



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

## COMMON COUNCIL MEETING AGENDA

FEBRUARY 5, 2019

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: 1/15/19

### Recognition

4. **Resolution:** Consider Resolution No. 12029-020519, Resolution of Commendation to Christopher S. Kopplin, retiring Fire Fighter (by Committee of the Whole).

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

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

5. **Conditional Use:** Consider a request submitted by Sam Dickman, Jr., Murphy Real Estate, LLC, for a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10<sup>th</sup> St (1<sup>st</sup> District).
6. **Ordinance:** Consider Ordinance No. 2929, to approve a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10<sup>th</sup> St (1<sup>st</sup> District).
7. **Planned Unit Development Amend:** Consider a request submitted by Merlin Misialek, Target Corporation, for amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave. (6<sup>th</sup> District).
8. **Ordinance:** Consider Ordinance No. 2930, to approve Amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave. (6<sup>th</sup> District).

## New Business

9. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending December 31, 2018.
10. **Informational:** Kristin Craig, Destination Marketing Specialist, will provide the Council with a recap of 2018 and update for 2019 events.
11. **Motion:** Consider a *motion* to approve license agreements with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the rebroadcast of music by licensed performers (by Committee of the Whole).

## WATER & SEWER UTILITY

12. **Resolution:** Consider *Resolution* No. 12030-020519, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code for installation of 12" water main in West College Avenue from S. 27<sup>th</sup> Street to S. 20<sup>th</sup> St., and to establish a public hearing date of March 5, 2019 (Project No. 19103) (2<sup>nd</sup> District).

## PUBLIC WORKS

13. **Motion:** Consider a *motion* to award the purchase of a new Caterpillar 420F2 Backhoe Loader to Fabick Cat, including accessories, for a total cost of \$139,500 (by Committee of the Whole).

## ENGINEERING

14. **Resolution:** Consider *Resolution* No. 12031-020519, approving the Nucor Development Agreement for the design and installation of public improvements at 300, 301, 400 and 401 W. Burkhardt Ct., (Tax Key Nos. 765-9051-000, 765-9049-000, 765-9048-000, and 765-9050-000) (Project No. 19050) (1<sup>st</sup> District).

## LICENSE COMMITTEE

15. **Motion:** Consider a *motion* to adopt the License Committee recommendations as listed on the 2/5/19 License Committee Report (by Committee of the Whole).
16. **Ordinance:** Consider *Ordinance* No. 2928, to repeal and recreate Section 7.84(i)(1) of the Oak Creek Municipal Code relating to the quotas for liquor licensing (by Committee of the Whole).

## VENDOR SUMMARY

17. **Motion:** Consider a *motion* to approve the January 30, 2019 Vendor Summary Report in the combined total amount of \$615,116.73. (Of this total, \$216,577.05 will impact the 2018 fiscal year. The remaining amount, \$398,539.68, will impact the 2019 fiscal year) (by Committee of the Whole).

## **MISCELLANEOUS**

18. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes to discuss the following:
  - a. Section 19.85(1)(g) to consider the claim of The Ridge Community Church Corp. for unlawful taxes pursuant to Wis. Stat. 74.35 for the property at 6912 and 6912R South 27<sup>th</sup> St. (Tax Key Nos. 737-9026-000, 7379-9028-000) (2<sup>nd</sup> District).
  - b. Section 19.85(1)(e) and (g) to discuss the Amendment to Tax Incremental District No. 11 Finance Development Agreement and Phase III Agreement for the Emerald Row development (2<sup>nd</sup> District).
19. **Motion:** Consider a motion to reconvene into Open Session.
20. **Motion:** Consider a motion to take action, if required.
21. **Resolution:** Consider Resolution No. 12032-020519, allowing the claim of The Ridge Community Church Corp. and authorizing rescission of general property taxes for the property at 6912 and 6912R S. 27<sup>th</sup> St. (Tax Key Nos. 737-9026-000 and 737-9028-000) (2<sup>nd</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

**RESOLUTION 12029-020519**  
**RESOLUTION OF COMMENDATION**  
**TO CHRISTOPHER S. KOPPLIN**

WHEREAS, Christopher S. Kopplin began his employment with the City of Oak Creek on July 17, 1989 as an Automotive Serviceman in the Highway Department; and

WHEREAS, Christopher S. Kopplin became an Auxiliary Fire Fighter on April 6, 1992 and became a Fire Fighter on November 1, 1993 for the Fire Department; and

WHEREAS, Christopher S. Kopplin retired from his position as Fire Fighter effective September 17, 2018, after a total of 29 years and 2 months of dedicated full time service to the City of Oak Creek; and

WHEREAS, during his years of service, Christopher S. Kopplin has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, Christopher S. Kopplin responded to many major alarms utilizing his skills in fire fighting and rescue with dedication and without hesitation; and

WHEREAS, Christopher S. Kopplin has been an Emergency Medical Technician in the State of Wisconsin and was a member of the City's first class of paramedics. He became a Fire Fighter Paramedic on March 6, 2000 and during his career has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, Christopher S. Kopplin conducted many tours and participated in fire prevention activities for the children of Oak Creek during his career; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Christopher S. Kopplin and his family in his retirement 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 Christopher S. Kopplin

Passed and adopted this 5<sup>th</sup> day of February 2019.

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

ATTEST:

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

\_\_\_\_\_  
Ald. Steven Kurkowski, 1st District

\_\_\_\_\_  
Ald. Michael Toman, 4th District

\_\_\_\_\_  
Ald. Gregory Loreck, 2nd District

\_\_\_\_\_  
Ald. Kenneth Gehl, 5th District

\_\_\_\_\_  
Ald. Richard Duchniak, 3rd District

\_\_\_\_\_  
Ald. Christopher Guzikowski, 6th District

OFFICIAL NOTICE

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

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Sam Dickman, Jr., Murphy Real Estate, LLC, for a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10th St.

**Hearing Date:** February 5, 2019  
**Time:** 7:00 p.m.  
**Place:** Oak Creek Civic Center (City Hall)  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Sam Dickman, Jr., Murphy Real Estate, LLC  
**Property Owner:** MURPHY REAL ESTATE LLC  
**Property Location(s):** 7221 S. 10<sup>th</sup> St.  
**Tax Key(s):** 764-9047-000

**Legal Description:**

Parcel 2 of Certified Survey Map No. 5637, recorded on January 9, 1992 on Reel 2689, Images 1079 to 1082 inclusive, as Document No. 6558094, being a part of the Northwest ¼ of the Northwest ¼ of Section 8, Town 5 North, Range 22 East, City of Oak Creek, County of Milwaukee, State of Wisconsin. Containing 6.539 acres.

The Common Council has scheduled other public hearings for February 5, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: January 9, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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## COMMON COUNCIL REPORT

**Item:** Conditional Use Permit - freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment

**Recommendation:** That the Council adopts Ordinance 2929, an ordinance to approval a Conditional Use Permit for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10th St.

**Fiscal Impact:** Approval will allow for the occupancy of an existing, vacant manufacturing building within Northbranch Industrial Park for a shipping company, with a proposed expansion to the parking areas for semi-trucks and trailers. No direct fiscal impacts would occur with the approval; however, positive fiscal impacts in terms of permit fees would occur from approval of interior modifications and stormwater. 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, Sam Dickman, Jr., Murphy Real Estate, LLC, is requesting Conditional Use approval on behalf of Taylor Made Express for a freight yard/freight terminal/trans-shipment depot and outdoor storage of vehicles and equipment on the property at 7221 S. 10th St. Taylor Made Express is an expedited freight delivery company, operating 24/7. A majority of the delivery traffic occurs between 6:00 AM and 6:00 PM. The business has a total staff of 150 employees split amongst different shifts. Existing parking for employees and customers (60 stalls) is sited on both the north and south sides of the existing building. An additional 25 stalls are proposed on the western edge of the existing asphalt to accommodate the number of employees anticipated for the largest shift (75 between 7:00 AM and 5:00 PM). It is anticipated that 10 or fewer customers per day will visit the facility.

The expanded parking area on the west and south will provide 55 dedicated stalls for semi-trucks/trailers. All semi-truck/trailer parking and half of the employee & customer parking will be located behind security fencing. No outdoor storage, other than semi-truck/trailer parking, has been requested.

Per the submitted narrative, the expanded parking area on the south and west sides of the property would add 64,164 square feet of asphalt to the property, triggering the need for additional stormwater management. The proposed site plan indicates that the existing stormwater pond will be removed and a new pond created on the east side of the property.

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Plan Commission review of the site modifications, including the landscaping plans for the expanded parking area will be required.

The Plan Commission reviewed this request during their December 11, 2018 and January 8, 2019 meetings. The request was recommended for approval subject to the attached Conditions and Restrictions.

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

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



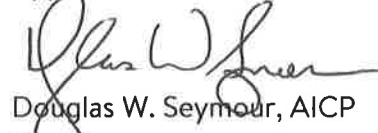
Kari Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

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Attachments:

Ord. 2929

Location Map

Hearing Notice

Narrative

Plans (Alta Survey, Sheet C1.0)

Conditions and Restrictions

ORDINANCE NO. 2929

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

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR A FREIGHT  
YARD / FREIGHT TERMINAL / TRANS-SHIPMENT DEPOT AND OUTDOOR  
STORAGE OF VEHICLES AND EQUIPMENT AT 7221 S. 10<sup>TH</sup> ST.

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

WHEREAS, SAM DICKMAN, JR., MURPHY REAL ESTATE, has applied for a Conditional Use Permit that would allow for a Freight Yard / Freight Terminal / Trans-shipment Depot and Outdoor Storage of Vehicles and Equipment on the property at 7221 S. 10<sup>th</sup> St.; and

WHEREAS, the properties are more precisely described as follows:

Parcel 2 of Certified Survey Map No. 5637, recorded on January 9, 1992 on Reel 2689, Images 1079 to 1082 inclusive, as Document No. 6558094, being a part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 8, Town 5 North, Range 22 East, City of Oak Creek, County of Milwaukee, State of Wisconsin. Containing 6.539 acres.

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on February 5, 2019, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use and which conditions and restrictions are incorporated by reference into the amended Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for a Freight Yard / Freight Terminal / Trans-shipment Depot and Outdoor Storage of Vehicles and Equipment on the property at 7221 S. 10<sup>th</sup> St., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for



a Freight Yard / Freight Terminal / Trans-shipment Depot and Outdoor Storage of Vehicles and Equipment on the property at 7221 S. 10<sup>th</sup> St.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 5<sup>th</sup> day of February, 2019.

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

Approved this 5<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Mayor

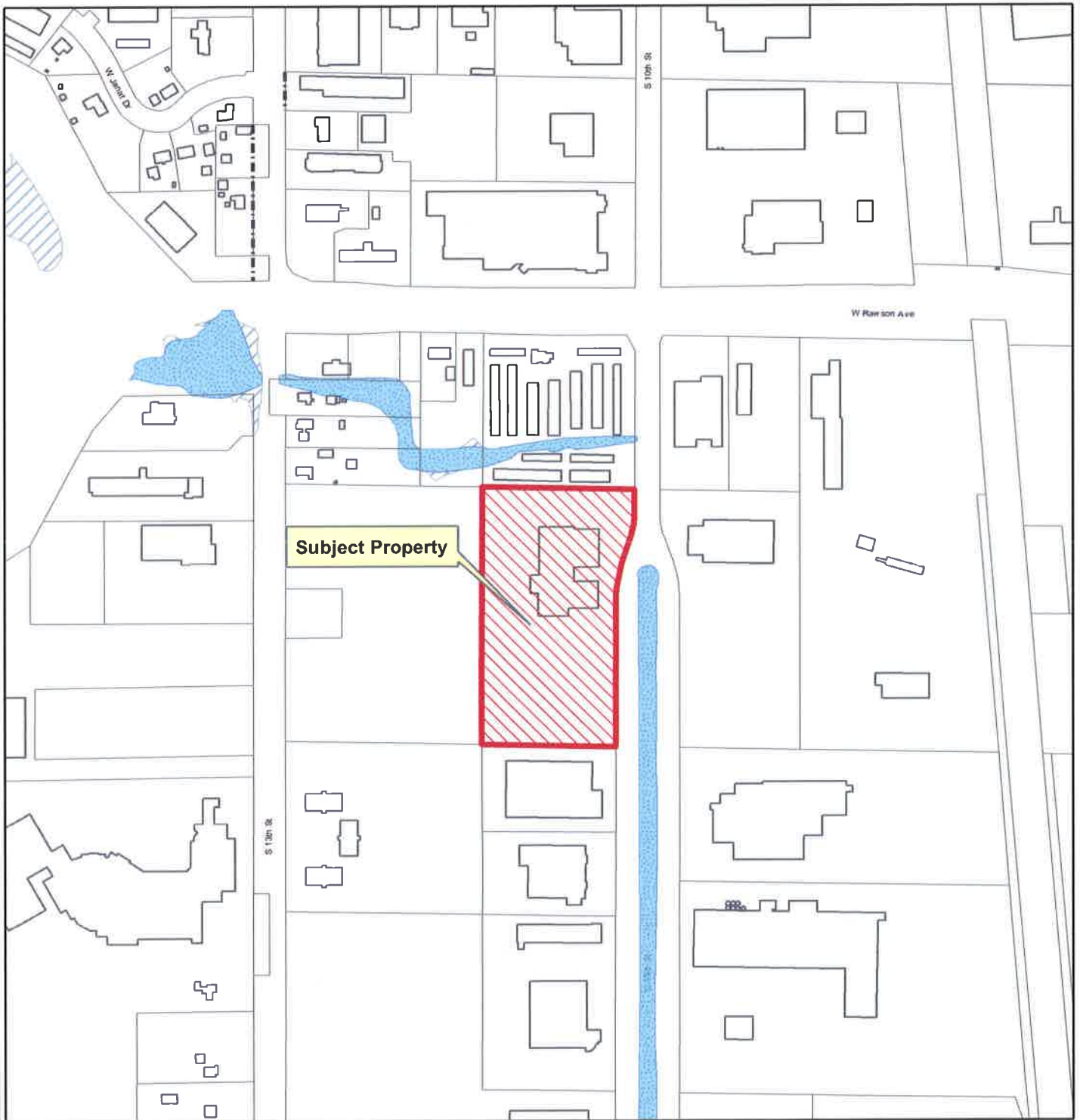
ATTEST:

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

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

# Location Map

## 7221 S. 10th St.



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



### Legend

-  7221 S. 10th St.
-  Floodplain (2008)
-  Floodway (2008)
-  Officially Mapped Streets

TO BE PUBLISHED JANUARY 16 & 23, 2019

OFFICIAL NOTICE

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***DESCRIPTION OF PROPOSAL FOR A NEW FENCED IN TRAILER PARKING LOT EXPANSION TO BE CONSTRUCTED FOR THE DICKMAN COMPANY AT 7221 SOUTH 10<sup>th</sup> STREET IN OAK CREEK***

November 12, 2018

Domenico Ferrante of Briohn Design Group, LLC  
Mike Byrne of Briohn Building Corporation  
3885 N. Brookfield Road, Suite 200  
Brookfield, Wisconsin 53045

SUBMITTED: On behalf of the current property owner and developer, Sam Dickman Jr. of Murphy Real Estate, LLC:

BRIOHN is submitting this "Description of Proposal" on behalf of MURPHY REAL ESTATE, LLC. Briohn Design Group LLC and Briohn Building Corp are acting as the representative applicant. Sam Dickman Jr. of Murphy Real Estate, LLC is the applicant. The City of Oak Creek Plan Commission Application is completed and included as part the Plan Commission application for Conditional Use approval and eventual site plan review package as well as support drawings as required by Oak Creek, which includes site plan, lighting plan with fixture cut sheets, utility plan, site grading plan, storm water management plan (as required) and detailed landscaping plan.

**The Description of the Proposal and the Plan of Operation:**

- **Description** – Murphy Real estate, LLC proposes to construct a 64,164 square asphalt paved trailer parking lot expansion on the south portion of the lot. The Murphy Real Estate, LLC is doing this on behalf Taylor Made Express.

- **Details of Proposal** – We propose to construct the trailer parking lot expansion with asphalt paving as identified on the civil drawings which is submitted to the City of Oak Creek Plan Commission as part our request for Conditional use approval. Taylor Made Express is an expedited freight delivery company. Under the M-1 manufacturing district zoning the use can be allowed under conditional use approval process.

- **Plan and Hours of Operation** – Delivery trucks leave in the morning and return late in the day. The trucks pick-up and deliver from one customer to another. A small percentage does need to be warehoused for short periods of time. While the business does operate 24 hours a day, most of the traffic is during the day from 6:00am to 6:00pm. There will be 50 trucks in/out with majority of the traffic around 6:30am and then later in the day as the trucks return. The

business has a total of 150 employees. These are family supporting jobs in both the office and in the delivery vehicles.

- **Frequency of Deliveries** – On a daily basis there will be delivery and pick-up truck traffic of approximately 50 trucks.

- **Number of Employees** – Approximately 150 people total. The total number of employees will be split on different shifts.

- **Outside Storage** – Taylor Made Express is not planning on any additional outside storage.

