



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

## COMMON COUNCIL MEETING AGENDA

OCTOBER 16, 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: 10/2/18

### Recognition

4. **Resolution:** Consider Resolution No. 11990-101618, a Resolution of Appreciation to Brad R. Buchanan, retiring Treatment Plant Operator (by Committee of the Whole).
5. **Council Proclamation:** Consider Council Proclamation No. 18-13, Small Business Saturday, November 24, 2018 (by Committee of the Whole).

### New Business

6. **Resolution:** Consider Resolution No. 11991-101618, a Resolution Authorizing the Issuance and Sale of Approximately \$5,100,000 Taxable General Obligation Refunding Bonds, Series 2018D (by Committee of the Whole).

### POLICE

7. **Motion:** Consider a motion to approve and authorize the Police Department's purchase of one (1) 2019 Chevy Equinox for a total cost of \$23,754.00 (by Committee of the Whole).

### COMMUNITY DEVELOPMENT

8. **Resolution:** Consider Resolution No. 11994-101618, a Resolution approving a Certified Survey Map for John Thomsen, Highgate, LLC, for the property at 7869 S. 13<sup>th</sup> St. (2<sup>nd</sup> District).
9. **Ordinance:** Consider Ordinance No. 2915, an Ordinance adopting an amendment to the Comprehensive Plan for the properties at 7266 and 7328 S. Howell Ave. (1<sup>st</sup> District).

## **ENGINEERING**

10. **Resolution:** Consider Resolution No. 11996-101618, a Resolution approving the Orchard Hills Development Agreement for the design and installation of public improvements at 8300, 8304, 8310, and 8380 South 27<sup>th</sup> Street and 8370 South Orchard Way (Tax Key Nos. 831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000, and 831-9034-000) (Project Nos. 18056 and 18057) (2<sup>nd</sup> District).
11. **Resolution:** Consider Resolution No. 11992-101618, a Resolution approving a Storm Water Management Practices Maintenance Agreement with HSI Orchard Hills, LLC for their multifamily development located at 8300 S. 27<sup>th</sup> Street (Tax Key Nos. 831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000, 831-9034-000) (2<sup>nd</sup> District).
12. **Resolution:** Consider Resolution No. 11995-101618, a Resolution approving the revised State/Municipal Agreement (SMA) for the completed State-let highway project along STH 241 (27<sup>th</sup> Street) from W. Drexel Avenue to W. College Avenue (2<sup>nd</sup> District).

## **LICENSE COMMITTEE**

13. **Motion:** Consider a motion to adopt the License Committee recommendations as listed on the 10/16/18 License Committee Report (by Committee of the Whole).

## **VENDOR SUMMARY**

14. **Motion:** Consider a motion to approve the October 10, 2018 Vendor Summary Report in the combined total amount of \$661,409.49 (by Committee of the Whole).

## **MISCELLANEOUS**

15. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes 19.85(1)(g) to consider the claim of Pronto Laundromat, LLC for recovery of unlawful taxes on the property at 8978 S. York Ct.
16. **Motion:** Consider a motion to reconvene into Open Session.
17. **Resolution:** Consider Resolution No. 11993-101618, a Resolution authorizing a Refund of Personal Property Taxes to Pronto Laundromat, LLC (6<sup>th</sup> District).

## **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



## COMMON COUNCIL REPORT

Item: Resolution of Appreciation

Recommendation: That the Common Council adopt Resolution 11990-101618, a Resolution of Appreciation to BRAD R. BUCHANAN, retiring Treatment Plant Operator.

Fiscal Impact: None

- 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: BRAD R. BUCHANAN served the City of Oak Creek Water and Sewer Utility for 32 years and 4 months, and his career dictates that he be honored with this Resolution of Appreciation.

Options/Alternatives:

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Michael J. Sullivan  
General Manager

Fiscal Review:

Bridget M. Souffrant  
Finance Director/Comptroller

Attachments: Resolution 11990-101618

RESOLUTION NO. 11990-101618

RESOLUTION OF APPRECIATION  
TO  
BRAD R. BUCHANAN

WHEREAS, BRAD R. BUCHANAN, with an extensive background in the water industry, began his employment with the Oak Creek Water & Sewer Utility on May 15, 1986, as a full-time Treatment Plant Operator; and,

WHEREAS, BRAD R. BUCHANAN faithfully served as a 2<sup>nd</sup> shift plant operator for many years; and,

WHEREAS, BRAD R. BUCHANAN was responsible for ensuring public health by operating the treatment plant to produce award-winning water quality that far exceeded water quality regulations.

WHEREAS, BRAD R. BUCHANAN was a dedicated plant operator of the Oak Creek Water Treatment Plant which has been recognized with the Partnership for Safe Water Phase III Director's Award and worked during his entire career to maintain the status the Utility has held for 20 continuous years; and,

WHEREAS, BRAD R. BUCHANAN was a member of the operating staff of the Oak Creek Water Treatment Plant which has been recognized as the first plant in the State of Wisconsin and one of only 19 in the nation to achieve the prestigious Partnership for Safe Water Phase IV President's Award in 2015; and,

WHEREAS, BRAD R. BUCHANAN was an integral part of the on-going training program in place at the treatment plant to ensure the success of future operators; and,

WHEREAS, BRAD R. BUCHANAN has retired from his position of Treatment Plant Operator with the Oak Creek Water and Sewer Utility, effective October 8, 2018, after completing 32 years and 4 months of full-time service.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to BRAD R. BUCHANAN for his years of dedicated and faithful service to the City of Oak Creek and the Water and Sewer Utility, and that best wishes for good health and happiness be extended to BRAD R. BUCHANAN and his family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to BRAD R. BUCHANAN.

Adopted this 16th day of October, 2018.

---

Kenneth Gehl, Council President

\_\_\_\_\_  
Daniel J. Bukiewicz, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Roeske, City Clerk

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

**COUNCIL PROCLAMATION NO. 18-13  
SMALL BUSINESS SATURDAY  
NOVEMBER 24, 2018**

WHEREAS, the government of Oak Creek, Wisconsin, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 65.9 percent of net new jobs created from 2000 to 2017; and

WHEREAS, small businesses employ 47.5 percent of the employees in the private sector in the United States; and

WHEREAS, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

WHEREAS, 89% of consumers who are aware of Small Business Saturday said the day encourages them to "shop small" all year long; and

WHEREAS, 73% of consumers who reportedly "shopped small" at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small, independently-owned businesses was to support their community (64%); and

Whereas, the City of Oak Creek, Wisconsin supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Bukiewicz, Mayor of Oak Creek, Wisconsin, do hereby proclaim, November 24, 2018, as

*SMALL BUSINESS SATURDAY*

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Introduced and adopted this 16<sup>th</sup> day of October, 2018.

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

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

ATTEST:

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

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



## COMMON COUNCIL REPORT

- Item: \$5,100,000 Taxable General Obligation Refunding Bonds, Series 2018D
- Recommendation: That the Common Council approve Resolution No. 11991-101618 authorizing the issuance and sale of \$5,100,000 taxable general obligation refunding bonds, Series 2018D
- Fiscal Impact: The long term bonds will be paid from tax increment revenue in TID 11 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:

On June 21, 2016, the City first issued \$5,825,000 in short term debt for development incentives in TID 11. The original issuance was split with a \$1,450,000 TIF grant incentive going to support the 112 room Marriott Town Place Suites Hotel in Drexel Town Square and \$4 million going to support the construction of a Froedtert medical office building, facility, and parking structure at DTS.

Since that time, the City has distributed the full grant to the Marriott Town Place Suites Hotel. During the course of development, the size of the Froedtert medical center was reduced, which altered the terms of the City's original development agreement and subsequently resulted in an amendment to the development agreement. Per the amended development agreement, the City has disbursed a total of \$3,612,612.20 to Froedtert and there currently is nothing planned that would increase that amount. This reduction in the actual TIF grant incentive has allowed us to reduce the size of the borrowing long term and is a great example of why we utilize the ability of short term debt in these scenarios.

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: The Council could choose to deny the issuance and sale of this long term bond and direct staff to move forward with another short term note issuance. This would leave the City open to interest rate risk.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

---

Attachments: Resolution No. 11991-101618



RESOLUTION NO. 11991-101618

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$5,100,000\* TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018D

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: its Taxable General Obligation Promissory Notes, Series 2016A, dated July 6, 2016 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations 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 THOUSAND DOLLARS (\$5,100,000)\* 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, taxable general obligation refunding bonds aggregating the principal amount of FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000)\* (the "Bonds") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

\* Preliminary, subject to change.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds, Series 2018D"; shall be issued in the aggregate principal amount of \$5,100,000\*; shall be dated November 27, 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 October 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 October 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the City, on October 1, 2028 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity 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 2031 for payments due in the years 2019 through 2032 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 taxes of the City for said years are collected, except that the amount of tax carried onto the tax

\* Preliminary, subject to change.

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 2018D" (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 October 16, 2018.

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

ATTEST:

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

(SEAL)

EXHIBIT A

Bond Purchase Proposal

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

(See Attached)

DRAFT



EXHIBIT B-1

Pricing Summary

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

(See Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on October 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 October 1 of each year the respective amount of Term Bonds specified below:

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

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

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

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

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

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

For the Term Bonds Maturing on October 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 2018D

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
October 1, \_\_\_\_\_ November 27, 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 \$5,100,000, 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 paying the cost of refunding certain obligations of the City, as authorized by a resolution adopted on October 16, 2018. Said resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on October 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the City, on October 1, 2028 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity 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

DRAFT

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: Purchase of Replacement Detective Vehicle

Recommendation: That the Common Council approve and authorize the Police Department's purchase of One (1) 2019 Chevy Equinox for a total cost of \$23,754.00.

Fiscal Impact: The current line item for police vehicles still has \$19,217.11 in it. The remaining \$4,536.89 will be absorbed in the police budget to have no additional funding required.

- 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

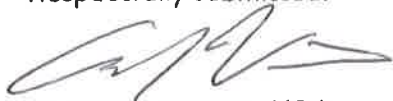
Background: The Police Department has a replacement rotation for fleet vehicles, both marked and unmarked. All of the fleet vehicles are replaced utilizing budgeted monies on a yearly rotation. As vehicles age or accrue excessive mileage, they are replaced, and the annual replacement typically covers marked patrol vehicles.

Based off of this model, the detective vehicles are replaced less frequently and are held for longer periods of time. The vehicle I am looking to replace is a 2007 Chevy Uplander minivan with 95,931 miles. This vehicle was not requested for in the 2018 budget, but the funds available make this the practical time to replace it due to its age and mileage. We have had increased maintenance on the vehicle as it has aged, also creating concerns on sending it on assignments outside of the immediate area.

Options/Alternatives: The proposed option is to use the current budget to replace the vehicle in the 2018 fiscal year. The pricing received is State fleet pricing from Holz Motors, and this pricing could increase with the 2020 model year if not acted upon. The minivan would then be first offered to other internal departments for use, or set to be sent to auction with those proceeds coming back to the City's general fund.

The other option would be to wait until the 2019 or 2020 budget and increase the line item for police vehicles to allow for this purchase. This option will create the need for additional funding needs in a future budget as the patrol vehicles will account for the allotted funds due to the quantity needed and the yearly increases by the vehicle manufacturers.

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Steven J. Anderson  
Chief of Police

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

---

Attachments: Quote from Holz Motors



[Fleet] 2019 Chevrolet Equinox (1XR26) FWD 4dr (2)

## Quote Worksheet

		<b>MSRP</b>
Base Price		\$27,100.00
Dest Charge		\$1,195.00
Total Options		\$1,945.00
	<b>Subtotal</b>	<b>\$30,240.00</b>
	<b>Subtotal Pre-Tax Adjustments</b>	<b>\$0.00</b>
Less Customer Discount		(\$6,486.00)
	<b>Subtotal Discount</b>	<b>(\$6,486.00)</b>
Trade-In		\$0.00
	<b>Subtotal Trade-In</b>	<b>\$0.00</b>
	<b>Taxable Price</b>	<b>\$23,754.00</b>
Sales Tax		\$0.00
	<b>Subtotal Taxes</b>	<b>\$0.00</b>
	<b>Subtotal Post-Tax Adjustments</b>	<b>\$0.00</b>
	<b>Total Sales Price</b>	<b>\$23,754.00</b>

\_\_\_\_\_  
Dealer Signature / Date

\_\_\_\_\_  
Customer Signature / Date

This document contains information considered Confidential between GM and its Clients uniquely. The information provided is not intended for public disclosure. Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided.

Data Version: 6622. Data Updated: Sep 23, 2018 9:35:00 PM PDT.

Sep 26, 2018



## COMMON COUNCIL REPORT

Item: Certified Survey Map - 7869 S. 13<sup>th</sup> St.

