



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

COMMON COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 3, 2019
7:00 P.M.

Daniel Bukiewicz - Mayor
Steven Kurkowski - 1st District
Greg Loreck - 2nd District
Richard Duchniak - 3rd District
Michael Toman - 4th District
Kenneth Gehl - 5th District
Chris Guzikowski - 6th 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: 8/20/19

Recognition

4. **Mayoral Proclamation:** Congratulations to DeCleene Truck Refrigeration & Trailer Sales, Inc. in recognition of their 50th Anniversary.

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

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

5. **Rezone:** Consider a request by Linda Gorens-Levy, General Capital Group, to rezone the properties at 1001, 1199 and 1203 W. Ryan Road and 9600 S. 13th Street, north of The Creek to B-4, Highway Business (No change to FW, Floodway or FF, Flood Fringe districts) (5th District).
6. **Ordinance:** Consider Ordinance No. 2949, to approve a rezone of the properties at 1001, 1199 and 1203 W. Ryan Road and 9600 S. 13th Street, north of The Creek from A-1, Limited Agricultural; B-4, Highway Business; M-1, Manufacturing to B-4, Highway Business (No change to FW, Floodway or FF, Flood Fringe districts) (5th District).

New Business

7. **Ordinance:** Consider Ordinance No. 2948, to create Section 6.30 of the Municipal Code Regarding Coal Tar Sealant Products (by Committee of the Whole).
8. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending July 31, 2019.

9. **Motion:** Consider a *motion* to concur with the Celebrations Commission and designate Sunday, October 27, 2019 from 4:00 p.m. to 6:00 p.m. as the official City of Oak Creek "Trick or Treat" (by Committee of the Whole).

COMMUNITY DEVELOPMENT

10. **Resolution:** Consider *Resolution* No. 12091-090319, expressing support for maintenance of Milwaukee County Transit Service to Oak Creek (by Committee of the Whole).

LICENSE COMMITTEE

11. **Motion:** Consider a *motion* to grant the various license requests as listed on the 9/3/19 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

12. **Motion:** Consider a *motion* to approve the August 28, 2019 Vendor Summary Report in the amount of \$289,323.70 (by Committee of the Whole).

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. 6th 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

MAYORAL PROCLAMATION
CONGRATULATIONS TO
DE CLEENE TRUCK REFRIGERATION & TRAILER SALES, INC.
IN RECOGNITION OF THEIR 50TH ANNIVERSARY

WHEREAS, in 1969, Don and Dori DeCleene founded their family owned and operated business as a fleet operator for Bulk Transport Co., which transported petroleum products in northeast Wisconsin; and

WHEREAS, as part of Bulk Transport Co., they proudly serviced their own equipment and began repair work for other businesses; and

WHEREAS, in 1980, after recognizing growth potential, shifted their focus from transport services to repair work; and

WHEREAS, in 1984, they were awarded the Carrier Transicold Dealership for the Truck / Trailer Refrigeration Product Line, serving Central and Northeast Wisconsin, and most of the Upper Peninsula of Michigan; and

WHEREAS, recognizing a need to expand, custom built their current 13,000 sq. ft. facility in DePere, Wisconsin, and moved in February of 1994; and

WHEREAS, in 1999, were awarded the Carrier Transicold Dealership for the Madison, Wisconsin area, leading to construction of a new facility in DeForest, Wisconsin in fall of 2001; and

WHEREAS, in 2007, DeCleene Truck Refrigeration & Trailer Sales, Inc., was awarded the Carrier Transicold Dealership for the Milwaukee area, currently located in Oak Creek; and

WHEREAS, continuing to focus on customer service, DTR opened a fourth facility in Sparta, Wisconsin in 2012 and a fifth facility in Plover, Wisconsin in 2015; and

WHEREAS, throughout their years, DTR has added many product lines pertaining to the transportation industry, including: Trail King, Talbert, and Dorsey & Stoughton Trailers; and

~~WHEREAS, in their fifty years of business, DTR has earned numerous awards, including earning "Dealer of the Year Awards" in 2002 and 2008, a most sought after and prestigious award among Carrier Transicold Dealers throughout the United States, Canada, and Mexico; and~~

WHEREAS, in August of 2019, DeCleene Truck Refrigeration & Trailer Sales, Inc., will celebrate their 50th Anniversary; and

WHEREAS, the City of Oak Creek and its citizens have benefited tremendously from the valuable contribution of DeCleene Truck Refrigeration & Trailer Sales, Inc.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, hereby congratulate DeCleene Truck Refrigeration & Trailer Sales, Inc., on their 50th Anniversary.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

TO BE PUBLISHED AUGUST 7 & 14, 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 by Linda Gorens-Levy, General Capital Group, to rezone the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts).

Hearing Date: September 3, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Linda Gorens-Levy, General Capital Group
Property Owner(s): Ryan Business Park, LLC
Property Location(s): 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St.
Tax Key(s): 905-9995-001, 905-9993-004, 905-9992-001, 905-9010-000

Legal Description:

1001 W. RYAN RD.

THE NORTH 400 FEET OF THE EAST 20 ACRES OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, WISCONSIN. EXCEPTING THEREFROM LANDS CONVEYED IN DEED RECORDED NOVEMBER 5, 1968, ON REEL 449, IMAGE 12, AS DOCUMENT NO.4427750. FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED OCTOBER 1, 2013 AS DOCUMENT NO. 10299272.

1199 W. RYAN RD.

THE NORTH 400 FEET OF THE WEST 60 ACRES OF THE NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK EXCEPT THE EAST 167.54 FEET OF THE WEST 432 FEET OF THE NORTH 260 FEET AND EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED JUNE 4, 1962, IN VOLUME 4245, PAGE 659, AS DOCUMENT NO. 3952609; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 30, 1968, REEL 442, IMAGE 1448, AS DOCUMENT NO. 4420245; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED MAY 10, 1994, REEL 3285, IMAGE 235, AS DOCUMENT NO. 6946621; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN TRUSTEES DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286271; FURTHER EXCEPTING THEREFROM ANY LAND LYING BETWEEN THOSE LANDS CONVEYED IN INSTRUMENT RECORDED MAY 10, 1994, REEL 3285, IMAGE 235, AS DOCUMENT NO. 6946621 AND LANDS CONVEYED IN TRUSTEES DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286271.

1203 W. RYAN RD.

PART OF THE NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF SAID ¼ SECTION AND 264.46 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION, 260.0 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID ¼ SECTION, 167.54 FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION, 260.0 FEET TO A POINT; THENCE WEST ON AND ALONG THE NORTH LINE OF SAID 1/4 SECTION 167.54 FEET TO THE PLACE OF BEGINNING. EXCEPTING THE NORTH 60.0 FEET FOR HIGHWAY

PURPOSES AS CONTAINED IN RESOLUTION RECORDED MARCH 15, 1963, REEL 83, IMAGE 290, AS DOCUMENT NO.4010097; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED MAY 19, 1962, IN VOLUME 4241, PAGE 322, AS DOCUMENT NO. 3949484; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 16, 1968, REEL 440, IMAGE 589, AS DOCUMENT NO. 4417340; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 30, 1968, REEL 442, IMAGE 1448, AS DOCUMENT NO. 4420245; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286270.

9600 S 13TH ST. NORTH OF THE CREEK

LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 NORTH OF THE CREEK.

The Common Council has scheduled other public hearings for September 3, 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: July 31, 2019

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

Item: Rezone - 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St.

Recommendation: That the Council adopts Ordinance 2949, an ordinance to approve a rezone of the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek from A-1, Limited Agricultural; B-4, Highway Business; M-1, Manufacturing to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts).

Fiscal Impact: Approval would allow for the marketing and plan preparation for future commercial development and redevelopment of parcels adjacent to and within the Ryan Business park. Development and redevelopment of the properties will have positive fiscal impacts in terms of assessed value, permit fees, and impact fees. These properties are located in TID 16.

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

Background: The Applicant is requesting that the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. be rezoned from A-1, Limited Agricultural and M-1 (PUD), Manufacturing to B-4, Highway Business. Council will recall that the properties at 1001 W. Ryan Rd. and 9600 S. 13th St. were included a Comprehensive Plan Amendment to change the Future Land Use Category and Map to Planned Business in April/May of this year.

Per the submitted narrative, the request to rezone the properties relates to preparation of the development parcels north of The Creek for marketing and future development. Market conditions are indicating that these parcels would be sought for commercial developments, prompting the proposed change to B-4, Highway Business district.

While the request includes the parcels in whole, staff note that the parcel at 9600 S. 13th St. includes right-of-way for a cul-de-sac at the south. Additionally, future conditions in the vicinity of the FW, Floodway zoning district and The Creek have not been finalized. Staff proposed to the Plan Commission that the rezone of the property be limited to that portion north of the extents of The Creek. Both the Applicant and the Plan Commission concurred with staff's proposal.

Wetland boundaries will be unaffected by the proposed rezone, and no other changes are proposed to the property at this time. All future developments will require additional reviews and approvals by the Plan Commission.

The Plan Commission recommended Common Council approval at their meeting on July 23, 2019. Should the Council agree that rezoning the parcels at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts) is appropriate, a motion recommending approval is provided above.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. Disapproval of the rezone may affect the marketability and ultimate redevelopment potential of vacant and underutilized property along Ryan Rd. and within Ryan Business Park.

Respectfully submitted:



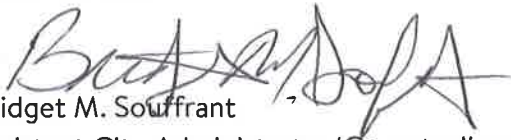
Andrew J. Vickers, MPA
City Administrator

Prepared:



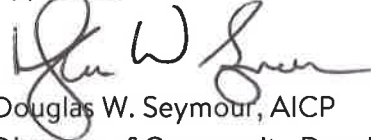
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ordinance 2949

Location Map

Hearing Notice

Narrative

Plan Commission Minutes

ORDINANCE NO. 2949

By: _____

AN ORDINANCE TO REZONE THE PROPERTIES AT 1001, 1199, & 1203 W. RYAN RD. AND 9600 S. 13TH ST. NORTH OF THE SOUTH BRANCH OF THE OAK CREEK TO B-4, HIGHWAY BUSINESS (NO CHANGE TO FW, FLOODWAY OR FF, FLOOD FRINGE DISTRICTS)

(5th Aldermanic District)

WHEREAS, Linda Gorens-Levy, General Capital Group, has proposed a rezoning of a portion of the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek from A-1, Limited Agricultural; B-4, Highway Business; M-1, Manufacturing to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts).

WHEREAS, the properties are more precisely described as follows:

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1199 W. RYAN RD.

THE NORTH 400 FEET OF THE WEST 60 ACRES OF THE NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK EXCEPT THE EAST 167.54 FEET OF THE WEST 432 FEET OF THE NORTH 260 FEET AND EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED JUNE 4, 1962, IN VOLUME 4245, PAGE 659, AS DOCUMENT NO. 3952609; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 30, 1968, REEL 442, IMAGE 1448, AS DOCUMENT NO. 4420245; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED MAY 10, 1994, REEL 3285, IMAGE 235, AS DOCUMENT NO. 6946621; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN TRUSTEES DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286271; FURTHER EXCEPTING THEREFROM ANY LAND LYING BETWEEN THOSE LANDS CONVEYED IN INSTRUMENT RECORDED MAY 10, 1994, REEL 3285, IMAGE 235, AS DOCUMENT NO. 6946621 AND LANDS CONVEYED IN TRUSTEES DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286271.

1203 W. RYAN RD.

PART OF THE NORTH WEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE

CITY OF OAK CREEK, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE NORTH LINE OF SAID ¼ SECTION AND 264.46 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION, 260.0 FEET TO A POINT; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID ¼ SECTION, 167.54 FEET TO A POINT; THENCE NORTH AND PARALLEL TO THE WEST LINE OF SAID 1/4 SECTION, 260.0 FEET TO A POINT; THENCE WEST ON AND ALONG THE NORTH LINE OF SAID 1/4 SECTION 167.54 FEET TO THE PLACE OF BEGINNING. EXCEPTING THE NORTH 60.0 FEET FOR HIGHWAY PURPOSES AS CONTAINED IN RESOLUTION RECORDED MARCH 15, 1963, REEL 83, IMAGE 290, AS DOCUMENT NO.4010097; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED MAY 19, 1962, IN VOLUME 4241, PAGE 322, AS DOCUMENT NO. 3949484; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 16, 1968, REEL 440, IMAGE 589, AS DOCUMENT NO. 4417340; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN INSTRUMENT RECORDED SEPTEMBER 30, 1968, REEL 442, IMAGE 1448, AS DOCUMENT NO. 4420245; FURTHER EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED AUGUST 23, 2013 AS DOCUMENT NO. 10286270.

