



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

COMMON COUNCIL MEETING AGENDA

TUESDAY, NOVEMBER 5, 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: 10/15/19

Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 19-11, CRPS/RSD Awareness Month, November 2019 (by Committee of the Whole).
5. **Council Proclamation:** Consider Council Proclamation No. 19-12, a Proclamation of Appreciation to Edward Siira, retiring Commissioner of the Oak Creek Water and Sewer Utility (by Committee of the Whole).

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

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

6. **Conditional Use:** Consider a request submitted by Linda Niemela, PT, NDT, Medical Support Services, Inc., for a Conditional Use Permit for a physical and occupational therapy clinic within the multi-tenant building on the property at 140 E. Rawson Ave. (1st District).
7. **Ordinance:** Consider Ordinance No. 2950, an ordinance to approve a Conditional Use Permit for a physical and occupational therapy clinic in a portion of the multi-tenant building (C) on the property at 140 E. Rawson Ave. (1st District).
8. **Official Map Amend:** Consider a proposal by Thomas Uttke to amend the Official Map for a portion of the W ½ of the W ½ of the N ½ of the NE ¼ of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave.) (1st District).

9. **Ordinance:** Consider Ordinance No. 2951, an ordinance to amend the Official Map for a portion of the W ½ of the W ½ of the N ½ of the NE ¼ of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave.) (1st District).
10. **Conditional Use:** Consider an amendment to the Time of Compliance section of the existing Conditional use Permit for a Community-Based Residential Facility (CBRF) with a capacity between 9 and 20 persons on the property at 7801 S. Pennsylvania Ave. (1st District).
11. **Ordinance:** Consider Ordinance No. 2952, an ordinance to amend the Conditions and Restrictions in Ordinance No. 2911 for a Conditional Use Permit for a Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons on the property at 7801 S. Pennsylvania Ave. (1st District).
12. **Code Amend:** Consider proposed amendments to Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Places of Assembly and Religious Institutions (by Committee of the Whole).
13. **Ordinance:** Consider Ordinance No. 2953, an ordinance to repeal and recreate Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)(j) ,17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Place of Assembly and Religious Institutions (by Committee of the Whole).

New Business

14. **Motion:** Consider a motion to approve the Plan of Finance for \$4,500,000 General Obligation Refunding Bonds and \$1,150,000 Taxable General Obligation Promissory Notes (Estimated) (by Committee of the Whole).
15. **Resolution:** Consider Resolution No. 12102-110519, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,500,000 General Obligation Refunding Bonds (by Committee of the Whole).
16. **Resolution:** Consider Resolution No. 12103-110519, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,150,000 Taxable General Obligation Promissory Notes (by Committee of the Whole).
17. **Resolution:** Consider Resolution No. 12106-110519, a Resolution opposing the development of a Postal Service Processing and Mail Distribution Facility at 2209 E. College Ave., 6405 and 6469 S. Pennsylvania Avenue, 2000R E. Birch Drive, 1900R E. Poplar Drive, and 1920A E. Rawson Ave. (1st District).
18. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending September 30, 2019.
19. **Discussion:** Council discussion and direction to City Staff regarding the scheduling of 2020 Regular Combined Common Council meeting dates.

20. **Resolution:** Consider Resolution No. 12101-110519, designating official holidays for 2020 (by Committee of the Whole).
21. **Motion:** Consider a motion to concur with the Mayor's appointment of Robert Cigale, 9333 S. Regency Dr., to the Water & Sewer Utility Commission for a 5-year term expiring 9/2024 (by Committee of the Whole).

WATER & SEWER UTILITY

22. **Resolution:** Consider Resolution No. 12104-110519, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek for East Jewell Street, and to establish a public hearing date of December 3, 2019 (Project No. 17106) (1st District).

ENGINEERING

23. **Motion:** Consider a motion to concur with the recommendations of the Traffic and Safety Commission and approve the following:
 - a. the installation of a "No Parking, Stopping, Standing Anytime" sign on the east side of Shepard Hills Cir. between 9700 Shepard Hills Cir. and Shepard Hills Dr.; and
 - b. to replace the "Weight Limit 3 Tons" signs with "No Trucking (symbol)" signs along Pennsylvania Ave. between Rawson Ave. and Puetz Rd.

LICENSE COMMITTEE

24. **Motion:** Consider a motion to grant the various license requests as listed on the 11/5/19 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

25. **Motion:** Consider a motion to approve the October 30, 2019 Vendor Summary Report in the amount of \$874,348.77 (by Committee of the Whole).

MISCELLANEOUS

26. **Motion:** Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes to discuss the following:
 - a. Section 19.85(1)(e) to discuss a proposed term sheet between for the property located at 7700 S. Ikea Way (2nd District)
 - b. Section 19.85(1)(e) to discuss a proposed Tax Incremental District No. 12 Finance Development Agreement between the City of Oak Creek and Highgate, LLC. for the property at 7869 S. 13th St. (1st District)
 - c. Section 19.85(1)(g) to discuss claims related to the opiate crisis
27. **Motion:** Consider a motion to reconvene into Open Session.
28. **Motion:** Consider a motion to take action, if required.
29. **Resolution:** Consider Resolution No. 12100-110519, approving the Tax Incremental District No. 12 Finance Development Agreement (Highgate Development) (1st District).

30. **Resolution:** Consider Resolution No. 12105-110519, approving the Highgate LLC Development Agreement for the design and construction of public improvements for the development located across several properties at the northwest corner of Drexel Avenue / 13th Street (Tax Key Nos. 784-9020-000, 784-9019-000, 784-9003-000, 784-9991-000, 784-9990-001, 784-9001-000 and 784-9993-002) (Project Nos. 18058 and 18059) (1st District).

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 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 attend the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

COUNCIL PROCLAMATION 19-11

**CRPS/RSD AWARENESS MONTH
NOVEMBER 2019**

WHEREAS, Complex Regional Pain Syndrome (CRPS), also known as Reflex Sympathetic Dystrophy (RSD), is a chronic neurological pain syndrome that affects one or more extremities along with organs, joints, and muscles; and

WHEREAS, the symptoms of CRPS/RSD are often described as a continuous burning or throbbing pain, extreme sensitivity to touch or cold, swelling of the painful area, changes in skin temperature, color and texture, hair and nail growth, and other symptoms; and

WHEREAS, there is no cure for CRPS/RSD, treatments aimed at easing pain and improving function take the form of physical therapy, occupational therapy, nerve blocks, ketamine infusions, the Calmare device, opiates, pain pumps, and spinal cord stimulators; and

WHEREAS, RSDS/CRPS has been described as the most painful syndrome or disease, scoring highest on the McGill pain scale (42), above such events as an amputation of a digit and childbirth; and

WHEREAS, CRPS/RSD can affect both men and women of all ages, though it is much more common in women; and

WHEREAS, the prognosis for patients suffering from RSDS/CRPS is generally much better when the condition is identified and treated as early as possible, ideally within three months of onset of the first symptoms; and,

WHEREAS, it is in the best interest of our citizens to educate both individuals and medical professionals regarding this debilitating disease and to promote research to accurately identify, diagnose and treat this disease;

WHEREAS, the City of Oak Creek joins those living with CRPS/RSD and others in the community to raise awareness about CRPS/RSD and to call for further research regarding treatment and a cure for the disorder;

THEREFORE, BE IT RESOLVED that I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, do hereby recognize November 2019 as **CRPS/RSD AWARENESS MONTH**.

