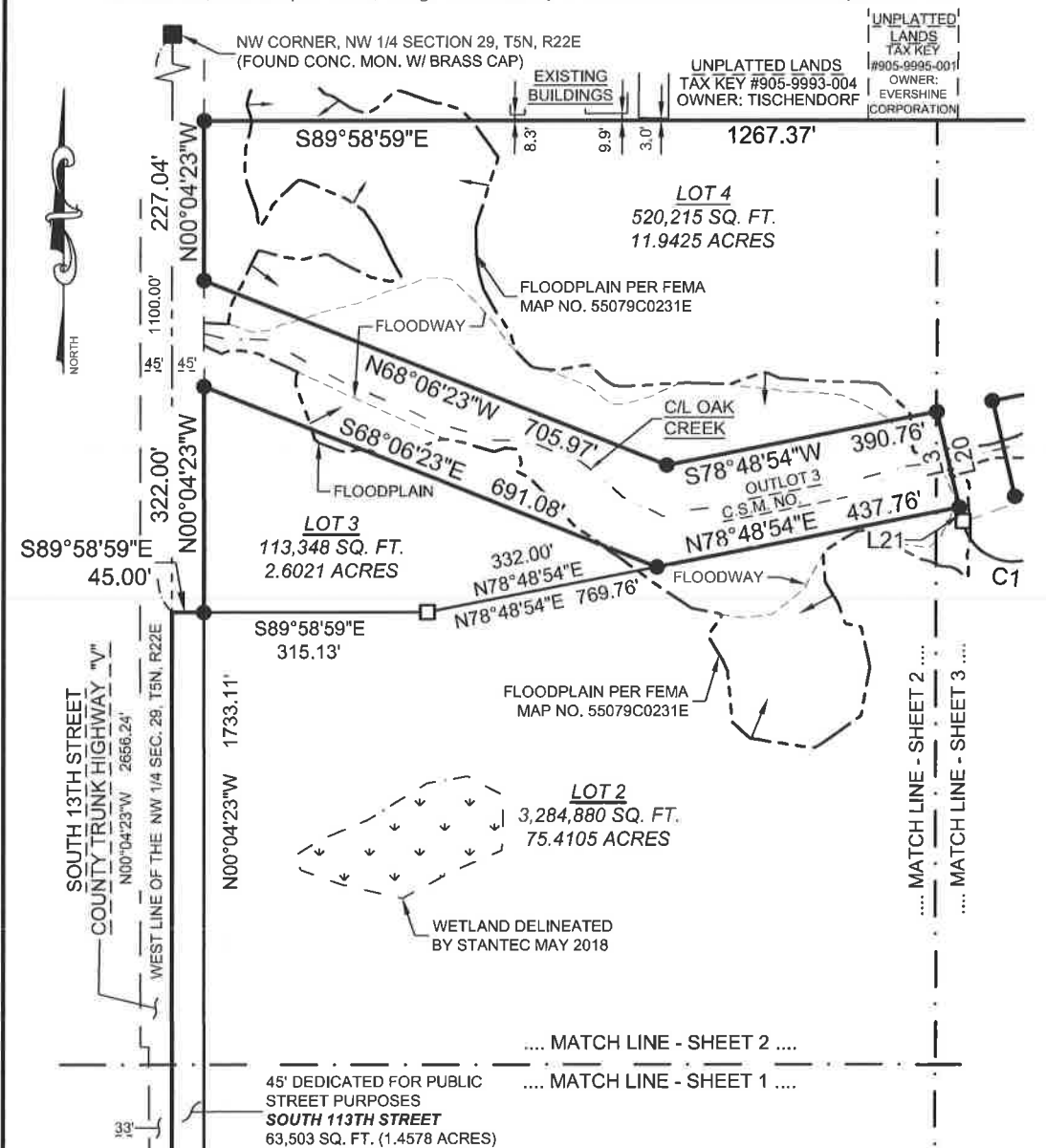
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being Lot 1 and Lot 2 of Certified Survey Map No. \_\_\_\_\_, Lot 1 of Certified Survey Map No. \_\_\_\_\_, Lot 2 of Certified Survey Map No. \_\_\_\_\_, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