Recommendation: That the Council adopts Resolution No. 11994-101618, a resolution approving a Certified Survey Map for John Thomsen, Highgate, LLC, for the property at 7869 S. 13<sup>th</sup> St.

Fiscal Impact: The division and reconfiguration of the properties will result in two (2) new lots of conforming size for development, and one (1) for the remainder of the land that will be developed with a mixed-use Planned Unit Development (PUD) in the future. Future development of all lots will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. 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 is requesting approval of a Certified Survey Map (CSM) to divide the property at 7869 S. 13th St. into 3 lots of conforming size. Council may recall that a CSM was approved last year combining the properties at 7705, 7725, 7751, 7831, and 7869 S. 13th St., and that a CSM was approved in July of this year dividing the corner Lot 2. Both CSMs have yet to be recorded, and a condition of approval is included above requiring recording prior to or concurrently with the proposed CSM.

Council will note that the proposed Lot 2 and Lot 3 do not have access to a public street. As proposed, the lots would be accessed via a cross-access easement over Lot 1. No details for the easement or access road have been provided as of writing this report. Easements for public water and sewer are missing from the CSM and must be incorporated; otherwise, no public sewer or water can be constructed to serve the site.

Wetlands have been delineated and are shown on the northeast side of Lot 1 on Sheet 2. However, wetlands should be shown on all pages of the CSM prior to recording, and a condition of approval for such is recommended above.

The Plan Commission reviewed the CSM proposal at their meeting on October 9, 2018, and recommend approval with the following conditions:

- 
1. That the CSM approved by the Common Council December 19, 2017 and the CSM approved by the Common Council on July 17, 2018 are submitted for recording prior to or concurrently with submission of this CSM for recording.
  2. That the CSM is revised to incorporate all wetland areas on all sheets.
  3. That easements (access, utilities, etc.) are depicted on the map prior to recording.
  4. 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 likely result in the existing condition of the property to remain.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



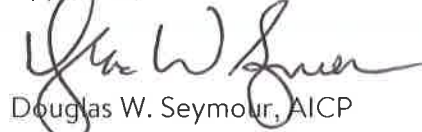
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Resolution 11994-101618

Location Map

Certified Survey Map (Sheets 1-7)

RESOLUTION NO. 11994-101618

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

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
JOHN THOMSEN, HIGHGATE, LLC

7869 S. 13<sup>th</sup> ST.  
(1<sup>st</sup> Aldermanic District)

WHEREAS, JOHN THOMSEN, HIGHGATE, 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 the CSM approved by the Common Council December 19, 2017 and the CSM approved by the Common Council on July 17, 2018 are submitted for recording prior to or concurrently with submission of this CSM for recording.
2. That the CSM is revised to incorporate all wetland areas on all sheets.
3. That easements (access, utilities, etc.) are depicted on the map prior to recording.
4. 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 the CSM approved by the Common Council December 19, 2017 and the CSM approved by the Common Council on July 17, 2018 are submitted for recording prior to or concurrently with submission of this CSM for recording.
2. That the CSM is revised to incorporate all wetland areas on all sheets.
3. That easements (access, utilities, etc.) are depicted on the map prior to recording.
4. 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 16<sup>th</sup> day of October, 2018.

Passed and adopted this 16<sup>th</sup> day of October, 2018.

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

Approved this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor

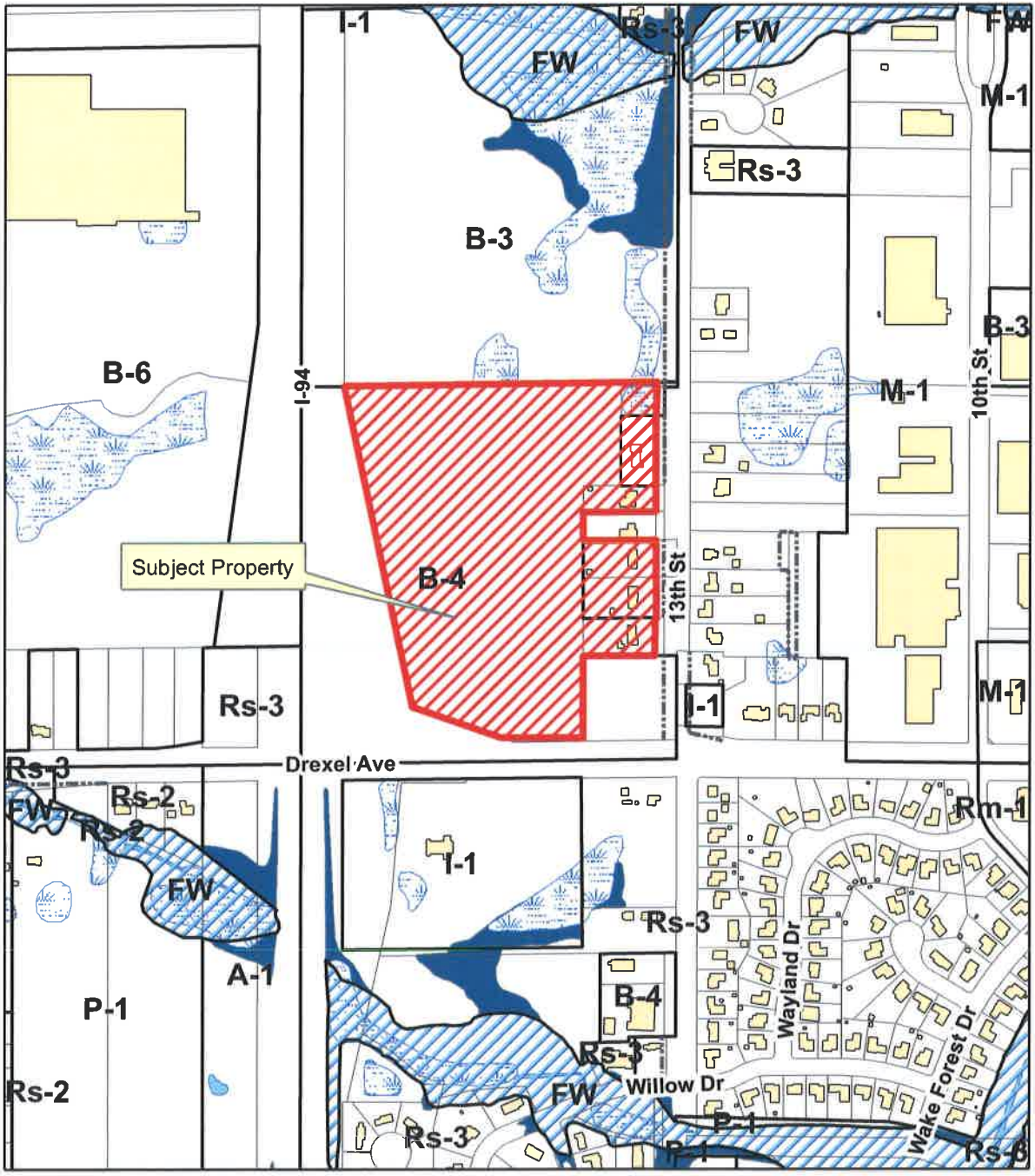
ATTEST:

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

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

# Location Map

## 7869 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
- Floodplain 2008
- DNR Wetlands Inventory
- Waterbodies

### Zoning Overlays

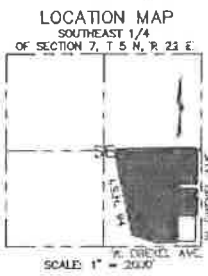
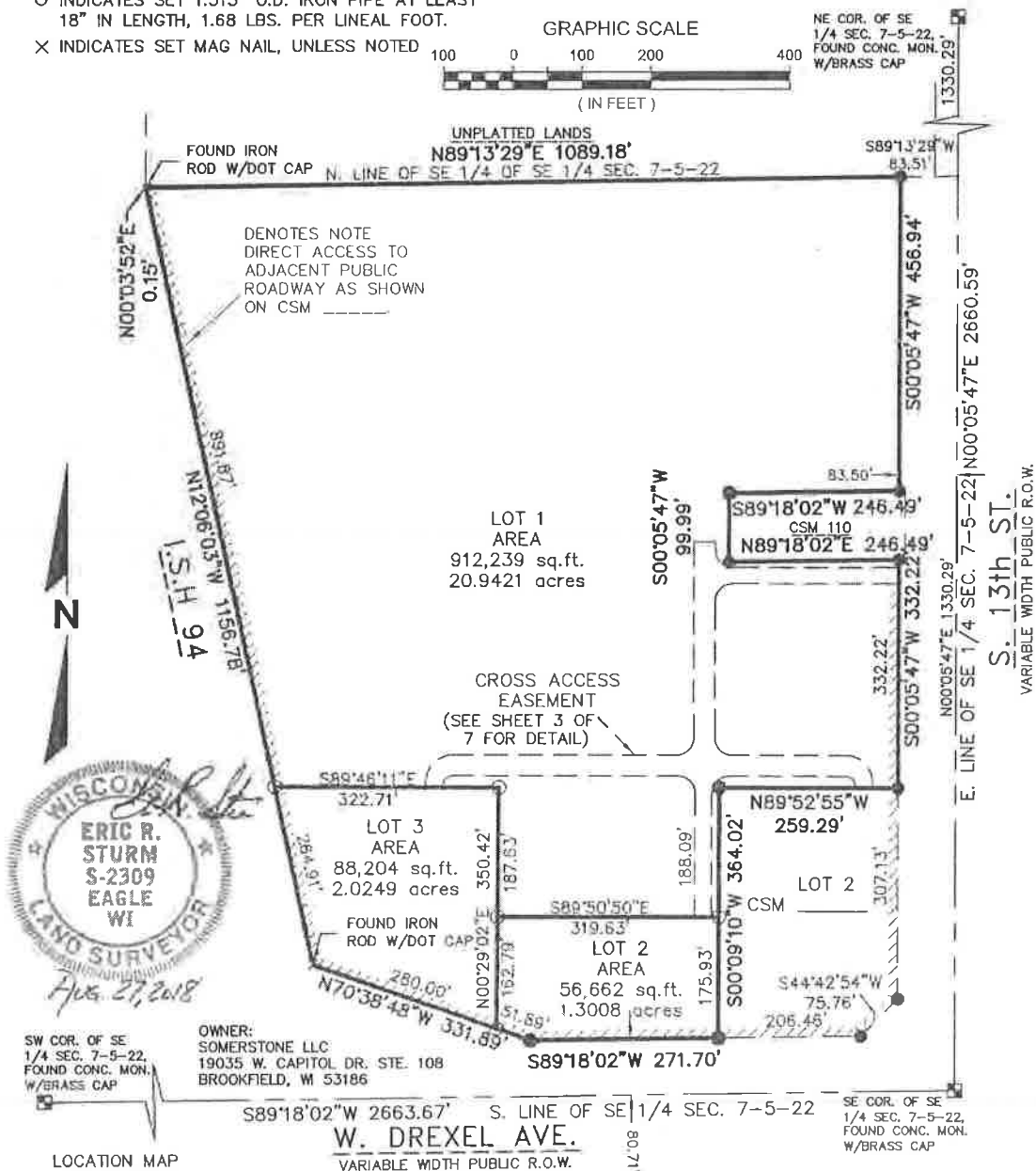
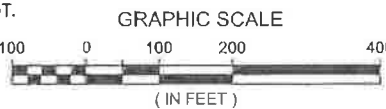
- C-1-Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail



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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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