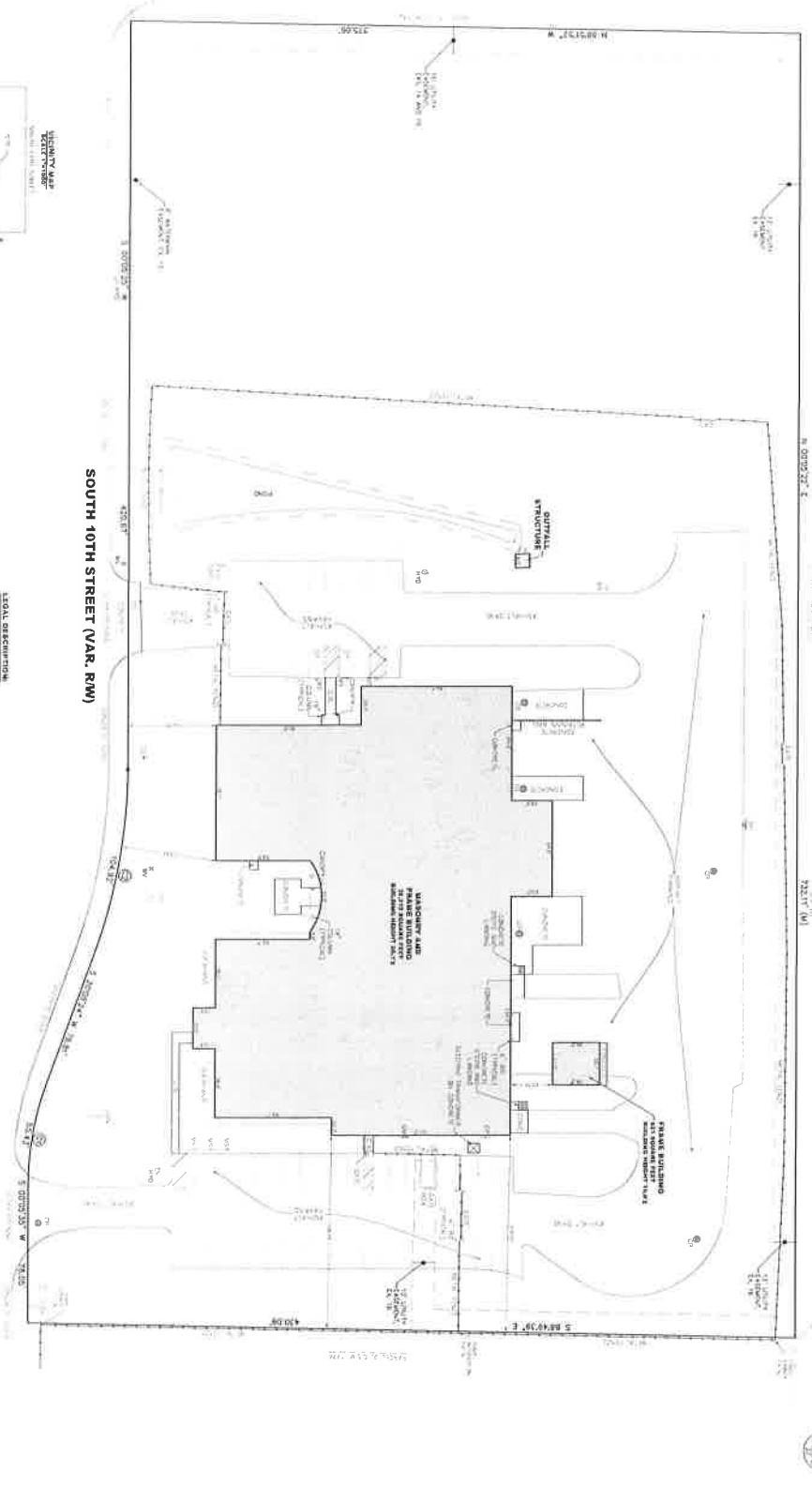
- **Number of Parking Stalls** – There are currently 60 car parking stalls for employees and customers. This quantity will be increased to 85 and will provide the necessary parking needs for Taylor Made Express' largest shift. During the largest daytime shift (7:00am – 5:00pm) Taylor Made Express will have about 75 employees. The number of potential visitors per day is expected be less than 10. The proposed 85 car parking is more than adequate for Taylor Made Express' needs.

We respectfully ask the City of Oak Creek, Plan Commission, Engineering, Fire Department and Building Inspection to review and evaluate our proposal including the submitted drawings and other support materials. We believe that the proposed new development will not only meet our tenant's needs and expectations but the City of Oak Creek as well. We look forward to your conditional use, site plan approval and our continued mutual success and appreciate the assistance provided and afforded by the City of Oak Creek in the approval process.

Please contact us if you have any questions or need additional information.

Sincerely,

Domenico M. Ferrante AIA  
Director of Architecture, Briohn Design Group LLC



**SOUTH 10TH STREET (VAR. RW)**

**DIGEST ONLINE**

ALTA/ACSM LAND TITLE SURVEY  
7221 SOUTH 10TH STREET  
CITY OF OAK CREEK, WISCONSIN



**SCHEDULE OF DESCRIPTIONS:**

- 1. CADDIS, DOCUMENT NO. 543330 - DOES NOT APPLY TO THIS PROJECT
- 2. CADDIS, DOCUMENT NO. 543331 - DOES NOT APPLY TO THIS PROJECT
- 3. CADDIS, DOCUMENT NO. 543332 - DOES NOT APPLY TO THIS PROJECT
- 4. CADDIS, DOCUMENT NO. 543333 - DOES NOT APPLY TO THIS PROJECT
- 5. CADDIS, DOCUMENT NO. 543334 - DOES NOT APPLY TO THIS PROJECT
- 6. CADDIS, DOCUMENT NO. 543335 - DOES NOT APPLY TO THIS PROJECT
- 7. CADDIS, DOCUMENT NO. 543336 - DOES NOT APPLY TO THIS PROJECT
- 8. CADDIS, DOCUMENT NO. 543337 - DOES NOT APPLY TO THIS PROJECT
- 9. CADDIS, DOCUMENT NO. 543338 - DOES NOT APPLY TO THIS PROJECT
- 10. CADDIS, DOCUMENT NO. 543339 - DOES NOT APPLY TO THIS PROJECT
- 11. CADDIS, DOCUMENT NO. 543340 - DOES NOT APPLY TO THIS PROJECT
- 12. CADDIS, DOCUMENT NO. 543341 - DOES NOT APPLY TO THIS PROJECT
- 13. CADDIS, DOCUMENT NO. 543342 - DOES NOT APPLY TO THIS PROJECT
- 14. CADDIS, DOCUMENT NO. 543343 - DOES NOT APPLY TO THIS PROJECT
- 15. CADDIS, DOCUMENT NO. 543344 - DOES NOT APPLY TO THIS PROJECT
- 16. CADDIS, DOCUMENT NO. 543345 - DOES NOT APPLY TO THIS PROJECT
- 17. CADDIS, DOCUMENT NO. 543346 - DOES NOT APPLY TO THIS PROJECT
- 18. CADDIS, DOCUMENT NO. 543347 - DOES NOT APPLY TO THIS PROJECT
- 19. CADDIS, DOCUMENT NO. 543348 - DOES NOT APPLY TO THIS PROJECT
- 20. CADDIS, DOCUMENT NO. 543349 - DOES NOT APPLY TO THIS PROJECT
- 21. CADDIS, DOCUMENT NO. 543350 - DOES NOT APPLY TO THIS PROJECT

**LOCAL DESCRIPTIONS:**

- 1. THE SUBJECT PROPERTY IS A 1.50 ACRES NET CALCULATED AND 2.14 ACRES GROSS CALCULATED PARCEL OF LAND SITUATE IN THE CITY OF OAK CREEK, WISCONSIN, BEING THE SOUTHWEST 1/4 OF SECTION 8, TOWN 3 NORTH, RANGE 21 EAST, CITY OF OAK CREEK, COUNTY OF WAUKESHA, STATE OF WISCONSIN.
- 2. THE SUBJECT PROPERTY IS A 1.50 ACRES NET CALCULATED AND 2.14 ACRES GROSS CALCULATED PARCEL OF LAND SITUATE IN THE CITY OF OAK CREEK, WISCONSIN, BEING THE SOUTHWEST 1/4 OF SECTION 8, TOWN 3 NORTH, RANGE 21 EAST, CITY OF OAK CREEK, COUNTY OF WAUKESHA, STATE OF WISCONSIN.
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- 7. THE SUBJECT PROPERTY IS A 1.50 ACRES NET CALCULATED AND 2.14 ACRES GROSS CALCULATED PARCEL OF LAND SITUATE IN THE CITY OF OAK CREEK, WISCONSIN, BEING THE SOUTHWEST 1/4 OF SECTION 8, TOWN 3 NORTH, RANGE 21 EAST, CITY OF OAK CREEK, COUNTY OF WAUKESHA, STATE OF WISCONSIN.
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- 9. THE SUBJECT PROPERTY IS A 1.50 ACRES NET CALCULATED AND 2.14 ACRES GROSS CALCULATED PARCEL OF LAND SITUATE IN THE CITY OF OAK CREEK, WISCONSIN, BEING THE SOUTHWEST 1/4 OF SECTION 8, TOWN 3 NORTH, RANGE 21 EAST, CITY OF OAK CREEK, COUNTY OF WAUKESHA, STATE OF WISCONSIN.
- 10. THE SUBJECT PROPERTY IS A 1.50 ACRES NET CALCULATED AND 2.14 ACRES GROSS CALCULATED PARCEL OF LAND SITUATE IN THE CITY OF OAK CREEK, WISCONSIN, BEING THE SOUTHWEST 1/4 OF SECTION 8, TOWN 3 NORTH, RANGE 21 EAST, CITY OF OAK CREEK, COUNTY OF WAUKESHA, STATE OF WISCONSIN.

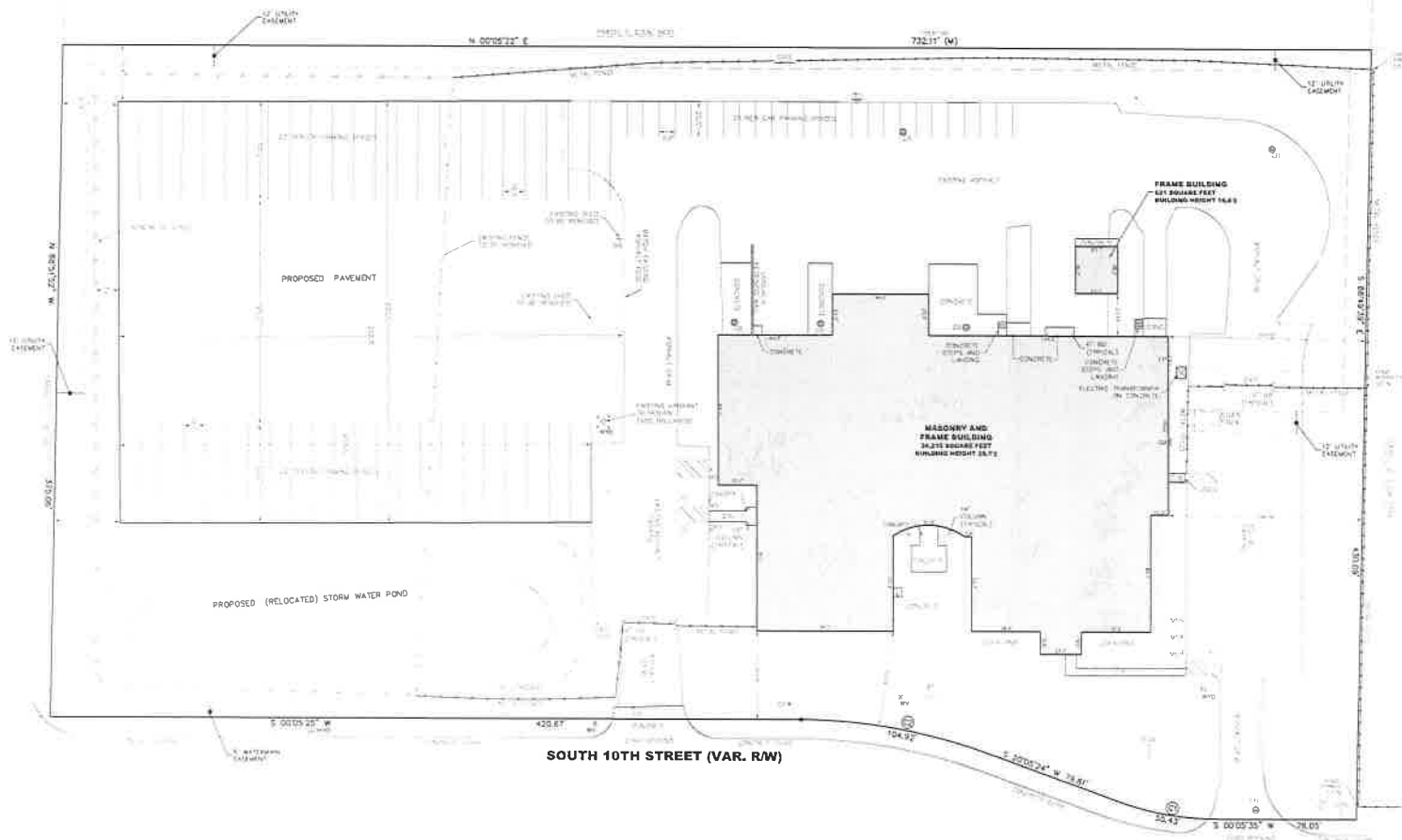
**LEGEND**

Symbol	Description
---	Proposed Easement
---	Proposed Right-of-Way
---	Proposed Utility Easement
---	Proposed Access Easement
---	Proposed Driveway Easement
---	Proposed Parking Easement
---	Proposed Loading Dock Easement
---	Proposed Storage Easement
---	Proposed Maintenance Easement
---	Proposed Utility Easement
---	Proposed Access Easement
---	Proposed Driveway Easement
---	Proposed Parking Easement
---	Proposed Loading Dock Easement
---	Proposed Storage Easement
---	Proposed Maintenance Easement

ALTA/ACSM LAND TITLE SURVEY  
**7221 SOUTH 10TH STREET**  
CITY OF OAK CREEK, WISCONSIN

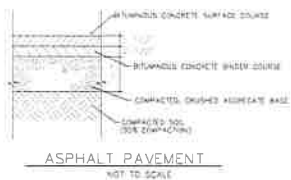


DRAWN BY: J.A.C.  
CHECKED BY: M.L.W.  
DATE: 05/05/2010



7221 South 10th Street  
 OAK CREEK, WI

CJE NO 1843R0  
 NOVEMBER 13, 2018



**SITE PARKING**  
 EXISTING CAR PARKING = 60 SPACES  
 PROPOSED CAR PARKING = 25 SPACES  
 TOTAL CAR PARKING = 85 SPACES  
 PROPOSED TRAILER PARKING = 43 SPACES

**SITE AREA**  
 TOTAL PROPERTY AREA = 284,624 S.F. (6.524 ACRES)  
 EXISTING BUILDING = 38,838 S.F.  
 EXISTING PAVEMENT = 80,567 S.F.  
 PROPOSED PAVEMENT = 84,194 S.F.  
 TOTAL IMPERVIOUS SURFACE = 173,597 S.F. (3.938 ACRES)  
 OPEN SPACE = 111,027 S.F. (2.586 ACRES) (38.7%)\*  
 \*NOTE: M-1 ZONING REQUIRES 30% GREENSPACE.  
 THIS SITE (POST DEVELOPMENT) WILL PROVIDE 35.7% GREEN SPACE



**DIGGERS HOTLINE**  
 800-888-8888  
 414-442-1914  
 www.diggershotline.com

**SITE PLAN C1.0**

SHEET 1 OF 1

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

**Applicant:** Sam Dickman, Jr., Murphy Real Estate, LLC

**Property Address:** 7221 S. 10<sup>th</sup> St.

**Tax Key Number(s):** 764-9047-000

**Conditional Use:** Freight yard/freight terminal/trans-

shipment depot & outdoor storage of vehicles and equipment

**Approved by Plan Commission:** 1-8-19

**Approved by Common Council:** TBD

(Ord. 2929)

1. LEGAL DESCRIPTION

PARCEL 2 OF CERTIFIED SURVEY MAP NO 5637, RECORDED ON JANUARY 9, 1992 ON REEL 2689, IMAGES 1079 TO 1082 INCLUSIVE, AS DOCUMENT NO. 6558094, BEING A PART OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 8, TOWN 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN. CONT. 6.539 ACRES.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) **General Development Plan**

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

2) **Landscape Plan**

- a) Screening plan, including parking lot / truck parking screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

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

4) **Lighting Plan**

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

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

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

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

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

D. For any new buildings, additions, structures, and site modifications, site grading and drainage,



stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping, in accordance with the approved plan must be in place prior to the issuance of an occupancy permit.
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, the Northbranch Industrial Park, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no parking or storage of vehicles, equipment, merchandise, parts, or supplies within designated public and employee parking areas. Outdoor storage shall be limited to the parking of trucks and trailers associated with the business, and shall be located within the fenced area in designated & striped stalls. There shall be no storage of unlicensed or non-operational vehicles.
- C. All new parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes.
- D. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- E. Solid waste collection and recycling shall be the responsibility of the owner.
- F. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended) and these Conditions and Restrictions (see Section 3 above).