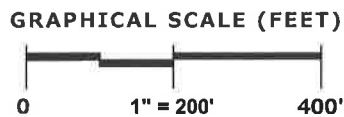
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Being Lot 1 and Lot 2 of Certified Survey Map No. \_\_\_\_\_, Lot 1 of Certified Survey Map No. \_\_\_\_\_, Lot 2 of Certified Survey Map No. \_\_\_\_\_, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



UNPLATTED LANDS  
TAX KEY #905-9993-004  
OWNER: TISCHENDORF  
EVERSHINE CORPORATION

- LEGEND:**
- - Denotes Found 1" Iron Pipe
  - - Denotes Found 3/4" Iron Rod
  - - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
  - ⊙ - Denotes Sanitary Sewer Manhole
  - (R) - Denotes "Recorded As"



Prepared for:  
Capstone Development Company - c/o Mike Faber  
N17 W24222 Riverwood Drive, Suite 160  
Waukesha, WI 53188

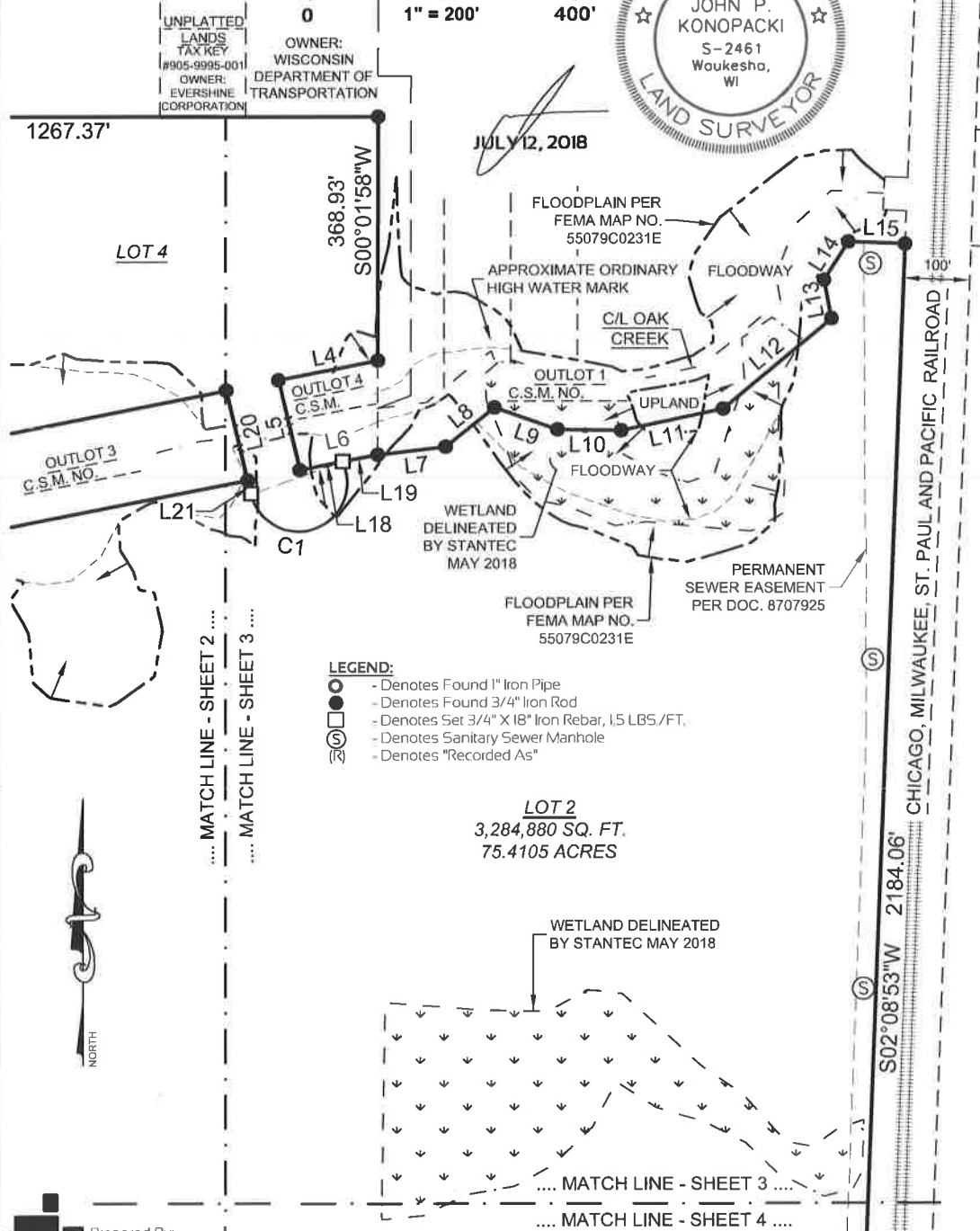
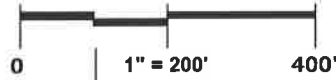
Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