SEE SHEET 3 FOR EASEMENT DETAILS

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

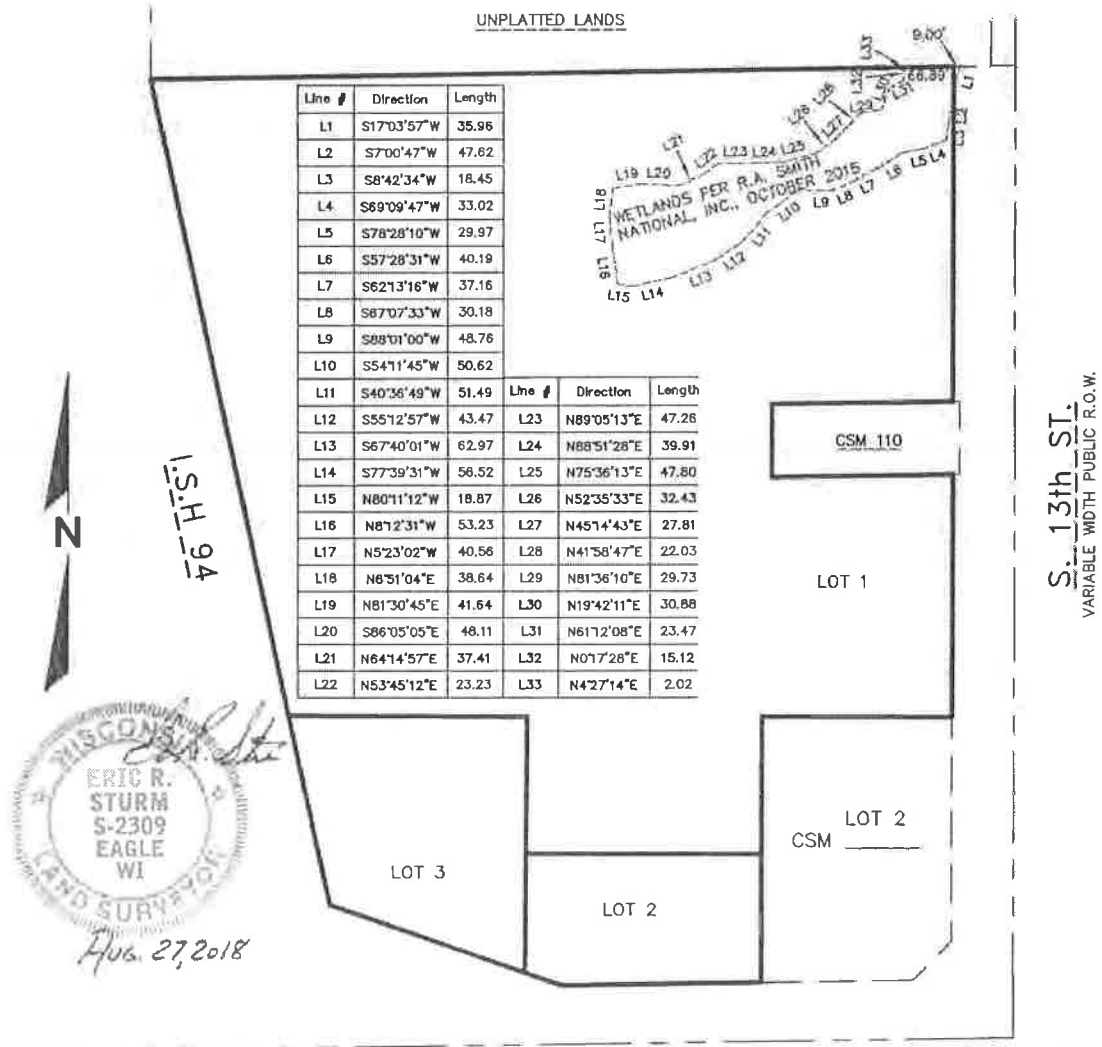
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SE 1/4 OF SECTION 7, T 5 N, R 22 E, WHICH BEARS N00°05'47"E.

**raSmith**  
CREATIVITY BEYOND ENGINEERING

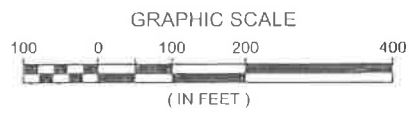
16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000  
rasmith.com

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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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.



W. DREXEL AVE.  
VARIABLE WIDTH PUBLIC R.O.W.

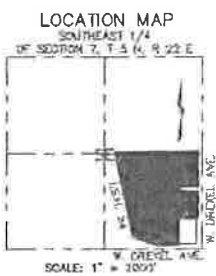
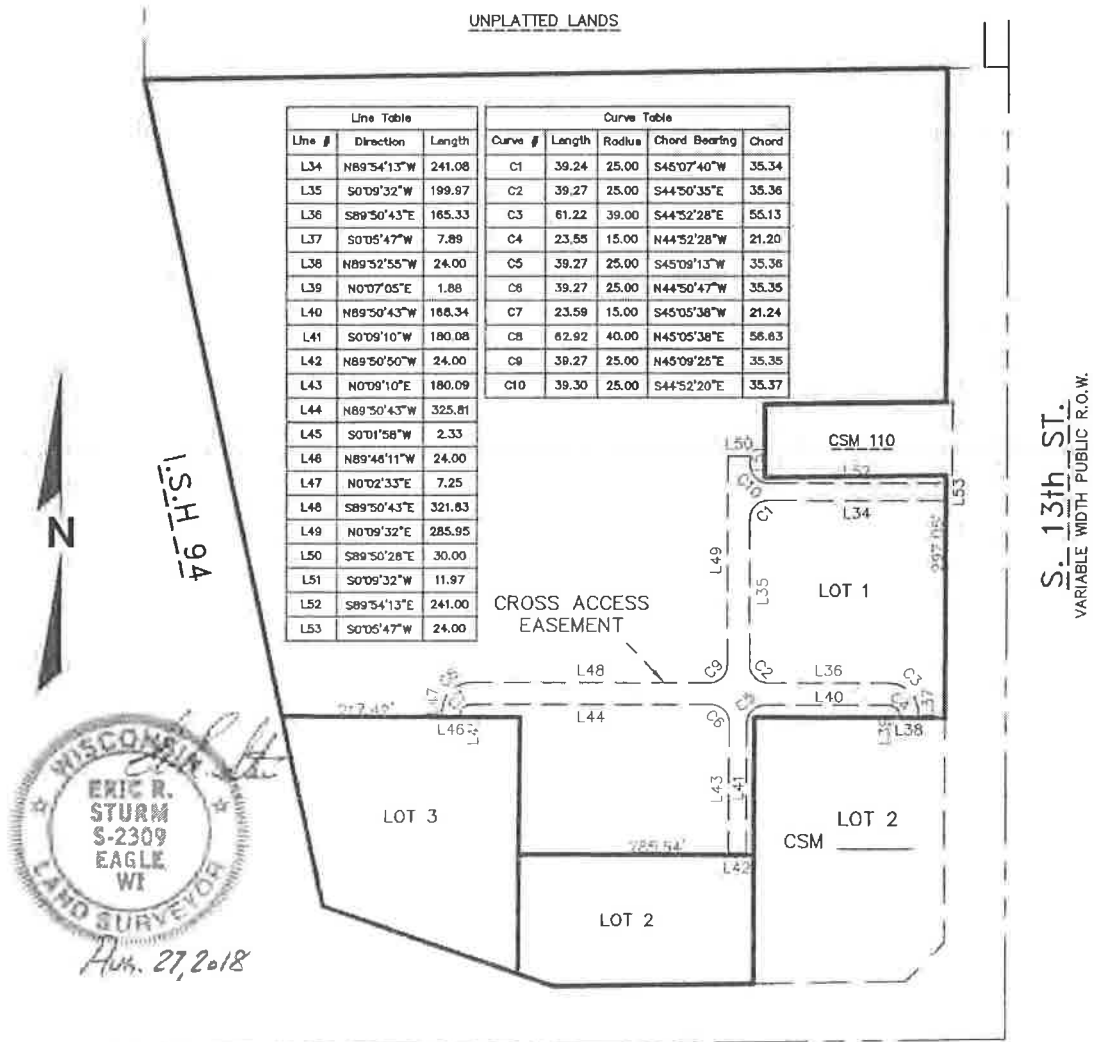


**raSmith**  
CREATIVITY BEYOND ENGINEERING

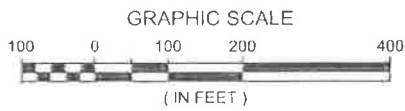
16745 W. Bluemound Road  
Brookfield, WI 53005 5938  
(262) 781-1000  
rasmith.com

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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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.



W. DREXEL AVE.  
VARIABLE WIDTH PUBLIC R.O.W.



**raSmith**  
CREATIVITY BEYOND ENGINEERING

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

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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN        }  
  :SS  
WAUKESHA COUNTY         }

I, ERIC R. STURM, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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, which is bounded and described as follows:

COMMENCING at the Southeast corner of said 1/4 Section; thence North 00°05'47" East along the East line of said 1/4 Section 1330.29 feet to a point; thence South 89°13'29" West 83.51 feet to a point on the West line of South 13<sup>th</sup> Street being the point of beginning of lands to be described; thence South thence South 00°05'47" West along said West line 456.94 feet to a point on the North line of Certified Survey Map No. 110; thence South 89°18'02" West along said North line 246.49 feet to a point on the West line of Certified Survey Map No. 110; thence South 00°05'47" West along said West line 99.99 feet to a point on the South line of Certified Survey Map No. 110; thence North 89°18'02" East along said South line 246.49 feet to a point on the West line of South 13th Street; thence South 00°05'47" West along said West line 332.22 feet to a point; thence North 89°52'55" West 259.29 feet to a point; thence South 00°09'10" West 364.02 feet to a point on the North line of West Drexel Avenue; thence South 89°18'02" West along said North line 271.70 feet to a point; thence North 70°38'48" West along said North line 331.89 feet to a point on the East line of Interstate Highway 94; thence North 12°06'03" West 1156.78 feet to a point; thence North 00°03'52" East along said East line 0.15 feet to a point on the North line of the Southeast 1/4 of said 1/4 Section; thence North 89°13'29" East along said North line 1089.18 feet to the point of beginning.

Said lands contain 1,057,106 square feet or 24.2678 acres.

THAT I have made the survey, land division and map by the direction of SOMERSTONE LLC, owner.

THAT the map 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 Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code in surveying, dividing, and mapping the same.

DATE August 27, 2018  *Eric R. Sturm* (SEAL)  
ERIC R. STURM  
PROFESSIONAL LAND SURVEYOR S-2309

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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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.

CORPORATE OWNER'S CERTIFICATE

SOMERSTONE LLC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation has caused the land described on this map to be surveyed, divided, and mapped in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City of Oak Creek Municipal Code.

SOMERSTONE LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Oak Creek

IN Witness Whereof, SOMERSTONE LLC has caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_

STATE OF WISCONSIN        }  
  :SS  
MILWAUKEE COUNTY        }

PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, \_\_\_\_\_ of the above named SOMERSTONE LLC, to me known to be the person who executed the foregoing instrument, and to me known to be the Mayor of the City of Oak Creek, and acknowledged that he executed the foregoing instrument as such officer as the deed of the corporation, by its authority.

\_\_\_\_\_(SEAL)  
Notary Public, State of \_\_\_\_\_  
My Commission Expires \_\_\_\_\_





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

Lot 1 of Certified Survey Map No. \_\_\_\_\_, 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.

PLANNING COMMISSION OF APPROVAL

Certified Survey Map accepted by the Planning Commission of the City of Oak Creek on this day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR DANIEL BUKIEWICZ, CHAIRMAN

\_\_\_\_\_  
DOUGLAS SEYMOUR, SECRETARY

COMMON COUNCIL APPROVAL

Certified Survey Map approved by the Common Council of the City of Oak Creek on this day of \_\_\_\_\_, 2018, by Resolution No. \_\_\_\_\_

\_\_\_\_\_  
DANIEL BUKIEWICZ, MAYOR

\_\_\_\_\_  
CATHERINE ROESKE, CITY CLERK



*Aug. 27, 2018*

THIS INSTRUMENT WAS DRAFTED BY ERIC R. STURM,  
PROFESSIONAL LAND SURVEYOR S-2309



## COMMON COUNCIL REPORT

**Item:** Comprehensive Plan Amendment - Hume An, MVAH Partners, LLC - 7266 & 7328 S. Howell Ave.

**Recommendation:** The Plan Commission did NOT approve of the Comprehensive Plan Amendment as proposed. However, should the Council determine that the proposal is acceptable, a suggested motion is that the Council adopts Ordinance No. 2915, an ordinance adopting an amendment to the Comprehensive Plan for the properties at 7266 & 7328 S. Howell Ave.

**Fiscal Impact:** The amendment to the Comprehensive Plan would give the Council the discretion to approve land uses at these locations that may enhance the tax base. Impact fees and permit application fees from the redevelopment of the properties would provide additional positive fiscal impact for the City. These properties are not currently 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, Hume An, MVAH Partners, LLC, is requesting that the Planned Land Use category and map in the Comprehensive Plan for the properties at 7266 & 7328 S. Howell Ave. are amended from “Planned Industrial” to “Mixed Residential” in consideration of future workforce multifamily residential redevelopment plans for the properties. Future rezoning to Rm-1, Multifamily Residential would also be required should the Comprehensive Plan Amendment be approved.

Parcels in the immediate area of the subject parcels in this request are currently identified in the Comprehensive Plan as “Planned Industrial” (North, South, West) and “Planned Office” (East). Existing uses within ¼ mile include a gas station, quick-service restaurant with drive-through facility, a party supply store, and various manufacturing uses to the northwest and west; residential and the St. John Properties multitenant office/warehouse development to the north; the Oak Creek Commerce and Industrial (multitenant) Park to the south; manufacturing/industrial, a salon and spa, bowling alley, vehicle repair center, day care, and indoor playground to the southwest. Mixed Residential would allow for the future development of a variety of residential housing types, including multifamily.