5. LIGHTING

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

6. BUILDING AND PARKING SETBACKS\*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40 ft	20 ft	20 ft
Accessory Structure(s)*	40 ft	20 ft	20 ft
Off-street Parking	30 ft	0 ft	0 ft

*\*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

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

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCAION

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

12. ACKNOWLEDGEMENT

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

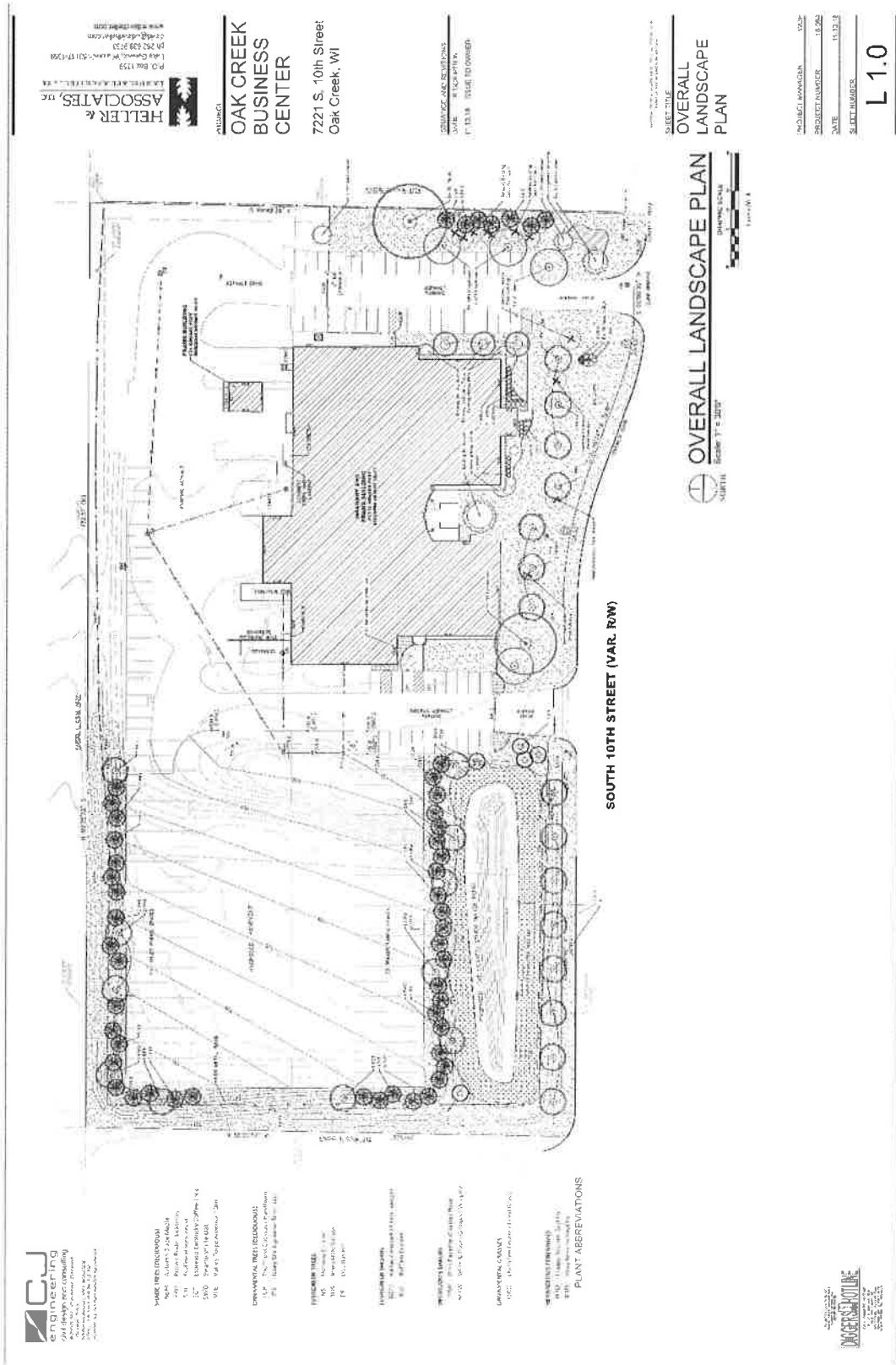
\_\_\_\_\_  
Owner / Authorized Representative Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

# EXHIBIT A: CONCEPTUAL SITE PLAN

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



**HELLER & ASSOCIATES, INC.**  
 1400 WEST WISCONSIN AVENUE, SUITE 200  
 MILWAUKEE, WISCONSIN 53233  
 TEL: 414.224.1159  
 FAX: 414.224.9733  
 www.hellerandassociates.com

**OAK CREEK BUSINESS CENTER**  
 7321 S. 10th Street  
 Oak Creek, WI

DATE: 11/18/18  
 DRAWN BY: [Name]

**OVERALL LANDSCAPE PLAN**

PROJECT MANAGER: [Name]  
 PROJECT NUMBER: 18-062  
 DATE: 03/23/18  
 SHEET NUMBER: [Number]

**L 1.0**



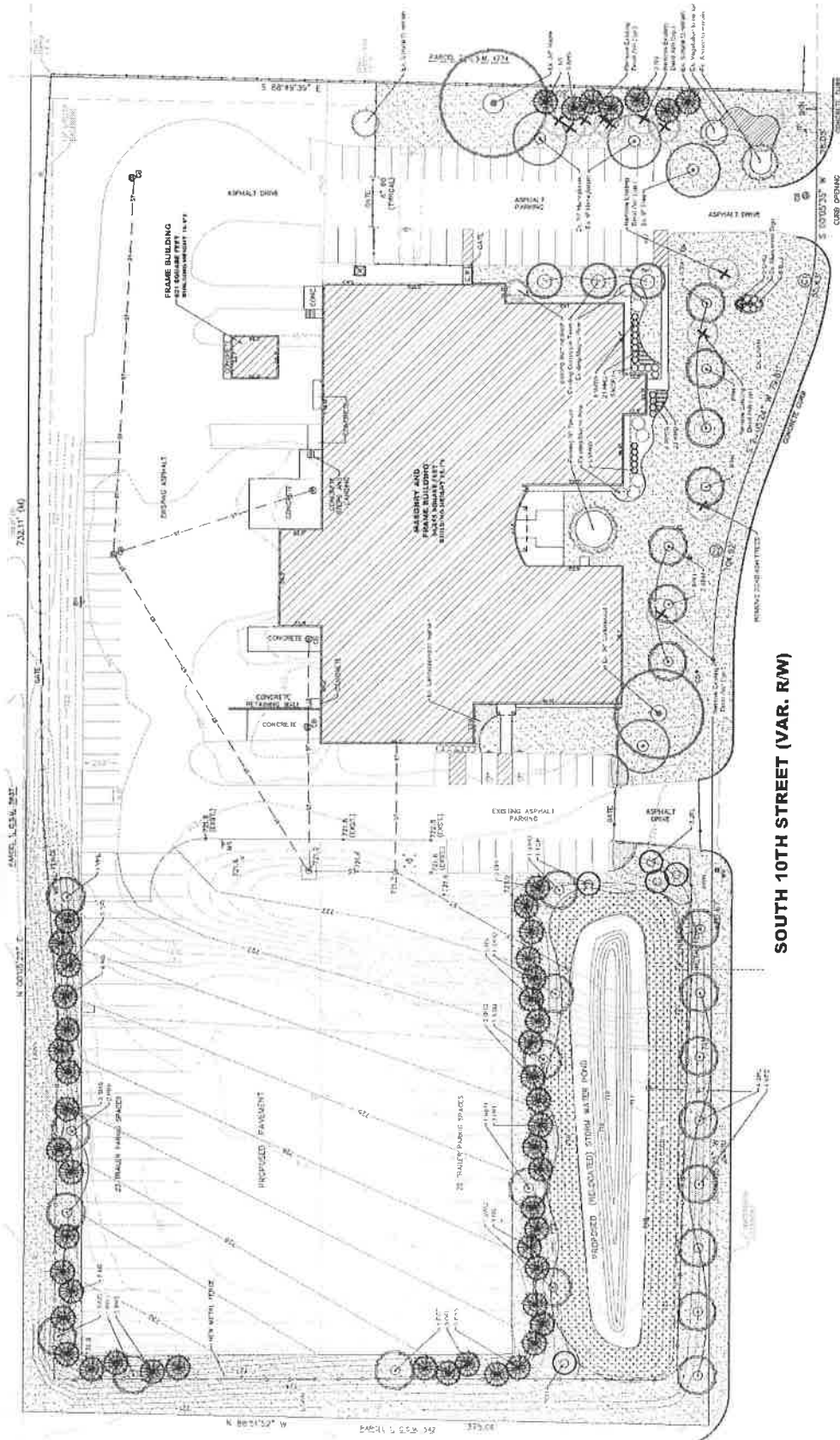
**ENGINEERING CONSULTING SERVICES**  
 1400 WEST WISCONSIN AVENUE, SUITE 200  
 MILWAUKEE, WISCONSIN 53233  
 TEL: 414.224.1159  
 FAX: 414.224.9733  
 www.ecjs.com

**PLANT ABBREVIATIONS**  
 [List of plant abbreviations and their corresponding symbols]

**CONSTRUCTION NOTES**  
 1. ALL PLANTING TO BE DONE BY CONTRACTOR.  
 2. ALL PLANTING TO BE DONE BY CONTRACTOR.  
 3. ALL PLANTING TO BE DONE BY CONTRACTOR.

**PLANT ABBREVIATIONS**  
 [List of plant abbreviations and their corresponding symbols]

EXHIBIT A CONT'D: CONCEPTUAL SITE PLAN (ENLARGED)



SOUTH 10TH STREET (VAR. R/W)

OFFICIAL NOTICE

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

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Merlin Misialek, Target Corporation, for amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave.

**Hearing Date:** February 5, 2019  
**Time:** 7:00 p.m.  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Merlin Misialek, Target Corporation  
**Property Owner:** TARGET CORPORATION  
**Property Location(s):** 8989 S. Howell Ave.  
**Tax Key(s):** 859-9038-000

**Legal Description:**

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

The Common Council has scheduled other public hearings for February 5, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: January 9, 2019  
CITY OF OAK CREEK COMMON COUNCIL  
By: Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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



## COMMON COUNCIL REPORT

**Item:** Planned Unit Development Amendment - Target

**Recommendation:** That the Council adopts Ordinance 2930, an ordinance to approve Amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave.

**Fiscal Impact:** Approval will allow for the exterior building materials and signs on the existing building on the property (Target) to be updated in accordance with brand standards. No direct fiscal impacts would occur with the approval; however, positive fiscal impacts in terms of permit fees would occur from approval of the exterior modifications and signs. 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, Merlin Misialek, Target Corporation, is requesting approval of several amendments to the existing Planned Unit Development (PUD) as it pertains to the property at 8989 S. Howell Ave. Specifically, the request is for the following:

1. Revision to Section 5(C) to allow for the use of additional exterior building materials. The current PUD states: "The façade of a manufacturing, commercial or office, building shall be finished with an aesthetically pleasing material. Their total exterior wall surface shall be finished with glass, brick or decorative masonry material."
2. Revision to Section 8(B) to allow for
  - a. An increase to the maximum square footage on the east elevation of the building (currently limited to a maximum of 216 square feet); and
  - b. Additional wall signs on the east and west elevations of the building (currently only allowed on the east elevation, and specifically prohibited on the north elevation).

The requested amendments are specific to the Target parcel, and do not affect the remaining parcels in the PUD. Proposed elevations are included with this report for Council reference; however, approval of the PUD Amendments does not preclude additional reviews or hold the Plan Commission to approve these specific elevations. Plan Review, Sign Permits, and/or Sign Appeals will be required should the Amendments be approved. Staff is compelled to identify the following relevant portions of Section 17.0706(a):

- 
1. Wall signs “shall be no more than 100 square feet for buildings less than 300 feet from the right-of-way or 200 square feet for buildings more than 300 feet from the street or interstate right-of-way...” (Note: the building is more than 800 feet from Howell Ave., but the location of the sign – facing east - is less than 200 feet from W. Centennial Dr.)
  2. Wall signs “shall not exceed ten (10) feet in height...” (Note: as per the existing PUD, the existing sign is taller than 10 feet.)
  3. Wall signs “shall not extend above the roof line of the structure...” (Note: the existing sign extends above the roof line.)

Additionally, signs for single and 2-tenant buildings are allowed one (1) compliant wall sign per tenant per street frontage in the current Code. While a specific variance request would include any sign that does not meet the aforementioned criteria, the PUD must first allow for the consideration of additional signage. As previously mentioned, the PUD is Step 1 of a multi-step review.

The Plan Commission reviewed this request during their January 8, 2019 meeting. The request was recommended for approval subject to the attached Conditions and Restrictions.

**Options/Alternatives:** Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Planned Unit Development Amendments.

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Respectfully submitted:



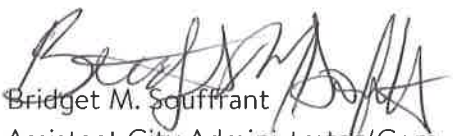
Andrew J. Vickers, MPA  
City Administrator

Prepared:




Karl Papelbon, CFM, AICP  
Planner

Fiscal Review:



Bridget M. Scuffant  
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP  
Director of Community Development

---

Attachments:

Ord. 2930

Location Map

Hearing Notice

Letter dated December 10, 2018

Elevations (3 sheets)

Amended Conditions and Restrictions



ORDINANCE NO. 2930

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

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN  
ORDINANCE NO. 2276 FOR THE PLANNED UNIT DEVELOPMENT (PUD) FOR  
TARGET CORPORATION

(6<sup>th</sup> Aldermanic District)

WHEREAS, on October 21, 2003, the Oak Creek Common Council adopted Ordinance No. 2276, approving the rezone of properties located at 8903, 8959, and 8989 S. Howell Ave. from B-4, Highway Business to B-4 PUD (Highway Business Planned Unit Development); and

WHEREAS, that ordinance affected the following legally described property;

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

WHEREAS, the owner of 8989 S. Howell Ave, Target Corporation, is now requesting that the conditions and restrictions adopted pursuant to Ordinance No. 2276 be amended as follows:

1. Revision to Section 5(C) to allow for the use of additional exterior building materials;
2. Revision to Section 8(B) to allow for an increase to the maximum square footage on the east elevation of the building;
3. Revision to Section 8(B) to allow for additional wall signs on the east and west elevations of the building; and

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendments be approved; and

WHEREAS, the Common Council held a public hearing on said application on February 5, 2019, at which time all interested parties appeared and were heard; and

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the conditions and restrictions adopted pursuant to Ordinance No. 2276 affecting the lands hereinabove described, are amended as follows:

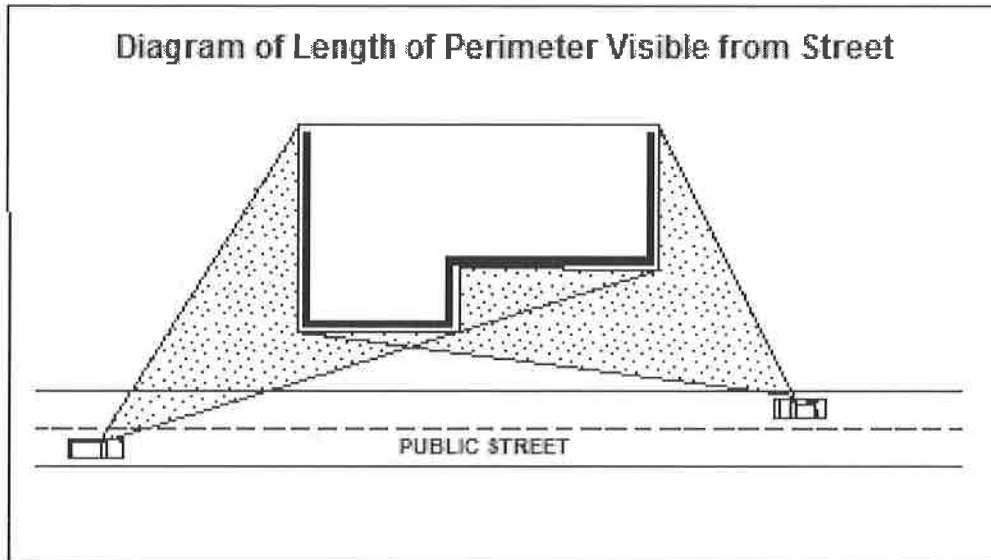
Section 1 is amended to include the Legal Descriptions of the properties. All subsequent Sections are renumbered accordingly.

Section 2(A), Required Plans, Easements, Agreements, and Public Improvements is amended to read "All requirements of the City of Oak Creek Municipal Code, as amended, are in effect."

Section 2(B) is amended to read "All requirements of the Conditions and Restrictions approved as part of Ord. 2276 are in effect except as specifically amended herein."

All subsequent subsections are renumbered accordingly.

Section 6(C) is amended to read "A minimum of seventy-five (75) percent of the visible perimeter of the principal building at 8989 S. Howell Ave. (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material. For all other buildings, the total exterior wall surface shall be finished with glass, brick or decorative masonry material."



Section 9(B) is revised to read "Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:

1. One (1) primary logo sign not to exceed 200 square feet in area on the east elevation.
2. One (1) secondary pharmacy sign (existing) not to exceed 36 square feet in area.
3. One (1) primary logo sign not to exceed 144 square feet in area on the west elevation.
4. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 25 square feet may be allowed on the east elevation.

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715."

**SECTION 2:** Section 13, Violations & Penalties, is added to read "Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10

herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.”

SECTION 3: Section 14, Revocation, is added to read “Should an applicant, their heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Planned Unit Development approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Planned Unit Development as set forth in Section 17.1007 of the Municipal Code (as amended).”

SECTION 4: Section 15, Acknowledgement, is added to read “The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.”