9600 S 13TH ST. NORTH OF THE CREEK

LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 NORTH OF SOUTH BRANCH OF THE OAK CREEK.

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

WHEREAS, the Common Council held a public hearing on said application on ~~September 3, 2019, at which time all interested parties appeared and were heard; and~~

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek hereinabove described shall be rezoned from A-1, Limited Agricultural; B-4, Highway Business; M-1, Manufacturing to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

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

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

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

Passed and adopted this 3rd day of September, 2019.

President, Common Council

Approved this 3rd day of September, 2019.

Mayor

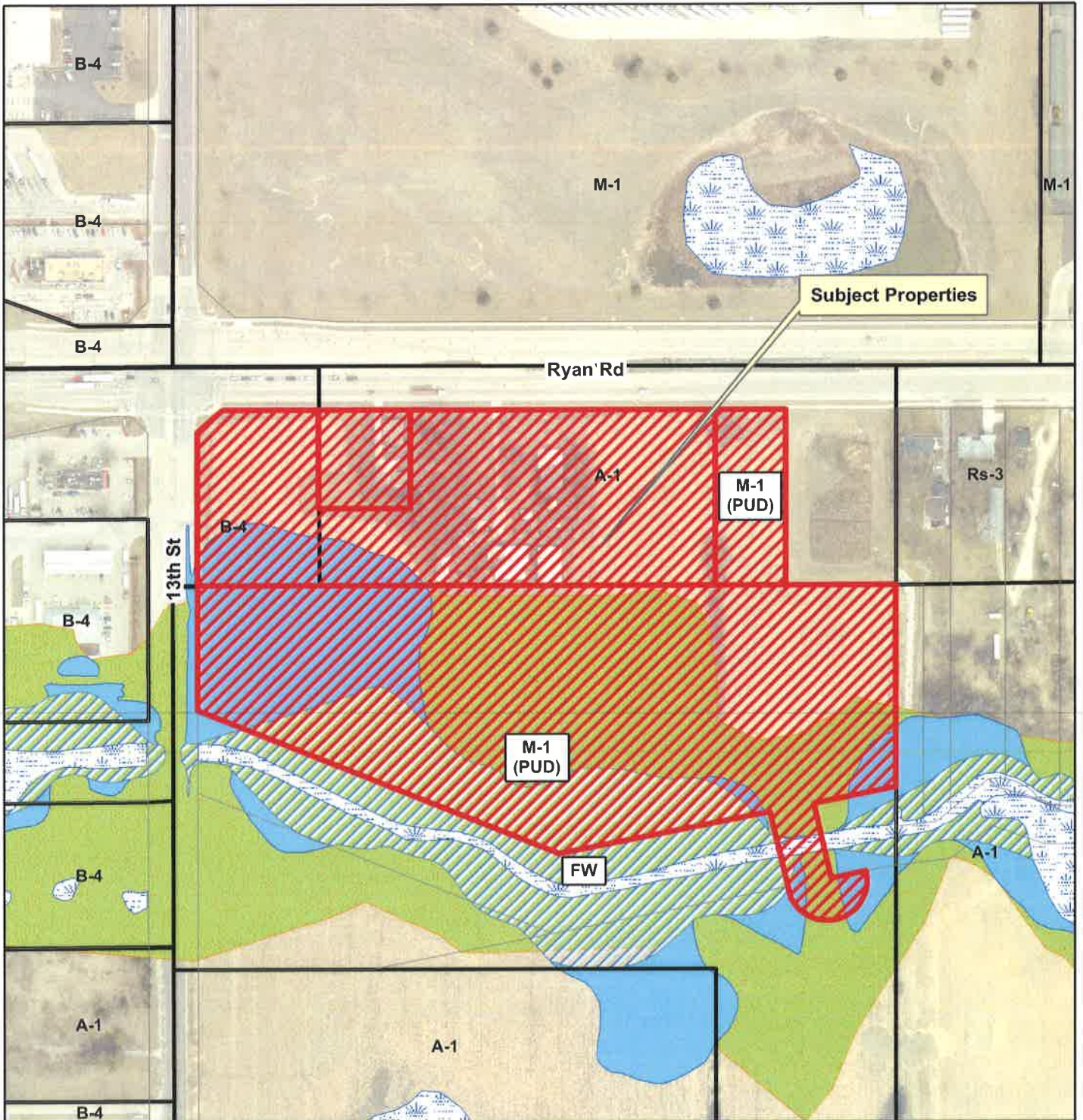
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

1199, 1203, & 1001 W. Ryan & 9600 S. 13th St



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



Department of Community Development



Legend

- | | |
|---|--|
|  Subject Properties |  Floodway (2008) |
|  Officially Mapped Streets |  Flood Fringe (2008) |
|  DNR Wellands Inventory |  Environmental Corridor |

TO BE PUBLISHED AUGUST 7 & 14, 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 by Linda Gorens-Levy, General Capital Group, to rezone the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St. north of The Creek to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts).

Hearing Date: September 3, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Linda Gorens-Levy, General Capital Group
Property Owner(s): Ryan Business Park, LLC
Property Location(s): 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St.
Tax Key(s): 905-9995-001, 905-9993-004, 905-9992-001, 905-9010-000

Legal Description:

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9600 S 13TH ST. NORTH OF THE CREEK

LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 NORTH OF THE CREEK.

The Common Council has scheduled other public hearings for September 3, 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: July 31, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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Narrative Request

Ryan Business Park Change in Zoning Map July 23, 2019 Plan Commission

Location: The Ryan Business Park is located at the intersection of intersection of Ryan Road (STH 100) and 13th Street (CTH V). The four specific parcels which are the subject of this rezoning request include 1199 and 1203 W. Ryan Road (the former “Tischendorf Parcels”); 1001 W. Ryan Road (the former “Evershine Parcel”) and the portion of 9600 S. 13th Street North of the creek or Lot 4 of CSM 9085 (formerly a portion of “the County Parcel”). These parcels are located on the northwest corner of the Ryan Business Park and are collectively all the usable land north of the Creek.

Description: As background, General Capital and its partner, Capstone Quadrangle (together, “RBP LLC”), assembled and purchased approximately 114 acres to create a Class A Business Park. At the end of 2018, RBP LLC sold 75 acres to another developer who is currently constructing a 2.6mm SF distribution facility with an investment of approximately \$200mm and creating 1,500+ jobs.

After the sale of the 75 acres, RBP LLC retained two large developable areas which will also create tax base for the City of Oak Creek. These development pads include an industrial parcel at the south end of RBP off 13th Street with approximately 16 acres of developable land, and an additional pad at the intersection of Ryan and 13th, made up of the 4 contiguous parcels (to be combined by CSM soon) which together provide approximately 14.5 acres of developable land (refer to the attached map).

The four parcels, comprising approximately 14.5 acres of developable land, are the subject of this rezoning request.

Rezoning: This rezoning request is a continuation of the planning process to prepare the site for marketing and development. At the April 23, 2019 meeting, the Plan Commission recommended that the Common Council approve the Comprehensive Plan Amendment from Planned Industrial to Planned Business for the applicable parcels pursuant to the “2020 Vision – A Comprehensive Plan for the City of Oak Creek”. The Common Council unanimously approved the Plan Commission’s recommendation at the May 7, 2019 meeting.

Currently, the various parcels that comprise this developable land have a mix of inconsistent zoning categories. It is important to rezone the designated parcels now, given the competitive marketplace. Most users perceive inconsistent zoning as a subjective risk with an uncertain timetable and unpredictable end result. Rezoning will facilitate clear marketing and development on the site and avoid having the property at a competitive disadvantage in the market. Following discussions with City Staff, Ryan Business Park prefers that all parcels in this application be rezoned to B-4, Highway Business District, which will enhance the continued development and completion of the shared vision of the City and Developer for a business park in this quadrant, with complementary uses and a successful, quality development.

Request. Ryan Business Park LLC requests the Plan Commission recommend approval of the requested Change in Zoning Map for the 4 properties as submitted.

Sincerely,

Linda Gorens-Levey

Linda Gorens-Levey
Ryan Business Park LLC

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 23, 2019**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Commissioner Oldani, Commissioner Siefert. and Commissioner Chandler. Alderman Guzikowski was excused. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator/Planner; Andrew Vickers, City Administrator; Doug Seymour, Director of Community Development; and Dan Johns, Vandewalle & Associates, Inc.

REZONE

GENERAL CAPITAL GROUP

1001, 1199 & 1203 W. RYAN RD. AND 9600 S. 13TH ST.

TAX KEY NOS. 905-9995-001, 905-9993-004, 905-9992-001, 905-9010-000

Planner Papelbon provided an overview of the rezoning request. (See staff report for details.) Planner Papelbon noted that staff would like the suggested motion to incorporate language that the properties would be rezoned north of The Creek. She suggested that after "9600 S. 13th St." the wording, "*north of The Creek*" be inserted.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the properties at 1001, 1199, & 1203 W. Ryan Rd. and 9600 S. 13th St., north of The Creek, be rezoned to B-4, Highway Business (NO CHANGE to FW, Floodway or FF, Flood Fringe districts) after a public hearing. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Alderman Loreck seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:21 p.m.

ATTEST:



8-13-19



COMMON COUNCIL REPORT

Item: An Ordinance to Create Section 6.30 of the Municipal Code Regarding Coal Tar Sealant Products

Recommendation: Consider a motion to adopt Ordinance 2948, to create Section 6.30 of the Municipal Code regarding Coal Tar Sealant Products.

Fiscal Impact: There may be some incremental revenue generated from the issuance of citations for violations of this ordinance.

- 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 intent of this ordinance is to prohibit the use of coal tar sealants and other pavement sealants containing greater than 0.1% polycyclic aromatic hydrocarbons (PAHs).

Pavement sealants are applied by homeowners and contractors to maintain and protect residential, commercial, and industrial driveways and parking lots. Some pavement sealants are tar-based, also called coal tar sealants, and contain polycyclic aromatic hydrocarbons (PAHs). PAHs are toxic compounds that can cause cancer and developmental problems in humans and are harmful to wildlife. Humans can be exposed to PAHs through drinking, eating, breathing, or touching contaminated surfaces. Over time, tar-based sealants are worn down by weather, tire abrasion, and foot traffic, resulting in the release of particles, which can be blown or tracked into homes or buildings. This can cause PAHs to accumulate in soil, household dust, and carpet. Additionally, these toxic sealant particles can be washed off by rain and spring meltwater, causing an accumulation in local water bodies. A recent study found that 77% of PAH pollution in Milwaukee streambeds came from tar-based sealants.

There are many alternatives to coal tar sealants, including asphalt-based pavement sealants and acrylic sealants. Asphalt based sealants are no more expensive than tar-based sealants.

Adopting this ordinance will promote the health and safety of the residents of the City of Oak Creek.

Options/Alternatives: The Common Council could deny the request, continuing to allow the use of coal tar sealants and other pavement sealants containing greater than 0.1% PAHs.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Darcy DuBois, MPH
Community Public Health Officer

Fiscal Review:


Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments:

Draft Ordinance No. 2948

Coal Tar Sealant Fact Sheet - Clean Wisconsin

Coal Tar Presentation - Clean Wisconsin

USGS Report - Coal-Tar-Based Pavement Sealcoat - Potential Concerns for Human Health and Aquatic Life

Coal Tar Main Source of Toxicity in Streams - JS article

Coal Tar Sealant Enforcement Memo

ORDINANCE NO. 2948

BY: _____

AN ORDINANCE TO CREATE SECTION 6.30 OF THE MUNICIPAL CODE REGARDING
COAL TAR SEALANT PRODUCTS

The Mayor and Common Council of the City of Oak Creek, Wisconsin, do hereby ordain as follows:

SECTION 1: Section 6.30 of the Municipal Code is hereby created to read as follows:

(a) Definitions.