Affordable, mixed residential housing is needed to provide housing options for employees to service the existing and new business development in the community. This site along Howell Avenue (a bus route) is isolated from existing residential neighborhoods and adjacent to the Northbranch Industrial Park and the Oak Creek Commerce Park. The limited depth and configuration of these parcels present challenges if they were to be developed for industrial purposes.



---

The Plan Commission reviewed this proposal at a public hearing on September 25, 2018. The Commission determined that the entire area currently zoned for single-family residential uses (the subject parcels and 3-4 parcels to the north), but identified in the Comprehensive Plan as suitable for future industrial uses, should be included in any amendment to the Comprehensive Plan. Due to concerns regarding the dimensional constraints of the properties and promotion of a unified treatment of parcels in this area, the Plan Commission did not vote to approve of the amendment as proposed. The Applicant is asking for Common Council consideration without Plan Commission approval.

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the comprehensive plan. Approval of these changes to the Comprehensive Plan would bring the Comprehensive Plan in line with the intent and goals for future development of the properties at 7266 & 7328 S. Howell Ave.

**Options/Alternatives:** Amendment to the Comprehensive Plan is the first step in the process for development and redevelopment of these properties. Rezoning the properties to allow for mixed residential uses is dependent upon this crucial step. Without the Amendment, the properties may remain in their current underutilized and vacant conditions, and the zoning will remain Rs-3, Single Family Residential.

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



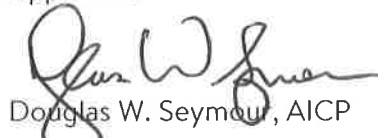
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Ordinance 2915

Location Map

Hearing Notice

Applicant Narrative

Existing Land Use Map

Plan Commission Excerpted Minutes

ORDINANCE NO. 2915

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

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE  
PLAN FOR THE CITY OF OAK CREEK, WISCONSIN

7266 and 7328 S. Howell Ave.

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

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

SECTION 1: Pursuant to Section 62.23 of the Wisconsin Statutes, the City of Oak Creek is authorized to prepare and adopt a comprehensive plan and an amendment to a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Common Council, by the enactment of Ordinance No. 2090, formally adopted the document titled "A Comprehensive Plan for the City of Oak Creek" on April 1, 2002.

SECTION 3: The City of Oak Creek published a Class 1 public notice on August 22, 2018, and held a public hearing before the Plan Commission on September 25, 2018.

SECTION 4: The Plan Commission, by a majority vote of the entire Commission at a meeting held on September 25, 2018, did not approve amending the adopted Comprehensive Plan for the City of Oak Creek from "Planned Industrial" to "Mixed Residential" for the properties at 7266 and 7328 S. Howell Ave., and did not recommend that the Common Council adopt the amendment to the Comprehensive Plan by ordinance.

SECTION 5: The Common Council hereby adopts the proposed amendment to the Comprehensive Plan for the City of Oak Creek from "Planned Industrial" to "Mixed Residential" for the properties at 7266 and 7328 S. Howell Ave.

SECTION 6: Except as herein modified, the Comprehensive Plan dated April 1, 2002 shall remain in full force and effect.

SECTION 7: The City Clerk is directed to send a copy of this ordinance and the Comprehensive Plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 8: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 16<sup>th</sup> day of October, 2018.

Passed and adopted this 16<sup>th</sup> day of October, 2018.

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

Approved this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor

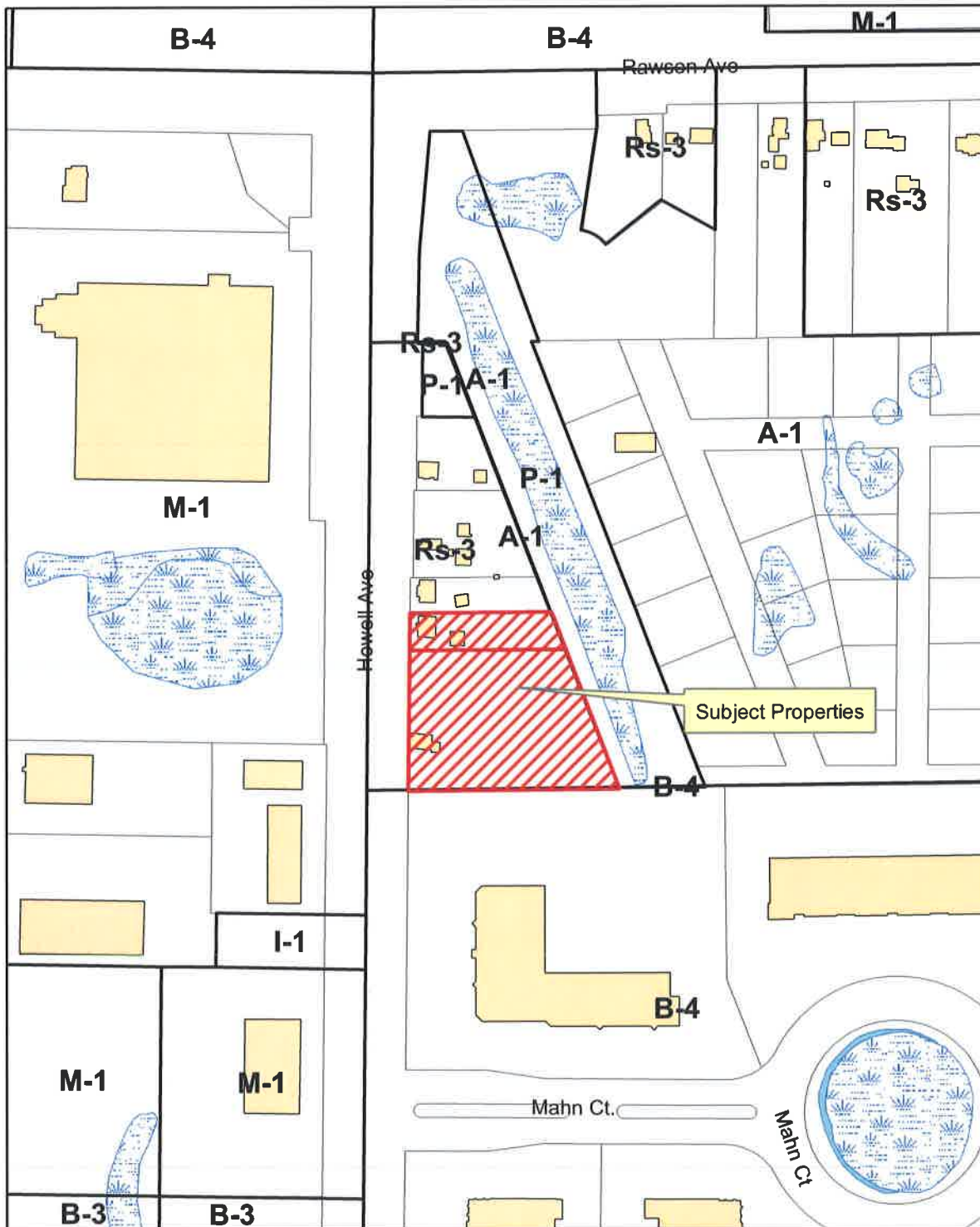
ATTEST:

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

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

# Location Map

## 7266 & 7328 S. Howell Ave.



*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

CLASS 1 NOTICE TO BE PUBLISHED AUGUST 22, 2018

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING  
BEFORE THE OAK CREEK PLAN COMMISSION**

**PURPOSE:** The purpose of this public hearing is to consider an amendment to the "2020 Vision – A Comprehensive Plan for the City of Oak Creek" as it relates to the properties at 7266 and 7328 S. Howell Ave.

**Hearing Date:** Tuesday, September 25, 2018  
**Time:** 6:00 PM  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> St.  
Oak Creek, WI 53154  
Common Council Chambers

**Proposal:** The proposed amendment would update the Planned Land Use category and Map 2 in the Comprehensive Plan from "Planned Industrial" to "Mixed Residential" for the properties at 7266 and 7328 S. Howell Ave.

The Plan Commission may schedule other public meeting items/public hearings for September 25, 2018. This hearing may begin at 6:00 PM or as soon as possible following the conclusion of any other public meeting items/public hearings.

Any person(s) with questions regarding the proposed change(s) may call the Department of Community Development at (414) 766-7027 during regular business hours.

Date of Notice: August 15, 2018

CITY OF OAK CREEK PLAN COMMISSION

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, preferable 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.

Narrative for Application to Amend The Oak Creek Comprehensive Plan  
7266, 7328 S. Howell Avenue, Oak Creek, WI 53154  
MVAH Partners  
2 August 2018

### **Request**

We respectfully request to amend the Oak Creek Comprehensive Plan such that the parcels located at 7266, 7328 S. Howell, Oak Creek, WI 53154 (parcel number: 7660015000 and 7660014000), which are currently identified as appropriate for future industrial development, will be identified to allow multifamily housing.

### **Legal Description**

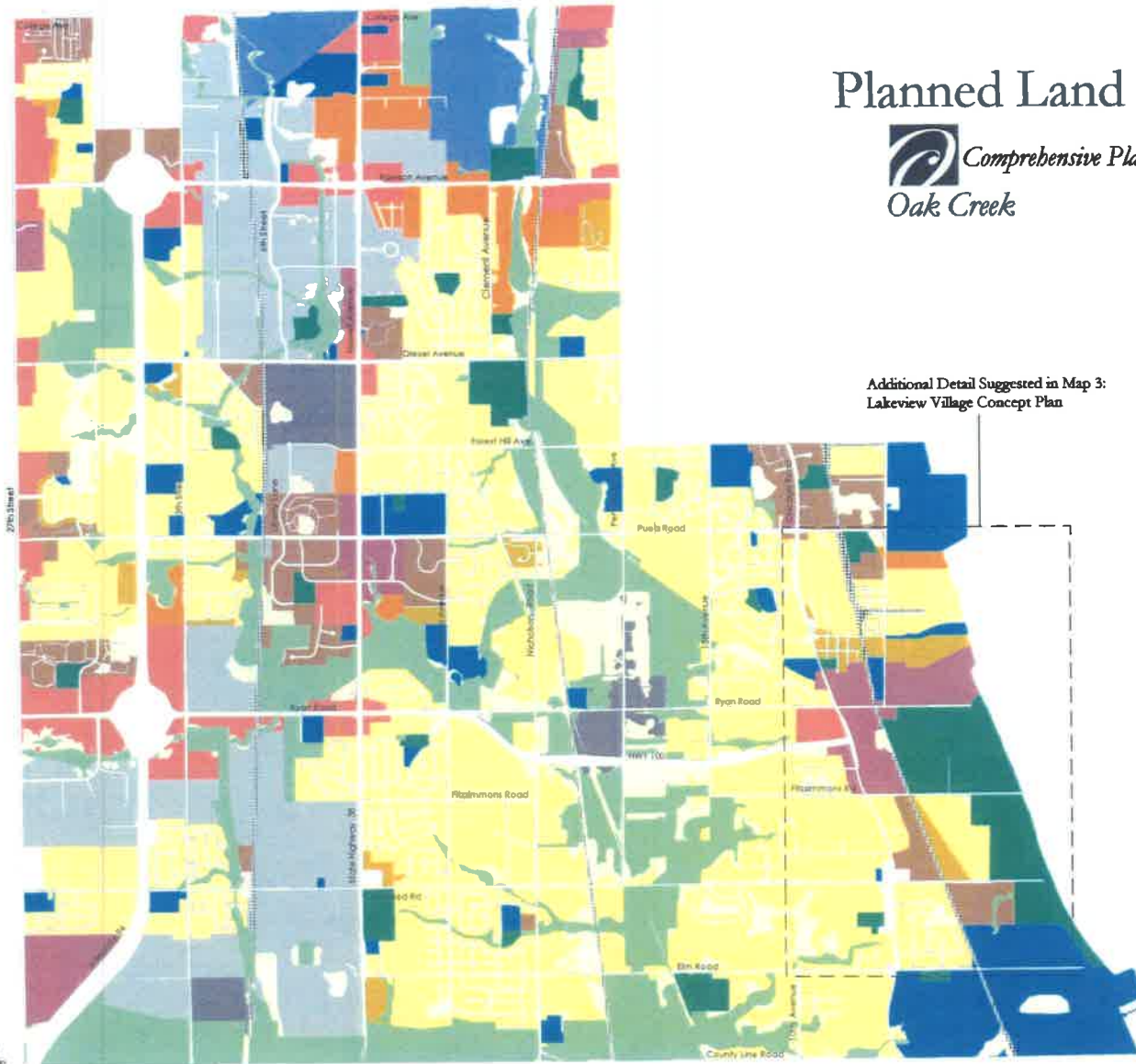
- 7266 S. Howell Avenue  
Parcel 766-0014-000  
ASSESSMENT SUBD. NO. 59 NW ¼ Sec. 9-5-22 THE S. 66.4 FT OF LOT 4 & N. 3.6 FT OF LOT 5 BLK, 2 EXC. W 75 FT FOR AVE.
- 7328 S. Howell Avenue  
Parcel 766-0015-000  
ASSESSMENT SUBD. NO. 59 NW ¼ SEC 9-5-22 LOT 5 BLK 2 EXC. THE N 3.6 Ft THEREOF, & EXC W 75FT FOR ST.