BE IT FURTHER RESOLVED that I urge all citizens to observe the first Monday in November as "Color the City Orange Day".

Dated this 5th day of November, 2019.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes: _____ Noes _____

COMMON COUNCIL REPORT

Item: Proclamation of Appreciation

Recommendation: That the Common Council adopt Council Proclamation No. 19-12, a Proclamation of Appreciation to Edward Siira, retiring Commissioner of the Oak Creek Water and Sewer Utility

Fiscal Impact: none

Critical Success Factor(s):

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

Background: Edward Siira served the City of Oak Creek Water and Sewer Utility for 5 years, and his career dictates that he be honored with this Proclamation of Appreciation.

Options/Alternatives:

Respectfully submitted:



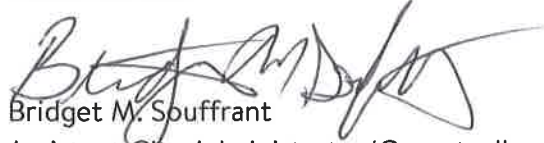
Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael J. Sullivan
General Manager

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Council Proclamation No. 19-12

COUNCIL PROCLAMATION NO. 19-12

PROCLAMATION OF APPRECIATION
TO
EDWARD SIIRA

WHEREAS, EDWARD SIIRA began his tenure with the City of Oak Creek on October 1, 2014, as a Utility Commissioner; and,

WHEREAS, EDWARD SIIRA has been a valuable member of the Commission with the Oak Creek Water and Sewer Utility during his years of dedicated service by virtue of his professionalism, self-sacrifice and work experience in the private sector; and,

WHEREAS, EDWARD SIIRA, as a Utility Commissioner, has provided immeasurable oversight to the Utility in areas, including, but not limited to, the following:

- A \$15 Million increase in Utility assets.
- The Utility's participation, as an award-winning member, in the Partnership for Safe Water Programs, improving water quality at the water treatment plant and in the distribution system to a point that only few utilities in the nation have been able to achieve.
- Participation in the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting that has resulted in 25 consecutive international awards; and,

WHEREAS, EDWARD SIIRA has completed 5 years of service as Commissioner with the Oak Creek Water and Sewer Utility.

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

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

Passed and adopted this 5th day of November, 2019.

Kenneth Gehl, Common Council President

ATTEST:

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

TO BE PUBLISHED OCTOBER 2 & 9, 2019

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request submitted by Linda Niemela, PT, NDT, Medical Support Services, Inc., for a Conditional Use Permit for a physical and occupational therapy clinic within the multitenant building on the property at 140 E. Rawson Ave.

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

Applicant: Linda Niemela, PT, NDT, Medical Support Services, Inc.
Property Owner: EAST RAWSON AVE LLC
Property Location(s): 140 E. Rawson Ave. (Building C)
Tax Key(s): 733-9991-001

Legal Description:

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

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

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

Date of Notice: September 25, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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

COMMON COUNCIL REPORT

Item: Conditional Use Permit - Physical and Occupational Therapy Clinic

Recommendation: That the Council adopts Ordinance 2950, an ordinance to approve a Conditional Use Permit for a physical and occupational therapy clinic in a portion of the multi-tenant building (C) on the property at 140 E. Rawson Ave.

Fiscal Impact: Approval will allow for the use and occupancy of a recently-constructed multitenant manufacturing building in a development that is currently under construction. The project has yielded positive fiscal impacts in terms of assessed value and review/permit/impact fees. Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. This property is not currently part of a TID.

Critical Success Factor(s):

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

Background: The Applicant, Linda Niemela, Medical Support Services, Inc., is requesting Conditional Use approval for a proposed proposed physical, occupational, and speech language therapy clinic within a portion of the multitenant building (C) on the property at 140 E. Rawson Ave. Clinics are Conditional Uses in the M-1, Manufacturing district.

As proposed, the clinic would occupy approximately 8,517 gross square-feet in two (2) suites of Building C, currently under construction. Hours of operation would be as follows:

Monday through Friday - 7:00 AM - 7:00 PM

Saturday - 8:00 AM - 12:00 PM or by appointment

Sunday - Closed

It is anticipated that 20-50 clients per day would visit the facility, and that 15-20 employees would be at the facility during business hours.

Access to the site will be via the shared drive off of E. Rawson Ave. During review of the site and building plans in 2016, the Applicant indicated that the 278 parking stalls provided for the three (3) multitenant buildings was adequate based on similar buildings and tenant needs. Information provided by the landowner states that the development has 284 parking stalls, 95 of which serve Building C. Some of the 95 parking stalls between Buildings B and C could be shared as well. Minimum parking requirements for medical, dental, and similar professional health service offices are calculated at five (5) patient stalls for every doctor, plus one (1) stall per employee at peak shift. Information provided does not distinguish therapists from support staff, nor does the submission estimate the maximum number of clients

anticipated onsite at any given time. If all 20 employees were therapists that could treat clients simultaneously, a total of 100 parking stalls would be required based on the medical office requirement. Staff recognizes that the clinic is client-based, and not likely that all employees provide therapeutic services. Realistically, one (1) stall per therapist plus one (1) stall per employee is likely sufficient for the proposed clinic. Staff has no immediate concerns for the provided parking.

No site or exterior building modifications, with the exception of anticipated future wall signs, are proposed. Plan Commissioners should be aware that this property is currently under construction. Should the Conditional Use Permit be approved, the Time of Compliance section of the Conditions and Restrictions will need to take construction timetables into consideration.

The Plan Commission reviewed this request during their September 10 and 24, 2019 meetings. The request was recommended for approval subject to the attached Conditions and Restrictions.

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



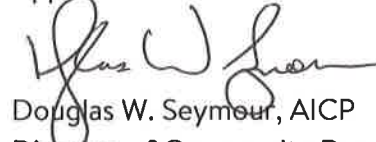
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2950

Location Map

Hearing Notice

Plan Commission meeting minutes

Letter of Transmittal (1 page)

Plan of Operation (3 pages)

Tenant Buildout Plans (3 pages)

Conditions and Restrictions

ORDINANCE NO. 2950

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR A
PHYSICAL AND OCCUPATIONAL THERAPY CLINIC ON THE PROPERTY
AT 140 E. RAWSON AVE.

(1st Aldermanic District)

WHEREAS, LINDA NIEMELA, MEDICAL SUPPORT SERVICES, INC., has applied for a Conditional Use Permit that would allow for a physical and occupational therapy clinic within the multitenant building on the property at 140 E. Rawson Ave.; and

WHEREAS, the property is more precisely described as follows:

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

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

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

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for a physical and occupational therapy clinic on the property at 140 E. Rawson Ave., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for a physical and occupational therapy clinic on the property at 140 E. Rawson Ave.

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

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

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

Passed and adopted this 5th day of November, 2019.

President, Common Council

Approved this 5th day of November, 2019.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Notification Map 140 E. Rawson Ave.






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



Department of Community Development



Legend

-  Subject Property
-  Officially Mapped Streets
-  DNR Wetlands Inventory

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Common Council Chambers

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Tax Key(s): 733-9991-001

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**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 10, 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, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert, and Commissioner Chandler. Alderman Loreck was excused. Also present: Kari Papelbon, Planner and Laurie Miller, Zoning Administrator/Planner.