- (1) Coal tar. A byproduct of the process used to refine coal. Coal tar contains high levels of polycyclic aromatic hydrocarbons (PAHs).
- (2) Coal tar sealant product. A pavement sealant product that contains coal tar, coal tar pitch, coal tar pitch volatiles, RT-12, Refined Tar or any variation assigned the Chemical Abstracts Service (CAS) numbers 65996-92-1, 65996-93-2, 65996-89-6, or 8007-45-2 or related substances.
- (3) Director. The Community Public Health Officer or their designee.
- (4) High PAH sealant product. Any pavement sealant product that contains greater than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight, including, but not limited to, coal tar sealant products and sealant products containing steam-cracked petroleum residues, steam-cracked asphalt, pyrolysis fuel oil, heavy fuel oil, ethylene tar, or any variation of those substances assigned the chemical abstracts service number 64742-90-1, 69013-21-4 or related substances.
- (5) Pavement sealant product or sealcoat. Any substance that is typically applied on paved surfaces to protect the surfaces. This may include but is not limited to sealant products that are coal tar or asphalt based.
- (6) Polycyclic aromatic hydrocarbons (PAHs). A group of organic chemicals that are formed during the incomplete combustion of coal, oil, gas, or other organic substances, are present at high levels in coal tar, and are known to be harmful to humans, fish, and other aquatic life.

(b) Enforcement. Violations of this section will be enforced by the Community Public Health Officer or their designee.

(c) Regulation of the application and sale of coal tar or other high PAH sealant products.

- (1) Except as provided in subsection (d) below, no person shall apply any coal tar sealant product or high PAH sealant product within the City of Oak Creek.
- (2) No person shall sell, offer to sell, or display for sale any coal tar sealant product or high PAH sealant product within the City of Oak Creek.
- (3) Any person who sells pavement sealant products shall prominently display, in the area where such pavement sealant products are sold, a notice that contains the following language: "The application of coal tar sealant products or other high PAH sealant products on driveways, parking lots and all other paved surfaces in the City of Oak Creek is prohibited by Section 6.30 of the City of Oak Creek Code of Ordinances. Polycyclic Aromatic Hydrocarbons (PAHs), are a group of organic chemicals that are known to cause cancer and are toxic to aquatic life. Coal tar and other high-PAH sealant products are a major source of PAHs that can travel into homes, buildings, and soils, or be carried by stormwater and other run off into the water resources of the City of Oak Creek."
- (4) No person shall allow a coal tar sealant product or other high PAH sealant product to be applied upon property that is under that person's ownership or control.
- (5) No person shall contract with any commercial applicator, residential or commercial developer, or any other person for the application of any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City of Oak Creek.
- (6) No commercial applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar sealant product or high PAH sealant product to any driveway, parking lot, or other surface within the City of Oak Creek.

(d) Exemptions. The Director may exempt a person from a requirement of Section 6.30(c) if the Director determines that:

- (1) the person is conducting bona fide research concerning the effects of a coal tar sealant product or high PAH sealant product on the environment; the use of the coal tar product or high PAH sealant product is required for said research; and the Director determines that said research will not cause significant contamination of the surrounding environment, including soils and aquatic ecosystems, and will not unduly endanger human health; or
- (2) if the person does not intend to apply the sealant within municipal boundaries.

(e) Penalty.

- (1) Any person who violates Section 6.30(c) by applying a coal tar sealant product or high PAH sealant product at his or her residence shall be subjected to a fine not to exceed \$500.
- (2) Each day that a violation occurs or continues is a separate offense and subject to an additional fine.
- (3) Any commercial sealant product applicator, residential or commercial developer, industrial or commercial owner, or any other person, other than a person identified under subsection (e)(1) above who violates Section 6.30(c) shall be subject to a fine of not less than \$1,000 nor more than \$10,000. Each incidence of a violation shall constitute a separate offense. Upon default of payment, the violator shall be subject to imprisonment for not less than 30 days nor more than 100 days.

SECTION 2: Severability. If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

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

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

Introduced this _____ day of _____, 2019.

Passed and adopted this _____ day of _____, 2019.

President, Common Council

Approved this _____ day of _____, 2019.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____



DANGEROUS DRIVEWAYS TOXIC PAH POLLUTION FROM TAR-BASED SEALANTS

Tar-based pavement sealants are the primary source of toxic PAH pollution in urban landscapes. Those PAHs are harmful to human health and hurt fish and other aquatic life in our lakes and rivers.

What are pavement sealants?

Pavement sealants, also known as “sealcoats” or “sealers,” are the jet-black coatings homeowners and contractors apply to residential, commercial, and industrial driveways and parking lots. There are two main types of pavement sealants on the market today: tar-based sealants (also called “coal tar-based”), and asphalt-based sealants.

The problem with tar-based pavement sealants

Pavement sealants contain **polycyclic aromatic hydrocarbons** (PAHs), which are toxic compounds that can **cause cancer and developmental problems in children**. The American Medical Association and other public health groups have urged local and state governments to ban tar-based sealants due to their harmful health effects.

How are people exposed to PAHs from tar-based sealants?

PAHs accumulate in soils, household dust, and carpets when particles of tar-based sealants are blown or tracked into homes, schools, and other buildings. The particles come from those sealants being worn down over time by weather, tire abrasion, and foot traffic. The toxic sealant particles are also washed off by rain and spring meltwater, ending up in our local water bodies.

A recent study found that 77% of PAH pollution in Milwaukee streambeds came from tar-based sealants.

How significant is the health risk?

The coal tar pitch used in tar-based sealants is classified as a **hazardous waste**. Children living in homes where parking lots are coated with tar-based pavement sealants face a **14-fold increase in cancer risk** compared to those living next to unsealed lots, according to researchers at Baylor University and the U.S. Geological Survey. ***A lifetime of exposure can lead to cancer rates 38 times higher.***



CHILDREN LIVING FROM BIRTH TO AGE 6 NEAR PARKING LOTS WITH TAR-BASED SEALANTS HAVE A **14X HIGHER LIFETIME CANCER RISK**

Current Tar-Based Sealant Bans:

Ann Arbor, Michigan
Annapolis/Anne Arundel County, Maryland
Austin, Texas
Boone, North Carolina (use restriction)
Cwlt. of Massachusetts (use restriction)
Dane County, Wisconsin
Dexter, Michigan
Edwards Aquifer Authority, Texas
Elm Grove, Wisconsin
Glendale, Wisconsin
Greenville, South Carolina
Hamburg Township, Michigan
Milwaukee, Wisconsin
Montgomery County, Maryland
North Barrington, Illinois
Prince George's County, Maryland
San Antonio, Texas
San Marcos, Texas
Scio Township, Michigan
Shorewood, Wisconsin
South Barrington, Illinois
Spring Lake Township, Michigan
State of Minnesota
State of Washington
Suffolk County, New York
Van Buren Township, Michigan
Washington, D.C.
Westwood, Massachusetts
Winfield, Kansas
Winnetka, Illinois
Ypsilanti, Michigan
... plus 13 others (and counting)



“Whether sending their children to a playground or repairing a driveway, Americans are potentially being exposed to harmful carcinogens in coal-tar-based sealcoats.”

– American Medical Assoc.

How to be PAH-safe:

Don't use tar-based pavement sealants

If you feel you must seal your driveway or parking lot, then use asphalt-based sealants, which have 1,000-times lower PAH levels.

Remove your shoes

If you don't have control over your parking lot or driveway, try to keep sealant dust and soil out of your home by taking off shoes before entering.

Look for hidden PAHs

Tar can have a lot of different names, and some other byproducts can have very high levels of PAHs. To be safe, check the “Material Safety Data Sheet” of the product (try searching online) and avoid anything including CAS #'s **64742-90-1, 65996-92-1, 65996-93-2, 65996-89-6, 69013-21-4, or 8007-45-2.**

Speak up

Become an advocate in your community against the use of tar-based pavement sealants. More at cleanwisconsin.org/our-work/pah.

Environmental impacts

PAHs *kill small organisms* living on the bottoms of rivers and streams and can **cause tumors in fish and other large aquatic animals**. This could result in costly impacts on the ecological balance of aquatic environments. Even three months or more after sealants are applied, the tar-sealed pavement runoff can kill fathead minnows and water fleas, two indicator species used to assess chemical toxicity to aquatic life.

Economic Impacts

PAH pollution from tar-based sealants can be a significant burden to taxpayers when municipalities are on the hook for cleaning up stormwater sediment ponds contaminated with PAH-laden sediment. In the Minneapolis metro area, the PAH cleanup from tar-based sealants is estimated to cost taxpayers hundreds of millions of dollars.

Are there alternatives?

Yes. Asphalt-based pavement sealants have up to 1,000-times lower PAH levels and are no more expensive than tar-based sealants. Alternatives such as acrylic sealants or gravel parking lots and driveways have minimal PAH levels. Studies of an early PAH ban in Austin, Texas, show significant PAH reductions in local waterbodies.

How do tar-based sealants compare to other PAH sources?

Other sources of environmental PAH pollution have significantly lower concentrations than tar-based sealants. Fresh asphalt, for example is about 1.5 parts per million (ppm) PAHs. Smoke from wood fires can range from 2 to 114 ppm, engine exhaust 102-370 ppm, and used motor oil around 440 ppm. **Tar-based sealants are hundreds to thousands of times worse**, at 70,000 – 100,000 ppm.

**WE IN WISCONSIN NEED TO FOLLOW THE LEAD OF OTHERS
AND END THE SALE AND USE OF HIGH-PAH SEALANTS TO
PROTECT OUR HEALTH AND ENVIRONMENT.**

Visit cleanwisconsin.org/our-work/pah for more information.

Ezra Meyer
Water Resources Specialist
emeyer@cleanwisconsin.org
608-251-7020 x20

Jon Richards
Project Coordinator
JonR@zgkc-law.com
414-272-2295

Toxic PAH Pollution in Stormwater



Your environmental voice since 1970
www.cleanwisconsin.org | Twitter: @cleanwisconsin

Overview

- Many PAHs are toxic, carcinogenic, or mutagenic to aquatic life and humans.
- 16 PAHs are on USEPA's priority pollutant list due to their toxic effects
- Coal-tar-based pavement sealants have been identified as a primary source of PAHs by multiple studies in multiple cities

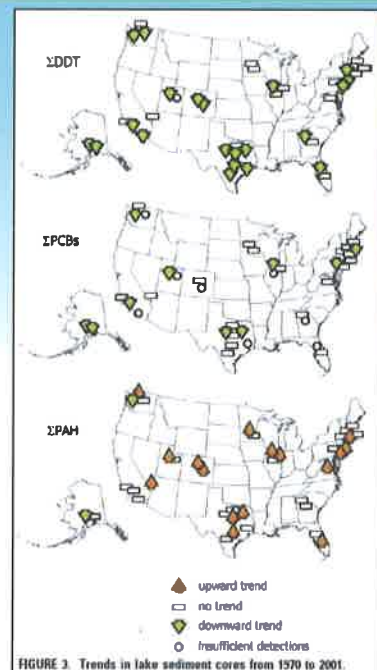


FIGURE 3. Trends in lake sediment cores from 1970 to 2001.

Van Metre & Mahler 2005



Public Health



Living next to a coal-tar-sealed parking lot as a child increases excess cancer risk by **14-fold** due to incidental ingestion of PAH-contaminated dust and soil

Williams et al. (2013) Cancer risk from incidental ingestion exposures to PAHs associated with coal-tar-sealed pavement. *Env. Sci. Tech.* 47: 1101-1109.

American Medical Association: “RESOLVED, That our American Medical Association advocate for legislation to ban the use of pavement sealcoats that contain polycyclic aromatic hydrocarbons”



PAH Sources

PAH Concentrations (mg/kg) in Urban Sources

Fresh asphalt: 1.5
Weathered asphalt: 3
Fresh motor oil: 7
Brake particles: 16
Road dust: 24
Tire particles: 86
Diesel emissions: 102
Gasoline emissions: 370
Used motor oil: 440

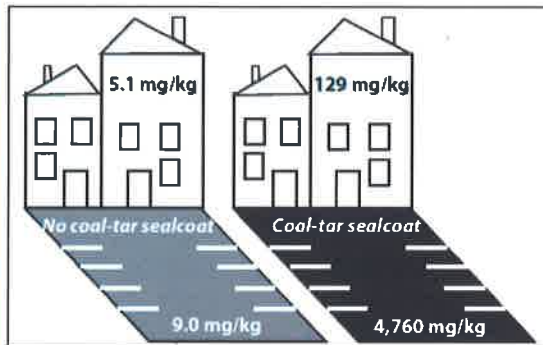
Pavement Sealants
Asphalt based: 50
Coal-tar based: **70,000**



Public Health

Children's Hospital of Wisconsin and Ascension Wisconsin Hospitals:

“PAHs create a significant concern for children's health and well-being. We believe the ordinance that was recommended by the unanimous vote of the Milwaukee County Intergovernmental Cooperation Council is an effective way to control PAH contamination.”