### **Defining Need**

Since 2000, Oak Creek's population has increased by nearly 25%, and the City has seen significant development, most notably Wisconsin's only Ikea and the development of Drexel Town Square. At the same time, Oak Creek's housing production has not quite kept pace, particularly housing affordable to Oak Creek's growing population of service sector workers. In addition, there are limited options for entry level workers who have families, including school staff, workers in health care, and others.

Our proposed development would help meet the demand for quality housing currently out of reach for many Oak Creek workers.

# Planned Land Use



Additional Detail Suggested in Map 3:  
Lakeview Village Concept Plan

- Planned Land Use Categories**
- Single Family Residential
  - Two Family/Townhouse Residential
  - Mixed Residential
  - Planned Office
  - Neighborhood Business
  - Planned Business
  - Planned Industrial
  - General Industrial
  - Planned Mixed Use
  - Institutional
  - Air Transportation
  - Active Recreation
  - Resource Protection Area
  - Limited Development Area
  - Road
  - Rail

Shapes on map represent general recommendations for future land use at "build-out" of the City. Actual boundaries between different land use types and associated zoning districts may vary somewhat from representations on this map.

Base Map Source: City of Oak Creek.  
See plan text for source of Resource Protection Area delineations.



**EXCERPTED MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, SEPTEMBER 25, 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, Alderman Loreck, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Director of Community Development Doug Seymour.

**PUBLIC HEARING  
COMPREHENSIVE PLAN AMENDMENT  
UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM "PLANNED INDUSTRIAL"  
TO "MIXED RESIDENTIAL"  
7266 & 7328 S. HOWELL AVE.  
TAX KEY NOS. 766-0014-000 AND 766-0015-000**

Planner Papelbon read the public hearing notice into the record.

Planner Papelbon provided more details of the proposed amendment. It is a proposal to change the land use category in the Comprehensive Plan from "Planned Industrial" to "Mixed Residential." The intention is for the properties to be developed in the future with workforce multifamily residential housing on the properties. It would also require a future rezoning and potentially a PUD or Conditional Use permit depending on the density of the development itself. To the north, there is Planned Industrial and Planned Office categories in the Comprehensive Plan. Existing uses within a ¼ mile of these two properties include a gas station, quick service restaurant with drive through, party supply store, various manufacturing uses, residential and the St. John property multi-tenant office and warehouse development to the north along Rawson Avenue. There is the Oak Creek Commerce and Industrial Park to the south, manufacturing and industrial uses, a salon and spa, bowling alley, vehicle repair center, daycare and indoor playground to the southwest. Mixed residential would allow for the future development of a variety of residential housing types including multifamily. Affordable mixed residential housing is needed in the area to provide housing options for employees for the existing and new business development in the community. Along Howell Avenue, this is a bus route and there are bus stops within ½ mile, possibly less. It is isolated from existing residential neighborhoods, although there is residential in the area. It is adjacent to the Northbranch Industrial Park and the Oak Creek Commerce Park.

Planner Papelbon further explained that the dimensions of these lots are slightly difficult for industrial development, which is what they are currently slated for conforming to the surrounding area. Although there are residential properties to the north, the area to the east is something that the Plan Commission may want to consider looking at for changing in the Comprehensive Plan in the future. The State of Wisconsin Smart Growth Plan requires that all local land use decisions after January 1, 2010 be consistent with the objectives, goals, and policies contained within the Comprehensive Plan. Approval of these changes to the Comprehensive Plan would bring the plan in line with the intent and goals for future development of the properties.

Mayor Bukiewicz made a call for public comment.

Janice Wilinski, 7240 S. Howell Avenue, inquired about what type of housing is being considered for that property. Mayor Bukiewicz responded that at this time this is a rezoning request. Multi-family would be a consideration. Ms. Wilinski stated that there is not enough room for that development. Planner Papelbon stated that this is not a rezone request. It is a request to change



the future land use category in the Comprehensive Plan. A rezone would come after that. The request is for mixed residential, so they could actually include anything from single family up to multifamily. The applicant is looking to develop what is called workforce multi-family development. However, they could include a range of housing types within their development and that would be at the developer's discretion.

Ms. Wilinski asked if there is someone that is looking at having this rezoned. Planner Papelbon responded that that would be the next step following the Comprehensive Plan change if that were to be approved.

Mayor Bukiewicz invited the applicant to the podium. Hume An, Senior Vice President at MVAH Partners, developer of workforce and senior housing, gave an history/overview of his company as well as a preliminary proposal of the housing units and major employers with workers who would qualify for this housing.

Mayor Bukiewicz made a second and third call for public comments. Seeing none, the public hearing was declared closed.

**COMPREHENSIVE PLAN AMENDMENT  
UPDATE PLANNED LAND USE CATEGORY AND MAP 2 FROM "PLANNED INDUSTRIAL"  
TO "MIXED RESIDENTIAL"  
7266 & 7328 S. HOWELL AVE.  
TAX KEY NOS. 766-0014-000 AND 766-0015-000**

Commissioner Siefert asked about the size of the lot. Mr. An responded that it is about 2.45 acres.

Commissioner Correll asked what the density would be. Mayor Bukiewicz responded that the item being discussed is actually for the Comprehensive Plan amendment from Planned Industrial to Mixed Residential. He stated that the focus of discussion should be about if it should be kept Planned Industrial or changed to Mixed Residential.

Director of Community Development Doug Seymour stated that this "pocket" of land should be considered as a whole and the land use should be supportive of that. Given the configuration of those lots, it does not set itself up very well for Planned Industrial. It makes sense to consider workforce housing because of its proximity to substantial businesses in the Northbranch Industrial Park and Oak Creek Commerce Park.

Commissioner Correll stated that carving out this triangle of land is difficult as the entire area potentially fitting into the Comprehensive Plan makes more sense. Maybe a mixed use development would make more sense. He personally thinks that that use does not fit there; maybe looking at the bigger parcel makes more sense. He stated that he has a hard time approving the change, even though mixed multi-family may fit, but he is not in favor of just carving out this piece.

*Commissioner Chandler comment/question inaudible.* Planner Papelbon stated that the area that goes into a point closest to Rawson Avenue is the area that is being discussed. That is not the entire area because the discussion is based on only two parcels within that triangle. The consideration would be in the future to determine whether or not those parcels going north of the subject parcels to Rawson Avenue should also be included, possibly even going a little bit outside of that triangle; specifically within that triangle area. It is not necessarily part of the discussion at

hand because those areas were not part of the notice. The City is in the process of redoing the entire Comprehensive Plan and not just the triangular area.

Planner Papelbon further explained that Planned Industrial would be for things like manufacturing, so the M-1 zoning district or the LM-1 district would be appropriate. Mixed Residential allows for a variety of housing types within a development. That would include things like a mixed residential Planned Unit Development where there are a variety of single-family, possibly two-family condominiums up to an apartment complex.

Planner Papelbon stated that there are a variety of zoning districts around the proposed site. There is RS-3 and P-1, Parkland; Agricultural is to the east. There, of course, is the manufacturing, mixed zoning to the north, west and the south.

Alderman Guzikowski concurred with Commissioner Correll on not wanting to carve pieces of land out. Commissioner Loreck concurred with Alderman Guzikowski and Commissioner Correll.

Commissioner Johnston stated that this is a difficult site to development. There are several grade elevations. The south parcels have a retaining wall along Howell Avenue. The north parcels are down in the hole along Howell Avenue, so there are significant grade changes. These are going to be challenging pieces of property to develop due to the County owning the parkland to the east, the size of these lots, and the access to Howell Avenue. Commissioner Johnston further stated his concern that the Comprehensive Plan has it listed as Planned Industrial, but the sites are not big enough for this use. The highest and best use of this land is industrial just because it is the biggest in size without combining the other parcels. It is a difficult decision to make without including the rest of the "point" because without the rest of it, there is spot designation in the Comprehensive Plan.

*Commissioner Hanna questions inaudible because she was not speaking into the microphone.*

Mayor Bukiewicz concurred with Commissioner Johnston because it is a difficult piece to foster into industrial. It kind of acts as a buffer to the RS-3 zoning going forward. He does not like the idea of carving out this area. He also stated his concern about accessing the site from Howell Avenue.

Commissioner Correll stated his concern with direct access to residential from Howell Avenue.

Planner Papelbon asked if there would be the same concerns if it were a series of condos or side-by-sides or single family or if it stayed industrial and had trucking operations. Commissioner Correll stated that a lot of those things cause concern until seeing exactly how it will work. Planner Papelbon stated that access concerns are more for site plan review, possibly even conditional use, if necessary. Those are things that the applicant would have to clear with the state.

Commissioner Siefert stated that he could go either way; however, it is a very hard decision. If it is changed, the little triangle in the corner north of these lots should be taken with it. Director Seymour stated that staff will check with the City Attorney on the limitations and options available to the Common Council with respect to enlarging the area being requested to be amended.

Commissioner Chandler asked why the applicant is requesting a Comprehensive Plan amendment rather than just a rezoning request. Planner Papelbon responded that the Comprehensive Plan must change to allow for zoning to change. The zoning in general has to match what the Comprehensive Plan says is appropriate for future land use.

Planner Papelbon stated that the sequence of approvals is first a Comprehensive Plan Amendment, second a rezoning request, and third a site plan review. Commissioner Chandler asked if that is part of the consideration to include the narrow piece of land that abuts Rawson Avenue.

Planner Papelbon clarified that the Plan Commission is being asked to take action on a request that is limited to the two parcels. If the Plan Commission directs staff to look at changing the Comprehensive Plan for additional parcels, that would be something that would be done as a separate request. The City Attorney may make a determination that the Common Council could make that extension if the Plan Commission recommends approval of this amendment.

Commissioner Hanna stated that the majority of the parcels surrounding this amendment request are either industrial, manufacturing or agriculture. Planner Papelbon responded that the parcels that are zoned A-1 to the east of a drainage area used to be a platted residential development from the 1920s. It never developed that way. It is all under one ownership and the status of the plat is unknown. That subdivision never came to be. Agricultural zoning is kind of a placeholder. It was never looked at for another development, and it is not uncommon for those types of things to be rezoned to A-1 for consideration of a future development.

Director Seymour stated that in the Comprehensive Plan, this shows up as Planned Office and the basis for that is that these areas fall within certain noise contours from the airport from the runway approaches such that it is heavily suggested that no single family residential development takes place there. That is why when the Comprehensive Plan showed this as Planned Office, it was curious given the fact that there is no office market and certainly not along East Rawson Avenue that deep. It was something that was accounting to the fact that single family residential was not appropriate in the eyes of the Common Council at that point in time given the proximity to the airport.

Commissioner Loreck moved that the Plan Commission adopts Resolution 2018-07, amending the Comprehensive Plan and Planned Land Use map to reflect the changes in land use from "Planned Industrial" to "Mixed Residential" for 7266 & 7328 S. Howell Ave. following review and adoption by the Common Council. Commissioner Correll seconded. On roll call: Commissioner Hanna, Commissioner Johnston, Alderman Guzikowski, Commissioner Siepert, and Commissioner Chandler voted no. Commissioner Carrillo, Commissioner Loreck, Mayor Bukiewicz, and Commissioner Correll voted aye. Motion denied.

Director Seymour stated that the Common Council could still review this given the Plan Commission recommendation to not change the land use.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:11 p.m.

ATTEST:

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

October 9, 2018  
\_\_\_\_\_  
Date



## COMMON COUNCIL REPORT

**Item:** Orchard Hills Development Agreement

**Recommendation:** That the Common Council adopts Resolution No. 11996-101618, a resolution approving the Orchard Hills Development Agreement for the design and installation of public improvements at 8300, 8304, 8310, and 8380 South 27<sup>th</sup> Street, and 8370 South Orchard Way (Tax Key Nos. 831-0310-000, 831-9007-000, 831-9009-000, 831-9036-000 and 831-9034-000) (Project Nos. 18056 and 18057) (2<sup>nd</sup> Aldermanic District).