SECTION 5: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 6: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 7: This ordinance shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

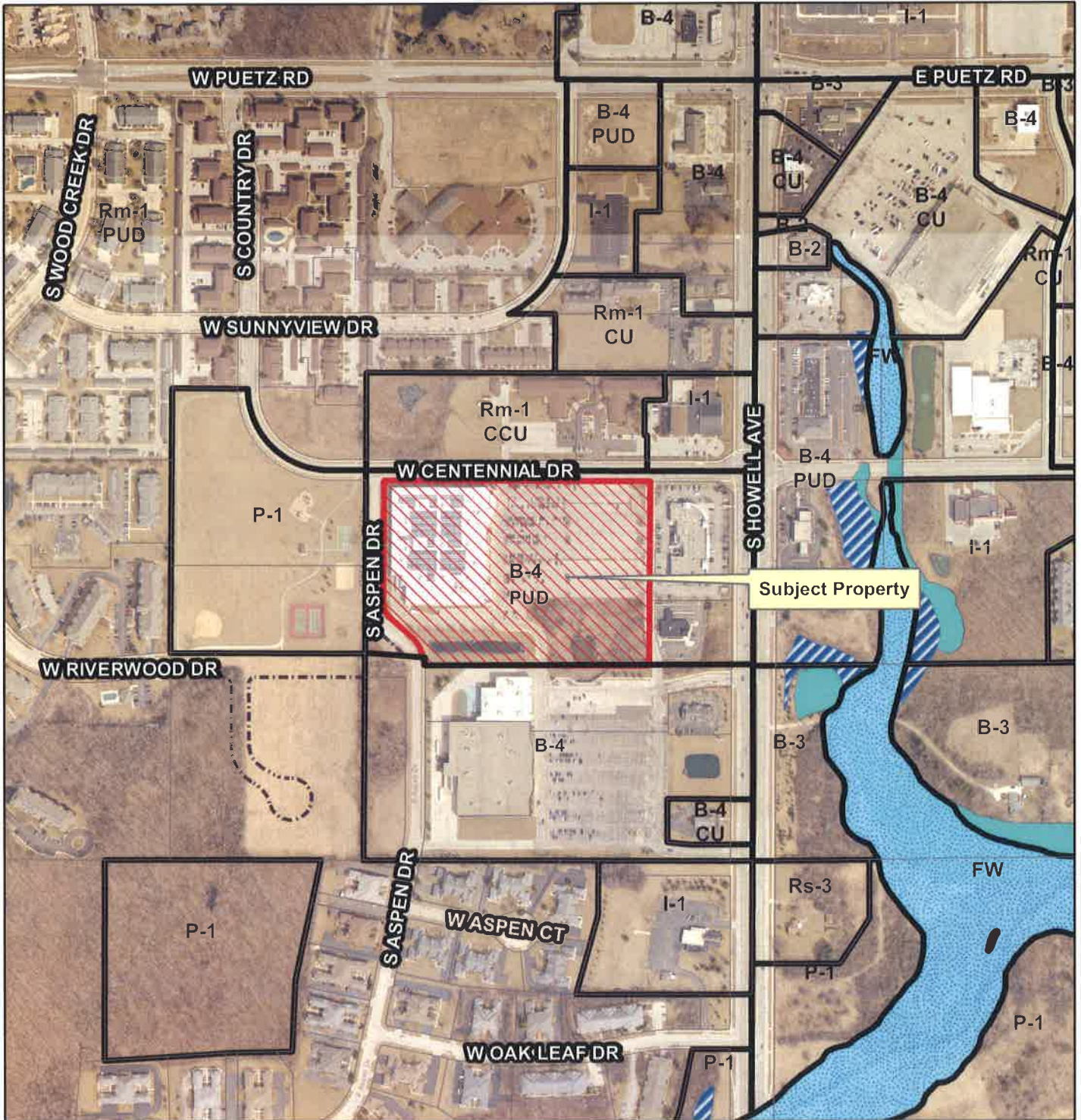
ATTEST:

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

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

# Location Map

## 8989 S. Howell Ave.



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



Department of Community Development



### Legend

- |  |                           |  |                           |
|--|---------------------------|--|---------------------------|
|  | 6969 S. Howell Ave.       |  | C-1-Shoreland Wetland     |
|  | Officially Mapped Streets |  | FF-Flood Fringe           |
|  | Floodway (2008)           |  | Lakefront Overlay         |
|  | Floodplain (2000)         |  | NO-Mixed Use Neighborhood |
|  |                           |  | OO-Mixed Use Office       |
|  |                           |  | RR-Regional Retail        |

TO BE PUBLISHED JANUARY 16 & 23, 2019

OFFICIAL NOTICE

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

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Merlin Misialek, Target Corporation, for amendments to the existing Planned Unit Development to allow additional exterior building materials and signs for the Target building on the property located at 8989 S. Howell Ave.

**Hearing Date:** February 5, 2019  
**Time:** 7:00 p.m.  
**Place:** Oak Creek City Hall  
8040 South 6<sup>th</sup> Street  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Merlin Misialek, Target Corporation  
**Property Owner:** TARGET CORPORATION  
**Property Location(s):** 8989 S. Howell Ave.  
**Tax Key(s):** 859-9038-000

**Legal Description:**

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

The Common Council has scheduled other public hearings for February 5, 2019 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

**Date of Notice:** January 9, 2019  
**CITY OF OAK CREEK COMMON COUNCIL**  
**By:** Daniel J. Bukiewicz, Mayor

**PUBLIC NOTICE**

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# Kimley»Horn

December 10, 2018

Kari Papelbon  
City of Oak Creek  
8040 S 6<sup>th</sup> St  
Oak Creek, WI 53154

Re: **Target Store (T1925) Oak Creek, WI – Amendment to Planned Unit Development**

Dear Kari,

Kimley-Horn is requesting a Planning Commission review to amend a Planned Unit Development (PUD) on behalf of Target Corporation for the Target store located at 8989 S Howell Avenue, Oak Creek, WI 53154. The requested PUD amendment is for both an increase in the number, placement, and area of wall signs allowed on the building and for the addition of EIFS panels to the existing façade.

Currently, there are two signs on the front elevation of the building, comprised of the “bulls-eye” logo and “TARGET” letters at 216 square feet (SF) and a “CVS Pharmacy” sign to the left of the entrance at 36.6 SF. The total area of this existing signage is 252.6 SF.

Target is proposing to refresh the Oak Creek store with signage and façade improvements as part of a national effort to refresh the Target brand to a more contemporary appearance. The proposed signage on the front elevation of the building consists of replacing the existing logo with a 14’ diameter “bulls-eye” (153.9 SF), retention the existing 36.6 SF “CVS Pharmacy” sign, and an “order pickup” sign at 24.6 SF. The total area of the proposed signage for the front elevation is 215.1 SF. The proposed signage on the western side elevation of the building consists of a 12’ diameter “bulls-eye” logo. The total area of this proposed sign is 113.1 SF.

In addition to the signage changes, Target is also proposing to add EIFS panels at the northwestern corner of the store. On the north elevation, the panel proposed is a total of 572.4 SF. On the west, the panel is 619.95 SF. The total area of EIFS proposed is 1,192.35 SF.

This site is located within a PUD which restricts the placement of signs and the use of materials for this store. The PUD states, *“The façade of a manufacturing, commercial or office building shall be finished with an aesthetically pleasing material. Their total exterior wall surface shall be finished with glass, brick or decorative masonry material.”* The PUD additionally states, *“wall signage on the main (Target) parcel may be a maximum of 216 square feet on the east elevation of the building.”*

Kimley-Horn is seeking an amendment to the PUD due to the difficulty in properly advertising with such limited signage amounts and area. Though the building faces S Howell Avenue, it is both recessed from the main road and faces other businesses which limit the visibility of advertising restricted to the front of the store. Adding an additional “bulls-eye” sign at the rear improves this store’s advertising capabilities, particularly to W Centennial Dr and S Aspen Dr, which is a secondary, but still public road. On both the front and rear, the signage being proposed is comparable to the size of building it is being added to. It provides

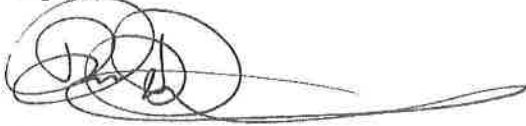
appropriate advertising for a business that is not only recessed from road frontage, but also visible from three public roads.

Kimley-Horn is additionally seeking an amendment to the PUD due to the difficulty of properly integrating store branding colors and textures with materials limited to glass, brick, or decorative masonry. The EIFS panel at the northwest elevation serves to break up the linear nature of the west and rear facades and also provides a visually interesting alternative to painted cast stone on the rest of the building. At 1,192.35 SF, it is well below the city's code which limits the use of EIFS to 25% of the perimeter visible to the road (in this case, the combined perimeter of the east and north elevations). That combined area is 18,148 SF, the proposed EIFS being 6.57% of the allowable area.

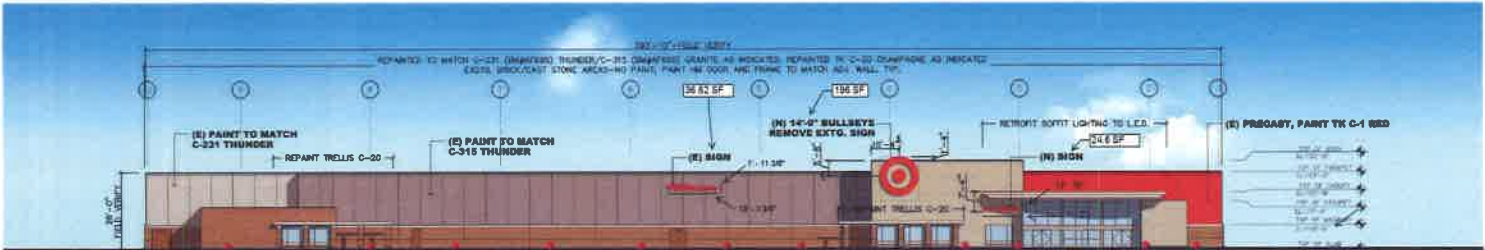
The signage and façade proposed is in-line with the overall intent of the existing Target business. The "bullseye" logo and "order pickup" letters are being used to refresh the Target brand to have a contemporary and consistent appearance with other Target stores nationwide. The new "order pickup" sign in particular will be added to enhance the omnichannel approach and to help customers identify the entry point for collecting merchandise ordered online. The requested variation will not be injurious to public health, safety, or welfare. The signs coupled with exterior improvements will further continue to enhance the aesthetics of the shopping area, which ultimately benefits the community.

Thank you for your consideration on this PUD amendment proposal and we look forward to your decision. If you have any more questions or require any additional information, please feel free to contact me at 612-503-8528 or [rebecca.roberts@kimley-horn.com](mailto:rebecca.roberts@kimley-horn.com).

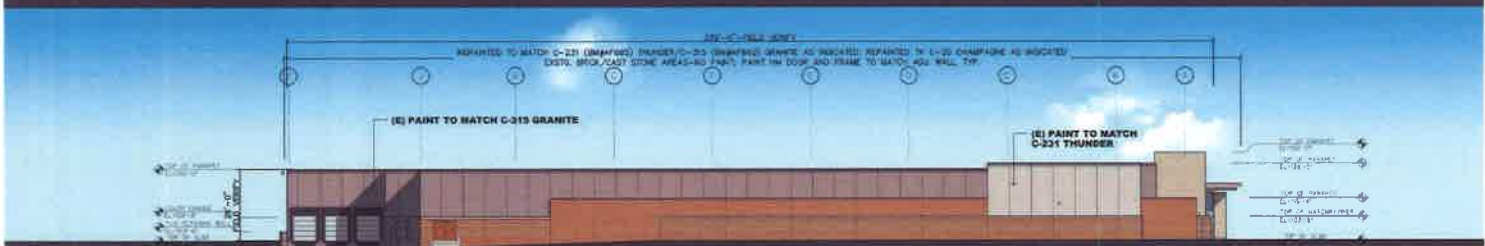
Regards,

A handwritten signature in black ink, appearing to read 'Rebecca Roberts', with a long horizontal flourish extending to the right.

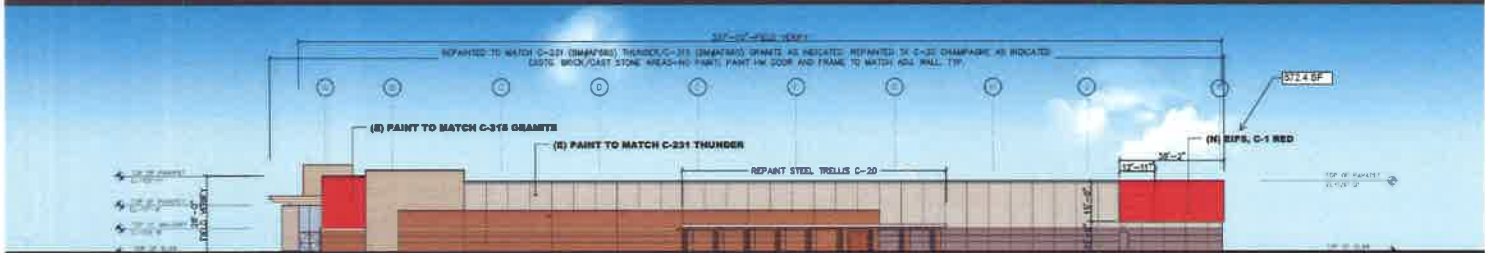
Rebecca Roberts



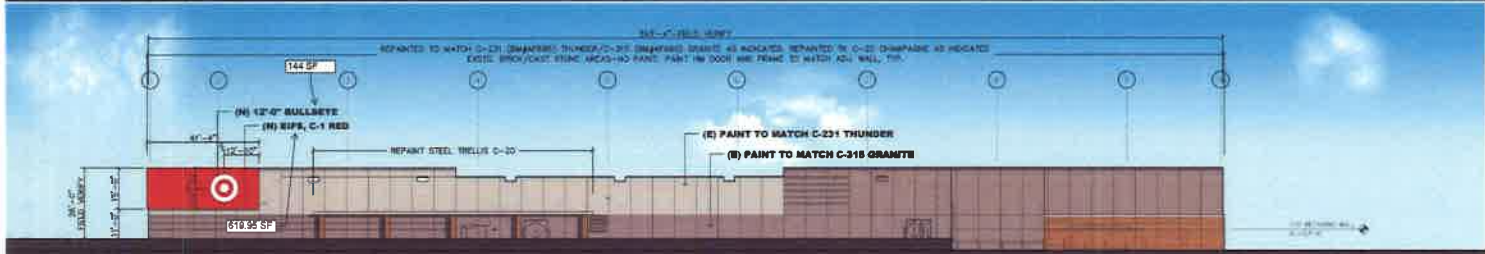
East Elevation



South Elevation



North Elevation



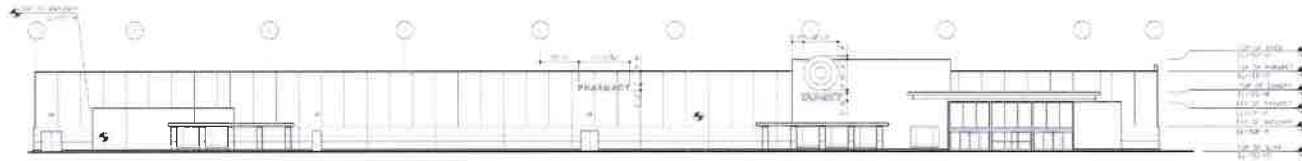
West Elevation

- C-231 BM #AF685 THUNDER
- C-315 BM #AF660 GRANITE
- C-1.....RED-#TK -6010-1

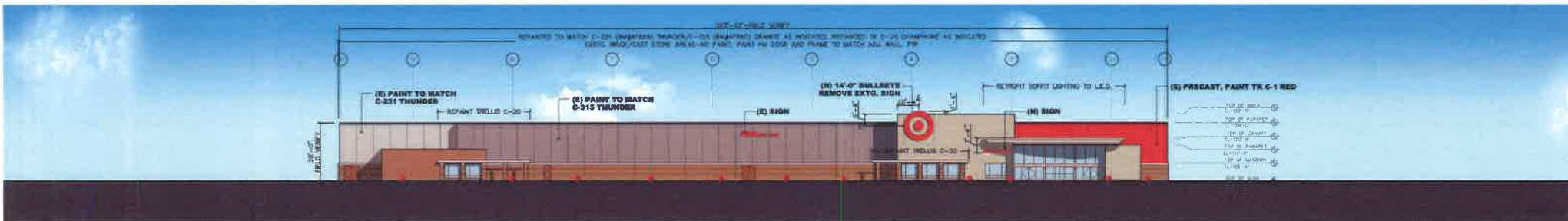
**NOTE:**  
 \* EXISTING BRICK AND CAST STONE AREAS-NO PAINT; PAINT HM DOOR AND FRAME TO MATCH ADJ. WALL, TYP.  
 \* RESEAL CAST STONE CAP.  
 \*STORE EXTERIOR WALLS ARE PRIMARILY PRECAST CONCRETE AND BRICK  
 \*BEN-2 : MODERN, COLOR.....SILVER

# T-1925 Oak Creek, WI: Exterior Elevation Refresh





Existing Condition



Proposed Front Elevation  
SHEET 2

# T-1925 Oak Creek, WI: Exterior Elevation Refresh

December 05, 2018



**T-1925 Oak Creek, WI: Exterior Elevation Refresh**

**City of Oak Creek – Amended Planned Unit Development (PUD)  
Conditions and Restrictions  
DRAFT**

**Applicant:** Target Corporation  
**Property Address(es):** 8907, 8995, **8989 S. Howell Ave.**  
**Tax Key Number(s):** 859-9042-001, 859-9043-000,  
**859-9038-000**

**Approved by Plan Commission:** 1-8-19  
**Approved by Common Council:** TBD  
(Ord. 2930, Amending Ord. 2276)

1. LEGAL DESCRIPTION

- 8907 S. Howell Ave., Tax Key # 859-9042-001

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 1 (2.5704 ACS) EXC PTS CONV TO DOT IN DOC NO 10306978 FOR ST.

- 8995 S. Howell Ave, Tax Key # 859-9043-000

CSM NO 7627 NE 1/4 SEC 20-5-22 PARCEL 2 (1.4082 ACS).