Source: Mahler et al. 2010

Living next to a coal-tar-sealed parking lot as a child increases excess **cancer risk by 14-fold.**



Studies

USGS Milwaukee Study:

- 77% of PAHs come from coal-tar-based pavement sealants

Minnesota Pollution Control Agency:

- 67% of PAHs in stormwater detention pond sediments traced back to coal-tar-based sealants.

Also:

- Austin, TX
- South-central PA
- Toronto, Ontario (Canada)
- 40 US Lakes
- Lake Como, TX, watershed
- Springfield, MO



ICC Model Ordinance



MODEL ORDINANCE NO. 100K

AMENDING CHAPTER XXX OF THE [CITY/VILLAGE OF MUNICIPALITY] CODE OF ORDINANCES REGULATING THE APPLICATION AND SALE OF COAL TAR SEALANT PRODUCTS

WHEREAS, the [CITY/VILLAGE OF MUNICIPALITY], finds that [CITY/VILLAGE OF MUNICIPALITY]'s water resources are a natural asset, which enhance the environmental, recreational, cultural and economic resources of the area and contribute to the general health and welfare of the public; and

WHEREAS, the [CITY/VILLAGE OF MUNICIPALITY], finds that polycyclic aromatic hydrocarbons (PAHs), which are contained in coal tar sealants and other high PAH sealants, volatile oil based pavement and can be tracked by humans and animals, are broken down by sunlight and abraded by vehicle and foot traffic, can be carried off oil based pavement as small particles by that same traffic and transported into

homes and onto nearby soils, and can be carried by storm water and other run off into the water resources of [CITY/VILLAGE OF MUNICIPALITY]; and

WHEREAS, PAHs are an environmental concern because they are toxic to aquatic life, resulting in a loss of species and a lower number of organisms; and

WHEREAS, PAH compounds have been proven to be carcinogenic, mutagenic, and teratogenic to humans according to the International Agency for Research on Cancer; individuals with lifelong exposure to coal-tar sealant treated pavements and playgrounds have a 38-fold higher risk of cancer; and the American Medical Association therefore advocates for legislation to ban the use of pavement sealcoats that contain PAHs or require use of sealcoat products that contain minimal PAH; and

WHEREAS, environmental impacts and human health risks can be minimized and pavements can be maintained by utilizing alternative products or methods, absent PAHs; and

WHEREAS, the [CITY/VILLAGE OF MUNICIPALITY] finds that regulating the application of sealcoats, including Polycyclic Aromatic Hydrocarbons (PAHs) contained in coal tar sealant products and other high PAH sealant products, entering the water resources of the [CITY/VILLAGE OF MUNICIPALITY] will improve and protect public health and the water quality of [CITY/VILLAGE OF MUNICIPALITY] and neighboring water resources;

NOW, THEREFORE, BE IT ORDAINED by the [CITY/VILLAGE OF MUNICIPALITY] COMMON COUNCIL/BOARD OF TRUSTEES, as follows:

March 2017 Milwaukee County ICC unanimously approves model ordinance banning sale and use of high-PAH pavement sealants.



Rationale for Ordinance

Milwaukee area sediment highly contaminated:

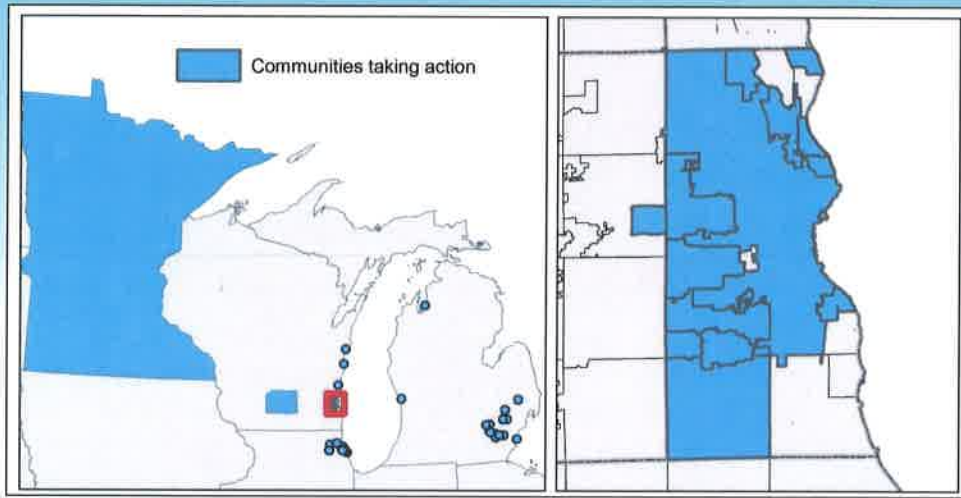
- 78% of samples exceeded probable effects threshold
- 77% of PAHs come from coal-tar-based pavement sealants



Baldwin et al. 2017



Communities Restricting Use

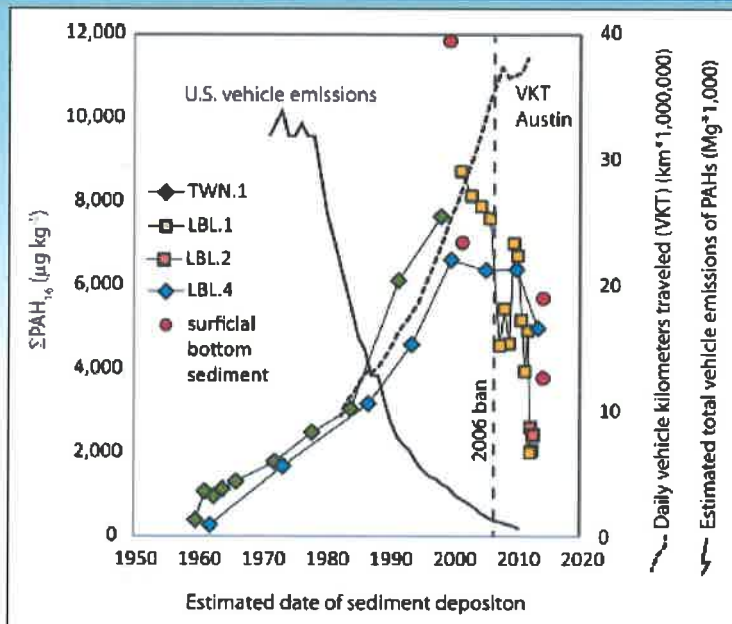


+ dozens of others around the county



cleanwisconsin

Bans are Effective



Source: Van Metre and Mahler (2014) PAH Concentrations in Lake Sediment Decline Following Ban on Coal-Tar-Based Pavement Sealants in Austin, TX. *Env. Sci. Tech.* 48: 7222-7228



cleanwisconsin

Enforcement Strategies

Primary Enforcement

- Rely on outreach and education rather than policing parking lots.
 - Clean Wisconsin can help!

Secondary Enforcement

- Opportunistic checks by municipal staff when out and about on normal business or tips from residents or other contractors.



Photo credit: Dane County

Inexpensive screening test: low-PAH sealants dissolve in paint thinner



Summary

- Excessive PAHs in coal-tar sealants are detrimental to the environment and human health.
- Coal-tar sealants are the primary source of PAHs.
- Arguments for policy action can be made on multiple grounds:
 - **Human health**
 - **Environmental health**
 - **Economics**
- Coal-tar sealants are a **controllable** source with reasonable **alternatives** available.



Coal-Tar-Based Pavement Sealcoat—Potential Concerns for Human Health and Aquatic Life

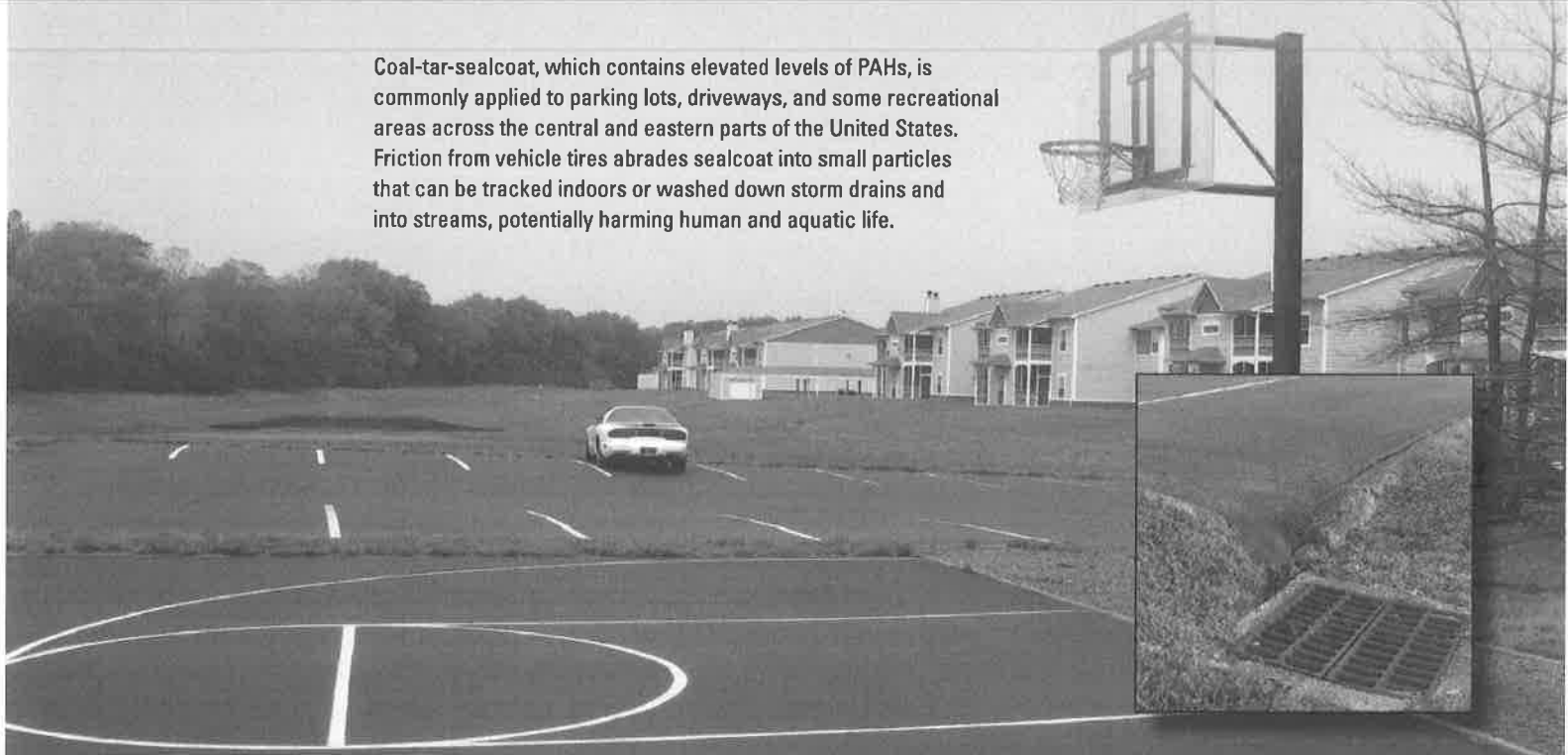
Sealcoat is the black, viscous liquid sprayed or painted on many asphalt parking lots, driveways, and playgrounds to protect and enhance the appearance of the underlying asphalt. Studies by the U.S. Geological Survey (USGS), academic institutions, and State and local agencies have identified coal-tar-based pavement sealcoat as a major source of polycyclic aromatic hydrocarbon (PAH) contamination in urban and suburban areas and a potential concern for human health and aquatic life.¹

Key Findings:

Human Health Concerns—As coal-tar-based sealcoat ages, it wears into small particles with high levels of PAHs that can be tracked into homes and incorporated into house dust. For people who live adjacent to coal-tar-sealcoated pavement, ingestion of PAH-contaminated house dust and soil results in an elevated potential cancer risk, particularly for young children. Exposure to PAHs, especially early in childhood, has been linked by health professionals to an increased risk of lung, skin, bladder, and respiratory cancers.²

Aquatic Life Concerns—Runoff from coal-tar-sealcoated pavement, even runoff collected more than 3 months after sealcoat application, is acutely toxic to fathead minnows and water fleas, two species commonly used to assess toxicity to aquatic life. Exposure to even highly diluted runoff from coal-tar-sealcoated pavement can cause DNA damage and impair DNA repair. These findings demonstrate that coal-tar-sealcoat runoff can remain a risk to aquatic life for months after application.