**Fiscal Impact:** No City cost responsibilities. Developer pays all costs for public improvements' design, installation and related City inspection time. City will then own and maintain the accepted public improvements going forward.

- 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 Development Agreement is for the installation of public water main, public sanitary sewer and private interceptor sanitary sewer. HSI-Orchard Hills, LLC has proposed constructing an apartment complex known as Orchard Hills. This would include nine (9) 20-unit buildings, three (3) 15-unit buildings, six (6) six-car garages, two (2) eight-car garages, and one (1) clubhouse with a pool. This planned unit development (PUD) project was approved by Council by Ordinance 2905 at the July 17, 2018 meeting. The development requires that public infrastructure be installed to serve the complex. It also will connect a north-south public road section of S. Orchard Way. This Development Agreement will provide the City with the authority to direct and control the design and construction of the required public improvements and the private interceptor sewer, ensuring that they meet City codes and specifications.

**Options/Alternatives:** The alternative is to not enter into the Development Agreement. This is would greatly diminish the City's ability to control the public improvements' installation, and is not advised.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Brian L. Johnston, PE  
Assitant City Engineer

Fiscal Review:



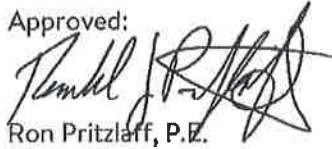
Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Michael C. Simmons, PE  
City Engineer

Approved:



Ron Pritzlaff, P.E.  
Utility Engineer

---

**Attachments:** Orchard Hills Development Agreement, Resolution 11996-101618

RESOLUTION NO. 11996-101618

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

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
THE ORCHARD HILLS DEVELOPMENT AGREEMENT  
TAX KEY NOS. 831-0310-000, 831-9007-000, 831-9009-000,  
831-9036-000 AND 831-9034-000  
(2<sup>nd</sup> ALDERMANIC DISTRICT)

BE IT RESOLVED that Chapter 14 of the Municipal Code requires that a development agreement be entered into first, prior to the required public improvements being installed.

BE IT FURTHER RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Orchard Hills Development Agreement by and between HSI Orchard Hills, LLC and the CITY OF OAK CREEK (the "Agreement") be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that technical corrections or amendments to the Agreement that do not substantively change the terms of the Agreement and that are approved by the City Engineer, City Administrator and City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of October, 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: Orchard Hills Storm Water Management Maintenance Agreement

Recommendation: That the Common Council adopts Resolution No. 11992-101618, a resolution approving a storm water management practices maintenance agreement with HSI Orchard Hills, LLC for their multifamily development located at 8300 S. 27<sup>th</sup> Street. (Tax Key Nos. 831-0310, 831-9007, 831-9009, 831-9036, 831-9034) (2<sup>nd</sup> Aldermanic District)

Fiscal Impact: None. The owner is responsible for all costs per the Storm Water Management Practices maintenance agreement.

- 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 proposed Orchard Hills multifamily development, located at 8300 S. 27<sup>th</sup> Street, requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

Options/Alternatives: Not to adopt this resolution and therefore the storm water permit cannot be issued resulting in the development being unable to proceed per Section 13.107 of the Municipal Code.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Philip J. Beiermeister, P.E.  
Environmental Design Engineer

Fiscal Review:

Bridget M. Souffrant  
Finance Director/Comptroller

Approved:

Michael C. Simmons, P.E.  
City Engineer

**RESOLUTION NO. 11992-101618**

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

**RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH HSI ORCHARD HILLS, LLC FOR THEIR ORCHARD HILLS MULTIFAMILY DEVELOPMENT LOCATED AT 8300 S. 27<sup>TH</sup> STREET**

**(TAX KEY NOS. 831-0310, 831-9007, 831-9009, 831-9036, 831-9034)**

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

WHEREAS, HSI Orchard Hills, LLC (Owner), requires onsite storm water management practices for their proposed Orchard Hills multifamily development located at 8300 S. 27<sup>th</sup> Street, and,

WHEREAS, the City requires that the Owner enter into a Storm Water Management Practices Maintenance Agreement, and,

WHEREAS, the required Storm Water Management Practices Maintenance Agreement has been prepared and signed by the Owner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Storm Water Management Practices Maintenance Agreement, as signed by the Owner, is hereby approved by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to execute the attached agreement on behalf of the Common Council of the City of Oak Creek and upon execution by both the City of Oak Creek and the Owner, the City Attorney is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of October, 2018.

Passed and adopted this 16<sup>th</sup> day of October, 2018.

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

Approved this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



Document Number	<b>ORCHARD HILLS</b> <b>Storm Water Management Practices</b> <b>Maintenance Agreement</b> <b>Document Title</b>
-----------------	--

Recording Area

Michael C. Simmons  
 Engineering Department  
 8040 S. 6<sup>th</sup> Street  
 Oak Creek, WI 53154  
Name and Return Address

831-0310, 831-9007, 831-9009, 831-9036,  
831-9034

Parcel Identification Number (PIN)

## STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of October, 2018, by and between HSI Orchard Hills, LLC, hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Oak Creek, County of Milwaukee, State of Wisconsin, to-wit:

Lot 2 of Certified Survey Map No. 7769, recorded as Document No. 9248022, and corrected by Affidavits recorded as Document No. 9284086 and 9357184, Parcel 1 of Certified Survey Map No. 1593, recorded as Document No. 4601016, and corrected by Affidavit of Correction recorded as Document No. 4660074, Parcel 1 of Certified Survey Map No. 4589, recorded as Document No. 5800989, Outlot 1 of Certified Survey Map No. 8770, recorded as Document No. 10539893, and Lot 2 of Certified Survey Map No. 8473, recorded as Document No. 10153586, all in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 18, Town 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 Northwest corner of said Southwest section; Thence North 89°15'13" East, 310.10 feet along the north line of said 1/4 section to the point of beginning; continue thence North 89°15'13" East, 1084.76 feet along the north line of said 1/4 section to the east line of Lot 2 of Certified Survey Map No. 8473; thence South 0°05'08" West, 744.24 feet along said east line to the north line of Outlot 1 of Certified Survey Map No. 6111; thence South 89°57'41" West, 55.27 feet along said north line; thence South 61°24'47" West, 148.92 feet along said north line to the northeasterly line of Orchard Way and the beginning of a 370.00 foot radius non-tangent curve to the right whose chord bears North 16°28'14" West, 155.32 feet; thence northwesterly along said northeasterly line and said arc, 156.48 feet; thence South 85°40'16" West, 214.06 feet along the northerly line of The Villas at Apple Creek Condominiums No. 113; thence South 28°44'29" West, 48.35 feet along said northwesterly line; thence South 50°45'34" West, 149.15 feet along the northwesterly line of The Villas at Apple Creek Condominiums No. 112; thence South 77°53'45" West, 67.94 feet along the northwesterly line of The Villas at Apple Creek Condominiums No. 111; thence South 56°01'45" West, 109.95 feet along said northwesterly line; thence South 89°14'22" West, 90.90 feet along a north line of Lot 1 of Certified Survey Map No. 8770; thence North 0°03'50" West, 315.00 feet along the east line of said Lot 1; thence South 89°15'46" West, 481.80 feet along a north line of said Lot 1 to the east line of S. 27th Street (S.T.H. 241); thence North 0°03'50" West, 481.33 feet along said east line to the southerly line of Forest Hill Avenue and to the beginning of a 32.00 foot radius curve to the right, whose chord bears North 44°39'49" East, 44.93 feet; thence northeasterly 49.81 feet along said southerly line and the arc of said curve; thence North 89°15'13" East, 30.85 feet along said southerly line to the beginning of a 32.00 foot radius curve to the right whose chord bears South 75°44'47" East, 16.56 feet; thence southeasterly 16.75 feet along said southerly line and the arc of said curve; thence South 60°44'47" East, 42.67 feet along said southerly line to the beginning of a 70.00 foot radius curve to the left whose chord bears North 79°47'03" East, 88.99 feet; thence northeasterly 96.44 feet along said southerly line and the arc of said curve to the beginning of a 32.00 radius curve to the right whose chord bears North 64°39'48" East, 26.54 feet; thence northeasterly 27.37 feet along said southerly line and the arc of said curve; thence North 89°15'13" East, 2.67 feet along said southerly line to the west line of Outlot 1 of Certified Survey Map No. 8770; thence North 0°03'50" West, 57.52 feet along said west line to the point of beginning.

Said parcel contains a total of 895,845 SQUARE FEET OR 20.566 ACRES of land, more or less.

hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as Orchard Hills, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Oak Creek, require that on-site storm water management practices as defined in Section 13.103 of the Oak Creek Municipal Code be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.
3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
  - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
  - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership

interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.

---

6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal amount of maintenance on the storm water management practices shall be in accordance with the Detention Basin Maintenance Standards (Exhibit B).
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.
8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.

WITNESS the following signatures and seals:

HSI Orchard Hills, LLC  
By: HSI Orchard Hills HC, LLC Manager  
By: HSI Orchard Hills Partners, LLC Manager of the Manager

[Signature]

Ryan Schultz

The foregoing Agreement was acknowledged before me this 5<sup>th</sup> day of October, 2018,  
by the above named RYAN SCHULTZ.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 9/14/2021



CITY OF OAK CREEK, WISCONSIN

[Signature]  
Daniel J. Bukiewicz, Mayor

[Signature]  
Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018,  
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

[Signature]  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

This document was prepared by Philip J. Beiermeister, P.E. of the City of Oak Creek Engineering Division.

Approved as to Form:

[Signature]                      [Date]  
City Attorney                      Date



## EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: \_\_\_\_\_  
 Inspection Date: \_\_\_\_\_

Tax Key No.: \_\_\_\_\_

Location: \_\_\_\_\_

Detention Basin Type:   Wet Pond       \_\_\_       Underground \_\_\_  
                                   Extended Dry   \_\_\_       Bioretention   \_\_\_  
                                   Artificial Wetland \_\_\_

Watershed \_\_\_\_\_

Items Inspected (Pond components)	Checked (Yes/ No/ NA)	Maintenance Needed (Yes/ No/ NA)	Remarks
<b>Embankment and Emergency spillway</b>			
1. Trash and debris			
2. Vegetation and ground cover adequate			
3. Embankment erosion			
4. Animal burrows			
5. Unauthorized plantings/tree growth			
6. Cracking, bulging, or sliding of embankment			
a. Upstream face and toe of slope			
b. Downstream face and toe of slope			
7. Settlement			
8. Seeps/leaks on downstream face			
9. Emergency spillway			
a. Clear of trash and debris			
b. Settlement			
c. Slope protection or riprap failures			
10. Other (specify)			
<b>Inlet/Outlet Structures</b>			
Type: Pipe (RCP/CMP/Plastic)			
Stand pipe/inlet box with orifice			
Weir (V-notch/Rectangular)			
Other _____			
1. Erosion/scouring/undermining at inlet or outlet			
2. Primary outlet structure			
a. Debris or sediment removal necessary			
b. Damaged			
c. Orifice plate damaged, out of place or missing			
3. Trash rack/hood maintenance			
a. Trash or debris removal necessary			
b. Damaged or missing			
c. Corrosion/rust control			
<b>Pond Bottom/Pool Area</b>			
1. Sediment accumulation (estimate depth)			
2. Water level at normal pool elevation			
3. Oil sheen on water			