**CONDITIONAL USE PERMIT
MEDICAL SUPPORT SERVICES, INC.
140 E. RAWSON AVE
TAX KEY NO. 733-9991-001**

Planner Papelbon provided an overview of a request for a Conditional Use permit for a physical and occupational therapy clinic within the multitenant building under construction (see staff report for details).

Mayor Bukiewicz asked when the tenant is planning on occupying the building.


Dustin Atkielski, 3441 Bark Lake Road, Hubertus, stated that there have been some complications with grading and getting construction materials. The buildings are close to being complete, and he is hopeful this phase of construction will be wrapped up in a month or two.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a clinic within the multitenant building on the property at 140 E. Rawson Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (September 24, 2019).

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:50 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 8, 2019

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 24, 2019**

Alderman Guzikowski 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 Guzikowski, Commissioner Siefert, and Commissioner Chandler. Mayor Bukiewicz, Alderman Loreck, and Commissioner Oldani were excused. Also present: Kari Papelbon, Planner and Laurie Miller, Zoning Administrator/Planner.

**CONDITIONS AND RESTRICTIONS
MEDICAL SUPPORT SERVICES, INC.
140 E. RAWSON AVE.
TAX KEY NO. 733-9991**

Planner Papelbon provided an overview of the Conditions and Restrictions for a physical and occupational therapy clinic. (See staff report for details).

Of particular note, Planner Papelbon mentioned the hours of operation. The Applicant's submittal showed hours of operation as Monday through Friday, 7:30 a.m. to 6:30 p.m. What that does not include are potential hours where staff could be onsite before and after appointments. Staff would like the Commission's consideration of amending those hours to allow for a little more flexibility, perhaps 7 a.m. to 7 p.m., or if the Commission has any other suggestions.

Planner Papelbon stated that the site is currently under construction, and, typically, the Conditional Use Permit requires the commencement of operations within 12 months of the date of adoption of the approval ordinance by the Common Council. Since there is some flexibility in when the construction for the building will be completed, that is something for the Plan Commission to decide if this should be extended - 24 months, 36 months, etc.

Commissioner Hanna asked if the hours of operation include the cleaning operations. Planner Papelbon stated that hours of operation apply to when the facility is open, and do not typically apply to cleaning/maintenance staff. However, there could be patients that arrive a few minutes early and stay a few minutes late. Allowing a little bit of flexibility would allow staff to be onsite outside of those particular hours of operation.

Commissioner Sullivan mentioned that in order to gain occupancy of the building, there are a few issues that need to be addressed, such as grading, completion of the ponds, and other things of that nature. He asked the Applicant if he will be able to get that done in 12 months.

Dustin Atkielski, 3441 Bark Lake Road, Hubertus, responded that yes, they are looking at completing the project before the end of the year for the original construction of the shell building. They are looking to submit permits for this tenant space because the shell of the building is completed already. They plan on working on the improvements for this alteration during construction of the actual site, but within 12 months. If they don't have it done in that time, they will probably not have this tenant. Commissioner Sullivan asked if that includes the third building completion. Mr. Atkielski stated it does not. It would just be the completion of buildings B and C and the required site improvements.

Planner Papelbon stated that there is an alternate option if it looks like the completion of the site is not going to be within 12 months. The Applicant can apply for an amendment for an extension of that time period prior to the expiration of the Conditional Use Permit.

Commissioner Siepert asked Mr. Atkielski if he concurred with the 7:30 a.m. to 6:30 p.m. time element. Mr. Atkielski responded that those are the hours that the tenant provided to him, but if the Commission is willing to give them a little bit of a buffer in the hours of operation, that would be appreciated.

Alderman Guzikowski asked how the hours of operation change will be handled in the Conditions and Restrictions. Planner Papelbon responded that staff will incorporate the changes.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for a clinic within the multitenant building on the property at 140 E. Rawson Ave., after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 8, 2019

Date



St John Properties, Inc.
1020 James Dr., Suite G
Hartland, WI 53029

Dustin Atkielski
262-370-6855 ©
262-369-0100 Office
262-369-9075 FAX
Email: datkielski@sjpi.com

MEMO

To: City of Oak Creek
Planning/Zoning Department
8040 S. 6th Street
Oak Creek, WI 53154
ATTN: Kari Papelbon

From: Dustin Atkielski

Date: August 13th, 2019

Re: APPLICATION FOR CONDITIONAL USE PERMIT
Medical Support Services, Inc. and Tender Touch Therapy, LLC
140 East Rawson Ave.
Oak Creek, WI 53154

We are submitting plans, specifications and application to Plan Commission for a Condition Use Permit per Section 17.03171(c)(9) for a clinic in the M-1 zoning district for Medical Support Services, Inc. and Tender Touch Therapy, LLC. The following documents are included;

1. Detailed Plan of Operation
2. Site Plan
3. Floor Plan

Detailed Plan of Operation: Please see attached document

Site Plan: The site plan shows the location of the proposed space within the building footprint as well as the parking lot and sidewalk areas. This page also includes data for the specific space as well as building data. The development has a total of 284 parking space in which 95 serve directly to building C with and additional 95 that can be also utilized from Building B due to the shared lot.

Floor Plan: The front portion of the space will support a client waiting area, offices, clinician work area, evaluation rooms, break room, restrooms, and will feature a full mockup apartment that will be used to train clients on day to day tacks/activities. The rear portion of the space will utilize our taller deck height for a gym space for specific devices/equipment like therapy swings, larger equipment similar to playground equipment, and group work areas.

Detailed Plan of Operation

Tender Touch Therapy, LLC

Hours of Operation:

-Monday through Friday 7:30 AM to 6:30 PM

-Saturday 8:00 AM to 12:00 PM or by appointment

Number of Employees: 15 to 20

Number of Clients Per Day: Estimated 20 to 50 per day

Background

Founded in 1999, Tender Touch Therapy started with a few therapists providing in home Physical & Occupational therapy to children following discharge from Birth to 3 services. On April 4th, 2006 we opened the doors to our Kenosha Clinic. Since then we have grown to providing services to over 400 pediatric and young adult patients in Southeastern Wisconsin. Our therapists work with clients and their families to provide individualized, or group, therapeutic programming which will enhance, challenge, and encourage patients to increase their independence, enhance their health, and improve their lifelong wellness.

Mission Statement

Tender Touch Therapy provides high quality pediatric physical, occupational, and speech language therapy services. As a comprehensive team, we implement creative and effective treatment strategies in order to maximize functional independence and achieve patient-specific goals. We will advocate on behalf of each child and their family to enhance well-being and improve lifelong wellness.

Values

Advocacy: We will create and maintain support for children, young adults, and their family in the therapeutic setting as well as their everyday life. We strive to seek what is best in treatment for happiness, and function to carry over into the home and community. We will act and speak in advocacy through medical and community relationships as we expressly share in each family's and child's dreams and goals.

Creativity: We will utilize boundless creativity throughout our pursuit of excellence and best practice as we strive to advance each child and young adult in their areas of strength and propel them forward into opportunity and successful accomplishments.

Well-Being: We strive to support wellness and balance for our families and kids while encouraging development into healthy young adults. We will model well-being as clinicians through our demeanor and as a company through our promotion.