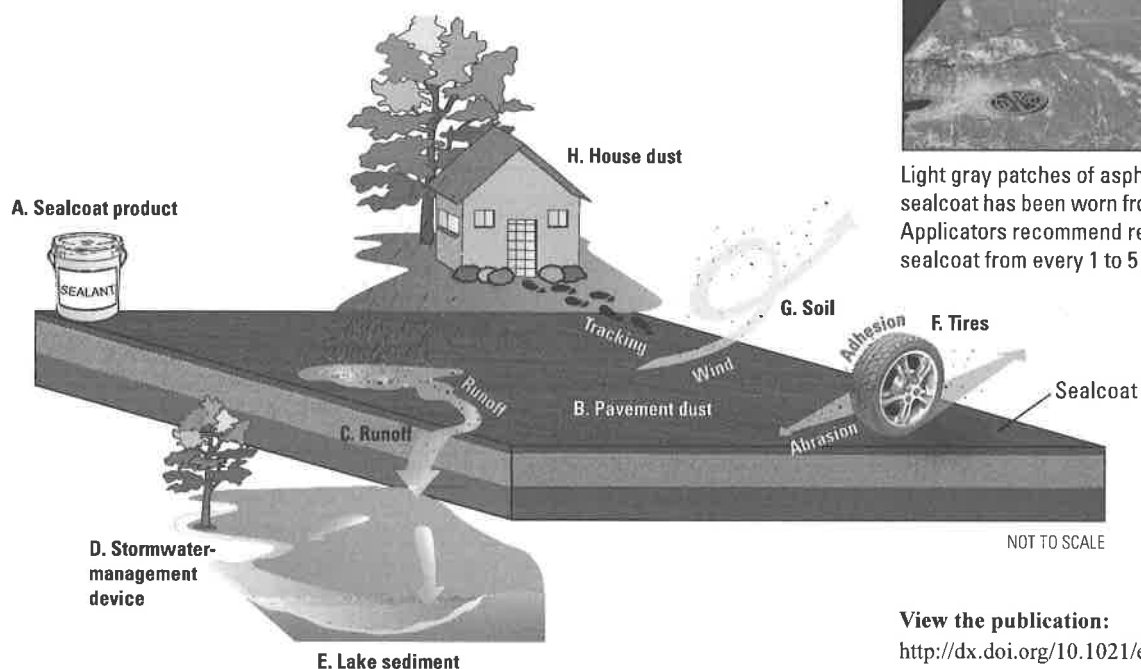
Coal-tar-sealcoat, which contains elevated levels of PAHs, is commonly applied to parking lots, driveways, and some recreational areas across the central and eastern parts of the United States. Friction from vehicle tires abrades sealcoat into small particles that can be tracked indoors or washed down storm drains and into streams, potentially harming human and aquatic life.



As Sealcoat Wears Off, Where Does It Go?



Light gray patches of asphalt show where sealcoat has been worn from the pavement. Applicators recommend reapplication of sealcoat from every 1 to 5 years.¹



View the publication:
<http://dx.doi.org/10.1021/es203699x>

Worn particles of coal-tar-based sealcoat containing high concentrations of PAHs and related chemicals are transported by rain, wind, tires, and even our feet from pavement to other environmental settings. Sealcoat product (A), after it dries, gradually abrades to a powder and becomes part of the dust on the pavement (B). Pavement dust is transported by rainfall runoff (C) to stormwater-management devices (D) or to receiving streams and lakes (E). Pavement dust also adheres to tires (F) that track it onto unsealed pavement, and wind and runoff transport the dust to nearby soils (G). Sealcoat particles tracked into residences can become incorporated into the house dust (H). Associated PAH concentrations for these settings, from studies by the USGS, other government agencies, and academic institutions, are given below.

Write From Karen, CC BY-NC, ND 2.0



Setting	PAH concentration* (milligrams per kilogram)	
	Coal-tar-sealcoat settings	Non-coal-tar-sealcoat settings
(A) Sealcoat products	66,000	50
(B) Pavement dust	2,200	11
(C) Runoff, particles	3,500	54
Runoff, unfiltered water	62	4
(D) Stormwater-management-device sediment	646	2
(E) Lake sediment	33	0.4
(F) Particles adhered to tires	1,380	3
(G) Soil	105	2
(H) House dust	129	5

*Concentrations are means or medians. References and additional information are provided in Mahler and others (2012).¹

PAH Levels in Asphalt-Based and Coal-Tar-Based Sealcoat

Pavement sealcoat is a commercial product that is applied to many asphalt parking lots, driveways, and playgrounds in North America in an effort to protect and beautify the underlying asphalt. It rarely is used on public roads.

Most sealcoat products are either coal-tar or asphalt emulsion, although some alternative products now are available.³ Coal tar and coal-tar pitch have extremely high concentrations of PAHs as do coal-tar-based sealcoat products, which typically are 20–35 percent coal tar or coal-tar pitch. Asphalt and asphalt-based sealcoat products have much lower concentrations of PAHs.

For historical and economic reasons, use of asphalt-based sealcoat in the United States is more common west of the Continental Divide and use of coal-tar-based sealcoat is more common east of the Continental Divide, except in States, counties, and municipalities where use of coal-tar-based sealcoat is prohibited.³



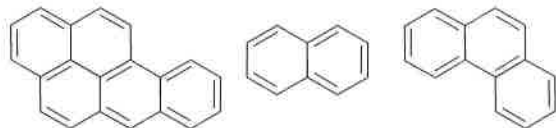
Asphalt-based sealcoat, primarily used west of the Continental Divide, typically contains about 50 mg/kg PAHs.⁴



Coal-tar-based sealcoat, primarily used east of the Continental Divide, typically contains 50,000 to 100,000 mg/kg PAHs.⁴

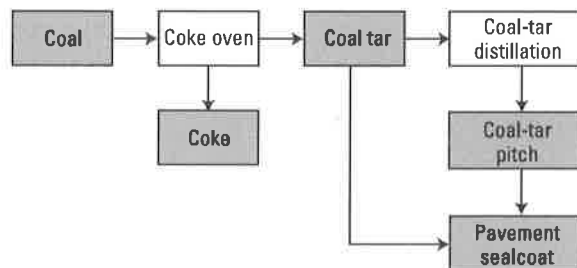
PAH levels in dust swept from sealed parking lots reflect the type of pavement sealcoat commonly used west and east of the Continental Divide.¹ Concentrations, in units of milligrams per kilogram (mg/kg), also referred to as “parts per million” (ppm), shown here are for the sum of the 16 PAHs listed by the U.S. Environmental Protection Agency as Priority Pollutants. Concentrations are for composite samples from multiple parking lots or a median of several individual samples.⁵

Polycyclic aromatic hydrocarbons (PAHs) are a group of chemicals created by heating or burning material that contains carbon. The many sources of PAHs to the urban environment span a wide range of PAH concentrations and include asphalt (2–9 mg/kg), tire particles (84 mg/kg), used motor oil (730 mg/kg), and coal-tar-based sealcoat (34,000–202,000 mg/kg).⁶ PAHs are an environmental concern because many cause cancer, mutations, birth defects, or death in fish, wildlife, and invertebrates.⁷ Exposure to sunlight greatly intensifies the adverse effects of several PAHs. The U.S. Environmental Protection Agency (EPA) has classified seven PAHs as probable human carcinogens (Class B2) and 16 PAHs as Priority Pollutants. Environmental and health effects depend on which PAHs are present and their concentrations.



PAHs are made up of various arrangements of benzene rings. PAHs commonly occur in the environment as mixtures, which typically include at least some of the PAHs that are classified as probable human carcinogens.

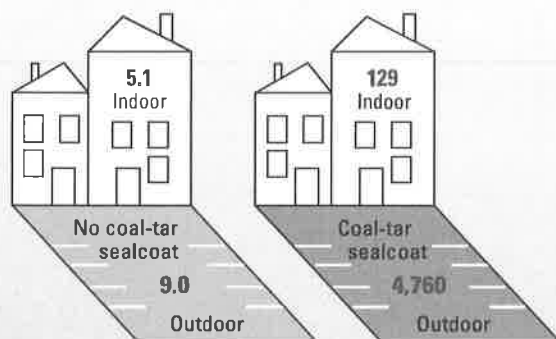
Coal tar is a byproduct of the coking, liquefaction, or gasification of coal and is a complex mixture composed primarily of aromatic hydrocarbons. Coal-tar pitch is the residue that remains after the distillation of coal tar; it is a complex mixture of high molecular weight aromatic hydrocarbons and black carbon solids. The primary use of coal-tar pitch is in electrode manufacturing for the aluminum industry.⁸ Coal-tar emulsion pavement sealants contain either crude coal tar (Chemical Abstracts Service [CAS] Registry Number 8007–45–2) or coal-tar pitch (CAS Registry Number 65996–93–2). Coal tar and coal-tar pitch are known human carcinogens.⁹



Potential Risks to Human Health

PAHs from coal-tar-based sealcoat contaminate house dust¹⁰

In a study of 23 ground-floor apartments in Austin, Texas, PAH levels in house dust in apartments with parking lots sealed with a coal-tar-based product were 25 times higher than in house dust in apartments with parking lots with other surface types (concrete, unsealed asphalt, and asphalt-based sealcoat). No relation was found between PAHs in house dust and other



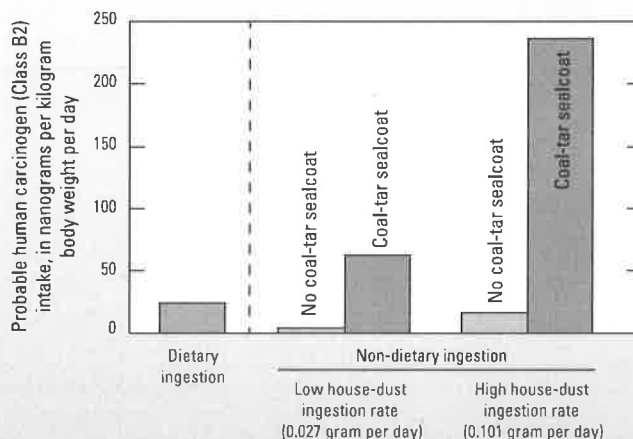
PAH-contaminated dust on coal-tar-sealcoated pavement (right) is tracked indoors.¹⁰ Concentrations shown are median values for the sum of the 16 Priority Pollutant PAHs, in units of milligrams per kilogram, in house dust and parking lot dust.

View the publication:

<http://pubs.acs.org/doi/pdf/10.1021/es902533r>

possible indoor PAH sources such as tobacco smoking and fireplace use.

House dust is an important pathway for human exposure to many contaminants, including PAHs. This is particularly true for small children, who spend time on the floor and put their hands and objects into their mouths.



The preschooler living in a residence adjacent to coal-tar-sealed pavement who has relatively low hand-to-mouth activity consumes about 2.5 times more PAHs from house dust than from their diet.¹¹ For the more active preschooler, whose hand-to-mouth activity is higher, the PAH intake from house dust is nearly 10 times more than the PAH intake from their diet.