JULY 12, 2018  
PEG JOB #146.00  
SHEET 2 OF 8

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being Lot 1 and Lot 2 of Certified Survey Map No. \_\_\_\_\_, Lot 1 of Certified Survey Map No. \_\_\_\_\_, Lot 2 of Certified Survey Map No. \_\_\_\_\_, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

## GRAPHICAL SCALE (FEET)



UNPLATTED LANDS TAX KEY #905-9995-001 OWNER: EVERSINE CORPORATION

OWNER: WISCONSIN DEPARTMENT OF TRANSPORTATION

JULY 12, 2018

FLOODPLAIN PER FEMA MAP NO. 55079C0231E

APPROXIMATE ORDINARY HIGH WATER MARK

C/O OAK CREEK

OUTLOT 1 C.S.M. NO. \_\_\_\_\_

WETLAND DELINEATED BY STANTEC MAY 2018

PERMANENT SEWER EASEMENT PER DOC. 8707925

FLOODPLAIN PER FEMA MAP NO. 55079C0231E

- LEGEND:**
- Denotes Found 1" Iron Pipe
  - Denotes Found 3/4" Iron Rod
  - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS/FT.
  - ⊙ Denotes Sanitary Sewer Manhole
  - Ⓡ Denotes "Recorded As"

**LOT 2**  
3,284,880 SQ. FT.  
75.4105 ACRES

WETLAND DELINEATED BY STANTEC MAY 2018



.... MATCH LINE - SHEET 2 ....  
.... MATCH LINE - SHEET 3 ....

.... MATCH LINE - SHEET 3 ....  
.... MATCH LINE - SHEET 4 ....