Teamwork: We will cooperate in the spirit of teamwork both internally and externally as we coordinate with other health care providers, parents, co-workers, and the community we live in. We will employ the practices of collaboration and enhanced communication to expand the traditional roles of healthcare, and to make decisions as a motivated team that works toward a common goal.

Services

Physical Therapy

Physical Therapists provide skilled evaluation, consultation, and therapeutic intervention to children across the lifespan in order to improve movement, function, and promote overall health & fitness. Our physical therapists provide individualized treatment to each child in order to appropriately challenge the child, and to help him/her reach their full potential.

Our Pediatric Physical Therapists treat all of the following, but not limited to:

- Cerebral Palsy
- Down Syndrome
- Spina Bifida
- Torticollis
- Plagiocephaly
- Development Delay
- Hemiplegia
- Traumatic Brain Injury
- Muscular Dystrophy
- Toe-Walking
- Walking Difficulties
- Orthopedic Injuries
- Pain
- Arthritis
- Vestibular Disorders
- Coordination Disorders
- Genetic Syndromes

Occupational Therapy

Occupational Therapy is a blend of art and science concerned with the "occupations" of daily living. Occupational therapy includes sensory and neuromotor activities along with play activities to optimize a child's capacity to function independently at home, in school, and in the community. Our Occupational Therapists provide creative solutions and resources for success in daily activities of self-help, play, and schoolwork.

Our Occupational Therapists treat children and infants with the following but not limited to:

- Brachial Plexus Injury
- Autism Spectrum Disorders
- Sensory Processing Disorders
- Attention Deficit Disorder/ Attention Deficit Hyperactivity Disorders
- Fine Motor Delay
- Cerebral Palsy
- Down Syndrome
- Genetic Disorders

Speech Therapy

Speech-Language Pathologists (SLPs) are specially trained in evaluating and treating communication and feeding/swallowing disorders across the lifespan. Communication and feeding/swallowing abilities may be impacted by disorders such as autism, cerebral palsy, down syndrome, or development delay. SLP's at Tender Touch Therapy provide services in a variety of areas in order to maximize opportunities for growth by providing a unique therapy program to meet the needs of the child.

The most common areas that our SLPs provide evaluation, consultation, and intervention include:

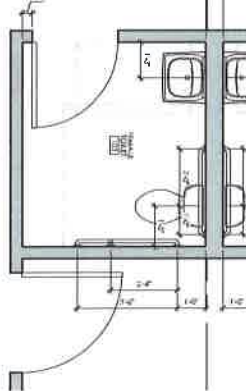
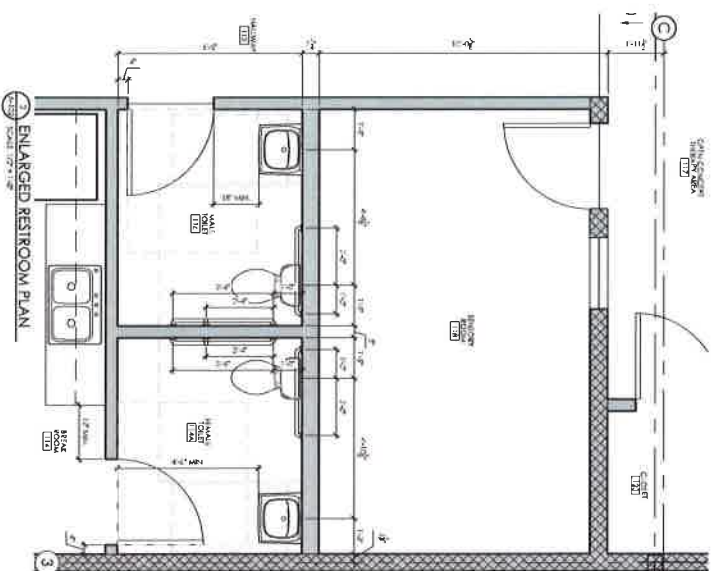
- Speech Sound Disorders (Articulation, Phonology)
- Motor Speech Disorders (Apraxia, Dysarthria)
- Stuttering
- Voice Disorders
- Language Delays
- Expressive and Receptive Communication
- Augmentative and Alternative Communication
- Social Communication
- Linguistic Processing
- Cognitive Aspects of Communication
- Executive Function Skills
- Sensory Feeding
- Swallowing



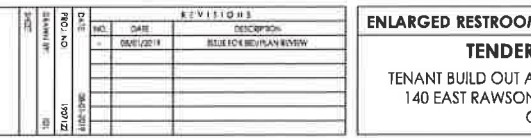
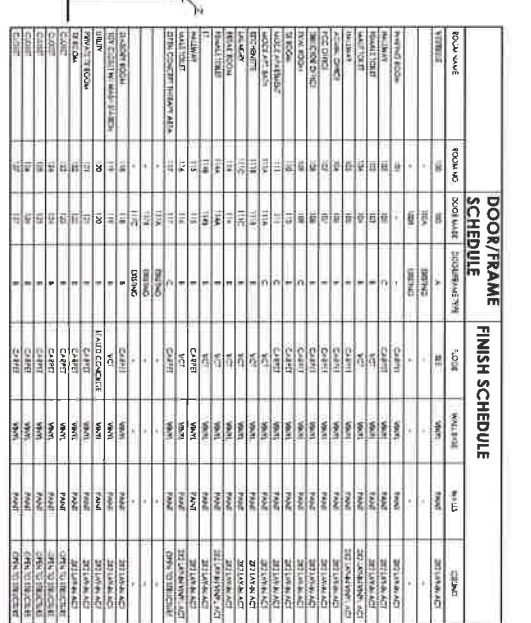
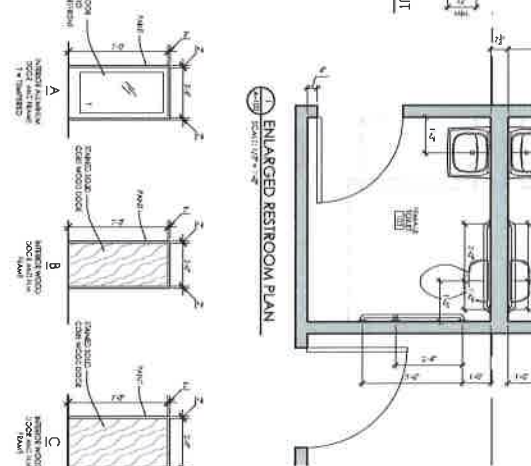
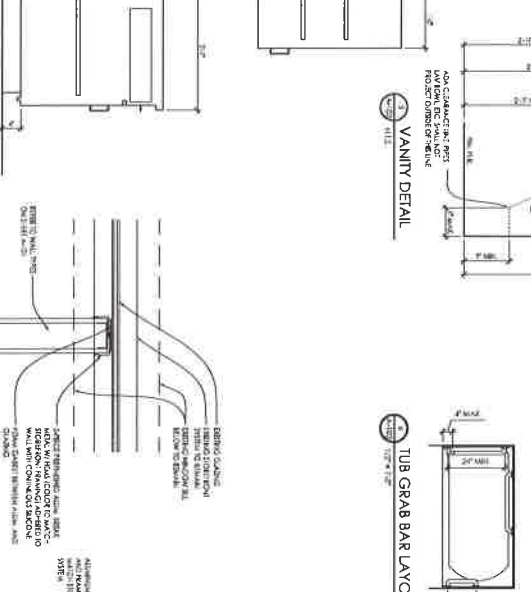
haag müller, inc.
 Architects • Engineers • Interiors
 101 East Corona Avenue, Suite 1
 Pewaukee, Wisconsin 53074
 262.266.1200 www.haagmuller.com
 2301 Haag Parkway, Inc.