**EXHIBIT B**  
**DETENTION BASIN MAINTENANCE STANDARDS**

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
Side Slopes and Embankments	Trash & Debris	Any visual evidence of dumping, trash or debris.	Trash and debris cleared from site.
	Unmowed vegetation/ Ground Cover	Unless designated by the Common Council as a nature center or wildlife preserve, if the facility is located in a platted subdivision, multi-family apartment complex, planned development or a mobile home district, mowing is needed when vegetation exceeds 6 inches in height. In all other areas, mowing is needed when vegetation exceeds one foot in height. Mowed vegetation should be removed from areas where it could enter the pond, either when the pond level rises or by rainfall runoff.	When mowing is needed, grass/ground cover should be mowed to 2 inches in height. Trees and bushes should be removed where they interfere with pond maintenance activities; that is, at the inlet, outlet and near engineered structures. Nature centers and wildlife preserves should follow the maintenance guidelines in the approving resolution and approved storm water management plan.
	Rodent Holes	Any evidence of rodent holes if facility is acting as a dam or berm, or any evidence of water piping through dam or berm via rodent holes.	Rodents destroyed and dam or berm repaired.
	Tree Growth	Tree growth does not allow maintenance access or interferes with maintenance activity (i.e., slope mowing, silt removal or equipment movements).	Trees do not hinder maintenance activities.
	Erosion	Eroded damage over 2 inches deep where cause of damage is still present or where there is potential for continued erosion.	Slopes should be stabilized by using appropriate erosion control measures; e.g., rock rip-rap, planting of grass, erosion mat, compaction.
Inlet/ Outlet Pipe	Debris and Sediment	Sediment and/or debris clogging more than 10% of the pipe opening.	No clogging or blockage in the inlet and outlet piping.
	Damaged	Rust is causing more than 50% deterioration to any part of metal pipes, cracks in plastic pipe or cracks or exposed rebar in concrete pipes.	Pipe repaired or replaced.
		Any dent that decreases the cross section area of pipe by more than 10% or retards the flowage of water.	Pipe repaired or replaced.
	Erosion/Scouring	Eroded or scoured bottom at inlet or outlet pipes; undermining of structure or end section.	Area should be stabilized by using appropriately sized rock rip-rap.
	Damaged or Missing Orifice Plate	Control device is not working properly due to missing, out of place, or bent orifice plate.	Plate is in place and works as designed.
Orifice Plate Obstructions	Any trash, debris, sediment, or vegetation blocking the plate.	Plate is free of all obstructions and works as designed.	
Trash Racks/Hoods	Trash and Debris	Trash or debris that is plugging more than 20% of the openings in the barrier.	Barrier clear to receive capacity flow.
	Damaged/ Missing Bars or Hood	Bars or hood are bent out of shape more than 3 inches.	Bars in place with no bends more than 3/4 inch.
		Bars are missing or entire barrier missing.	Bars in place according to design.
	Bars are loose and rust is causing 50% deterioration to any part of barrier.	Repair or replace barrier to design standards.	
Pool Area	Sediment Accumulation in Pond Bottom	Sediment accumulations in pond bottom that exceeds the design sediment depth.	Sediment cleaned out to designed pond shape and depth; pond resceded if necessary to control erosion.
	Water Level	Water level does not drain down to normal designed pool elevation.	Check outlet structure and downstream conveyance system for obstructions.
	Oil Sheen on Water	Prevalent and visible oil sheen.	Remove oil from water by use of oil-absorbent pads or by vacator truck. Refer problem to locate source and correct.
Emergency Overflow/Spillway and Dikes	Settlements	Any part of these components that has settled 4-inches lower than the design elevation, or inspector determines dike/ berm is unsound.	Dike should be built back to the design elevation and repaired to specifications.
	Rock Missing	Only one layer of rock exists above native soil in area five square feet or larger, or any exposure of native soil at the top emergency spillway.	Replace rocks to design standards.



## COMMON COUNCIL REPORT

Item: State/Municipal Agreement for STH 241

Recommendation: That the Common Council adopts Resolution No. 11995-101618, a resolution approving the revised State/Municipal Agreement (SMA) for the completed State-let highway project along STH 241 (27th Street) from W. Drexel Avenue to W. College Avenue (2nd Aldermanic District).

Fiscal Impact: The credit of \$895,000 will fully cover the City’s cost share for the various work items. Oak Creek Water & Sewer Utility will be invoiced to recover the costs of work on its facilities.

- 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: Under a previous State/Municipal Agreement (SMA) for STH 241, which was approved by Council Resolution No. 11544-100714, the City has cost share responsibilities on various project work items. These items were largely City-requested project enhancement upgrades; and included decorative street lighting, gateway monuments, median monuments and landscaping, way-finding signage, green-screening of signal cabinets, colored crosswalk concrete and wider sidewalks, benches and trash receptacles. There are also cost responsibilities for work the State undertook on local sewer and water facilities during the project.

The purpose of this revised SMA is to facilitate the City receiving its full \$895,000 credit. The credit is for construction work the City performed on its 2012 Drexel Avenue expansion project near the Drexel/27th Street intersection; which ultimately reduced scope on the State’s 27<sup>th</sup> Street project in 2016. The credit was established in a Memorandum of Understanding (MOU) with the State, dated August 11, 2011.

The State requires this final revision to the SMA so that the credit can be applied toward the City’s cost obligation.

Options/Alternatives: Without this revised SMA, the State cannot apply the City’s \$895,000 cost credit toward the City’s project cost share, resulting in the City having to fund this amount.



Respectfully submitted:



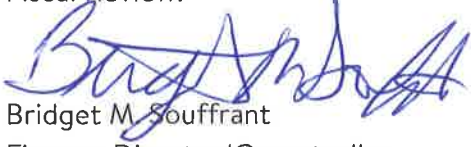
Andrew J. Vickers, MPA  
City Administrator

Prepared:



Michael C. Simmons, PE  
City Engineer

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

Approved:



Ron Pritzlaff, P.E.  
Utility Engineer

---

Attachments: 1. Resolution No. 11995-101618 (Approval of this revised SMA) 2. Revised SMA document for signature 3. Resolution No. 11544-100714 (Approval of the previous SMA) 4. Cost Credit MOU (August 11, 2011)

**RESOLUTION NO. 11995-101618**

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

**RESOLUTION APPROVING THE REVISED STATE/MUNICIPAL AGREEMENT (SMA)  
FOR THE COMPLETED STATE-LET HIGHWAY PROJECT ALONG STH 241 (27TH STREET)  
FROM W. DREXEL AVENUE TO W. COLLEGE AVENUE**

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

WHEREAS, under Council Resolution 11544-100714 the City of Oak Creek and the State of Wisconsin entered into a State/Municipal Agreement (SMA) outlining cost share funding of the reconstruction of STH 241 (S. 27<sup>th</sup> Street) from W. Drexel Avenue to W. College Avenue, and;

WHEREAS, the City and the State have a Memorandum of Understanding (MOU) dated August 11, 2011 establishing a City cost credit to be applied toward the State's STH 241 reconstruction project, and;

WHEREAS, the SMA has been revised to provide that the full \$895,000 credit can be applied to the City's cost share obligations on the project, and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the SMA is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit the three (3) City-signed documents to the State (WisDOT) for its execution and return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of October, 2018.

Passed and adopted this this 16<sup>th</sup> day of October, 2018.

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

Approved this this 16<sup>th</sup> day of October, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



**3rd REVISION  
STATE/MUNICIPAL AGREEMENT  
FOR A STATE- LET HIGHWAY  
PROJECT**

*This agreement supersedes the agreement signed by the Municipality on*  
 1) *January 7, 2010 signed by DoT May 11, 2010*  
 2) *August 26, 2014 signed by DOT on October 15, 2015*

Revised Date: March 6, 2018  
 Date: December 28 2009, & August 26 2014  
 I.D.: 2265-16-00/20/70/90  
 Road Name: 27<sup>th</sup> Street (STH 241)  
 Limits: West Drexel Avenue to College Avenue  
 County: Milwaukee  
 Roadway Length: 2.36 Miles

The signatory City of Oak Creek, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:** Improvement

**Proposed Improvement - Nature of work:** As determined by project scoping.

**Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:** A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

## See Attached Table 1: Summary of Costs – Page 2

This request is subject to the terms and conditions that follow (pages 2 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the **City of Oak Creek** (please sign in blue ink)

Name	Title	Date
------	-------	------

Signed for and in behalf of the **State** (please sign in blue ink)

Name	SE Region Planning Chief	Date
------	--------------------------	------

**Table 1: Summary of Costs**

Category	PHASE	ESTIMATED COST					
		Total Est. Cost	Federal/ State Funds	%	Municipal Funds Franklin	Municipal Funds Oak Creek	%
	Preliminary Engineering:						
	Plan Development	\$ 1,800,000	\$ 1,800,000	100%	\$ -	\$ -	0%
	Real Estate Acquisition:						
	Acquisition	\$ 14,300,000	\$ 14,300,000	100%	\$ -	\$ -	0%
	Compensable Utilities	\$ 25,000	\$ 25,000	100%	\$ -	\$ -	0%
	Construction:						
10	Participating - Roadway	\$ 23,300,000	\$ 23,300,000	100%	\$ -	\$ -	0%
10	Traffic Signal Monotube Color Upgrade	\$ 26,640	\$ -	0%	\$ 13,320	\$ 13,320	LSUM
10	** Ornamental Picket Fence Change Order				\$ 104,150	\$ 94,070	LSUM
110	Lighting Drexel Ave to College Ave - Franklin	\$ 550,000	\$ -	0%	\$ 550,000		100%
110		Exceed \$550,000	\$ -	59%	\$ -		41%
120	** Lighting Drexel Ave to College Ave - Oak Creek	\$ 610,245	\$ -	0%		\$ 510,000	100%
120	**	Exceed \$510,000	\$ 55,135	55%		\$ 45,110	45%
150	Special Sidewalk - Franklin CSS	\$ 35,000	\$ 35,000	MAX	\$ -		0%
150	Special Sidewalk - Franklin	\$ 10,000	\$ 5,500	55%	\$ 4,500		45%
160	** Special Sidewalk - Oak Creek	\$ 110,000	\$ 60,500	55%		\$ 49,500	45%
160	** Special Sidewalk - Oak Creek	Exceed \$110,000		55%			45%
170	Special Crosswalk - Franklin	\$ 63,225	\$ 42,361	67%	\$ 20,864		33%
180	** Special Crosswalk - Oak Creek	\$ 100,000	\$ 67,000	67%		\$ 33,000	33%
180	** Special Crosswalk - Oak Creek	Exceed \$100,000		67%			33%
	Misc CSS						
190	Franklin - Landscaping Credit	\$ 62,500	\$ 62,500	MAX	\$ -		0%
190	Franklin	\$ 180,000	\$ 171,500	MAX	\$ 8,500		BAL
200	Oak Creek - Landscaping, DWF Credit	\$ 76,500	\$ 76,500	MAX		\$ -	0%
200	** Oak Creek	\$ 166,000	\$ 142,800	MAX		\$ 23,200	BAL
210	** Oak Creek Sewer and Water	\$ 150,000				\$ 126,800	100%
210	** Oak Creek Sewer and Water	Exceed \$126,800					100%
Total Cost Distribution		\$ 41,565,110	\$ 40,143,796		\$ 701,334	\$ 895,000	

\*\* Work Credit, City of Oak Creek construction of Drexel Ave Intersection

CSS Distribution		
Franklin	Lighting	\$ 113,050
Special Sidewalk - Franklin CSS		\$ 15,750
	Misc CSS	\$ 171,500
Remaining Commitment to May 3, 2010 SMA		\$ 65,100
		\$ 365,400
Oak Creek	Lighting	\$ 105,400
	Misc CSS	\$ 142,800
Remaining Commitment to December 28, 2009 SMA		\$ 117,200
		\$ 365,400

**Table 2 Revises categories in Table 1 Summary of Costs**

Category	PHASE	ESTIMATED COST					Oak Creek Work Credit
		Total Est. Cost	Federal/ State Funds	%	Municipal Funds Oak Creek	%	
10	Traffic Signal Monotube Color Upgrade				\$ -	LSUM	\$ 13,320
10	Ornamental Picket Fence Change Order				\$ -	LSUM	\$ 94,070
120	Lighting Drexel Ave to College Ave - Oak Creek	\$ 510,000	\$ 510,000	MAX	\$ -	0%	\$ 510,000
120		\$ 100,245	\$ 100,245	MAX	\$ -	0%	\$ 45,110
120		Exceed \$610,000	\$ -	55%	\$ -	45%	
160	Special Sidewalk - Oak Creek	\$ 110,000	\$ 110,000	MAX	\$ -	0%	\$ 49,500
160	Special Sidewalk - Oak Creek	Exceed \$110,000		55%		45%	
180	Special Crosswalk - Oak Creek	\$ 100,000	\$ 100,000	MAX		0%	\$ 33,000
180	Special Crosswalk - Oak Creek	Exceed \$100,000		67%		33%	
200	Oak Creek - Landscaping	\$ 76,500	\$ 76,500	MAX	\$ -	100%	
200	Oak Creek - Landscaping	\$ 166,000	\$ 142,800	MAX			
200	Oak Creek - Landscaping	\$ 23,200					\$ 23,200
210	Oak Creek Sewer and Water	\$ 150,000	\$ 126,800	MAX	\$ -	100%	\$ 126,800
210	Oak Creek Sewer and Water	Exceed \$126,800	\$ -	0%	\$ 23,200	BAL	
						credit	\$ 895,000

## TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that show Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality. The costs listed in Table I: Summary of Costs are approximate costs unless otherwise noted. The Municipality will be responsible for actual costs incurred.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
  - (a) Design engineering and state review services.
  - (b) Real Estate necessitated for the improvement.
  - (c) Compensable utility adjustment and railroad force work necessitated for the project.
  - (d) The grading, base, pavement, curb and gutter and bridge costs to State standards, excluding the cost of parking areas.
  - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
  - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking and testing of sanitary sewer and water main.
  - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
  - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
  - (i) Replacement of existing driveways, in kind, necessitated by the project.
  - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or Facility Owner includes the following items:
  - (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
  - (c) Roadway and Bridge width in excess of standards.
  - (d) Construction inspection, staking and material testing and acceptance for construction of sanitary sewer and water main.
  - (e) Parking lane costs.
  - (f) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All

hazardous material cleanup work shall be performed in accordance to state and federal regulations.