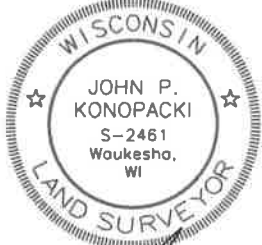
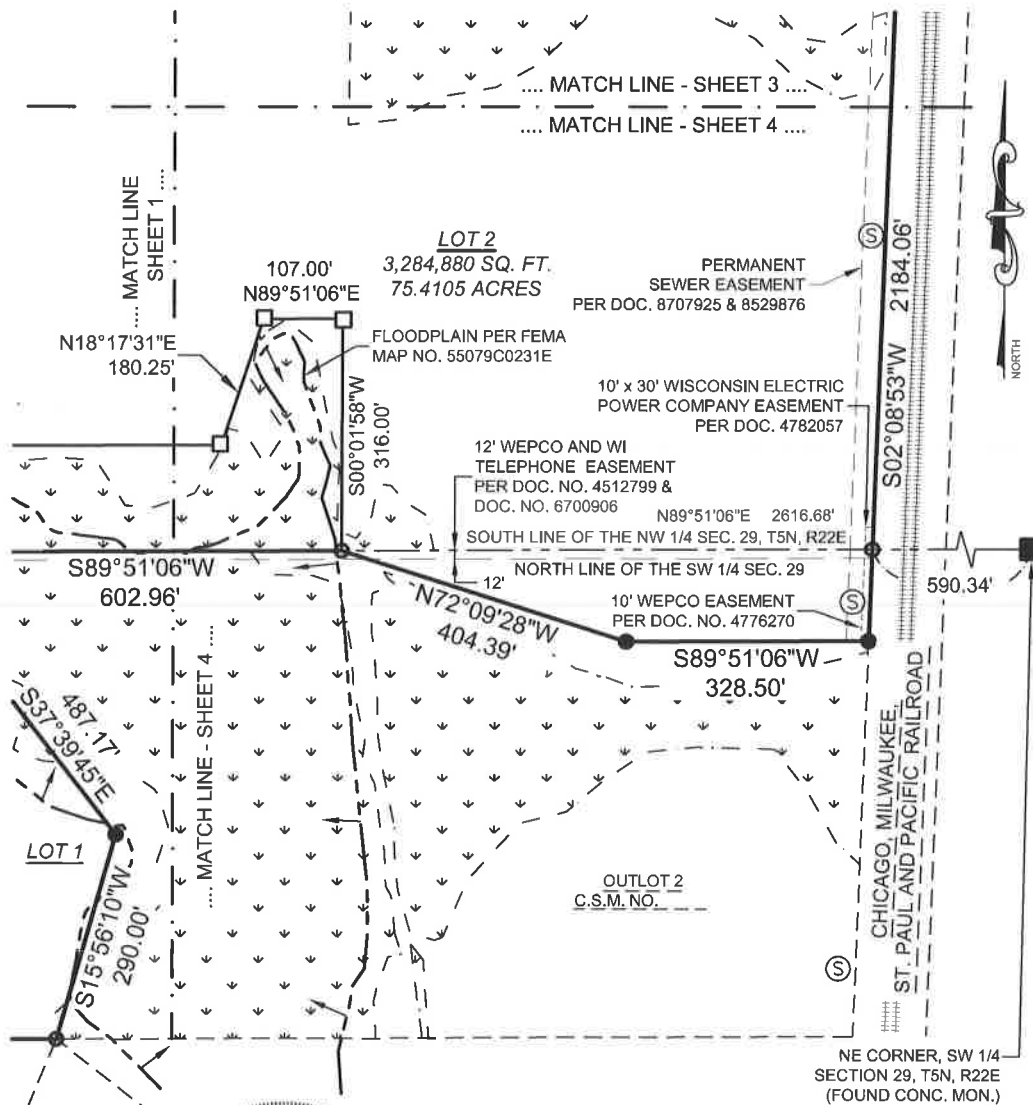
Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

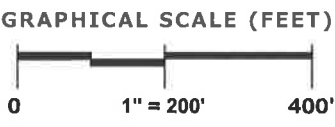
PEG JOB#146.00  
SHEET 3 OF 8

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being Lot 1 and Lot 2 of Certified Survey Map No. \_\_\_\_\_, Lot 1 of Certified Survey Map No. \_\_\_\_\_, Lot 2 of Certified Survey Map No. \_\_\_\_\_, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



- LEGEND:**
- - Denotes Found 1" Iron Pipe
  - - Denotes Found 3/4" Iron Rod
  - - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
  - ⊙ - Denotes Sanitary Sewer Manhole
  - (R) - Denotes "Recorded As"



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 15850 BLUEMOUND ROAD | SUITE 210  
 BROOKFIELD, WI 53005  
 OFFICE: (262) 754-8888

JULY 12, 2018

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00  
**SHEET 4 OF 8**



## COMMON COUNCIL REPORT

- Item: Amendment of designated nature center at 10025 S. Shepard Ave.
- Recommendation: That the Council approves Resolution No. 11973-080618, amending the boundaries of the designated nature center at 10025 S. Shepard Avenue.
- Fiscal Impact: The redesignation of this part of the property, and the division of 4 lots by CSM will create \$225,000 in revenue from the sale of the parcels as well as impact fees of \$15,784 at the time of construction.
- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: On June 3, 2008 the Council adopted Resolution No. 10873-060308 designating the northern 625 feet of 10025 S. Shepard Avenue (Tax Key No. 923-9998-001), as a nature center and approving the extension of the existing nature center at 10101 S. Shepard Avenue. The property was acquired as part of a stormwater management project that created a regional detention pond on a portion of this property, as well as the property to the south at 10101 S. Shepard Avenue.

While the detention basin on these properties is zoned as Floodway, there is no such designation, nor are there any wetlands on the northern part of this property. This site does not appear in the plan recommendations for natural areas and critical species habitat in Milwaukee County, nor is it included in the map of Environmentally Sensitive Lands identified in the City's Park and Open Space Plan.