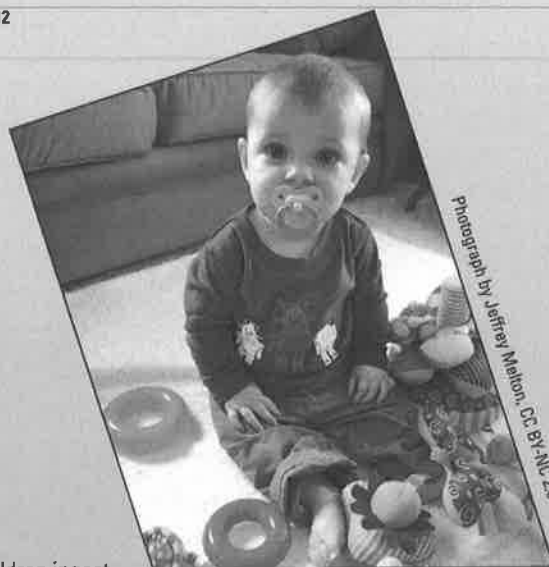
Living adjacent to coal-tar-sealed pavement increases cancer risk¹²

The USGS partnered with a human-health-risk analyst to estimate the excess lifetime cancer risk associated with the ingestion of house dust and soil for people living adjacent to parking lots with and without coal-tar-based sealcoat. Excess cancer risk is the extra risk of developing cancer caused by exposure to a toxic substance. The excess cancer risk for people living adjacent to coal-tar-sealcoated pavement (1.1 cancer incidences for every 10,000 individuals exposed) was 38 times higher, on average (central tendency), than for people living adjacent to unsealed pavement. The central tendency excess cancer risk estimated for people living adjacent to coal-tar-sealcoated pavement exceeds the threshold generally considered by the EPA as making remediation advisable.

The assessment used measured concentrations of the B2 PAHs in house dust and soils adjacent to coal-tar-sealed pavement (adjusted for relative potency to the PAH benzo[*a*]pyrene), established house dust and soil ingestion rates, and the EPA-established slope factor to estimate the excess cancer risk. Much of the estimated excess risk comes from exposures to PAHs in early childhood (that is, 0–6 years of age). The study did not consider the excess cancer risk associated with exposure to the sealcoated pavement itself, which has PAH concentrations 10 or more times greater than in adjacent residence house dust or soils.^{5,10}

View the publication:

<http://pubs.acs.org/doi/pdf/10.1021/es303371t>



Children ingest house dust and soil when they put their hands or objects into their mouth. Much of the estimated excess cancer risk associated with the ingestion of PAH-contaminated soil and house dust is incurred during early childhood.

Potential Risks to Aquatic Life

Runoff from coal-tar-sealcoated pavement is acutely toxic to aquatic biota¹³

Exposure to runoff from coal-tar-sealed pavement collected as much as 42 days after sealcoat application resulted in 100 percent mortality to two commonly tested laboratory organisms: day-old fathead minnows (*Pimephales promelas*) and water fleas (*Ceriodaphnia dubia*). In contrast, minnows and water fleas exposed to runoff from unsealed pavement experienced no more than 10 percent mortality. When the minnows and water fleas were also exposed to simulated sunlight, which intensifies the toxicity of some PAHs, runoff collected 111 days (more than 3 months) after sealcoat application caused 100 percent mortality to both species, and caused 100 percent mortality to water fleas even when diluted to 10 percent of its original strength.

The USGS collected samples of runoff from 5 hours to 111 days following sealcoat application to pavement by a

professional applicator. Total PAH concentrations varied relatively little, as rapid decreases in concentrations of low molecular weight and nitrogen-substituted PAHs were offset by increases in high molecular weight PAHs.¹⁴ These results demonstrate that runoff from coal-tar-sealcoated pavement continues to contain elevated concentrations of PAHs and related compounds long after a 24-hour curing time.

A subsequent study by researchers at the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service found that coal-tar-sealcoat runoff is acutely lethal to juvenile coho salmon (*Oncorhynchus kisutch*) and causes a wide spectrum of abnormalities to zebrafish (*Danio rerio*) embryos.¹⁵ They also reported that filtration of the runoff through a bio-retention system substantially reduced toxicity.



Runoff from coal-tar-sealcoated pavement is acutely toxic to fathead minnows (*Pimephales promelas*; left) and water fleas (*Ceriodaphnia dubia*; right).

View the publication:

<http://pubs.acs.org/doi/abs/10.1021/acs.est.5b00933>



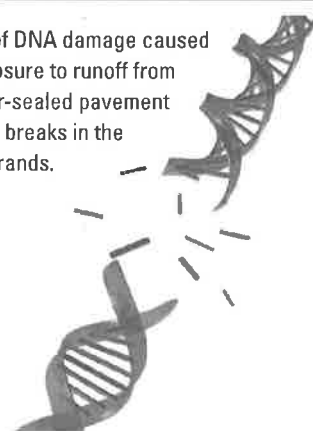
Runoff from coal-tar-sealcoated pavement goes down storm drains to receiving water bodies. The runoff contains high concentrations of PAHs and related chemicals that can harm aquatic life.¹⁶

Runoff from coal-tar-sealcoated pavement damages DNA and impairs DNA repair¹⁷

Simultaneous exposure to runoff from coal-tar-sealed pavement and simulated sunlight damaged DNA in rainbow trout liver cells, even when the runoff was diluted to 1 percent of its initial concentration. The cells were from a cell line developed to assess the effects of PAHs on DNA. The test assessed two types of DNA damage: strand breaks and alkylated bases.

Although cells can repair some DNA damage, a second experiment demonstrated that cells exposed to the coal-tar-sealcoat runoff had an impaired capacity to perform at least one type of DNA repair. The combination of DNA damage and impaired repair capacity intensifies the potential for long-term damage to cell health. DNA damage has many possible consequences, including aging, cell death, and mutations. Mutations can affect the function of genes and can potentially lead to cancer.

Types of DNA damage caused by exposure to runoff from coal-tar-sealed pavement include breaks in the DNA strands.

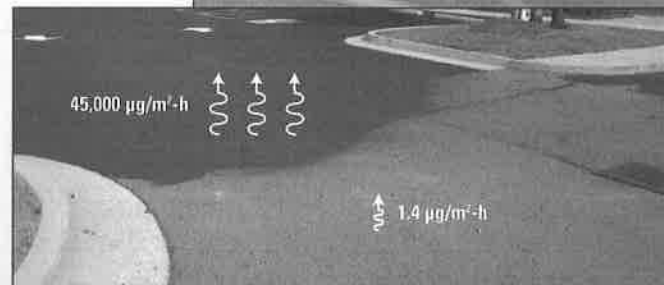


(Image from Genetic Science Learning Center, <http://learn.genetics.utah.edu/>.)

Air-Quality Concerns^{18, 19}

Although unseen, releases of PAHs to the atmosphere (volatilization) from freshly coal-tar-sealed pavement are tens of thousands of times higher than from unsealed pavement. Volatilization is a potential human-health concern because inhalation is an important pathway for human exposure to PAHs. Although volatilization decreases rapidly over the weeks following application, it nonetheless continues long after application—PAH releases to the atmosphere from parking lots sealed from 3 to 8 years prior to sampling were on average 60 times higher than PAH releases from unsealed pavement.

Nationwide, the combined PAH releases each year from newly applied coal-tar-based sealcoat are estimated to exceed annual vehicle emissions of PAHs.¹⁸ PAH releases shown here are in units of micrograms per meter squared per hour ($\mu\text{g}/\text{m}^2\text{-h}$).



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By Barbara J. Mahler,* Michael D. Woodside, and Peter C. Van Metre

For more information

Access publications and learn more about PAHs and coal-tar-based pavement sealcoat at <http://tx.usgs.gov/sealcoat.html>.

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Coal tar main source of toxicity in streams

Don Behm, Milwaukee Journal Sentinel 8:59 p.m. CT Dec. 25, 2016



(Photo: Milwaukee Journal Sentinel)

Coal-tar sealants applied to blacktop parking lots and driveways are the primary source of toxic chemicals found in the muck at the bottom of Milwaukee-area waterways, according to a study by the [U.S. Geological Survey](https://www.usgs.gov/) (<https://www.usgs.gov/>) and the [Milwaukee Metropolitan Sewerage District](http://www.mmsd.com/) (<http://www.mmsd.com/>).

Tests of muck samples collected at 40 locations along 19 creeks and rivers in the metropolitan area, and dust from six parking lots, found that coal-tar sealants contributed up to 94% of all polycyclic aromatic hydrocarbons, or PAHs, in streambed sediment, [says the study](https://www.usgs.gov/news/coal-tar-sealant-a-major-source-pah-contamination-milwaukee-streams) (<https://www.usgs.gov/news/coal-tar-sealant-a-major-source-pah-contamination-milwaukee-streams>) published last week in the journal [Environmental Toxicology and Chemistry](http://onlinelibrary.wiley.com/doi/10.1002/etc.v35.12/issue/12). (<http://onlinelibrary.wiley.com/doi/10.1002/etc.v35.12/issue/12>)

Fully 78% of the samples contained enough PAHs to be considered toxic and capable of causing adverse effects in aquatic animals, said Austin Baldwin, a USGS scientist and lead author of the study. The most toxic sediment came from Lincoln Creek and Underwood Creek.

Rain and melting snow rinse PAHs and other contaminants off the pavement and into stormwater storage basins or directly into storm sewers that carry the load to waterways.

Even before the study was published, early circulation of its findings boosted support for local restrictions or even bans on the use of coal-tar sealants and a switch to sealants containing asphalt emulsions, according to Chris Magruder, a retired MMSD scientist who is Science Advisory Committee Coordinator for the [Southeastern Wisconsin Watersheds Trust](http://www.swwwater.org/) (<http://www.swwwater.org/>).

Threat to aquatic life

While a 2013 USGS study determined that PAHs posed a greater risk of harm to aquatic life in the streams than other chemical pollutants, this study went beyond that in two ways, Baldwin said.

First, researchers used multiple methods for identifying separate sources of PAHs in sediment, he said. Apart from coal-tar sealants, the remainder of the PAHs came from a variety of other sources, such as coal combustion at power plants and vehicle emissions.

Second, this study exposed aquatic insects and small crustaceans to sediment taken from streams here.

"This study shows that PAHs pose a very real threat to aquatic organisms at the base of the food chain," he said. Among the adverse effects are fin erosion, liver abnormalities, cataracts and immune system damage. Exposure to the chemicals also can cause [high rates of tumors](https://www.jsonline.com/story/news/local/milwaukee/2016/08/26/high-rate-tumors-found-fish/89421662/) ([/story/news/local/milwaukee/2016/08/26/high-rate-tumors-found-fish/89421662/](https://www.jsonline.com/story/news/local/milwaukee/2016/08/26/high-rate-tumors-found-fish/89421662/)) in fish.

The study also reveals a costly consequence of regulations in Wisconsin and many other states requiring developers to excavate stormwater storage basins next to massive parking lots. PAHs cling to dirt, sand and other particles in the stormwater that settle to the bottom of the basins.

Communities in the Minneapolis-St. Paul metropolitan area estimate it will cost up to \$1 billion to dispose of PAH-contaminated sediment in the stormwater ponds when the basins are dredged for maintenance.

Coal tar, a byproduct of converting coal to coke — a solid-carbon fuel and carbon source for the steel-making industry — is a known human carcinogen. As coal is heated to produce coke, coal tar vapors are released.

Pavement sealants made with coal tar contain much higher concentrations of PAHs — up to 1,000 times more — than available substitute products made with asphalt emulsions, according to other studies.

Asphalt sealant products are known as seal coats. They are used to improve the appearance and maintain the surface of parking lots and driveways.

As of this month, MMSD no longer allows its contractors to use coal-tar sealants for sewerage district projects, officials said.

Talk of a ban

On Dec. 12, the Milwaukee County [Intergovernmental Cooperation Council](http://milwaukee.gov/ICC.htm) (<http://milwaukee.gov/ICC.htm>) of suburban city mayors and village presidents unanimously approved a resolution in support of municipal restrictions or outright bans of coal-tar products.

While no community in the county is considering such a policy at this time, the Southeastern Wisconsin Watersheds Trust intends to spark the discussion early next year with a recommendation that municipalities in the region consider bans on the use of coal-tar sealants, Magruder said.

Dane County adopted a ban on the sale and use of tar-based sealants in 2007. Prior to the ban, researchers estimated that 300,000 gallons of coal-tar sealants a year were applied to parking lots and driveways in the county.

Among retailers who sell alternative sealants with lower amounts of PAHs are Home Depot, Lowe's, Menard's, Ace Hardware and True Value, according to Magruder.

At Poblocki Paving Corp. in West Allis, the largest sealcoat application contractor in Wisconsin, the majority of asphalt maintenance work is done with asphalt emulsions rather than coal-tar sealants, company owner John Poblocki said.