ENLARGED RESTROOM PLAN & DOOR/FINISH SCHEDULE
TENDER TOUCH THERAPY
 TENANT BUILD OUT AT RAWSON AVE BUSINESS CENTER
 140 EAST RAWSON AVE - BUILDING C SUITES 15-17
 OAK CREEK, WI



ROOM NAME	ROOM NO.	SCOPE	DOOR/FRAME TYPE	DOOR	FRAME	WALLS	CEILING	FLOOR
STAIRWELL	101	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	102	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	103	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	104	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	105	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	106	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	107	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	108	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	109	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	110	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	111	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	112	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	113	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	114	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	115	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	116	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	117	SEE	SEE	SEE	SEE	SEE	SEE	SEE
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STAIRWELL	122	SEE	SEE	SEE	SEE	SEE	SEE	SEE
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STAIRWELL	126	SEE	SEE	SEE	SEE	SEE	SEE	SEE
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STAIRWELL	142	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	143	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	144	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	145	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	146	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	147	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	148	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	149	SEE	SEE	SEE	SEE	SEE	SEE	SEE
STAIRWELL	150	SEE	SEE	SEE	SEE	SEE	SEE	SEE



A-102

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

Applicant: Linda Niemela, Medical Support Services, Inc.
(Tender Touch Therapy, LLC)

Approved by Plan Commission: 9-24-19

Property Address: 140 E. Rawson Ave.

Approved by Common Council: TBD

Tax Key Number: 733-9991-001

(Ord. # 2950)

Conditional Use: Clinic

1. LEGAL DESCRIPTION

COM 310 FT E & 140.04 FT N OF SW COR SW1/4 SEC. 4-5-22 TH N 521.32 FT E TO NE COR OF W1/2 OF S 40 ACS OF SD 1/4 SEC S TO S1/4 SEC LI W TO A PT 722.20 FT E OF SW COR SD 1/4 SEC N 140 FT TH W TO BEG., EXC. PART FOR STREET. CONT. 13.496 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) General Development Plan

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

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming
- b) Number, initial size, and type of plantings
- c) Percentage open/green space

3) Building Plan

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

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

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

6) Fire Protection

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

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

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

any building permits.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Hours of operation shall be in accordance with the following:

Monday through Friday	7:00 AM – 7:00 PM
Saturday	8:00 AM – 12:00 PM or by appointment
Sunday	Closed

The above hours of operation are restricted to patient appointments and not to staff onsite at any given time.

- B. There shall be no outdoor activities, outdoor storage, or outdoor display of merchandise for sale in association with this Conditional Use.
- C. Solid waste collection and recycling shall be the responsibility of the owner.
- D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the Site Plans approved by the Plan Commission February 28, 2017.

5. LIGHTING

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

6. SETBACKS

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	40 ft	20 ft	20 ft
Accessory Structure*	40 ft	See Sec. 17.0501	See Sec. 17.0501
Parking	30 ft	5 ft	5 ft

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

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these conditions and restrictions for the Conditional Use within **twelve (12) months** from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use approval shall expire within **twelve (12) months** after the date of adoption of the ordinance if an occupancy permit has not been

issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

8. OTHER REGULATIONS

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

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

TO BE PUBLISHED OCTOBER 16 & 23, 2019

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a proposal by Thomas Uttke to amend the Official Map for a portion of the W 1/2 of the W 1/2 of the N 1/2 of the NE 1/4 of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave).

Hearing Date: November 5, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Property Legal Description:

819 E. Drexel Ave. - CSM NO 8589 NE 1/4 SEC 16-5-22 PARCEL 1.

819R E. Drexel Ave. - W 1/2 OF W 1/2 OF N 1/2 OF NE 1/4 SEC 16-5-22 EXC FORMER CNS&M RR ROW & EXC N 300 FT OF W 145 FT THEREOF & EXC N 300 FT OF E 145 FT THEREOF & EXC CSM NO 8589 & EXC PT FOR AVE.

901 E. Drexel Ave. - CSM NO 8589 NE 1/4 SEC 16-5-22 PARCEL 2.

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

A copy of the proposed map amendment is available for review at the Department of Community Development.

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

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

PUBLIC NOTICE

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



COMMON COUNCIL REPORT

Item: Official Map Amendment - 819, 819R, 901 E. Drexel Ave.

Recommendation: That the Council adopts Ordinance 2951, an ordinance to amend the Official Map for a portion of the W 1/2 of the W 1/2 of the N 1/2 of the NE 1/4 of Section 16 (mapped, unimproved rights-of-way affecting the properties at 819, 819R, and 901 E. Drexel Ave).

Fiscal Impact: Approval will allow for a future single-family residential subdivision construction. Development and redevelopment of these single-family residentially-zoned properties will yield positive fiscal impacts in terms of assessed value, permit/review/impact fees, etc. These properties are not currently part of a TID; however, this area has been identified in the Strategic Plan as a priority for the future development of single-family residential homes.

- 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 an amendment to the official map to reconfigure the future road pattern for the properties at 819, 819R, and 901 E. Drexel Avenue. Originally, this began as a concept drawing to prepare the property for possible sale and development. However, the existing Official Map did not provide direct access to this property, which would have restricted the development potential of these properties. In an effort to market the property to the development community, the Applicant has proposed changes to the Official Map that would provide direct access to this property via a new public roadway onto East Drexel Avenue.

Under both the existing and proposed Official Maps, the subject properties are served by multiple (future) access points. However, under both scenarios additional properties would need to be involved if these roads were to be constructed. Such would be the case with the roadway on the east boundary, which is part of Abendschein Community Park. Additional future streets also impact the southwest corner of the park, although part of those could be removed without impact to the overall street pattern.

While this is only at the stage of an Official Map Amendment, it is important to note that there have been ongoing discussions regarding the development phasing of a subdivision, should it proceed at this location. Issues such as stormwater management, floodplain and wetland impacts, and emergency access points have been briefly discussed, but will need to be more thoroughly vetted at the time a formal development proposal is submitted.

When considering a proposal to amend the Official Map, the Commission should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties.

The Official Map for this same quarter-section was amended in 2017 to remove a future street to allow for the construction of a home at 928 E. Forest Hill Ave. The proposal reconfigures the internal roadway network to avoid direct impacts to the adjacent property to the south, which was a main factor contributing to the item being held at the May 28, 2019 Plan Commission meeting. Other areas of concern that caused the item to be held included addressing the access through Abendschein Park, and coordinating with adjoining property owners for future roadway connections/construction.

The Plan Commission reviewed the proposed Official Map Amendment at their May 28 and October 8, 2019 meetings, and recommended approval.

Options/Alternatives: Council has the discretion to approve, modify, or deny the request.

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:

Ord. 2951

Location Map

Hearing Notice

May 28, 2019 Excerpted Plan Commission Minutes

Current Official Map

Development Concept dated 8/21/19

ORDINANCE NO. 2951

BY: _____

AN ORDINANCE TO AMEND SECTION 6.01 OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK AMENDING THE OFFICIAL MAP FOR A PORTION OF THE W 1/2 OF THE W 1/2 OF THE N 1/2 OF THE NE 1/4 OF SECTION 16 (MAPPED, UNIMPROVED RIGHTS-OF-WAY AFFECTING THE PROPERTIES AT 819, 819R, AND 901 E. DREXEL AVE).