Options/Alternatives: If the Council chooses not to redesignate the boundaries of the nature center, it would remain "as is" and would likely preclude the subdivision of these parcels, the sale to the Oak Creek-Franklin School District, and the development of additional single family lots.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Doug Seymour, AICP  
Director of Community Development

Fiscal Review:

Bridget M. Souffrant  
Finance Director/Comptroller

---

Attachments: Resolution No. 11973-080618; Exhibit A Proposed Exclusions to Nature Center Designation



**RESOLUTION NO. 11973-080618**

**BY:** \_\_\_\_\_

**RESOLUTION AMENDING THE BOUNDARIES OF THE DESIGNATED NATURE CENTER AT 10025 S. SHEPARD AVENUE**

**(5<sup>m</sup> ALDERMANIC DISTRICT)**

WHEREAS, on June 3, 2008 the City of Oak Creek Common Council adopted Resolution No. 10873-060308 designating the northern 625 feet of 10025 S. Shepard Avenue (Tax Key No. 923-9998-001), as a nature center and approving the extension of the existing nature center at 10101 S. Shepard Avenue; and

WHEREAS, the Common Council proposes to amend the boundaries of the nature center to exclude certain areas as depicted on Exhibit A;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Oak Creek that the boundaries of the area previously designated as a nature center at 10025 S. Shepard Avenue be amended to exclude the easterly 145 feet of the northerly 400 feet of the property at 10025 S. Shepard Avenue.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this 6<sup>th</sup> day of August, 2018.

\_\_\_\_\_  
President, Common Council

Approved this 6<sup>th</sup> day of August, 2018.

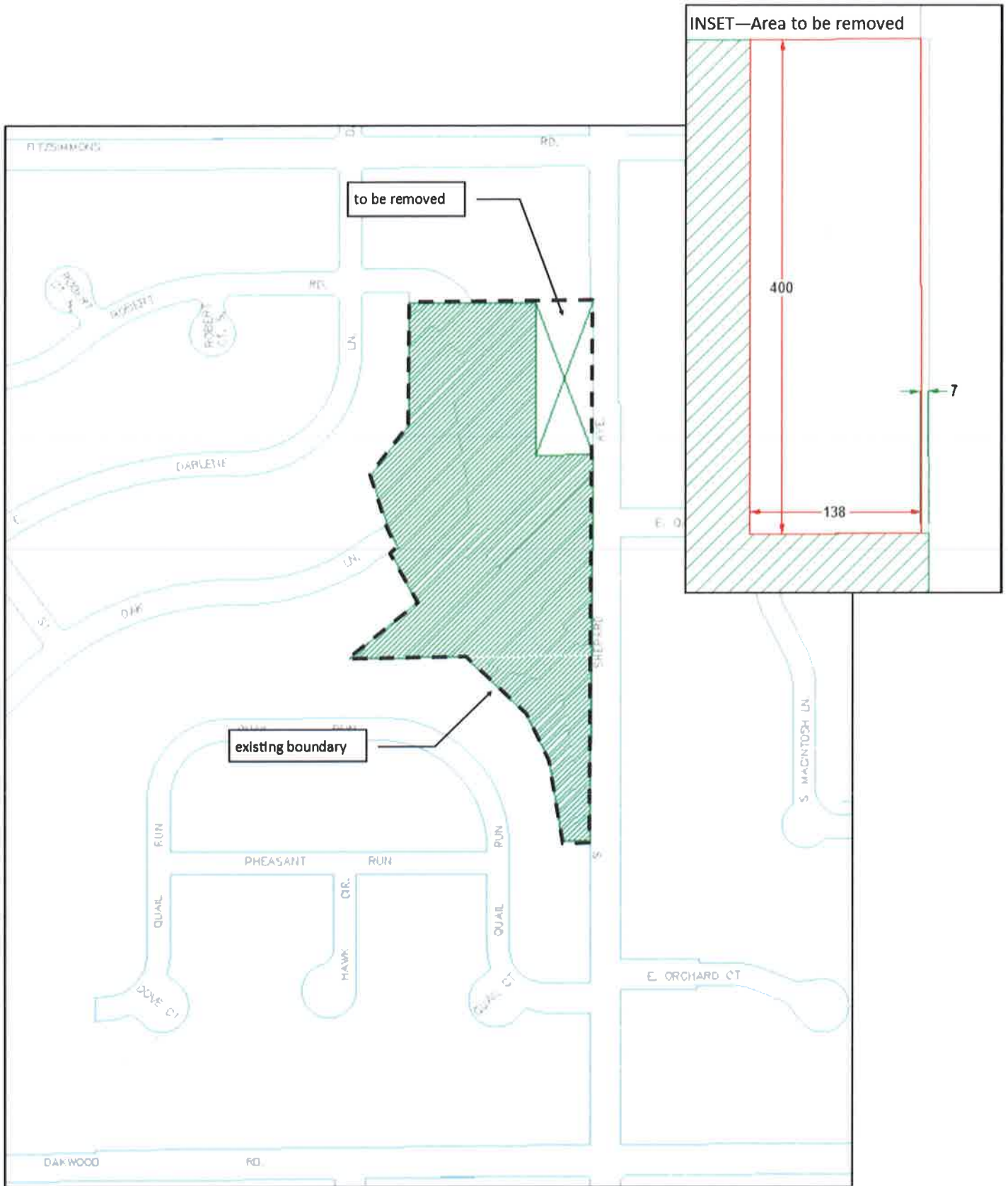
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