- 8989 S. Howell Ave, Tax Key # 859-9038-000

CSM NO 7434 PARCEL 1 NE 1/4 SEC 20-5-22 (12.6002 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ord. 2276 are in effect except as specifically amended herein.
- C. A General Development Plan (see EXHIBIT "A") for the planned unit development shall be approved by the City of Oak Creek Common Council upon recommendation of the Plan Commission. Any addition or substantive change to a planned unit development subsequent to construction and occupancy shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of this district, including the requirement for submittal of development plans and the conduct of public hearings. The determination as to what constitutes a substantive change shall be made by the Director of Community Development. Alterations to the individual site design of the commercial outlots are not considered a substantive change.
- D. A precise detailed site plan for each developable parcel within the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
  - i) Number of employees
  - ii) Number of spaces

2) **Landscape Plan**

- a) Screening for outdoor storage
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) **Building Plan**

- a) Architectural elevations
- b) Building floor plans
- c) Materials of construction

4) **Lighting Plan**

- a) Types of fixtures



- iii) Dimensions
- iv) Setbacks
- h) Location(s) of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- b) Mounting heights
- c) Types of poles
- d) Photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan**
  - a) Contours (existing & proposed)
  - b) Location of storm sewer (existing and proposed)
  - c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
  - a) Location of existing & proposed fire hydrants
  - b) Interior floor plan
  - c) Materials of construction

- E. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- F. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.
- G. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other required improvements. All public improvements specified under the development agreement, including those required by the Wisconsin Department of Transportation in their review of the traffic impact analysis, shall be the sole responsibility of the property owner/developer.
- H. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, roadway improvements, etc.) shall be subject to approval by the City Engineer.
- I. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- J. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded.
- K. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- L. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.
- M. The Landscaping Plan must be reviewed and approved by the City Forester.

### 3. PARKING AND ACCESS

- A. Off street parking for sites within this planned unit development shall be provided based five (5)

parking spaces per 1000 square feet of gross floor area.

- B. All parking areas shall be designed in accordance with Section 17.0403(j) of the Municipal Code and the City of Oak Creek Engineering Design Manual.
- C. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- D. All off street parking areas shall be landscaped in accordance with Sections 17.1010 of the Municipal Code.
- E. Access easements shall be provided for the benefit of all parcels within this planned unit development.
- F. An access easement shall be provided at a minimum of one location between this planned unit development and the existing commercial development to the south.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission or their designee. For each stage of the development, the plan shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture and shall be in accord with Section 17.0808 of the Municipal Code. Wooden light poles may not be used.

5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers and large equipment.
  - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
  - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
  - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

\* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape is-lands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. For parking lots designed for twenty-five (25) parking spaces or more, interior parking lot landscaping shall be provided at the following rates. Each of the individual commercial outlots shall be treated as a separate parking lot for the purposes of determining interior landscape requirements.

PERCENTAGE OF PARKING LOT TO  
BE COVERED BY INTERIOR PLANTINGS

Total paved area of lot	Percent of the total paved area which must be interior planting area
0-49,999 sq. ft.	5%
50,000 sq. ft. or larger	10%

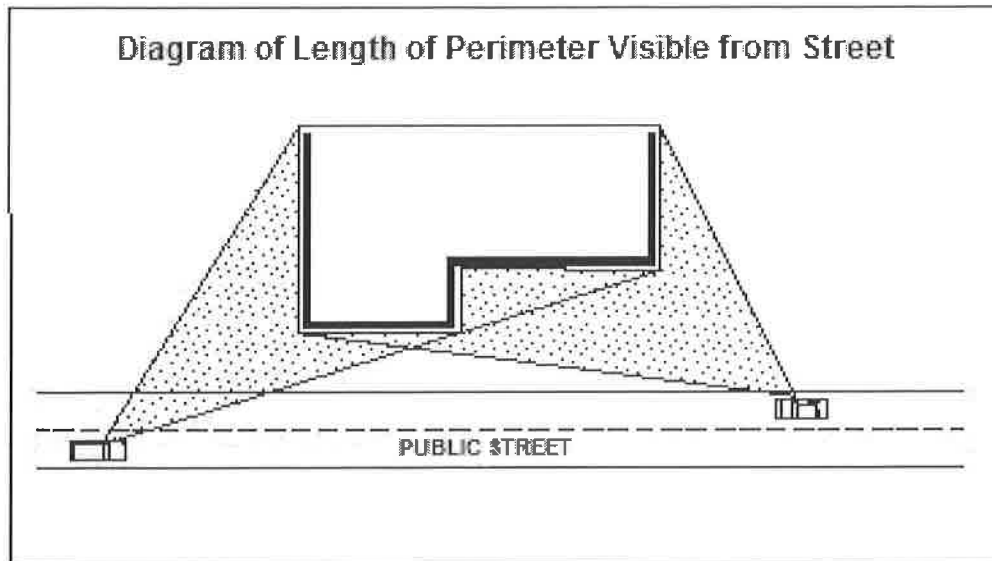
- C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. Landscaping Adjacent to Buildings. There shall be landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- H. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete. If the retaining wall is constructed of concrete, landscaping must accompany the design of the retaining wall.
- I. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- J. Buffer Yards. No buffer yards shall be required between this development and the lands zoned Park and Institutional as set forth in Section 17.0205 (d) of the Municipal Code.

- K. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
- (1) A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
  - (2) The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
  - (3) The location and percent of slope of all proposed berms using one (1) foot contours.
  - (4) Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
  - (5) Methods used in staking, mulching, wrapping or any other early tree care used.
  - (6) The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.
- L. Maintenance. All landscaping installed to implement the approved landscaping plan shall be continuously maintained by the property owner.
- M. As part of the first development phase, landscaping, in accordance with the approved plan, shall be placed within the Howell Avenue and Centennial Drive setback areas for the commercial outlots.

## 6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMU's). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.
- C. The facade of a manufacturing, commercial *or* office, building shall be finished with an aesthetically pleasing material. ~~Their total exterior wall surface shall be finished with glass, brick or decorative masonry material.~~

PROPOSED: A minimum of seventy-five (75) percent of the visible perimeter of the principal building at 8989 S. Howell Ave. (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material. For all other buildings, the total exterior wall surface shall be finished with glass, brick or decorative masonry material.



- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. The visual continuity of roofs of neighboring buildings and their contributing elements (parapet walls, coping, and cornices) shall be maintained wherever possible in building development and redevelopment. A flat roof appearance is not permitted in commercial or office and professional business zoning districts. There must be some type of visible roof form (parapets, overhanging eaves, sloped roofs) incorporated into the design of the building.
- H. Buildings shall be designed in such a manner that long expanses of blank wall are broken up by the use of windows, articulation or modulation of the building footprint and/or changes in building materials and colors. Visible building facades in excess of 100 feet in length must incorporate recesses and projections along the length of the facade. Windows, awnings, and arcades must be an integral part of the facade abutting a public street. This provision applies to building facades abutting S. Howell Avenue, West Centennial Drive and the extension to South Aspen Drive.
- I. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- J. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- K. Each retail or service establishment in excess of 25,000 square feet gross floor area must contribute to the establishment or enhancement of community and public spaces by providing a community amenity on the premises such as a patio/seating area, water feature, clock tower, or pedestrian plaza with benches. Retail establishments in excess of 100,000 square feet gross floor area must provide at least two of these amenities.
- L. Sidewalks shall be provided along all sides of the lot that abut a public street, and a continuous



internal pedestrian walkway must be provided from the perimeter public sidewalk to the principal customer entrance. The internal pedestrian walkways must be distinguished from driving surfaces through the use of contrasting materials to enhance pedestrian safety. Examples of acceptable materials include, but are not limited special pavers, bricks, or scored concrete.

- M. Dumpsters and other trash receptacles shall be provided in an appropriate number and location and they shall be fenced and/or screened from view from street rights-of-way and adjacent residential and park uses.
- N. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	20 ft
Accessory Structure	25 ft	25 ft	20 ft
Off-street Parking	10 ft.	5 ft.	5 ft.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. There shall be no outdoor storage or display of merchandise permitted as part of this planned unit development.
- D. No 24-hour businesses are permitted to operate within this planned unit development.
- E. There shall be a pedestrian walkway developed between this planned unit development and the existing commercial property to the south.

9. SIGNS

- A. One pole sign shall be permitted as part of this planned unit development. This pole sign may be placed on any of the properties within the PUD provided that a 20-foot setback is maintained from all property lines.
- B. Wall signage on the main (Target) parcel may be a maximum of 216 square feet on the east elevation of the building. No wall signage is permitted on the north elevation of the building facing a residential zoning district.

PROPOSED: Wall signage on the principal building at 8989 S. Howell Ave. (Target) shall be limited to the following:

1. One (1) primary logo sign not to exceed 200 square feet in area on the east elevation.
2. One (1) secondary pharmacy sign (existing) not to exceed 36 square feet in area.
3. One (1) primary logo sign not to exceed 144 square feet in area on the west elevation.
4. If approved by the Plan Commission through the required Sign Appeal process, one (1) additional secondary sign related to the principal business not to exceed 25 square feet may be allowed on the east elevation.

No wall signage is permitted on the north elevation of the building facing a residential zoning district. All signs shall comply with review requirements in accordance with Sections 17.0706-17.0715.

- C. Each of the commercial outlots may have one ground sign. Individual businesses within the planned unit development may also have one wall sign facing Howell Avenue and one wall sign facing the interior parking lot. The details of the signage, including maximum size of the signs, for the outlots shall be approved by the Plan Commission as part of an overall signage plan.

#### 10. PERMITTED USES

- A. All permitted uses in the B-4, Highway Business zoning district.
- B. Usual and customary accessory uses to the above listed permitted uses.

#### 11. TIME OF COMPLIANCE (ORIGINAL)

The operator of the planned unit development shall begin installing or constructing the elements required in these conditions and restrictions for the planned development within twelve (12) months from the date of adoption of the ordinance authorizing the planned unit development. The approval of the General Development Plan shall expire within forty-eight (48) months after commencing construction, if the structure(s) for which an approval has been issued are not substantially completed. The applicant shall re-apply for approval of the General Development Plan prior to recommencing work or construction. The development of the outlots shall not be subject to this limitation.

#### 12. OTHER REGULATIONS

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

#### 13. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in

Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

14. REVOCATION

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

15. ACKNOWLEDGEMENT

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)



## COMMON COUNCIL REPORT

**Informational:** Treasurer Report on Investment and Banking for the City of Oak Creek accounts, ending December 31, 2018.

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

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

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

Beginning Balance	Ending Balance	Interest Earned	Increase/(Decrease)
\$31,376,990.87	\$68,547,384.11	\$78,275.32	\$37,170,393.24

December Tax Collection \$39,899,982.60 or 49.47%; City Share: \$13,064,348.71 (including Specials)

Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA  
City Administrator

Barbara Guckenberger, CMTW  
City Treasurer

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Attachments: Treasurer Report on Investment and Banking

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

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
<b>Tri City National Bank</b>	<b>5,629,610.85</b>	<b>77,299,049.79</b>	<b>(71,638,126.47)</b>	<b>11,290,534.17</b>	<b>9,307.29</b>	<b>2.20%</b>	<b>16.47%</b>
General Fund	5,003,608.83	36,890,577.36	(37,469,504.61)	4,424,681.58			
Title 125	76,242.69	22,535.80	(23,590.44)	75,188.05			
Police Credit Card	82,915.60	16,954.04	(36,678.54)	63,191.10			
Parks & Rec Counter Credit Card	26,858.95	6,904.61	(20,942.39)	12,821.17			
Tax Payment Account #2	23,715.45	24,283,721.57	(22,200,000.00)	2,107,437.02			
Parks & Rec Online Credit Card	12,083.41	5,585.00	(12,308.86)	5,359.55			
Health Insurance	53,568.52	387,968.51	(385,267.98)	56,269.05			
Tax Payment Account	18,251.71	15,600,732.87	(11,316,279.16)	4,302,705.42			
EMS	332,365.69	84,070.03	(173,554.49)	242,881.23			
0	-	-	-	-			
<b>DANA Investment Advisors</b>	<b>5,739,222.25</b>	<b>24,009.29</b>	<b>(3,675.99)</b>	<b>5,759,555.55</b>	<b>17,810.48</b>	<b>2.51%</b>	<b>8.40%</b>
<b>BMO Global Asset Management</b>	<b>4,896,769.80</b>	<b>36,257.15</b>	<b>(2,422.32)</b>	<b>4,930,604.63</b>	<b>7,293.41</b>	<b>2.13%</b>	<b>7.19%</b>
<b>American Deposit Management (ADM)</b>	<b>5,951,031.86</b>	<b>33,528,815.91</b>	<b>(1,180,181.82)</b>	<b>38,299,665.95</b>	<b>28,815.91</b>	<b>2.38%</b>	<b>55.87%</b>
*ADM General Account Balance	19,224.81	33,517,951.30		33,537,176.11	17,951.30		
<b>Local Government Investment Pool (LGIP)</b>	<b>8,291,008.39</b>	<b>165,134.02</b>	<b>(1,060,152.56)</b>	<b>7,395,989.85</b>	<b>14,981.46</b>	<b>2.37%</b>	<b>10.79%</b>
*LGIP General Account Balance	6,176,532.37	161,012.62	(910,000.00)	5,427,544.99	10,860.06		
<b>**Ehlers Investment</b>	<b>869,347.72</b>	<b>1,686.24</b>	<b></b>	<b>871,033.96</b>	<b>66.77</b>	<b>2.2927%</b>	<b>1.27%</b>
	869,347.72	1,686.24	(147.32)	870,886.64			
<b>Total Balance</b>	<b>31,376,990.87</b>	<b>111,054,952.40</b>	<b>(73,884,559.16)</b>	<b>68,547,384.11</b>	<b>78,275.32</b>		

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

\*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses and may not be available for general purpose spending

Excludes Police Forfeiture Account;

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

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

Tax Collection Deposits		Distribution to other Taxing Jurisdictions	
		Settlement 1/15/19	
<b>Tax Payment Account #2</b>		<b>STATE</b>	<b>\$ -</b>
City Deposit (Counter, Drop Box, Mail)	14,744,572.50	<b>COUNTY</b>	<b>\$ 7,968,656.13</b>
Gov Tech	9,298,582.73	<b>MMSD</b>	<b>\$ 2,753,896.10</b>
Credit Card	240,566.34	<b>SCHOOL</b>	<b>\$ 13,816,570.76</b>
Total Tax Payment Account #2	24,283,721.57	<b>MATC</b>	<b>\$ 1,991,339.28</b>
<b>Advanced Tax Collection/noncash</b>	31,807.32	<b>UTILITY</b>	<b>\$ 271,668.96</b>
<b>Tax Payment Account</b>	15,584,453.71	<b>TOTAL DIST</b>	<b>\$ 26,802,131.23</b>
Tri City Payments (At Bank, Lockbox)		<b>TAX REFUNDS</b>	<b>\$ 33,502.66</b>
		<b>CITY</b>	<b>12,573,485.49</b>
<b>Total Tax Collection Deposits</b>	<b>39,899,982.60</b>	<b>SPECIAL ASSESSMENTS</b>	<b>\$ 38,126.56</b>
	49.47% of Total Tax Levy	<b>SPECIAL CHARGES</b>	<b>\$ 452,736.66</b>
		<b>TOTAL COLLECTED</b>	<b>\$ 39,899,982.60</b>

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

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



## COMMON COUNCIL REPORT

Item: Music Licensing

Recommendation: That the Common Council approve license agreements with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the rebroadcast of music by licensed performers.

Fiscal Impact: The fees that are due, pursuant to the agreements, are based on population. In this instance, Oak Creek falls into the 1-50,000 population category for BMI for a 2019 fee of \$322.20; SESAC population category 25,001-50,000 for a fee of \$875.00, and ASCAP population category 1-50,000 for a fee of \$357.00.

Payment of a combined total of \$1,554.20 will be taken from Account 10-40-44-42000, General Government Dues and Publications.

- 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: There are three music copyright protection / licensing companies - ASCAP, BMI and SESAC. The artists receive royalties when their work is used, including music in the park, replaying radio music over the phone system, etc.

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  
Assistant City Administrator/Comptroller

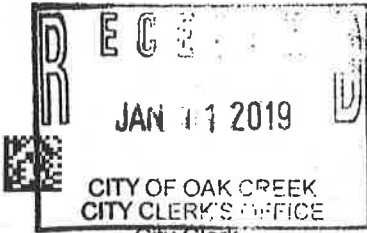
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Attachments: SESAC, BMI, and ASCAP billings.



Invoice & Remittance Advice	
Account Number:	1894386
Billing Number:	33704743
Billing Date:	02-JAN-2019
Total Amount Due:	USD 322.20
Amount Enclosed:	

Pay Online: [www.bmi.com/payments](http://www.bmi.com/payments)



City Clerk  
Oak Creek, Wisconsin  
8040 S 6th Street

Oak Creek WI 53154

01894386337047430000003222010

BMI  
PO Box 630893  
Cincinnati OH 45263-0893

Contact us: (888) 492-6264  
[www.bmi.com/email](http://www.bmi.com/email)

Please return the above portion with your payment  
Correspondence written on this notice or sent to this address will not be recognized by BMI

Billing Number	Beginning Balance	Billed and Adjusted	Payments	Ending Balance
33704743	\$0.00	\$322.20	\$0.00	\$322.20

Date	Type	Transaction #	Description	Amount Due (in USD)
Account# 1894386 Oak Creek, Wisconsin 8640 S Howell Ave P O Box 27 Oak Creek WI 53154				
01-JAN-2019	INV	9852723	Estimated Fee 01/01/2019 - 12/31/2019	\$322.20

If you are billed quarterly or semi-annually and your payment is 90 days past due, the unpaid balance of your Annual Fee is now due in full.

BMI customers have the following online features:

Manage your account online using the account and billing numbers appearing on the top of this invoice at: [www.bmi.com/lge](http://www.bmi.com/lge). For the best online experience, please use the Google Chrome browser. Make a payment at: [www.bmi.com/payments](http://www.bmi.com/payments) using the account number and billing number above to login. As a reminder, we accept payments from both business and personal accounts.