Some customers prefer coal-tar products, however, because they provide a jet black appearance and last longer, Poblocki said. Asphalt emulsion products are improving but they are more expensive, he said.

Read or Share this story: <http://on.jsonl.in/2iv8EV3>



To: Honorable Members of the Oak Creek City Council
From: Clean Wisconsin staff and Jon Richards
Re: Summary of sealant ban enforcement elsewhere
Date: July 23, 2019

A common question we've received from municipalities and counties considering taking action on high-PAH sealants is how the ordinance is going to be enforced. To help address this, we reached out to municipalities elsewhere that have already taken action on this issue to ask about their experience. Unsurprisingly, this was a common concern for these municipalities when they started the process, especially given limited resources everyone is working with.

However, they report that enforcement does not end up being an issue. They report a temporary upfront workload for initial outreach to property owners, contractors, and applicators upon passage of the ordinance, followed by periodic reminders (e.g., in newsletters or utility bills in the spring, when people are starting to think about property maintenance). A common theme seemed to be that the outreach and education about the ordinance was the most important part of the "enforcement" process. The word quickly gets out to the limited universe of applicators and they see no, or very few, violations after the first couple of years meaning that there is minimal enforcement workload in the long term.

There are a variety of enforcement methods we heard about and are happy to discuss further, but in brief they are:

- 1) At one extreme is statutorily-required quotas for parking lot tests. This was only used by Washington, DC, where they are required to test 60 parking lots a year. Their ban included funding specific to covering this enforcement.
- 2) A more moderate approach employed by several communities in Illinois and Michigan is to have a permit or registration system for commercial applicators. There's a small annual fee (\$100-\$200) to cover some administrative costs, and applicators must state that they will only use approved sealants. When municipal staff encounter a project, they ask to see their permit or registration.
- 3) The most common approach is to simply have municipal staff ask for sealant product information when they encounter a sealing project while out and about on normal duties. This direct interaction has proven effective in increasing awareness about the ordinance within the affected community.

Taking Dane County as a specific example, potential applicators are identified each spring via an internet search, and letters informing those applicators of the County ordinance are mailed out. The County then relies on tips, mainly from other contractors, about the use of coal-tar sealants, with some opportunistic project checks when they are encountered during normal duties. The County uses the field screening test linked to below to identify potential violations that would need follow-up.

We can assist Oak Creek in helping staff know how to identify high-PAH sealants based on the product name or the product's MSDS information. For lots that have been recently sealed but staff missed the actual application, there is also an inexpensive and easy-to-use field screening test that staff can use to screen a recently-sealed parking lot for use of a coal-tar sealant: <http://www.austintexas.gov/sites/default/files/files/Watershed/coalTar/SR-12-08-sealant-solvent-screening-method.pdf>. A follow-up lab test would be needed to confirm the presence of coal tar to pursue enforcement.

All places we are aware of have fine structure (e.g., higher amounts for repeat offenders) in place for violations as a primary means of deterrence. However, it is common to not strictly enforce it on the first violation, which is instead used as an educational opportunity. This further underscores how it has been effective elsewhere to rely on the educational outreach as the main mechanism to promote compliance rather than trying to catch every application.

In terms of remediation, some places do require removal via shotblasting for egregious violations, but it is very expensive to do this, and in some areas (e.g., the upper Midwest) it is difficult to find people who can do the work. Other places require the high-PAH sealant be covered over by a low-PAH sealant. It is true that a fine alone doesn't address the environmental and health problems since the PAHs have already been introduced to the environment upon application. However, as long as the fine is stiff enough to act as a deterrent to the small percentage of intentional bad actors, the high-PAH sealants will stop being used, as evidenced by the communities we've talked to saying they don't see violations after the first few years.

A final note is that counties and municipalities in the Maryland/Washington, D.C. area mentioned how their work got easier as more and more places around them passed bans. Thus, as many other neighboring municipalities join Oak Creek in passing bans, regional market forces kick in, further reducing enforcement workloads.

COMMON COUNCIL REPORT

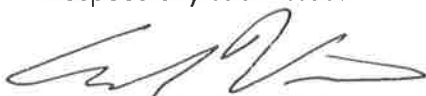
- Informational:** Treasurer Report on Investment and Banking for the City of Oak Creek accounts, ending July 31, 2019.
- Fiscal Impact:** Presenting the monthly condition of the City treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing 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 is not available for general purpose spending. This monthly report is prepared, along with a more comprehensive report for Finance Committee, to assist with investment decisions and financial strategies. Below is a brief summary:

Beginning Balance	Ending Balance	Interest Earned	Increase/(Decrease)
\$43,314,288.48	\$48,154,683.51	\$90,171.34	\$4,840,395.03

July Activity: Tax Collection \$168,206.76; Received: Shared Revenue \$6,481,000, 1st Dollar Credit \$571,226 and Exempt Computer Aid \$184,149.

Respectfully submitted:



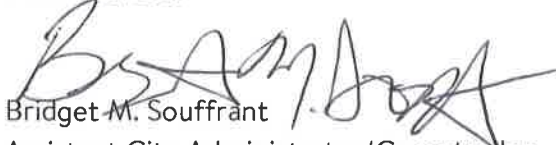
Andrew J. Vickers, MPA
City Administrator

Prepared:



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
Tri City National Bank	6,948,773.82	9,945,655.49	(12,116,909.27)	4,777,520.04	10,619.01	2.40000%	9.92%
General Fund	6,622,082.15	8,963,974.33	(11,461,560.14)	4,124,496.34			
Title 125	47,974.19	22,271.84	(25,314.83)	44,931.20			
Police Credit Card	24,633.07	22,486.10	(414.22)	46,704.95			
Parks & Rec Counter Credit Card	4,313.30	11,491.48	(338.42)	15,466.36			
Tax Payment Account #2	78,125.26	168,206.76	(150,000.00)	96,332.02			
Parks & Rec Online Credit Card	9,973.72	2,960.00	(1,120.58)	11,813.14			
Health Insurance	34,217.76	673,979.75	(478,161.08)	230,036.43			
Tax Payment Account	8,183.33	-	-	8,183.33			
EMS	119,271.04	80,285.23	-	199,556.27			
0	-	-	-	-			
DANA Investment Advisors	5,844,905.73	16,502.11	(163,882.04)	5,697,525.80	16,502.11	2.67%	11.83%
BMO Global Asset Management	5,050,123.75	13,083.63	(413,200.09)	4,650,007.29	13,083.63	2.18%	9.66%
American Deposit Management (ADM)	16,075,227.58	22,295.98	(5,000,000.00)	11,097,523.56	22,295.98	2.38%	23.05%
*ADM General Account Balance	11,256,560.55	12,869.88	(5,000,000.00)	6,269,430.43	12,869.88		
Local Government Investment Pool (LGIP)	8,335,238.68	10,175,365.78	(2,570,001.67)	15,940,602.79	24,867.64	2.38%	33.10%
*LGIP General Account Balance	3,491,887.35	10,095,543.18	(2,570,000.00)	11,017,430.53	15,045.04		
**Ehlers Investment	1,060,018.92	4,945,899.36	(14,414.25)	5,991,504.03	2,802.97	2.1370%	12.44%
	1,060,018.92	4,945,899.36	(15,316.11)	5,990,602.17			
Total Balance	43,314,288.48	25,118,802.35	(20,278,407.32)	48,154,683.51	90,171.34		

**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

Tax Payment Account #2
City Deposit (Counter, Drop Box, Mail)
 Gov Tech
 Credit Card
Total Tax Payment Account #2

148,976.61
-
19,230.15

168,206.76

Tax Payment Account
Tri City Payments (At Bank, Lockbox)

Total Tax Collection Deposits

168,206.76

Distribution to other Taxing Jurisdictions
(Tax Settlement occurs in August)

STATE
COUNTY
MMSD
SCHOOL
MATC
UTILITY
TOTAL DIST \$
TAX REFUNDS
CITY

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:** Resolution expressing support for public transit in Oak Creek
- Recommendation:** That the Council adopts Resolution No. 12091-090319, expressing support for maintainance of Milwaukee County Transit Service to Oak Creek.
- Fiscal Impact:** No direct fiscal impact. However, Oak Creek businesses rely on public transportation to help meet their workforce needs.
- 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:

One of the critical success factors identified in the City's Strategic Action Plan focused on Quality Infrastructure, Amenities and Services. Specifically, the plan called for "Developing Strategies for Future Multi-modal Transportation Enhancements". Certainly public transportation plays a pivotal role in achieving those goals.

Oak Creek is currently served by four public transit routes (see attached map):

- Route 40 - Freeway flyer service from the College Avenue park and ride lot to downtown Milwaukee. (NOTE: This route had previously served the Ryan Road park and ride lot. Service to this lot is no longer available – even though it was rebuilt as part of the I-94/Ryan Road interchange reconstruction.)
- Route 80 – local service to MATC, Northbranch Industrial Park, Drexel Town Square and commercial and multifamily developments south of Puetz Road.
- Route 219 – Oak Creek Shuttle service (am/pm peak) to businesses in the Northbranch Industrial Park.
- Purple Line – express service along 27th Street serving IKEA.

As part of the 2020 budget proposal, Milwaukee County has proposed the elimination of Routes 40 and 219, as well as the termination of Route 80 at the MATC South Campus.

If implemented as proposed, these cuts would severely impact the opportunity for Oak Creek residents to access the regional transportation network. Likewise, Oak Creek employers who rely on public transportation to help meet their workforce needs in a highly competitive labor market would be challenged.

Oak Creek has worked cooperatively with the Milwaukee County Transit Service to provide this service to new and growing employment centers like Drexel Town Square and IKEA. Even now, the City is working

with MCTS to provide service to the Amazon facility. It is not clear what impact the proposed budget cuts would have on these discussions.

Public transit plays a vital role in a healthy regional economy. It provides mobility within the region to match up workers with available employment opportunities in rapidly growing areas like Oak Creek. While sympathetic to the budget restrictions faced by the County, the City needs to continue its proactive leadership role by advocating for effective public transportation.

Options/Alternatives: If these route reductions were approved as part of Milwaukee County's budget, employers in Oak Creek would need to seek new solutions for making transportation connections for those employees that had previously used public transit.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Doug Seymour, AICP
Director of Community Development

Fiscal Review:



Bridget M. Scuffrant
Assistant City Administrator/Comptroller

Attachments:

Resolution No. 12091-090319

MCTS Oak Creek route map and route reduction information

RESOLUTION NO. 12091-090319

BY: _____

RESOLUTION EXPRESSING SUPPORT FOR MAINTENANCE OF MILWAUKEE COUNTY
TRANSIT SERVICE TO OAK CREEK

WHEREAS, for many people, public transportation is a critical and vital link to connect them to businesses and job opportunities in growing parts of the County such as Oak Creek; and

WHEREAS, Oak Creek employers rely on public transportation to help meet their workforce needs in a highly competitive labor market; and

WHEREAS, public transit is a critical element of the region's workforce development strategy and is vital to maintaining the competitiveness of the Milwaukee area; and

WHEREAS, the proposed 2020 Milwaukee County Transit budget includes significant service reductions impacting the residents and businesses in the City of Oak Creek; and

WHEREAS, those proposed reductions include the elimination of Routes 219 and the termination of Route 80 south of the MATC campus as well as elimination of Freeway Flyer Route 40 serving the College Avenue park and ride lot; and

WHEREAS, the City of Oak Creek Strategic Action Plan document espouses goals relating to the expansion of multi-modal transportation options; not restricting them; and

WHEREAS, imminent development along transit routes proposed for elimination in Oak Creek, including Drexel Town Square will add over 500 new residents and hundreds of employees in two new corporate headquarters.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek, Wisconsin, that for and on behalf of themselves and the taxpayers of the City of Oak Creek, and for the reasons hereinabove set forth go on record as supporting public transportation in Milwaukee County and opposing the proposed reduction or elimination of MCTS Routes 40, 80 and 219.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 3rd Day of September, 2019.

Passed and adopted this ___ Day of _____, 2019.