# EXHIBIT A – Proposed Exclusions to Nature Center Designation





## COMMON COUNCIL REPORT

Item: Vacant Land Offer to Purchase 8159R South Waring Drive

Recommendation: That the Common Council adopt Resolution No. 11971-080618 accepting the Vacant Land Offer to Purchase and Authorizing Closing on the Sale of the Property at 8159R South Waring Drive to Chad and Sarah Johnson


Fiscal Impact: The proposed purchase price for the outlot is \$1,500.00. If the property is sold, the presently tax exempt real estate would be included on the tax roll.

- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: The owners of the property at 8157 South Waring Drive, Chad and Sarah Johnson, expressed an interest in purchasing the City-owned outlot at 8159R South Waring Drive which is adjacent to their home. Staff reviewed the proposal and concluded it would be in the City's interest to sell the outlot for \$1,500.00. The GIS maps show no easements or utilities, and the property is only marginally impacted by Flood Fringe.


Options/Alternatives: The City could continue to own and maintain the outlot.

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



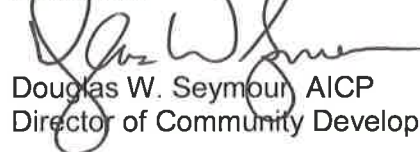
Melissa L. Karls  
City Attorney

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Reviewed:



Douglas W. Seymour, AICP  
Director of Community Development

Attachments:

- February 12, 2018 letter from Chad and Sarah Johnson
- Proposed Vacant Land Offer to Purchase

RESOLUTION NO. 11971-080618

RESOLUTION ACCEPTING VACANT LAND OFFER TO PURCHASE AND  
AUTHORIZING CLOSING ON THE SALE OF THE PROPERTY AT  
8159R SOUTH WARING DRIVE TO CHAD AND SARAH JOHNSON  
(2<sup>nd</sup> Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council that the Vacant Land Offer to Purchase (the "Offer") by and between the City of Oak Creek and Chad and Sarah Johnson regarding 8159R South Waring Drive be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign accepting the Offer on behalf of the City.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute any documents necessary for closing in behalf of the City of Oak Creek, and the City Attorney is hereby directed to consummate this transaction according to the terms of the Offer.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Daniel J. Bukiewicz

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

VOTE: Ayes \_\_\_\_ Noes \_\_\_\_



# COMMON COUNCIL REPORT

Item: Vacant Land Offer to Purchase 10025 South Shepard Avenue

Recommendation: That the Common Council adopt Resolution No. 11972-080618 accepting the Vacant Land Offer to Purchase and Authorizing Closing on the Sale of the Property at 10025 South Shepard Avenue to the Oak Creek-Franklin Joint School District

Fiscal Impact: The proposed purchase price for the property is \$225,000.00. If the property is sold, the presently tax exempt real estate would be included on the tax roll for what is intended to be four residential homes. At full build out, a conservative estimate of \$350,000 per lot would yield \$1.4M in new assessed valuation, and approximately \$30,200 in combined taxes for all taxing jurisdictions based on the present combined mill rate. The City would experience small annual savings in labor by no longer maintaining the subject property. Further, the City would also realize a total of \$15,784 in impact fees after all lots are constructed.


- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

Background: The City and the Oak Creek-Franklin Joint School District have been in discussions regarding the siting of possible property for residential development as part of the Knights Construction coursework at Oak Creek High School. The School District has expressed an interest in purchasing a portion of the City-owned property at 10025 South Shepard Avenue. The City obtained an appraisal, which values the property (4 lots) at \$225,000.00. The School District submitted the attached Offer to Purchase at that price. Staff supports the sale of this vacant land for the purpose of Knights Construction ultimately developing four residential lots.


This Council action would further certain goals espoused in the City Strategic Action Plan (SAP). The SAP contains the following goal statement: "Convene discussions and examine partnerships with other stakeholders regarding shared services, cooperative programming, and alignment of resources." Additionally, this action avails the City of additional single family lots inventory, another goal outlined in the SAP.

Options/Alternatives: The City could continue to own and maintain the real estate. That action would negatively affect the Knights Construction program by not providing the program with an inventory of lots to continue their construction instruction.

Respectfully submitted:

  
Andrew J. Vickers, MPA  
City Administrator

Prepared:

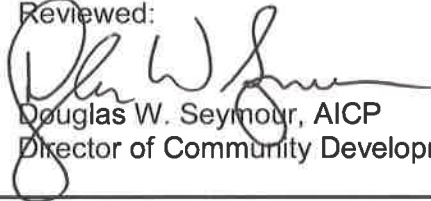
  
Melissa L. Karls  
City Attorney

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Reviewed:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments: Proposed Vacant Land Offer to Purchase, Area Map, Draft CSM

RESOLUTION NO. 11972-080618

RESOLUTION ACCEPTING VACANT LAND OFFER TO PURCHASE AND  
AUTHORIZING CLOSING ON THE SALE OF THE PROPERTY AT 10025 SOUTH  
SHEPARD AVENUE TO OAK CREEK-FRANKLIN JOINT SCHOOL DISTRICT  
(5<sup>th</sup> Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council that the Vacant Land Offer to Purchase (the "Offer") by and between the City of Oak Creek and the Oak Creek-Franklin Joint School District regarding 10025 South Shepard Avenue be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to sign accepting the Offer on behalf of the City.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are hereby authorized to execute any documents necessary for closing in behalf of the City of Oak Creek, and the City Attorney is hereby directed to consummate this transaction according to the terms of the Offer.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6<sup>th</sup> day of August, 2018.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor Daniel J. Bukiewicz

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

VOTE: Ayes \_\_\_\_ Noes \_\_\_\_



## COMMON COUNCIL REPORT

- Item: License Committee Report
- Recommendation: That the Common Council grant the various license requests as listed on the 8/6/18 License Committee Report.
- Fiscal Impact: License fees in the amount of \$1,965 were collected. If Operator license denials are approved as recommended by the License Committee, refunds in a total amount of \$50 would be issued.
- Critical Success Factor(s):
- Vibrant and Diverse Cultural Opportunities
  - Thoughtful Development and Prosperous Economy
  - Safe, Welcoming, and Engaged Community
  - Inspired, Aligned, and Proactive City Leadership
  - Financial Stability
  - Quality Infrastructure, Amenities, and Services
  - Not Applicable

### Background:

The License Committee met on 7/18 and 7/31/18. Recommendations are as follows:

1. Deny an Operator's license to Julia Bell, 6855 W. Kathleen Ct., Franklin, WI (Jim Dandy's) for falsification by omission, possession of a controlled substance and for being a habitual offender.
2. Deny an Operator's license to David Myslinski, 10818 Washington Ave., Mt. Pleasant (Water Street Brewery) for being a habitual offender.