5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality shall at its own cost and expense:
  - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
  - (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions.
  - (c) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
  - (d) Prohibit angle parking.
  - (e) Regulate parking along the highway. The municipality will file a parking declaration with the state.
  - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
  - (g) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction.
  - (h) Maintain all community sensitive solutions and/or enhancement funded items.
  - (i) Coordinate with the state on changes to highway access within the project limits.
  - (j) In cooperation with the state, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
  - (k) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).
9. Basis for local participation: Participation is based on actual costs incurred, all costs listed in Table 1: Summary of Costs are approximate costs unless otherwise noted. Table 1 includes cost estimates for the Municipality of Franklin for information only.
  - (a) Funding for preliminary engineering 100% State
  - (b) Funding for real estate required for standard roadway construction, 100% State
  - (c) Funding for compensable utilities required for standard roadway construction, 100% State.
  - (d) Funding for construction of standard roadway items – 100% State.

- (e) Funding for traffic signal monotube color upgrade – 100% Municipality as a onetime lump sum payment of \$13,320. This onetime lump sum payment is being applied to the Work Credit.
- (f) Funding for lighting – 100% Municipal to a maximum of \$510,000. Costs above the maximum – 55% State and 45% Municipal. The \$510,000 maximum Municipal cost is based on Municipal payment for State costs to meet \$382,900 (\$277,500 standard costs + \$105,400 CSS) of the \$500,000 lump sum payment identified in the December 28, 2009 State Municipal Agreement (SMA) that this agreement revises. The State’s CSS commitment of \$365,400 includes \$117,200 (remaining Municipality’s commitment from the December 28, 2009 SMA). Municipal costs of \$555,110 applied to the work credit.

State costs at 55%, are based on 50% State and 50% Municipal for new standard lighting and 100% State for replacement lighting. Municipal costs at 45% are based on 50% State and 50% Municipal for new standard lighting and 100% Municipal for the additional costs for decorative lighting.

- (g) Funding for special sidewalk – 100% state, maximum of \$110,000. Costs above the maximum - 55% State and 45% Municipal. The \$110,000 maximum cost is the basis for a \$49,500 work credit (45% of \$110,000). Costs are based on 100% State for standard sidewalk and 100% Municipal for additional costs for decorative sidewalk. The Municipality agrees to maintain the sidewalk.
- (h) Funding for special crosswalk – 100% state, maximum of \$100,000. Costs above the maximum - 67% State and 33% Municipal. The \$100,000 maximum cost is the basis for a \$33,000 work credit (33% of \$100,000). Costs are based on 100% State for standard sidewalk and 100% Municipal for additional costs for decorative crosswalk. The Municipality agrees to maintain the crosswalk.
- (i) Landscaping credit and Municipal Supplied Curb Ramp Detectable Warning Fields (DWF) – a \$62,500 lump sum credit for landscaping purchased and installed by the Municipality, a \$14,000 lump sum credit for Curb Ramp Detectable Warning Fields DWF) and a \$23,200 work credit, for a total credit of \$99,700.
- (j) Funding for Community Sensitive Solutions (CSS) – 100% State, maximum of \$365,400 (additional to CSS identified in section 9(f) above). This funding is to be used for enhancement features along the project limits. CSS maximum approved with signed EA on April 10 2012.
- (k) Ornamental Picket Fence – 100% Municipality, a one-time lump sum cost of \$94,070 to be applied to category 10. This onetime lump sum payment is being applied to the Work Credit.
- (l) Funding for Sewer and Water 100% state, maximum of \$150,000. Costs above the maximum - 100% Municipal. The \$150,000 maximum cost is the basis for a \$126,800 work credit (balance owed).
- (m) In exchange for a Municipal credit of \$895,000, the Municipality made improvements at STH 241 and Drexel Ave as identified in the MOU dated August 11, 2011. This credit will be applied as noted above and on Table 2, revised summary of costs.

[END]

RESOLUTION NO. 11544-100714

BY: Ald. Bukiewicz

**RESOLUTION APPROVING THE STATE/MUNICIPAL AGREEMENT (SMA)  
FOR A STATE-LET HIGHWAY PROJECT ALONG STH 241 (S. 27<sup>TH</sup> STREET)  
FROM W. DREXEL AVENUE TO W. COLLEGE AVENUE**

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

WHEREAS, The City of Oak Creek and the Wisconsin Department of Transportation (WisDOT) are entering into a State/Municipal Agreement (SMA) for funding of the reconstruction of STH 241 (S. 27<sup>th</sup> Street) from W. Drexel Avenue to W. College Avenue, and;

WHEREAS, The SMA provides that WisDOT will pay 100% of the project design, real estate and standard construction costs, and;

WHEREAS, The SMA provides that WisDOT will provide Community Sensitive Solutions (CSS) funding in the amount of \$365,400 for the City to improve aesthetics along the corridor, and;

WHEREAS, The SMA revises the previous agreement and settles the \$500,000 payment for street lighting that had been established as part of the City's commitment to WisDOT's 2012 Drexel Interchange project, and;

WHEREAS, The SMA incorporates a cost credit that the City earned with WisDOT as part of the City's 2012 Drexel Avenue project, effectively making it unnecessary to budget new funding to cover City costs under this project related to the subject aesthetic features;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the SMA is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit the three (3) City-signed documents to WisDOT for its execution and return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7<sup>th</sup> day of October, 2014.

Passed and adopted this this 7<sup>th</sup> day of October, 2014.

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

Approved this this 7<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

VOTE: Ayes 6 Noes 0



MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF OAK CREEK AND THE WISCONSIN DEPARTMENT OF TRANSPORTATION  
August 11, 2011

**Drexel Avenue and 27<sup>th</sup> Street Intersection  
City of Oak Creek, Milwaukee County**

This memorandum summarizes a cost share agreement between the City of Oak Creek, hereinafter called the MUNICIPALITY and the Wisconsin Department of Transportation, hereinafter called the STATE, for reconstruction work on Drexel Avenue from 27<sup>th</sup> Street to the start of the westbound left turn lane taper, hereinafter called Drexel Avenue work.

The MUNICIPALITY, as part of their reconstruct of Drexel Avenue, shall include the Drexel Avenue work, to a design that is mutually acceptable to the MUNICIPALITY and the STATE.

The STATE will provide a credit for this work to the MUNICIPALITY in the future 27<sup>th</sup> Street project from Drexel Avenue to College Avenue. The credit will be based upon actual costs incurred by the MUNICIPALITY and will include an annual inflation rate of 2.5%. The estimated cost for the Drexel Avenue work is \$750,400, which includes design, real estate and roadway construction. The credit cannot exceed the amount the MUNICIPALITY owes the STATE for construction on the 27<sup>th</sup> Street project.

Costs not included in the STATE credit to the MUNICIPALITY include;

- Street lighting not required for the traffic signals in the intersection with Drexel Avenue and 27<sup>th</sup> Street.
- Sidewalk extending along Drexel from a point outside of the 27<sup>th</sup> Street right of way.

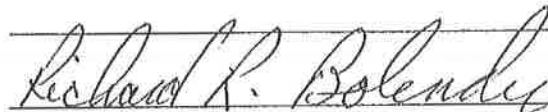
When design has progressed further, the STATE will create a formal State Municipal Agreement to include this credit to the following project.

STATE ID 2265-16-00/20/70 (additional STATE ID's may be added)  
27<sup>th</sup> Street  
STH 241  
W Drexel Avenue to College Avenue  
Milwaukee County



Sheri Schmit  
Systems Planning Chief  
Wisconsin Department of Transportation  
SE Region

8/26/11  
Date



Richard R. Bolender, Mayor  
Name  
Title

8/17/2011  
Date

RESOLUTION NO. 11139-081611

BY: Ald. Bukiewicz

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING  
WITH THE WISCONSIN DEPARTMENT OF TRANSPORTATION (WisDOT)  
INTERSECTION OF STH 241 (S. 27<sup>th</sup> STREET) AND W. DREXEL AVENUE

(PROJECT NO. 06010)

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

WHEREAS, the Wisconsin Department of Transportation (WisDOT) and the City of Oak Creek have decided public necessity demands the reconstruction of the intersection of STH 241 (S. 27<sup>th</sup> Street) and W. Drexel Avenue; and

WHEREAS, a Memorandum of Understanding has been prepared that summarizes the design, real estate, and roadway construction work on W. Drexel Avenue from STH 241 (S. 27<sup>th</sup> Street) to the start of the westbound left-turn lane taper; and

WHEREAS, a Memorandum of Understanding has been prepared that summarizes the compensation for such work that WisDOT will provide the City of Oak Creek; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council that this Memorandum of Understanding between the City of Oak Creek and the WisDOT is hereby approved.

BE IT RESOLVED that the Mayor is hereby authorized and directed to execute the attached Memorandum of Understanding on behalf of the Common Council of the City of Oak Creek.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 16<sup>th</sup> day of August, 2011.


Passed and adopted this 16<sup>th</sup> day of August, 2011.

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

Approved this 16<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
Mayor Richard R. Bolender

ATTEST:

  
\_\_\_\_\_  
Pamela S. Bauer, City Clerk

VOTE: Ayes 5 Noes 0  
Ald. Gehl was excused.

## COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 10/16/18 License Committee Report.

Fiscal Impact: License fees in the amount of \$960 were collected. If Operator license denial is approved as recommended by the License Committee, a refund in the total amount of \$25 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 10/4/18. Recommendations are as follows:

1. Grant an Operator's license to Kendra Krupp, 1508 Lincoln Street, Racine, WI (Charcoal Grill).
2. Grant an Operator's license to Sarki Tika, 958 N. 34<sup>th</sup> St., Milwaukee, WI (Oak Creek Mobil).

The following items were received after the License Committee met. Tentative recommendations are as follows (favorable background reports received):

1. Grant an Operator's license to:
  - \* Julia M. Glaser, 524 Parkway Dr., South Milwaukee (Classic Lanes).
  - \* Kara M. Gudell, 2930 W. Parnell Ave., Milwaukee (Applebee's)
  - \* Steven D. Ward, 8145 S. 81<sup>st</sup> St., Franklin (Kwik Trip)
  - \* Bill C. Aboagye, 1706 Maple St., Racine (Frankie's Restaurant)
  - \* Karen M. Wilhoite, 3310 S. Chicago Rd., South Milwaukee (Meijer)
  - \* Jeremy S. Caughell, 4250 S. Pennsylvania Ave., St. Francis (Kwik Trip)
  - \* Ann E. Decker, 4600 S. Nicholson Ave., Cudahy (American Legion)

Options/Alternatives: None

---

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

---

Attachments: None



## COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the October 10, 2018 Vendor Summary Report in the combined total of \$661,409.49.

Fiscal Impact: Total claims paid of \$661,409.49

- 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 Advanced Disposal (pg #1) for September recycling and trash pickup.
2. \$10,931.35 to Ascension Medical Group (pg #2) for September near-site nursing services and PD random drug testing.
3. \$5,300.00 to Baker Tilly (pg #2) for services in connection to 2017 final and single audit.
4. \$8,150.00 to Brasco International Inc. (pg #3) for Ikea bus enclosures.
5. \$6,960.00 to Buelow Vetter (pgs #3-4) for legal services.
6. \$10,000.00 to Jeffrey Marsh (pg #8) for Charcoal Grill reserve issuance fee refund.
7. \$20,749.72 to MADACC (pgs #10-11) for animal control and debt payment.
8. \$241,294.00 to North Central Ambulance (pg #1) for new ambulance.
9. \$13,114.99 to Ramboll Environ (pg #13) for North Bluff professional services.
10. \$5,022.45 to Savage Solutions, LLC (pg #13) for Tourism marketing consulting services and billboard advertising.
11. \$38,779.83 to US Bank (pgs #17-23) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
12. \$6,835.00 to US Standard Sign Co. (pg #15) for Street Department signage supply - sign blanks.
13. \$35,998.80 to WE Energies (pg #16) for street lighting, electricity & natural gas.
14. \$8,651.50 to Western Forms (pg #16) for headwall forms.

---

15. \$8,273.09 to WI Court Fines & Surcharges (pg #16) for September'18 court fines.

16. \$41,755.47 to World Fuel (pg #17) for fuel inventory.

Options/Alternatives: None

---

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Finance Director/Comptroller

---

Attachments: 10/10/18 Invoice GL Distribution Report