President, Common Council

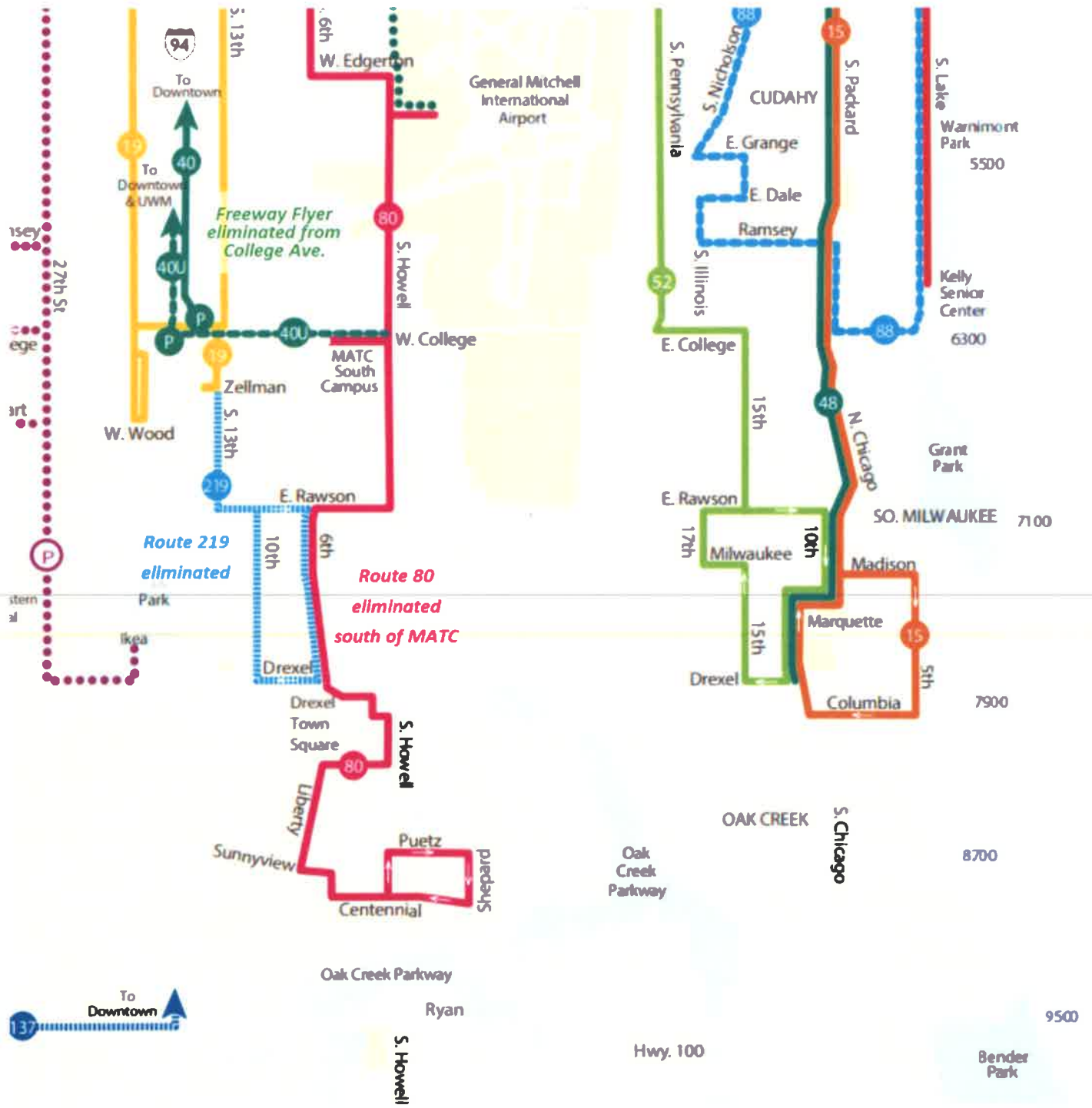
Approved this ___ Day of _____, 2019.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



Fiscal Crisis Leads to Bus Route Reductions



Milwaukee County has reached a fiscal crisis point, and we need your help. Over the past decade, Milwaukee County taxpayers have increased income and sales tax payments to the State by \$355 million, yet shared revenue and other funding from the state has declined or remained flat over the same time period.

County Executive Chris Abele and County Supervisors have been strong supporters of transit.

Unfortunately, limitations in state law have caused Milwaukee County to effectively reach the cap on the amount it can collect from property and sales tax. State and Federal transit support has been stagnant, especially in comparison to inflationary cost increases, and grant monies that have helped past budgets are increasingly scarce.

These fiscal constraints on Milwaukee County impact MCTS's ability to maintain and expand transit services. Unless there is a state solution, balancing future County budgets will continue to involve tough decisions.

The proposed 2020 Transit Budget includes significant service changes. Although 97% of annual ridership would not be impacted by these changes, the total number of bus routes could be reduced from 51 to 35 by ending the following services:

- ▶ 6 Freeway Flyer routes - 40, 43, 44, 46, 48, 49
- ▶ 4 UBUS Routes - 40U, 42U, 44U, 49U
- ▶ 5 Shuttles - 17, 137, 219, 223, 276
- ▶ Route 52 Clement - 15th Avenue
- ▶ Route 55 Layton Avenue: would no longer have service west of S.76th Street
- ▶ Route 80 6th Street: would no longer have service south of MATC South Campus

Seasonal services could also be eliminated as a cost-saving measure:

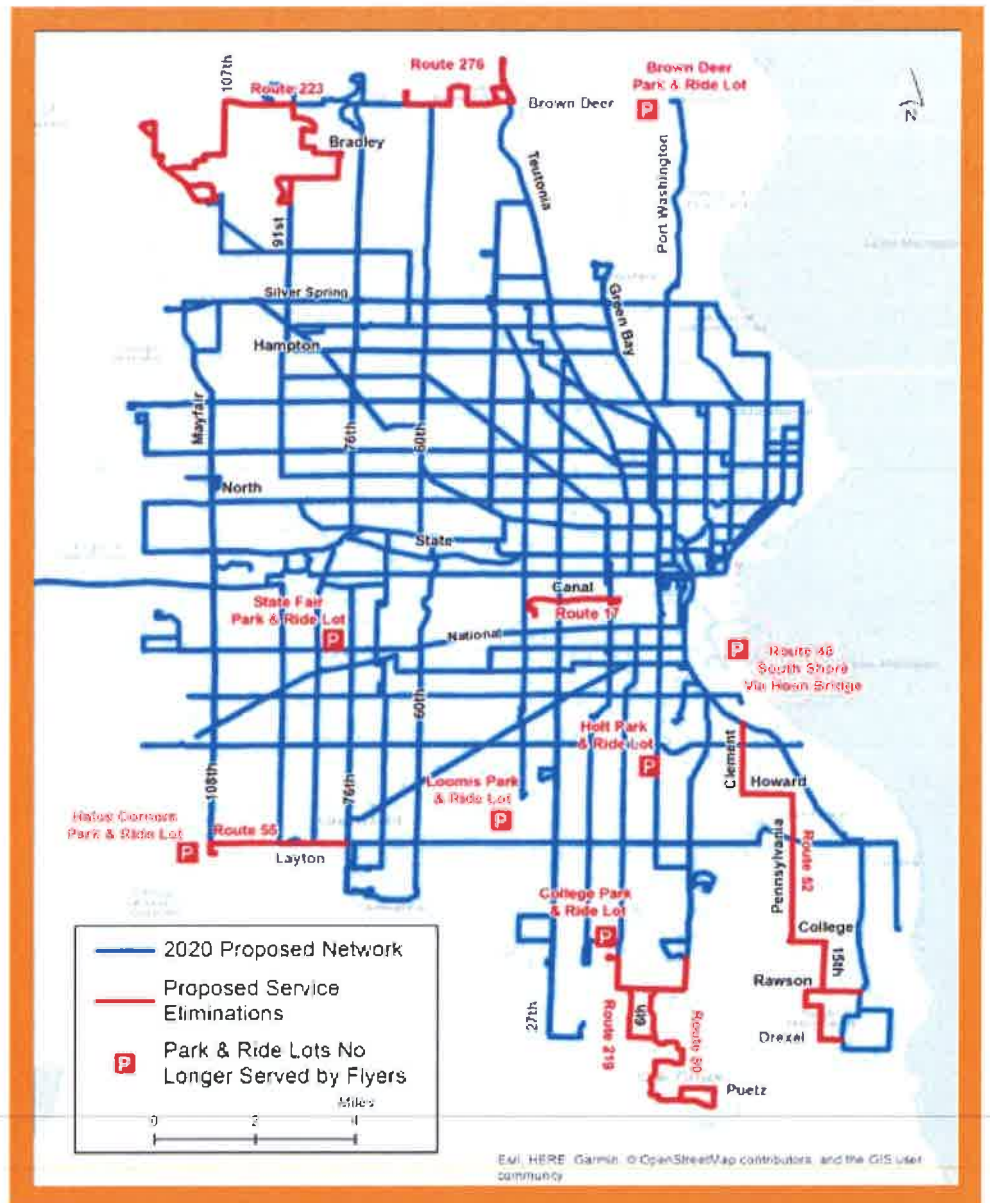
- ▶ Brewers Line buses for Miller Park
- ▶ Wisconsin Avenue Downtown shuttles for ethnic festivals and Summerfest
- ▶ Freeway Flyer service for Summerfest may also be impacted
- ▶ Freeway Flyers for German Fest, Irish Fest and Festa Italiana
- ▶ Shuttle and Freeway Flyer services for Wisconsin State Fair

For more information, visit [RideMCTS.com/Budget](https://www.rideMCTS.com/Budget)



The proposed changes are necessary to bring expenses in line with limited revenues. These changes were informed by Racial Equity considerations and route efficiency measures to minimize impacts on total riders.

There are no budgeted changes to the Paratransit Program.



WHAT HAPPENS NEXT?

- 1 Voice your concerns at upcoming budget open houses across the County.
- 2 Sign the petition supporting a **Fair Deal for Milwaukee County** -- a proposed partnership between state government and Milwaukee County that will help generate the revenue Milwaukee County needs to fund essential public services and cultural amenities, and invest in our future.
Visit [county.milwaukee.gov/Fair-Deal](https://www.county.milwaukee.gov/Fair-Deal) for more.
- 3 Tell your state legislators how important public transportation is to you.



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 9/3/19 License Committee Report.

Fiscal Impact: License fees in the amount of \$320.00 were collected.

- 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 did not meet prior to the 9/3/19 council meeting. Tentative recommendations are as follows (favorable background reports received):

1. Grant an Operator's license to:
 - * Matthew J. Lee, 1640 E. Oakwood Rd., Oak Creek (Applebee's)
 - * Katherine H. Mikoljczak, 2506 E. Birchwood Ave., Cudahy (Gary's Beer & Liquor)
 - * Cheyenne N. Johnson, 4740 S. 43rd St., Greenfield (Classic Lanes)

2. Grant a Temporary Class "B" Beer license to Roland Komorowski, Agent on behalf of St. Matthew Parish, for their St. Matthew Feast Day Picnic to be held on September 22, 2019.

3. Grant a Temporary Class "B" Beer license to Roland Komorowski; Agent on behalf of St. Matthew Parish, for their Sweetest Day Dinner to be held on October 19, 2019.

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

Attachments: None

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the August 28, 2019 Vendor Summary Report in the total of \$289,323.70.

Fiscal Impact: Total claims paid of \$289,323.70.

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. \$5,159.00 to American Litho (pg #1) for Fall 2019 Acorn printing.
2. \$33,269.50 to Buelow Vetter (pg #2) for legal services.
3. \$8,428.00 to DLT Solutions (pg #4) for annual Autodesk/CAD subscription.
4. \$40,000.00 to Fiduciary Real Estate Development (pg #5) for BD Bond refund.
5. \$15,493.00 to Healics, Inc. (pg #6) for July 2019 Health Screening.
6. \$14,446.25 to Marco Technologies, LLC (pg #8) for annual licensing fees and AV repairs.
7. \$15,450.00 to Moore Construction, LLC (pg #9) for BD Bond refund.
8. \$8,311.51 to The Sherwin-Williams Co. (pg #12) for glass beads, traffic paint, field paint, and striper rental.
9. \$15,000.00 to Sports Facilities Advisory, LLC (pg #13) for planning services.
10. \$15,220.00 to Tyler Technologies, Inc. (pg #14) for consulting services, Project #129752.
11. \$47,663.38 to WE Energies (pgs #14-15) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Bridget M. Souffrant

Assistant City Administrator/Comptroller

Attachments: 8/28/19 Invoice GL Distribution Report