Recently held a Special Event with gross revenues in excess of \$25,000 or more? These events should be reported within 90 days as outlined in your BMI Local Government Entities License Agreement. Please contact your BMI representative at 877-264-2137 to request a report form.

Connect with additional savings for your business at: [www.bmi.com/fedex](http://www.bmi.com/fedex).



## Profile Details

Music Profile Information for: 01/01/2019 - 12/31/2019			Invoice: 9852723		
The following information represents changes to your account.					
8640 S Howell Ave P O Box 27 Oak Creek, WI 53154	Profile Details	Adjusted Profile Details	Previous Fees	Adjusted Annual Fee	Change In Fee
Base License Fee			0.00	358.00	358.00
Population		1			
Discount Amount			0.00	(35.80)	(35.80)
		10% Group Discount			



**Music Licensing**  
 1-866-218-5823  
 FED ID : 13-1325220

CITY OF OAK CREEK  
 DEC 20 2018  
 RECEIVED

# Invoice / Statement

8040 S 6TH ST  
 OAK CREEK, WI 53154-2313

**Account #: 81306**  
**Bill To #: 749912**  
 Date Printed: 12/12/2018

APPROVED FOR PAYMENT  
 ACCT # \_\_\_\_\_  
 \_\_\_\_\_  
 DATE \_\_\_\_\_  
 \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_

City of Oak Creek

Current Invoice No: 10262220	\$875.00	Message Center
Previous Open Balance	\$0.00	<b>Music Licensing Fee - SESAC now offers Auto-Pay!</b> <b>To enroll, visit <a href="http://www.sesac.com/pay">www.sesac.com/pay</a>.</b>
Net Amount Due By: 01/01/2019	\$875.00	
Last Payment Received: 02/14/2018	\$833.00	

**\*1) Return the stub with your check or \*2) Pay online at [www.sesac.com/pay](http://www.sesac.com/pay)**

If you have any questions, please call Customer Service at 1-866-218-5823.  
 Mail written correspondence to: SESAC 35 Music Square East, Nashville, TN 37203

To avoid late charges, please pay total due by due date.	
CHECK NO: _____	 If paying by credit card: Pay online at <a href="http://www.sesac.com/pay">www.sesac.com/pay</a> <b>Login Account #: 81306      Bill To #: 749912</b>
Amount Paid \$ _____	
Please reference account number on check.	

Please Remit Payment To:

CITY OF OAK CREEK  
 8040 S 6TH ST  
 OAK CREEK, WI 53154-2313

014445  
 T58 P1

**SESAC**  
 P.O. BOX 5246  
 New York, NY 10008-5246

000813060023612000000008751



Account #: 81306

Bill To #: 749912

City of Oak Creek

Inv Number	Inv Date	Inv Amount	Amt Paid	Late Chgs	Other Adj	Balance
10262220	01/01/2019	\$875.00				\$875.00
<b>City of Oak Creek</b>		8040 S 6th St, Oak Creek, WI				\$875.00
Contract No.: 47114-1		Municipalities, Jan 01, 2019 - Dec 31, 2019				

**Group Total: \$875.00**





**LOCAL GOVERNMENT ENTITIES**  
**2019 Rate Schedule and Report Form**

Account No.: 500601424

Premise Name: City Of Oak Creek; Oak Creek, WI

Report Due: 12/30/2019

**SCHEDULE A: Base License Fee**

Population Size			Base License Fee
1	to	50,000	\$357.00
50,001	to	75,000	\$712.00
75,001	to	100,000	\$856.00
100,001	to	125,000	\$1,141.00
125,001	to	150,000	\$1,426.00
150,001	to	200,000	\$1,854.00
200,001	to	250,000	\$2,280.00
250,001	to	300,000	\$2,710.00
300,001	to	350,000	\$3,137.00
350,001	to	400,000	\$3,566.00
400,001	to	450,000	\$3,990.00
450,001	to	500,000	\$4,421.00
500,001	Plus***		\$5,417.00

\*\*\* \$5,417.00 plus \$500 for each 100,000 of population above 500,000 to a maximum fee of \$71,285.00

**SCHEDULE B: Special Events**

The rate for Special Events shall be 1% of Gross Revenue.

"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.


**SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys**

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$357.00

**License Fee for Year 2020 and Thereafter**

For each calendar year commencing 2020, all dollar figures set forth in Schedules A, B and C above (except for \$500.00 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by ASCAP.

2019-01-14 10:00:00 AM

	<b>LOCAL GOVERNMENT ENTITIES</b> <b>2019 Rate Schedule and Report Form</b>
<b>Account No.:</b> 500601424	<b>Premise Name:</b> City Of Oak Creek; Oak Creek, WI
<b>Report Due:</b> 12/30/2019	



**SCHEDULE A: Base License Fee** (Due upon execution of Agreement and within 30 days of the Agreement's Renewal Date.)

Population Size: ---- \_\_\_\_\_ Base License Fee: \_\_\_\_\_  
 (Per current U.S. Census Data) (Please refer to attached Rate Schedule)

**SCHEDULE B: Special Events\*** (Report and Payment due 90 days after the conclusion of each Special Event)

Event Date (mm/dd/yyyy) If More than 1 Event Per Day, Please Report As Separate Entries)	Performer(s) or Group(s) Appearing	Gross Revenue of Event (Must Exceed \$25,000)	% Applies to Gross Revenue	Event Fee	Is a Program of Musical Works Attached? (Yes/No)	If the Event is Co-Sponsored (Please Identify The Co-sponsor's Name, Address, Phone Number and ASCAP Account Number)
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____

**\*\*Special Events\*** means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

**\*\*\*Gross Revenue** means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

**GLCS@ascap.com 1-800-505-4052 1-615-691-7795 (FAX)**  
**Epayment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>**

**LOCAL GOVERNMENT ENTITIES (continued):** (Please complete form in its entirety.)

**SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys**

Report Year: \_\_\_\_\_

Annual License Fee: \$357.00 (Due within 30 days of Renewal Date.)

Total Fees Reported From Any or All of Schedules A, B or C: \$ \_\_\_\_\_

Base Licensee Fees accompanied by a completed Report Form are due and payable within 30 days of the License Agreement's renewal date.  
The Report along with payment may be mailed to the ASCAP address below.

Contact Person: \_\_\_\_\_ / \_\_\_\_\_  
(Please print Contact's Name.) (Please print Contact's Title.)

Phone No.: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_ Email: \_\_\_\_\_ Website: \_\_\_\_\_

I certify that the above information is true and correct. Signature: \_\_\_\_\_

Dated: \_\_\_\_\_ (Please print Name and Title of Signature name above.)

GLCS@ascap.com 1-800-505-4052 1-615-691-7795 (FAX)

Epayment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>

12/20/2010 F0166\_0119



Account No.: 500601424

City Of Oak Creek  
8040 S. 6th Street  
Oak Creek, WI 53154

ASCAP  
Account Services  
P. O. Box 331608-7515,  
Nashville, TN 37203-9998

IMLA



Meeting Date: February 5, 2019

Item No. 12

### COMMON COUNCIL REPORT

**Item:** Special Assessment, West College Avenue, Project No. 19103

**Recommendation:** That the Common Council adopt Resolution 12030-020519, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek for installation of 12" water main in West College Avenue and to set a public hearing date of March 5, 2019. (Project 19103) (2nd Aldermanic District).

**Fiscal Impact:** The Oak Creek Water and Sewer Utility will initially fund the entire cost of the project, and shall be reimbursed as special assessments are received. The estimated cost of the project is \$485,000.

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

**Background:** This project was initiated by the Oak Creek Water and Sewer Utility Commission (Commission) and completes a 12" water main loop in West College Avenue from South 27th Street to South 20th Street. It includes directional drilling 1,850' of 12" water main pipe with appurtenances and associated restoration. This loop will provide for improved water quality and a secondary feed for the business district along the South 27th Street corridor.

**Options/Alternatives:** Do Nothing

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Ronald J. Pritzlaff, PE  
Utility Engineer

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Attachments: Preliminary Assessment Resolution

**RESOLUTION NO. 12030-020519**

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

**PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE  
SPECIAL ASSESSMENT POWERS UNDER SECTION 3.200  
OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK  
(WATER MAIN IN WEST COLLEGE AVENUE)**

**(PROJECT NO. 19103)**

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

RESOLVED, by the Common Council of the City of Oak Creek, Wisconsin:

1. The Common Council hereby declares its intentions to exercise its power under Section 3.200 of the Municipal Code of the City of Oak Creek, to levy special assessments upon property within the following described district for benefits conferred upon such property by the following improvements in the following location:

PROJECT NO. 19103 WATER MAIN AND APPURTENANCES

All property fronting on:

The south Side of West College Avenue

From: Approx. 400 feet west of S. 27<sup>th</sup> Street  
To: Approx. 2,050 feet west of S. 27<sup>th</sup> Street

2. Said public improvements shall include the installation of water main and appurtenances.
3. The total amount assessed against such district shall not exceed the portion of the total cost of the improvements to be paid by the City of Oak Creek. The Common Council determines that such improvements shall be made under the police power. Each of the abutting property owners shall be assessed for the improvements in the manner set forth in Section 3.200 of the Municipal Code of the City of Oak Creek and the assessment rates as set forth in Common Council Resolution No. 10751-041707.
4. The Common Council further declares that the assessments may be paid in cash, in five/ten annual installments in accordance with Section 3.210 of the Municipal Code of the City of Oak Creek; if paid in installments, the same shall bear interest at the rate of 4% per annum on the unpaid balance.

For those properties which are vacant or have one residential dwelling unit, that are two and one half (2 ½) acres or more in area, or have three hundred thirty (330) feet or more of assessed frontage, payment shall be made within twenty (20) years of the date of levy in equal annual installments on the property tax bill with interest at the rate of 4% per annum on the unpaid balance.



- 5. The Utility Engineer is directed to prepare a report consisting of:
  - A. Preliminary plans and specifications for said improvements.
  - B. An estimate of the entire cost of the proposed improvements.
  - C. A schedule of the proposed assessments to be levied against such parcel of property within the assessment district.
  - D. Upon completing such report, the Utility Engineer is directed to file a copy thereof in the City Clerk's office for public inspection.
  
- 6. Upon receiving the notice of the Utility Engineer, the Clerk is directed to give notice of a public hearing on such report as specified in Section 3.203 of the Municipal Code of the City of Oak Creek.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with Section 3.203 of said code.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held on the 5th day of February, 2019.

Passed and adopted this 5th day of February 2019.

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

Approved this 5th day of February, 2019.

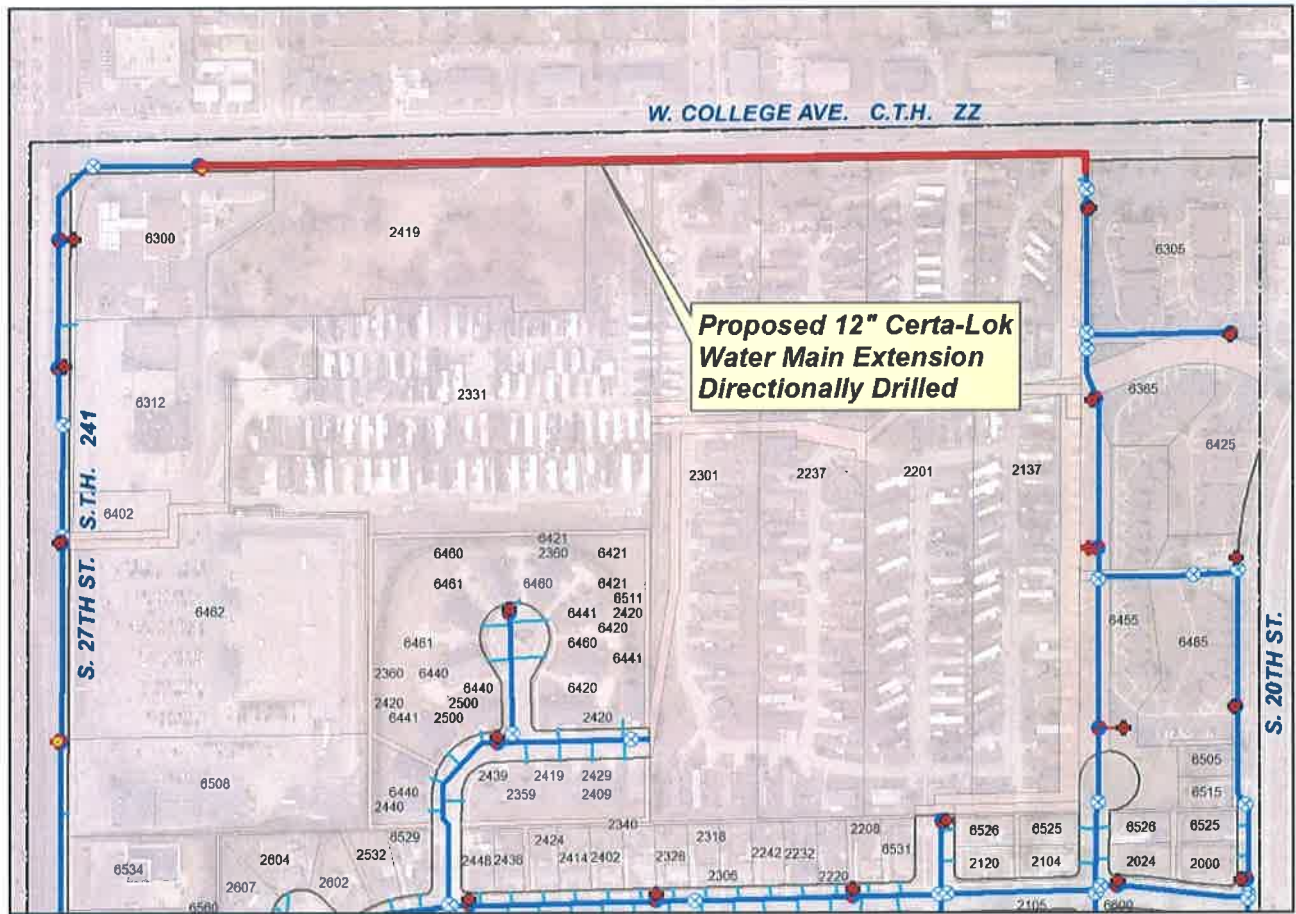
\_\_\_\_\_  
Mayor

ATTEST:

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

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

# PROPOSED WATER MAIN WEST COLLEGE AVENUE





## COMMON COUNCIL REPORT

Item: Caterpillar 420F2 Backhoe Loader

Recommendation: That the Common Council considers a motion to award the purchase of a new Caterpillar 420F2 Backhoe Loader to Fabick Cat for a total cost of \$139,500, which includes the backhoe and accessories.

Fiscal Impact: \$139,500.00

- 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: Public Works Operators tested three backhoes of similar size and capacity. All three pieces of equipment were bid under the Sourcewell contract, formally the NJPA contract. The Cat backhoe was selected based on several factors. The Cat offered better visibility than the other two tested. It was the only backhoe that allow the operator to crowd their work. This would in many cases keep the equipment further off the road obstructing traffic less. The Cat also had better accessibility to hoses on the boom for easier repairs. Fabick Cat also offered a 7 year 3500 hour warrantee for this piece of equipment. This backhoe will replace an existing John Deere backhoe that has currently been in our fleet for 31 years. We plan to keep this backhoe for the next 20 years and feel the additional cost is justified to purchase the backhoe the employees prefer.

Fabick Cat (Caterpillar)	\$113,000.00
Miller-Bradford (Case)	\$105,000.00
Brooks Tractor (John Deere)	\$99,310.00

This is approved CIP Project with a budget of \$140,000.00

Options/Alternatives: Rent or lease options.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Ted Johnson  
Director of Public Works

Fiscal Review:

  
Bridget M. Souffrant  
Assistant City Administrator / Comptroller

---

Attachments: Sourcewell Contract pricing from Fabick Cat, Miller Bradford, Brooks Tractor, and picture of Cat backhoe loader.



January 25, 2019

Ted Johnson  
City of Oak Creek  
800 W Puetz Road  
Oak Creek, WI 53154-2918

**Milwaukee**  
11200 West Silver Spring Rd.  
Milwaukee, WI 53225-3118  
414/461-9100 Tel  
414/461-8899 Fax

*Power Systems*  
11200 West Silver Spring Rd.  
Milwaukee, WI 53225-3118  
414/461-9100 Tel  
414/615-2101 Fax

Dear Ted:

**Madison**  
1111 Applegate Rd.  
PO Box 259040  
Madison WI 53725-9040  
608/271-6200 Tel  
608/271-1410 Fax

We are pleased to quote the following for your consideration:

(1) Caterpillar 420F2 Backhoe Loader.