(1ST Aldermanic District)

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

SECTION 1: Section 6.01 of the Municipal Code of the City of Oak Creek enacted and adopted pursuant to Section 62.23(6)(b), Wisconsin Statutes, creating the Official Map of the City of Oak Creek, is hereby amended so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds and to widen, narrow, extend and close existing streets, highways, parkways, parks and playgrounds, as more fully shown on the map attached hereto and declared to be a part thereof (EXHIBIT "A"), the same affecting the Section 16, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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

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

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

Passed and adopted this 5th day of November, 2019.

President, Common Council

Approved this 5th day of November, 2019.

Mayor

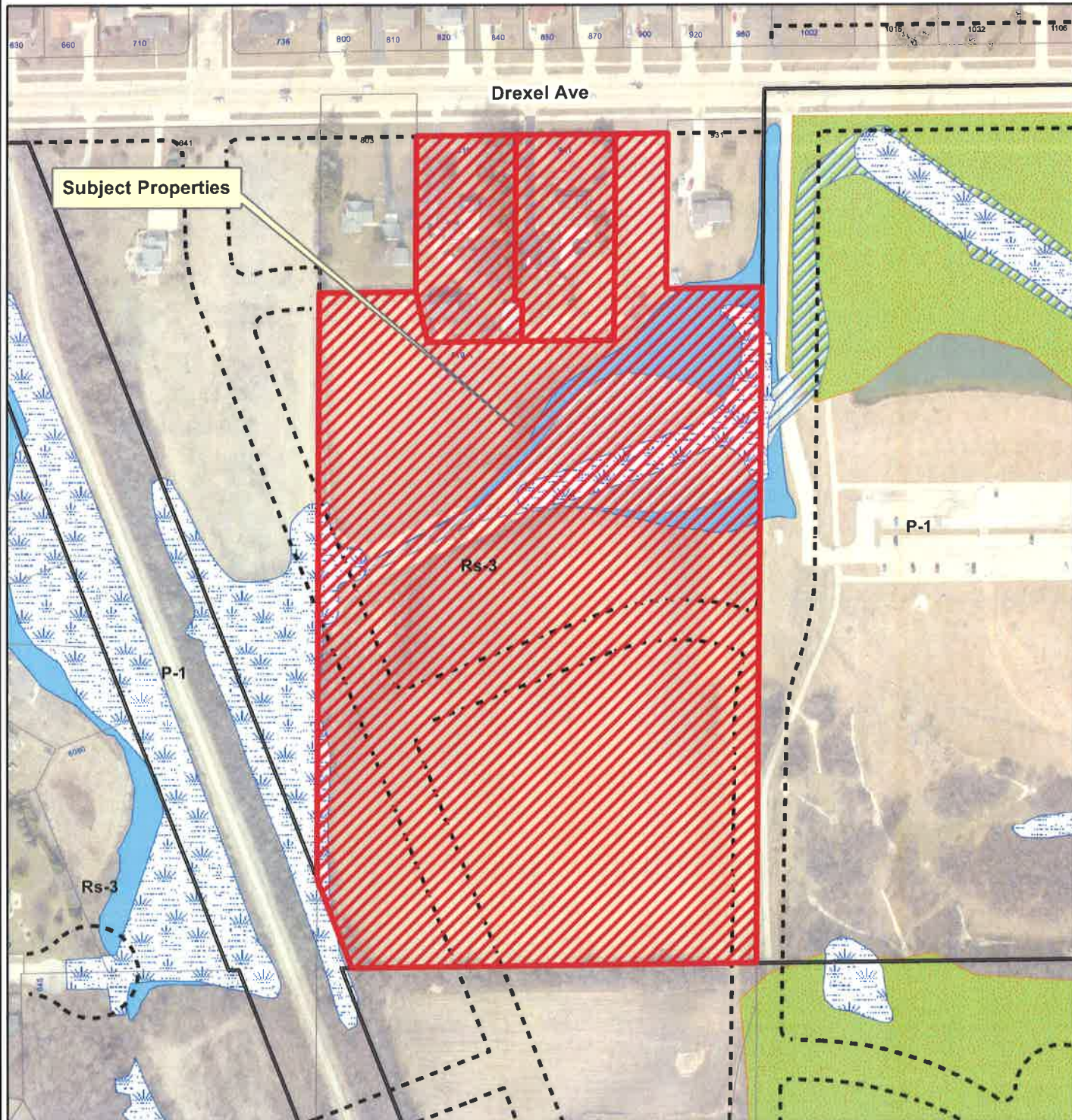
ATTEST:

City Clerk

VOTE: Ayes: _____ Noes: _____

Location Map

901 & 819 E. Drexel Ave.



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



Legend

	Subject Properties		Floodway (2008)
	Officially Mapped Streets		Flood Fringe (2008)
	DNR Wetlands Inventory		Environmental Corridor

TO BE PUBLISHED OCTOBER 16 & 23, 2019

OFFICIAL NOTICE

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BEFORE THE OAK CREEK COMMON COUNCIL**

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Hearing Date: November 5, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Property Legal Description:

819 E. Drexel Ave. - CSM NO 8589 NE 1/4 SEC 16-5-22 PARCEL 1.

819R E. Drexel Ave. - W 1/2 OF W 1/2 OF N 1/2 OF NE 1/4 SEC 16-5-22 EXC FORMER CNS&M RR ROW & EXC N 300 FT OF W 145 FT THEREOF & EXC N 300 FT OF E 145 FT THEREOF & EXC CSM NO 8589 & EXC PT FOR AVE.

901 E. Drexel Ave. - CSM NO 8589 NE 1/4 SEC 16-5-22 PARCEL 2.

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

A copy of the proposed map amendment is available for review at the Department of Community Development.

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

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

PUBLIC NOTICE

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**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 28, 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, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner, and Doug Seymour, Director of Community Development.

Minutes of the April 23, 2019 meeting

**OFFICIAL MAP AMENDMENT
UTTKE PROPERTIES
819, 819R AND 901 E. DREXEL AVE.
TAX KEY NOS. 815-9024-000, 815-9995-002 AND 815-9025-000**

Planner Papelbon provided an overview of the proposal to amend the officially mapped streets in the NE ¼ of Section 16. (See staff report for details).

Commissioner Chandler asked for more information on the impact this will have on neighboring properties. Aaron Cook, Pinnacle Engineering Group, 15850 Bluemound Road, Brookfield, WI, civil engineer and planner that has been working with a realtor and owner to develop a plan, responded that initially there was a street layout that went through one of the existing single-family homes there. Whenever they do a new development that has existing homes in it, it is difficult to determine which homes are going to stay and which of them are going to get demolished or rebuilt. Given that, they came up with a layout that elected to remove one of those houses. After receiving staff comments, they came out with another layout. Now that layout is not as efficient, so whoever develops that is going to have to make some of these decisions about keeping the house or not. They reconfigured the roads in a different pattern to leave that house, and it is more similar to how the original map was.

Commissioner Chandler asked what the process is to contact the owners of property in the affected area. Mr. Cook responded that they are not proposing to eliminate a home at this time, but there is a potential future concept plan that could be affected by a developer in the future.