The following items were received after License Committee met. Tentative recommendations are as follows:

1. Grant an Operator's license to:
  - \* Laura Stine, 5527 41<sup>st</sup> Ave., Kenosha (Meijer)
  - \* Christine Cybela, 6373 S. 35<sup>th</sup> St., Franklin (Victor's)
  - \* Tracy Novak, 813 Lakeview Ave., South Milwaukee (Classic Lanes)
  - \* Nicole M. Uecke, 6701 W. Kinnickinnic River Pkwy, Milwaukee (Sidetracked)
  - \* Courtney A. Kimpel, 3453 W. 8 Mile Rd., Caledonia (Sidetracked)
  - \* Aaron M. Cotter, 2820 S. 15<sup>th</sup> Pl., Milwaukee (Kwik Trip)
  - \* Ryan D. Gajevic, 5301 Somerset Ln. S, Greenfield (Community Center)
  - \* Patrick J. Newkirk, 7841 S. Scepter Dr., Franklin (Kwik Trip)
  - \* Brian B. Cross, 1915 13<sup>th</sup> Ave., South Milwaukee (Community Center)



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2. Grant a Transient Merchant license to Windows Depot USA, 4230 W. Loomis Rd., Greenfield selling home improvement products, and to the following salespersons:

- \* Donovan Lettenry, 429 S. 69<sup>th</sup> St., Milwaukee
- \* Jent Sawyer, III, 3059 N. Weil St., Milwaukee
- \* John Lambrecht, 1635 S. 165<sup>th</sup> St., New Berlin
- \* Jeremy Nji, 2634 N. Maryland Ave., Milwaukee

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

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Attachments: None

**MINUTES**  
**LICENSE COMMITTEE**  
**July 18 2018 at 8:30 a.m.**

1. The meeting was called to order at 8:30 a.m.
2. On roll call, the following committee members were present: Ald. Kurkowski, Ald. Duchniak and Ald. Gehl. Also in attendance was Deputy City Clerk Christa Miller.
3. Ald. Gehl, seconded by Ald. Duchniak, moved to approve the minutes of 5/4/18, subject to correction of the date of the minutes being corrected to reflect the date of 5/4/18. On roll call, all voted aye.
4. The Committee reviewed an original application for an Operator's license submitted by Julia C. Bell, 6855 W. Kathleen Ct., Franklin, WI (Jim Dandy's) (held 5/4/18). Ms. Bell was in not attendance.

On her application, when Ms. Bell disclosed her prior convictions, she omitted two.

When the Committee met on May 4, Ms. Bell indicated that she would be providing the Committee with character statement. At the time of the meeting, no character statements were received.

Ald. Gehl, seconded by Ald. Duchniak, moved to deny an Operator's license to Julie C. Bell, 6855 W. Kathleen Ct., Franklin, WI (Jim Dandy's), for falsification of application, possession of a controlled substance and being a habitual offender. On roll call, all voted aye.

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adjourn the meeting at 8:42 a.m. On roll call, all voted aye.

**MINUTES**  
**LICENSE COMMITTEE**  
**July 31 2018 at 8:30 a.m.**

1. The meeting was called to order at 8:35 a.m.
2. On roll call, the following committee members were present: Ald. Kurkowski, Ald. Duchniak and Ald. Gehl. Also in attendance was Deputy City Clerk Christa Miller.
3. Ald. Duchniak, seconded by Ald. Gehl, moved to approve the minutes of 7/18/18. On roll call, all voted aye.
4. The Committee reviewed an original application for an Operator's license submitted by David Myslinski, 10818 Washington Ave., Mt. Pleasant, WI 53177 (Water Street Brewery). Mr. Myslinski was invited to the meeting, however was not in attendance.

Mr. Myslinski disclosed two prior OWI convictions (2014, 2015) on his application.

The Committee agreed that Mr. Myslinski's OWI convictions substantially relate to holding an operator's license.

Ald. Gehl, seconded by Ald. Duchniak, moved to deny an Operator's license to David Myslinski, 10818 Washington Ave., Mt. Pleasant, WI 53177 (Water Street Brewery), for being a habitual offender. On roll call, all voted aye.

Ald. Kurkowski, seconded by Ald. Gehl, moved to adjourn the meeting at 8:38 a.m. On roll call, all voted aye.