**Eau Claire**  
7860 Partridge Rd.  
PO Box 1088  
Eau Claire, WI 54702-1088  
715/874-5100 Tel  
715/874-5182 Fax

The following factory and dealer options are included:

*Power Systems*  
7877 Partridge Rd. (Cty EE)  
PO Box 1088  
Eau Claire, WI 54702-1088  
715/874-5100 Tel  
715/874-5151 Fax

- \* Cat C4.4 ACERT 94hp
- \* Extendable Stick
- \* 4WD w/ Auto-shift Transmission w/ Ride Control
- \* Deluxe Cab w/ Heat and A/C and Deluxe Air-Suspension Seat
- \* Worklights, (8) LED Lamps
- \* Tires, 12.5 80-18/21L-24, Firestone
- \* Counterweight, 1015lbs
- \* Flip Over Stabilizer Pads w/ Cylinder Guards
- \* Hydraulic Pin-Grabber Coupler w/ Hydraulic Thumb
- \* Rear Auxiliary Hydraulic Package
- \* Radio, FM Bluetooth
- \* Cold Weather Package
- \* Front Fenders
- \* IT Loader Hydraulic Quick Coupler
- \* Multi-Purpose Bucket 1.4cyd Capacity
- \* 24" Bucket, 8.5cft Capacity
- \* Warranty: 12 Months/Unlimited Hours with 6 Months Mileage Powertrain + Hydraulics + Tech

**LaCrosse**  
1620 Carol Court  
La Crosse, WI 54601-3056  
608/783-4891 Tel  
608/781-3222 fax

**Superior**  
111 Moccasin Mike Rd.  
Superior, WI 54880-4358  
715/398-9696 Tel  
715/398-9695 Fax

**Investment Opportunity: \$113,000.00**

**Green Bay**  
600 Hansen Rd.  
PO Box 19976  
Green Bay, WI 54307-9176  
920/498-8000 Tel  
920/499-4844 Fax

**Additional Backhoe Loader Options:**

*Power Systems*  
2700 South Broadway  
PO Box 19976  
Green Bay, WI 54307-9176  
920/498-8000 Tel  
920/499-0890 Fax

- \* 12" Bucket \$1,200.00
- \* 48" Pallet Forks \$3,300.00
- \* H80ES Hammer \$17,000.00
- \* 36" Grading Bucket \$1,600.00
- \* Ext Warranty 84 Mos/ 3500hrs \$3,400.00

**Wausau**  
9601 Christie Ln.  
PO Box 350  
Schofield, WI 54476-0350  
715/359-6220 Tel  
715/359-5550 Fax

We believe the equipment as quoted will exceed your expectations. On behalf of Fabick Cat, thank you for the opportunity to quote Caterpillar machinery.

Sincerely,

**Marquette**  
US Highway 41 West  
PO Box 638  
Marquette, MI 49855-0638  
906/475-4191 Tel  
906/475-4054 Fax

Andy Wiemero  
Territory Manager



Corporate Office:  
W250 N6851 Hwy 164  
P.O. Box 904  
Sussex, WI 53089

TO: CITY OF OAK CREEK

DATE: 1-8-19

REFERENCE: CASE TLB

QUOTE NUM: 01081902Q

**WE SUBMIT THE FOLLOWING PROPOSAL:**

QUANTITY	DESCRIPTION	AMOUNT
1	<p><b>NEW CASE 580SN TRACTOR LOADER BACKHOE</b></p> <p>4WD, EXTENDAHOE, S-TYPE TRANSMISSION, 12X16.5 FRONT TIRES, 19.5LX24 REAR TIRES, PILOT CONTROLS, FLIP OVER PADS, CAB WITH HEAT &amp; A/C &amp; LH DOOR, RADIO, AIR RIDE SEAT, LED LIGHTS, RIDE CONTROL, FRONT FENDERS, BACKHOE GRIPPER TEETH, LOADER COUPLER WITH 93" 4 IN 1 BKT, BACKHOE 1-WAY AUX. HYDRAULICS, BACKHOE HYDRAULIC COUPLER WITH 12", 24", &amp; 36" DITCH BKT LOADER FORKS HYDRAULIC HAMMER WITH AN ADDITIONAL MOUNTING BRACKET <b>WARRANTY: 12 MONTH/UNLIMITED HOURS &amp; POWERTRAIN 24MONTH/2000 HOUR</b> SOURCEWELL/NJPA DISCOUNT (Contract #032515-CNH)</p>	<b>\$ 135,764.86</b>

TERMS: NET DUE UPON DELIVERY  
DELIVERY: TBD

F.O.B.: MBR - SUSSEX  
EXPIRES: QUOTE GOOD FOR 15 DAYS

**WE THANK YOU FOR THE OPPORTUNITY TO QUOTE ON THIS EQUIPMENT**

QUOTATIONS SUBJECT TO CHANGE IN PRICE PRIOR TO SHIPMENT. ALL AGREEMENTS CONTINGENT UPON STRIKES, ACCIDENTS, AND UNAVOIDABLE DELAYS BEYOND OUR CONTROL.

WRITTEN COPY

SIGNED

Miller-Bradford & Risberg, Inc.

John Haen  
Territory Manager  
[jhaen@miller-bradford.com](mailto:jhaen@miller-bradford.com)  
(262) 825-6782



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**Quote Summary**

**Prepared For:**

CITY OF OAK CREEK STREET DEPARTMENT  
800 W Puetz Rd  
Oak Creek, WI 53154  
Home: 262-570-5683  
Business: 262-570-5683

**Prepared By:**

GREGORY DRUCKREY  
Brooks Tractor Incorporated  
12101 West Silver Spring Drive  
Milwaukee, WI 53225  
Phone: 414-462-9790  
gdruckrey@brookstractor.com

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NJPA / Sourcewell Pricing

**Quote Id:** 18804676  
**Created On:** 14 January 2019  
**Last Modified On:** 21 January 2019  
**Expiration Date:** 14 February 2019

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**Equipment Summary**

JOHN DEERE 310SL HL BACKHOE  
LOADER  
John Deere Extended Warranty-  
Comprehensive Warranty for 36  
Months or 2,000 Hours

<b>Selling Price</b>	<b>Qty</b>	<b>Extended</b>
\$ 114,845.00 X	1 =	\$ 114,845.00

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**Equipment Total**

**\$ 114,845.00**

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**Quote Summary**

Equipment Total	\$ 114,845.00
SubTotal	\$ 114,845.00
Total	\$ 114,845.00
<b>Balance Due</b>	<b>\$ 114,845.00</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_



# Selling Equipment

Quote Id: 18804676

Customer: CITY OF OAK CREEK STREET DEPARTMENT

## JOHN DEERE 310SL HL BACKHOE LOADER

Hours:

Stock Number:

Code	Description	Qty
0A80T	310SL HL John Deere Backhoe Loader	1
<b>Standard Options - Per Unit</b>		
170C	JDLink Ultimate Cellular - 5 Years	1
1065	John Deere PowerTech Plus 4.5L Engine Final Tier 4	1
2035	Cab	1
2401	English Decals with English Operator and Safety Manuals	1
3095	Mechanical Front Wheel Drive (MFWD) with Limited Slip Differential Autoshaft Transmission	1
4464	Galaxy 19.5L-24 12PR Rear & 12.5/80-18 10PR Front	1
5285	Pilot Controls Two Lever with Pattern Selection	1
5460	Rear Hydraulic Coupler for Pin-on Buckets	1
5616	12" Wide Bucket 3.3 Cubic Foot Capacity Buckets	1
6020	Extendible Dipperstick	1
6230	Auxiliary Hydraulic with One & Two Way Flow (Hammer & Thumb/Swinger)	1
7085	Loader Coupler 3-Function Hydraulics Single Lever	1
7690	1.32 C.Y. 92" Wide Multipurpose Coupler Bucket	1
8475	1000 Lb. Front Counterweight	1
8685	Dual Maintenance Free Batteries With Disconnect and Jump Post	1
9080	Engine Coolant Heater	1
9515	Diagnostic Oil Sampling Ports	1
9905	Strobe Light with Magnetic Mount	1
9917	Radio Bosch Basic Package	1
9919	Sun Visor	1
9920	Exterior Rear View Mirrors (2)	1
9965	Seat Cloth Air-Suspension	1

Dealer Attachments





# Selling Equipment

Quote Id: 18804676

Customer: CITY OF OAK CREEK STREET DEPARTMENT

B & D 24" 7.9CF Digging Bucket with Pin (5 TK Teeth)	1
B&D 36" Ditch Cleaning Bucket with BOE	1
Front Fender Kit - AT371257	1
37" John Deere Hydraulic Thumb - BYT10287	1
John Deere 60x60 Pallet Forks (AT308139)	1
Allied BR777 Hammer with Bracket for 310SL - AT80131P	1
Scheduled Maintenance 36 Months or 1,500 Hours	1
NJPA / SOURCEWELL	1
<b>Service Agreements</b>	
John Deere Extended Warranty - Comprehensive Warranty for 36 Months or 2,000 Hours	





# COMMON COUNCIL REPORT

Item: Nucor Development Agreement

Recommendation: That the Common Council adopts Resolution No. 12031-020519, approving the Nucor development agreement for the design and installation of public improvements at 300, 301, 400, and 401 W Burkhard Ct. (Tax Key Nos. 765-9051-000, 765-9049-000, 765-9048-000, and 765-9050-000) (Project No. 19050) (1<sup>st</sup> Aldermanic District)

Fiscal Impact: None. Developer pays for all improvement cost

- 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, storm sewer and grading for the Nucor site expansion. Nucor Cold Finish WI, Inc., has proposed a site expansion project. This development requires that public infrastructure is installed to serve the future buildings. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvements, to ensure they meet City codes and specifications.

Options/Alternatives: If the Council does not approve the development agreement the project will not be able to move forward with public improvements.

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Brian L. Johnston, PE  
Assistant City Engineer

Fiscal Review:

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

Approved:

Michael C. Simmons, PE  
City Engineer

Approved:



Ronald J. Pritzlaff, PE

Utility Engineer

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Attachments: Nucor Development Agreement, Resolution 12031-020519

**RESOLUTION NO. 12031-020519**

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

**RESOLUTION APPROVING THE  
NUCOR  
DEVELOPMENT AGREEMENT**

**TAX KEY NOS. 765-9048-000, 765-9049-000, 765-9050-000, AND 765-9051-000**

**(1<sup>ST</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 that the Development Agreement attached hereto and incorporated herein by reference, by and between NUCOR COLD FINISH WI, INC., as party of the first part, and the CITY OF OAK CREEK, as party of the second party, be and the same is hereby approved.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 5<sup>th</sup> day of February, 2019.

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

Approved this 5<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

Document Number	<b>NUCOR DEVELOPMENT AGREEMENT</b> Document Title
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Recording Area

**Douglas W. Seymour, Director**  
**Dept. of Community Development**  
**8040 S 6<sup>th</sup> Street**  
**Oak Creek, WI 53154**

Name and Return Address

765-9048-000, 765-9090-000,  
 765-9051-000, 765-9049-000

Parcel Identification Number (PIN)

THIS AGREEMENT, made and entered into this 16<sup>th</sup> day of January, 2019, by and between Nucor Cold Finish WI Inc., a Delaware Corp, 400 W Burkhard Ct, Oak Creek, WI 53154, hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City";

**WITNESSETH:**

WHEREAS, the Developer proposes to develop the following described lands situated in the Northeast ¼, Northwest ¼, Southeast ¼, and Southwest ¼ of the Northeast ¼ of Section 8, Town 5 North, Range 22 East in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

Being all of Parcel 1, Parcel 2, Outlot 1 and Outlot 2 of Certified Survey Map No. 6798, recorded in the Register of Deeds office for Milwaukee County on April 7, 2000 as Document No. 7893788

WHEREAS, the Developer has submitted a design for the Tax Key Nos. 765-9048-000, 765-9090-000, 765-9051-000, 765-9049-000 located at 300, 301, 400, and 401 W. Burkhard Court encompassing the hereinabove described lands in accordance

with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City for the purpose of expanding the existing business operations, and

WHEREAS, the proposed site plan was conditionally approved by the Plan Commission of the City as required by law, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to approval by the City, and

WHEREAS, S.236.13(2)(a), Wis. Stats., and Chapter 14 of the Municipal Code of the City, provide that as a condition of approval, the Common Council of the City of Oak Creek may require that the Developer make and install any public improvements reasonably necessary, and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for this development, and

WHEREAS, the City believes that the orderly, planned development of the said lands will best promote the health, safety and general welfare of the community, and hence is willing to approve the proposed site providing that the Developer agrees to undertake and assume certain obligations and conditions and/or performed as hereinafter described, and

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. The property is served and will benefit by existing sanitary sewer and water main.
2. Deferred Special Assessments – There are no outstanding special assessment payments required for this Agreement. Developer shall also sign the Waiver of Special Assessment Notice and Hearing attached at Exhibit B.
3. Bike Path and Impact Fees - The impact fees established for the City under Ordinance 2562 shall also apply to this development. The Developer agrees to pay the appropriate impact fees at the time a building permit is issued.
4. Time Period to Install Improvements - The Developer shall complete the public improvements as described in Exhibit A.
  - A. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate all improvements to the City. Dedication of public improvements shall occur at building occupancy and/or the termination of this agreement.
  - B. In the event the Developer does not complete the installation of improve-

ments, the City shall, upon written notice to the Developer, have the authority to complete same and take title of the improvements. The City shall, without notice of hearing, impose a special assessment for the amount of said completion costs, upon each and every building site (or tax key parcel) in the development, payable with the next succeeding tax roll.

- C. In accordance with Section 3.06 of the Oak Creek Municipal Code and under Sections 66.60 and 66.62 of the Wisconsin Statutes and other Statutory provisions, the City may exercise its power to levy special assessments for the required improvements that shall benefit the development.
- 5. Project Phasing – The proposed development will be constructed in phases as agreed upon between the City and Developer. Before construction of improvements in any phase commences, including building construction, the Developer must receive the City Engineer's written approval, which approval shall not be unreasonably withheld, delayed, or conditioned of all public infrastructure, grading and drainage, erosion control, MMSD approval, and DNR approval as applicable to each phase.
- 6. Items Prior to Construction - Prior to the commencement of construction of required improvements for a phase, the City Engineer shall ensure that the following requirements are met:
  - A. approval of all plans required in Exhibit A
  - B. Developer has issued a notice to proceed to their contractor(s) for the applicable phase.
  - C. Developer and City have arranged a preconstruction conference.
  - D. All pertinent approvals from the Milwaukee Metropolitan Sewerage District, the State of Wisconsin Department of Natural Resources, or other required jurisdictional agencies for the applicable phase. The review and approval of sanitary sewer plans by the City (and its Utility) and MMSD occur independently. Approvals are based in part on each system's ability to handle the proposed additional sanitary sewer waste flows.
  - E. Arrangements made for the City to inspect the proposed construction.
- 7. Final Approval –
  - A. Upon final certification by the City Engineer that all of the required public improvements and requirements as outlined in this Agreement are constructed, inspected and found to be in compliance with City requirements



and (1) proof of the public infrastructure costs associated with streets, sewers, water main, lights, etc., have been filed with the City Finance Director and (2) lien waivers shall be filed with the City Engineer as proof that all subcontractors have been paid. If the Developer completes the development in phases as permitted by Paragraph 5, final building occupancy will be granted by the Inspection Department upon certification by the City Engineer that all requirements pertinent to that phase have been satisfied.

8. Reimbursement of Costs - The Developer shall reimburse the City for all reasonable and outstanding fees, expenses, costs, and disbursements which were incurred by the City for the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the development's improvements covered by this Agreement. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials.
9. Workmanship Guarantee - Developer shall guarantee the improvements described in Exhibit A, against defects due to faulty materials or workmanship, for a period of one (1) year from the date of final approval of the applicable phase. Pursuant to Paragraph 11(B), the Developer shall establish a security deposit in an amount not less than 10% of the estimated construction costs of the sanitary sewer and water improvements for the applicable phase, to cover the guarantee period for each of the public improvements of such phase. The maintenance obligations regarding the streets shall begin upon the start of construction for the applicable phase and terminate upon approval of the building occupancy for the applicable phase. Responsibility for the streets and lights will be assigned as follows:
  - A. Pavement maintenance or repair from construction activity and street sweeping, shall be the Developer's responsibility until approval of the final plat. Snow plowing and general maintenance will be the City's responsibility.
  - B. If street repairs or street sweeping and/or street lighting are not satisfactorily performed by the Developer; the City shall perform such with its own forces and charge the Developer accordingly for actual manpower, equipment and materials, plus 25% administration and overhead. Developer's responsibility with respect to the streets shall terminate upon approval of the building occupancy.
10. Hold Harmless - The Developer shall indemnify and save harmless the City, its officers, agents and employees, from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner result from the negligent construction or maintenance of improvements by the Developer pursuant to the terms of

this Agreement for one (1) year following issuance of building occupancy for the applicable phase, the violation of any law or ordinance, the infringement of any patent, trademark, tradename or copyright, and the use of road improvements prior to their formal dedication to the City as provided in Paragraph 4(A) thereof.

11. Financial Guarantees

- A. No letter of credit or bond is required under this Agreement.
- B. Security Deposit

Prior to and as a condition of public improvement dedication approval, the Developer shall deposit a sum of money with the City in the amount set forth in Paragraph 9 as a Security Deposit (hereinafter referred to as "Collateral"), to secure the prompt, full and faithful performance by Developer of each and every provision of this Agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account, but may commingle the Collateral with other funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (1) Sums of money due from the Developer under this Agreement; (2) Any reasonable sum expended by the City on the Developer's behalf in accordance with this Agreement; and/or (3) Any reasonable sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement; and/or (c) Any reasonable sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided by this Agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City for the purposes set forth above, Developer agrees, within ten days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the following specific obligations of the Developer to the City.

- 1) Maintenance of public improvements as described in Paragraph 9.

- 2) Payment of \$5,000 for anticipated in-house administrative and inspection fees.
- 3) Completion of landscaping: including Landscaping and erosion control improvement costs.

The City will release to the Developer all funds from the Collateral, including interest, after the Developer fully and faithfully complies with all of the provisions of this Agreement and completes the above-listed items, all to the satisfaction of the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, less amounts, if any previously applied by the City for the obligations secured hereby. If the Developer's obligations hereunder to the City, including but not limited to, costs of the above-enumerated improvements, exceed the amount of the Collateral, the Developer is responsible for payment of the balance.

C. Billing

The City shall bill the Developer quarterly as costs are incurred by the City. In the event the Developer fails to make payment to the City within 30 days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. If unsuccessful, the City shall, without notice of hearing, impose a special assessment for the amount of said costs upon each tax key parcel in the development, payable with the next succeeding tax roll.