Director of Community Development Doug Seymour stated that there are more updated graphics that were not available at the time of the meeting. The latest exhibit does remove that Officially-Mapped Street from the existing home. The 2017 Official Map Amendment done by that property owner essentially took off that cross-street so that they could build a house in that location. Staff's concern is undoing what was done in 2017, and that that would have impacts to this property owner. Personally and professionally, Director Seymour is not in favor of the latest exhibit which shows the alignment to the south. Even if the Commission concurs with the recommendation, there is still some work to be done out there. Director Seymour continued by saying that what was done on the properties involved themselves is fine, but there still needs to be a lot of discussion when it comes to the subdivision and platting stage with respect to the final engineering of any potential subdivision there.

Director Seymour stated that the biggest and most note-worthy change to the Official Map is the roadway to Abendschein Park. The east side of this development shows an Officially-Mapped Street which essentially goes all the way down from Drexel Ave. to Forest Hill Ave., along and

entirely within Abendschein Park. As it is configured right now, there is no direct access to this property. In essence for this property to be developed, they would essentially be at the mercy of the City who would have to put in that roadway, or their neighboring property to the west would have to put in what amounts to a pretty extensive amount of roadway for the lot yield that they could get out of it. In any case, the likelihood of the neighborhood developing in accordance with the official map without substantial cooperation and investment from the City, and adjacent property owners is pretty unlikely.

So the likelihood and desirability of maintaining a public roadway connection through Abendschein Park, that runs from Drexel Ave. to Forest Hill Ave., would involve some discussion. What happens on the subject properties themselves works, but there is not the clarity that is needed for the impacts to the property to the south that staff is able to recommend approval at this point in time.

Commissioner Siefert asked if there is some cooperation between the development and the City to improve that road and extend it, or is the City sitting back and waiting to see what happens. Director Seymour responded that the City has not programmed the design and construction of that roadway. If it were done, it would be very costly and the prospect of recovering a good portion of that would be uncertain given the fact that it is entirely on the Abendschein Park property. The cost would be approximately \$800,000 for the roadway. It is a complex challenge to serve this property. Director Seymour added that this property is shown as one of the priority single-family development sites in the City's Strategic Plan. Staff and Common Council, by virtue of their review of that plan, certainly acknowledges that this makes sense for development for a single-family subdivision. The logistics are certainly more complex given the fact that it is not served by an Officially-Mapped Street that they can control. This would serve the purpose of providing a roadway connection ultimately between Drexel Ave. and Forest Hill Ave., albeit not in the most direct route or in the design that was previously suggested, for that would have been a neighborhood collector street. This would be more like subdivision streets and ultimately would make its way south.

Commissioner Sullivan pointed out that there have been improvements in Abendschein Park in the last two years such as the path that now encompasses the entire park, and the active disc golf course. These recent improvements would be impacted if the City decides to move forward with the park entrance improvements. One of Engineering staff's concerns is introducing an additional entrance onto Drexel Ave. as there already is a heavy traffic load there.

Alderman Guzikowski stated that from a Parks Commission representative standpoint, he feels the Parks Commission would have some concerns with what is being proposed here.

Director Seymour stated that he is comfortable with what is being proposed on the Uttke properties itself, but not as much with the impacts on the properties to the south.

Mayor Bukiewicz asked how wetlands play into this. Director Seymour stated that wetlands play a large part in the eventual cost of any roadway and crossing of those wetlands. At this point in time, there needs to be an awareness of those, be it on the Uttke property or the City property. That will play a large part in the cost of any roadway or any crossing of those wetlands. Without a delineation on the City property, he could not speak to how it impacts the cost of the road, other than it seems to suggest that the presence of wetlands means fill permits and crossing permits, and again calls into question the desirability of having that officially mapped roadway in that location.

Mayor Bukiewicz stated that in the southern point, they connect up to the subdivision west. Director Seymour stated that ultimately, it would be their decision to develop. He suggested that it shouldn't change given the fact that that roadway was eliminated less than a year and a half ago.

Director Seymour stated that this is complicated in the sense that this is very fresh information. He would like to give the engineer an opportunity to look at an alternative, which does not impact that future building site on that property. The original intent of the original map submittal was to eliminate that road to allow for a home. From that standpoint, if there is an opportunity to maintain that connectivity without impacting that future home site, that would be the win/win for the City and neighboring property owners.

Commissioner Sullivan stated his concern over any more access points to Abendschein Park, given the number of accidents that have occurred on that stretch of Drexel Avenue.

Mayor Bukiewicz called for a motion.

Jason Strmzek, 926 E. Forest Hill Ave., Oak Creek:

"So the money that's already been spent on the surveying to get that house that we are talking about building back there, I mean, if you guys decide to go with this, what happens to everything that's already been put toward, I mean, what happens if he starts building right now? You know, because nothing's been put in motion yet, but..."

Mayor Bukiewicz stated that nothing has been put in motion and he doesn't see it going that far. Alderman Guzikowski stated that he could not support that either. Director Seymour stated that the City is not prepared to move on something that shows that impact with keeping that roadway in its current location knowing full well that less than a year and a half ago, the Council approved an Official Map amendment for that very purpose. In reliance upon that Official Map amendment, Mr. Strmzek certainly has moved forward with the plans for a home on that property. Even if there is a way to avoid that, the City is certainly going to take a look at that.

Mayor Bukiewicz stated that those are his feeling on the matter.

Mr. Strmsek:

"Okay, but I mean, continuing to move on with his project. Is he allowed or is this on hold?"

Mayor Bukiewicz responded that the applicant can come back to City staff and look at possible solutions, but would eventually have to come back before the Plan Commission for this process.

Mayir Yang, 850 E. Drexel Ave:

"I'm a little bit concerned because my house will be directly across one of the roads that are being proposed. Since Drexel become an interstate, you know, exit, there has been a lot of accidents around the house. And so I'm just really concerned about, what are the safeguard protocols that would in place if this was to be moved forward, especially with my house being directly across from the road. I am concerned because the accident has increased recently and a couple of months ago there was, thank God for the tree in front of my house, because if not for the tree, the car would have gone through my house."

Commissioner Sullivan stated that there are a number of safety measures that can be put in. It is uncertain at this time exactly what is going to be done there. They will take into consideration the number of accidents and volume of traffic traveling on Drexel and what might be produced from the subdivision. Then they can look at different measures and their safety factors and try to improve that intersection in that area to make it as safe as possible.

Mr. Yang:

"I guess the only thing that I had was is of that proposed connection to this new subdivision directly impacts myself and my neighbors. I guess we weren't really notified or give a heads up as to the directly impact that street would have on us, so I just felt that coming here we finally knew what the plans were and we would saw that hey, that street is going to affect ours because it is directly right in line for our house. I just felt that that was not communicated to me or to our property and our neighbors at 840 E. Drexel."

Director Seymour asked them if they received a notice for this meeting. Mr. and Mrs. Yang confirmed they did.

Mr. Yang:

"I would say for the future, any roadway that would directly impact future houses, I would say reach out to them and give them a head's up, and say, hey, instead of a last week got a notice to come here. If we didn't look at the plans, we weren't given notice that hey, that street will affect us."