12. Inspection - The City, or its agents, shall provide full-time inspection of all improvements enumerated in Exhibit A, at the Developer's cost.
13. Easements - The Developer shall acquire and dedicate to the City all public easements and right-of-way necessary to install and maintain public improvements required by this Agreement. Permanent easements and deeds, on forms acceptable to the City, on or through private lands, shall be negotiated and obtained by the Developer, at his expense. The Developer shall provide just compensation for the easements in accordance with the City's easement acquisition policy.
14. Changes to Plans and Specifications - The City Engineer may make reasonable changes to the approved plans and specifications for any of the improvements covered under this Agreement which are necessary to correct oversights, omissions, and errors, to compensate for changing site conditions, or to complete fully the work in accordance with sound engineering practice. The Developer shall perform the work as changed entirely at his expense without any claim for reimbursement.

15. Miscellaneous

- A. All construction required by this Agreement shall be carried out and performed in a sequence directed by the City Engineer.
- B. Developer shall properly locate and install all survey or other monuments required by State statute or City ordinance.
- C. Recording of this Agreement shall be accepted by the City as adequate provision for improvements specified in Chapter 14 of the Municipal Code.
- D. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
- E. This Agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.
- F. The obligations of the Developer shall terminate upon passage of a resolution by the Common Council of the City of Oak Creek releasing the Developer from the terms of this Agreement.
- G. Developer shall provide specifications in the latest Adobe pdf electronic format.
- H. Developer shall provide all construction plans in the latest Adobe pdf electronic format and AutoCAD.

IN WITNESS WHEREOF, the parties hereto have executed this instrument under their several seals the day and year first above written, the name and corporate seal of each corporate body being hereto affixed and the instrument duly signed by its duly authorized representatives.

In presence of:

Nucor Cold Finish WI Inc., a Delaware Corp

By:   
Tyler Godfrey, Controller

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Jerry Richie, title of Nucor Cold Finish WI Inc., a Delaware Corp to me known to be the person who executed the foregoing instrument and to me known to be such title of said corporation, acknowledged that he executed the foregoing instrument as such officer.

\_\_\_\_\_  
Notary Public, Milwaukee County, State of Wisconsin  
My Commission expires:

**CITY OF OAK CREEK**

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

Countersigned:

\_\_\_\_\_  
CATHERINE A. ROESKE, City Clerk

STATE OF WISCONSIN)  
(SS.  
MILWAUKEE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, DANIEL J. BUKIEWICZ, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. \_\_\_\_\_ adopted by its Common Council on the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Melissa L. Karls, Notary Public  
Milwaukee County, Wisconsin  
My commission is permanent.

This instrument was drafted by Brian L. Johnston of the City of Oak Creek Engineering Division.

Approved as to form:

\_\_\_\_\_  
Melissa L. Karls, City Attorney

**EXHIBIT A**  
**CITY OF OAK CREEK**  
**CITY ENGINEER'S REPORT**  
**NUCOR**

**I. INTRODUCTION**

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the "City of Oak Creek Engineering Design Manual," adopted by the Common Council on July 18, 1995, and all future amendments thereof.

The following are the general required Improvements, plans, and conditions:

**II. GRADING AND DRAINAGE**

**A. Required Improvements**

Design, install, and provide grading of land as necessary to establish lot pads for future buildings, provide adequate drainage to prevent flooding, accept upstream runoff, and safely discharge runoff downstream to avoid property damage.

**B. Plans and Specifications**

1. A grading and drainage plan shall be prepared showing 2' contours for both existing and proposed condition, and proposed finished yard grades.
2. System plan showing all tributary areas to the proposed site drainage and downstream analysis. Included on the system plan shall be all proposed and existing drainage structures.
3. Storm water management plan that meets current City Ponding Ordinance requirements along with the MMSD Chapter 13 storm water requirements.
4. As-built grading plan certifying that all grading was performed in accordance with the approved grading and drainage plan. The certification shall be required on flood plain compensation areas, main ditches, and detention ponds. The plan shall be prepared by a

consulting engineer, selected by and reimbursed by the Developer. The grade tolerances for approval are as follows:

- a.  $\pm 0.1'$  grade tolerance of the approved proposed grade with topsoil or sod in place.
  - b.  $0.0'$  to  $-0.3'$  grade tolerance of the approved proposed grade without topsoil in place.
- C. Establish permanent vegetative cover on all exposed soil by topsoiling, seeding, and mulching to prevent erosion.
  - D. The Developer, at his expense, shall provide detailed soil analysis and compaction results by a competent soils engineer for all areas requiring fill. The results shall be submitted to the City Engineer as soon as they are available. Soil borings may be required by the City Engineer to determine if the existing soil material on site is suitable for structural areas such as road construction. The Developer shall be responsible to remove unsuitable material and replace with approved engineered fill.
  - E. The Developer is responsible for restoring all damage to finish grades and vegetative cover caused, but not restored by, utility companies.
  - F. After site grading is completed, the Developer shall place 3" of topsoil on all exposed soil. No topsoil may be removed from the site without written authorization from the City Engineer.

### III. **STORM DRAINAGE SYSTEM**

#### A. Required Improvements

Design, install, and provide a complete storm drainage system, including culverts, curb and gutter, storm sewer and/or open ditches as required to adequately convey surface water from and through the development.

#### B. Plans and Specifications

1. Storm sewer plans showing plan and profile views.
2. Storm sewer calculations.
3. Storm sewer system plan update.

- C. Additional considerations will be required on all ditch slopes exceeding five percent. All roadside ditches or areas within drainage easements shall have a minimum one percent slope. Ditch flow line slopes with less than one



percent will require storm sewer.

#### IV. EROSION AND RUN-OFF CONTROL

##### A. Required Improvements

Installation and construction of Best Management Practices in the proposed development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

##### B. Plans and Specifications

Control plan for land-disturbing activities showing existing contours at least 200' into adjacent parcels. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

C. The Developer shall not commence land-disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be obtained, which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.

D. Both during and after construction, the surface of exposed bare soils shall be protected by mulches and perennial grasses. This does not apply to the immediate building site area which is subject to men and equipment working in and around the perimeter of a new structure.

#### V. SANITARY SEWER

##### A. Required Improvements

Design, install, and provide a complete sanitary sewer system designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's sanitary sewer system plan with rules, regulations and procedures of the City, Milwaukee Metropolitan Sewerage District, and the State of Wisconsin Department of Natural Resources.

##### B. Plans and Specifications

1. Sanitary sewer plans, specifications, design calculations, and copies of all easements.
2. The City will furnish "as-built" plans of the entire system, including location and elevation of laterals to mains to meet MMSD

requirements. All other "as-built" requirements are the responsibility of the Developer.

3. Sanitary sewer system plan update.
4. All reports required by the Milwaukee Metropolitan Sewerage District, the State of Wisconsin, and Southeastern Wisconsin Regional Planning Commission.

## VI. WATER

### A. Required Improvements

Design, install, and provide a complete water distribution system and install water main designed to meet the ultimate needs of this development and all tributary areas, in accordance with the City's water main system plan and with the rules, regulations, and procedures of the City and the State of Wisconsin Department of Natural Resources.

### B. Plans and Specifications

1. Water main plans, specifications, design calculations, and copies of all easements.
  2. The City will create "as-built" plans of the entire system, including hydrant and valve locations, and the location and elevation of laterals to the lot lines, all for the use of the City of Oak Creek Water and Sewer Utility. All other "as-built" requirements are the responsibility of the Developer.
  3. Separate water main easements for each parcel, where appropriate, recorded on the final plat.
- C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for water distribution, itemized in sufficient detail to satisfy the requirements of the Public Service Commission of the State of Wisconsin in establishing or revising a rate base.

## VII. STREETS

### A. Required Improvements

No road improvements are planned for this development.

**VII. STREET LIGHTING**

**A. Required Improvements**

No street lighting improvements are planned for this development.

**VIII. MISCELLANEOUS**

**DEVELOPER SHALL:**

- A.** be responsible to preserve existing trees, brush, or shrubs, not approved for removal. If unauthorized removal occurs, landscaping will be replaced at the Developer's expense.
- B.** repair all damage to City streets caused by construction operations.
- C.** arrange and pay for procurement and installation of approved traffic and street signs.
- D.** submit a landscape plan for screen plantings, berms, and entrances. Installation of landscaping shall be in accordance with approved plan.
- E.** acquire all required underground utility easements.
- F.** show all sanitary, drainage, and other public utility easements on the plat. If required easements are omitted, or errors are detected on the plat, the Developer shall make all necessary modifications to the plat at his expense.

**IX. SPECIFICATIONS**

The improvements shall be constructed in accordance with the following specifications.

- A.** City of Oak Creek Engineering Design Manual, most recent edition.
- B.** Applicable Specifications and Regulations of the Milwaukee Metropolitan Sewerage District.
- C.** Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
- D.** State of Wisconsin, Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- E.** The Wisconsin Department of Natural Resources Erosion Control Technical

Standards.

**X. SPECIAL PROVISIONS**

The development process shall strictly conform to the conditions set forth in the development agreement. Request for final approval is subject to the City Engineer's certification that all improvements required to be installed are satisfactorily completed. The City will not accept deposits in lieu of completion of the improvement prior to final approval.

Approved by:

\_\_\_\_\_  
Michael C. Simmons, P.E.  
City Engineer

\_\_\_\_\_  
Date

**EXHIBIT B**

**WAIVER OF SPECIAL ASSESSMENT  
NOTICES AND HEARINGS**

City of Oak Creek  
8640 South Howell Avenue  
Oak Creek, WI 53154

We, the undersigned being owner of the property that shall benefit by the following proposed public improvements:

sanitary sewer, water main, and storm sewer

all made in the City of Oak Creek, Milwaukee County, Wisconsin, in consideration of the construction of said improvements by the City of Oak Creek, Wisconsin, hereby admit that such public improvement will benefit our property and consent to the levying of special assessments against our premises under Section 66.62 of the Wisconsin Statutes and Section 3.06 of the Municipal Code of the City of Oak Creek for the cost of such improvement.

In accordance with Section 3.06 (14) of the Municipal Code of the City of Oak Creek, we hereby waive all special assessment notices and hearings required by Section 66.62 of the Wisconsin Statutes and Section 3.06 (9) of the Municipal Code of the City of Oak Creek, and we further agree and admit that the benefit to our properties from the construction of such improvement.

Description of premises that shall benefit:

Being all of Parcel 1, Parcel 2, Outlot 1 and Outlot 2 of Certified Survey Map No. 6798, recorded in the Register of Deeds office for Milwaukee County on April 7, 2000 as Document No. 7893788

Nucor Cold Finish WI Inc., a Delaware Corp

By: Gerald Richie, Plant Manager Date 4/16/19  
Jerry Richie, Title

Gerald Richie



## COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 2/5/19 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,160 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 1/18/19. Recommendations are as follows:

1. Grant an Operator's license to Amanda Caspersen, 1120 Lewis St., Racine (Applebee's)
2. Deny an Operator's license to Charles Watson, Jr., 10174 S. Janus Dr., Oak Creek (Kwik Trip) for falsification by omission.

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:
  - \* Alexander G. Riha, 10410 S. Shepard Ave., Oak Creek (Water Street Brewery)
  - \* Maria G. De La O Sanchez, 36729 E. Hammond Ave., Cudahy (Marcus South Shore Cinemas)
  - \* Kelly M. Lorch, 3770 W. Loomis Rd., Greenfield (Kwik Trip)
  - \* Nicolas J. Oviedo, 3206 S. Chicago Ave., South Milwaukee (Speedway)
  - \* Lisa C. Church, 7719 S. North Cape Rd., Franklin (Marcus South Shore Cinemas)
  - \* Chloe D. Ullenberg, 8340 S. Verdev Dr., Oak Creek (Piggly Wiggly)
  - \* Edward P. Willing, II, 5754 Winstar Ln., Racine (Marcus South Shore Cinemas)
2. Grant a Temporary Class "B" Beer license to Roland Komorowski, Agent on behalf of St. Matthew Parish, for the Holy Name Society Card Party on March 1, 2019.

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3. Grant a 2019 Dog Kennel license to Matt Sander, Central Bark Oak Creek dba Life's Ruff, 1075B W. Northbranch Dr.

4. Grant a 2019 Secondhand Article Dealer license to the following:

- \* Richard Radtke, Oak Creek Currency & Coin, 616 E. Ryan Rd.

- \* Troy Crawford, GameStop #6246, 8171 S. Howell Ave. (with release of license subject to departmental approvals).

5. Grant a 2018-19 Regular Class B Combination alcohol license to Kristyn A. Eitel, BelAir Cantina Oak Creek, Inc., dba BelAir Cantina Oak Creek, 410 W. Town Square Way, with issuance subject to receipt of final inspection approval and surrender of current Reserve Class B Combination license, and to authorize the refund of the \$10,000 one-time reserve issuance fee.

6. Grant a 2019 Special Event permit to Kristin Craig, Agent, Oak Creek Tourism Commission, for the Winterfest event to be held at Drexel Town Square on February 16, 2019.

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

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Attachments: None



## COMMON COUNCIL REPORT

- Item: "Class A" Combination (beer, wine and liquor for off-site consumption) license quota amendment.
- Recommendation: That the Common Council adopt Ordinance No. 2928, to repeal and recreate Section 7.84(i)(1) of the Oak Creek Municipal Code relating to the quotas for liquor licensing.
- Fiscal Impact: The current fee for a "Class A" license is \$650. As a result of the increase in quota, additional revenue is anticipated for additional "Class A" licenses.
- 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: With the continued development in Oak Creek, the City has received inquiries regarding the availability of "Class A" Combination licenses. "Class A" licenses are issued to retail businesses for sales of beer, wine and/or liquor for off-site consumption (grocery stores, gas stations, liquor stores, etc.).

The current ordinance, adopted in December of 2014, allows one license for each one thousand, five hundred (1,500) in population, or fraction thereof, as determined by the most recent Wisconsin Department of Administration estimate. According to our current 2018 estimate (35,739), the quota for "Class A" licenses is set at 24, all of which are currently issued and being used.

At the request of the License Committee, the above ordinance increases the number of "Class A" licenses that can be issued from one for each 1,500 in population, or fraction thereof, to one for each 1,200 in population, or fraction thereof. According to our current population estimate, the quota for "Class A" licenses would increase from 24 to 30 as a result of this ordinance.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Christa J. Miller, CMC/WCMC  
Deputy City Clerk



Fiscal Review:

A handwritten signature in black ink, appearing to read "Bridget M. Souffrant". The signature is stylized and cursive.

Bridget M. Souffrant

Assistant City Administrator/Comptroller

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Attachments: Ordinance No. 2928

ORDINANCE NO. 2928

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

AN ORDINANCE TO REPEAL AND RECREATE  
SECTION 7.84(i)(1) OF THE OAK CREEK MUNICIPAL CODE  
RELATING TO QUOTAS FOR LIQUOR LICENSES.

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

Section 1: Section 7.84(i)(1) of the Oak Creek Municipal Code is hereby repealed and recreated to read as follows:

- (i) License Quotas.  
(1) "Class A" Licenses. The number of "Class A" liquor licenses issued and in effect in the City shall be one for each one thousand five hundred (1,200) population or fraction thereof as determined by the most recent Wisconsin Department of Administration estimate and such license shall be issued only to the premises in which such use is a permanent use.

Section 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



## COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the January 30, 2019 Vendor Summary Report in the total of \$615,116.73.

Fiscal Impact: Total claims paid of \$615,116.73. Of this grand total paid, \$216,577.05 will impact the 2018 fiscal year. The remaining amount, \$398,539.68, will impact the 2019 fiscal year.

- 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. \$8,191.73 to 9th Avenue Auto Body (pg #1) for Police squad, #10, car repairs.
2. \$95,654.31 to Advanced Disposal (pg #1) for December recycling and trash pickup.
3. \$14,659.00 to Art Below Zero, Inc. (pg #1) for ice sculptures and games for Winter festival (Tourism).
4. \$11,193.61 to Ascension Medical Group (pgs #1) for pre-employment physicals and December's nursing services/supplies.
5. \$32,007.39 to Baycom, Inc. (pgs #2-3) for supplies, licensing/programming for conversion project, and 2019 Radio maintenance agreement.
6. \$66,401.90 to Benistar (pg #3) for Medicare supplement insurance.
7. \$7,500.00 to Clever Sauce Creative, LLC (pg #5) for partial payment towards art exhibition at Lake Vista: July 20, 2019 thru August 10, 2019 (Tourism).
8. \$7,566.70 to Forrest Keeling Nursey (pg #7) for Project 15023, Drexel & 20th St, landscaping.
9. \$10,491.00 to Godfrey & Kahn S.C. (pg #8) for legal services regarding the following projects: Ryan Business Park, lakefront bluffs, TIF #7, and hotel development.
10. \$42,611.28 to Milwaukee City Federated Library (pgs #12-13) for Library supplies and member costs.
11. \$71,906.00 to Municipal Property Insurance Company (pg #13) for policy renewal.
12. \$11,504.39 to Oak Creek Water & Sewer (pg #14) for inspection costs for various City projects.
13. \$5,000.00 Reserve Account (pg #16) for postage refill.
14. \$14,485.44 to Telecom Fitness, Inc. (pg #16) for Telecommunicaton audit fees on found savings.

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15. \$10,400.00 to Tyler Technologies, Inc. (pg #19) for assessor services.
  16. \$68,373.27 to WE Energies (pgs #19-20) for street lighting, electricity & natural gas.
  17. \$14,028.07 to World Fuel (pg #22) for fuel inventory.

Options/Alternatives: None

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Bridget M. Souffrant  
Assistant City Administrator/Comptroller

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Attachments: 1/30/19 Invoice GL Distribution Report