Mayor Bukiewicz stated that when public notices are sent out, the City uses the City ordinance and the notices go out to affected properties within 300 feet of the proposal, unless the Alderman of the District requests that notification go out a little further. Director Seymour stated that the Plan Commission is the first step in the process. The Common Council will be holding a public hearing at which they will be getting another notice in the mail, which would be 10 days prior to the hearing.

Alderman Guzikowski moved that the Plan Commission place on hold the Official Map amendment for a portion of the Northeast 1/4 of Section 16 to be amended after a public hearing, provided that the proposal is revised to eliminate conflicts with existing and planned homes on adjacent properties. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:45 p.m.

ATTEST:

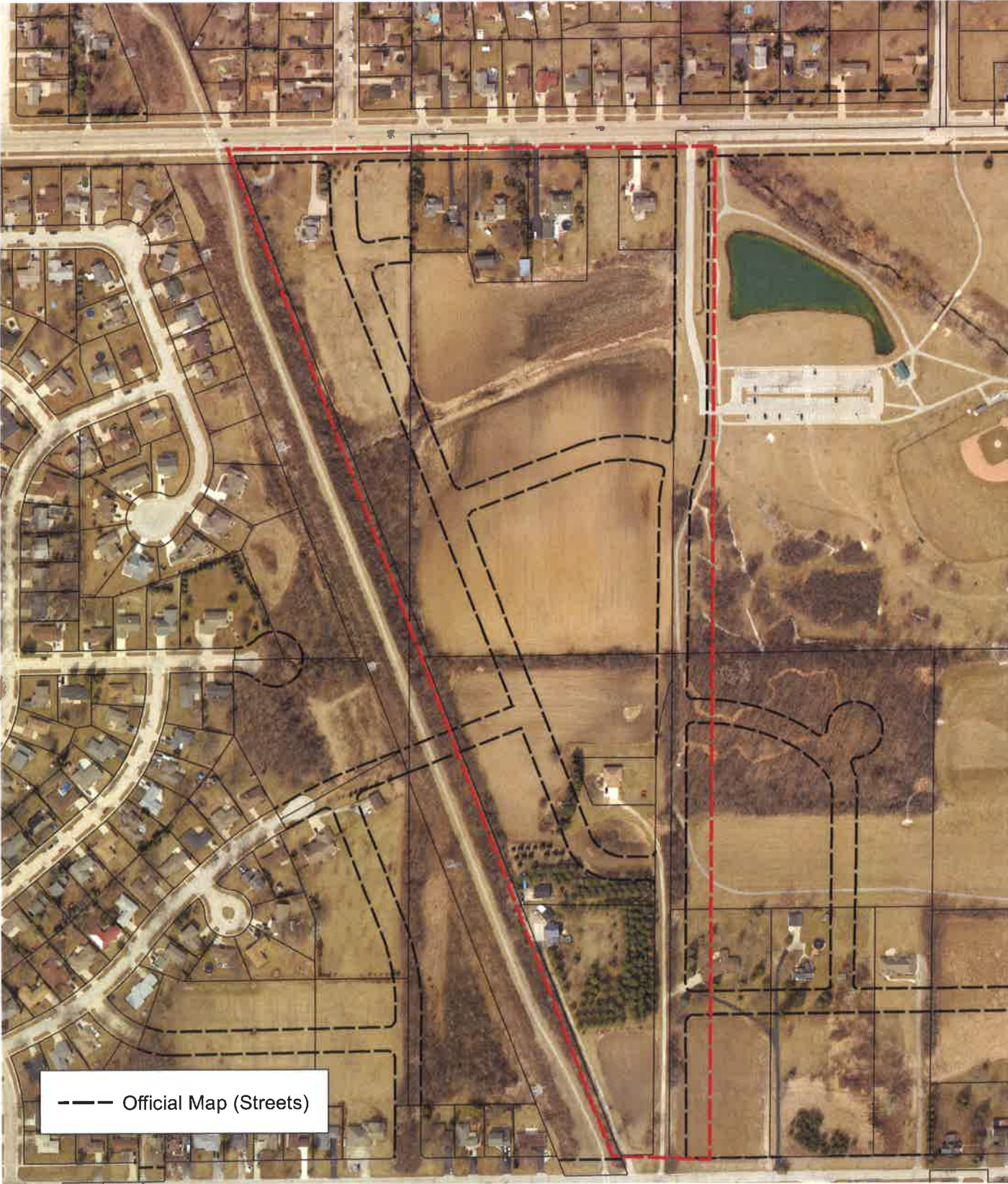


Douglas Seymour, Plan Commission Secretary

June 11, 2019

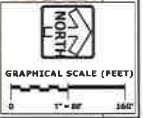
Date

Official Map Amendment - Section 16 (Uttke) - existing



0 150 300 600 Feet





UTTKE - PROPERTY - NEIGHBORHOOD MAP

08/21/19

PINNACLE ENGINEERING GROUP

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005 | WWW.PINNACLE-ENGR.COM |

PLAN | DESIGN | DELIVER

PEGJOB# 1091.00

15850 W. BLUEMOUND ROAD, SUITE 210, BROOKFIELD, WI 53005
 262.781.1111
 WWW.PINNACLE-ENGR.COM

TO BE PUBLISHED OCTOBER 2 & 9, 2019

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider an amendment to the Time of Compliance section of the existing Conditional Use Permit for a Community-Based Residential Facility (CBRF) with a capacity between 9 and 20 persons on the property at 7801 S. Pennsylvania Ave.

Hearing Date: November 5, 2019
Time: 7:00 p.m.
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Applicant: Brian Schoenleber
Property Owner: Humble Habitat, LLC
Property Location(s): 7801 S. Pennsylvania Ave.
Tax Key(s): 779-9010-000

Legal Description:

Part of the SE ¼ of the SW ¼ of Section 10, Town 5 North, Range 22 East, described as follows: commencing at the south ¼ corner of said section; thence N.0° 18' 15"E. along the East line of said ¼ section a distance of 586.38 feet; thence S.88° 53' 45"W. 65.02 feet to the west line of S. Pennsylvania Avenue, said point being the point of beginning; thence continue S.88° 53' 45"W. 217.96 feet; thence S.01° 14' 37"E. 406.08 feet; thence S.89° 42' 45"E. 206.92 feet; thence N.0° 18' 15"W. along the west line of said S. Pennsylvania Avenue 411.29 feet to the point of beginning. Said land being more particularly described as Lot 2 of Certified Survey Map 8689 as recorded in the office of the Register of Deeds for Milwaukee County.

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

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

Date of Notice: September 25, 2019
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

- Item:** Conditional Use Permit Amendment - Brian Schoenleber - 7801 S. Pennsylvania Ave.
- Recommendation:** That the Council adopts Ordinance 2952, an ordinance to amend the Conditions and Restrictions in Ordinance 2911 for a Conditional Use Permit for a Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons on the property at 7801 S. Pennsylvania Ave.
- Fiscal Impact:** Approval will allow for the development of an existing, vacant residential parcel. Future development of the lot will yield positive fiscal impact in terms of assessed value, permit fees, and impact fees (\$3,996). This property is not located within a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: In 2016, the Plan Commission recommended approval and the Common Council approved a request for a Community-Based Residential Facility (CBRF) with a capacity of 20 beds in 10 rooms at this location. As part of the Conditions and Restrictions, the Applicant was required to receive building permits within 12 months of approval. The Applicant was unable to meet this requirement, and as a result reapplied for a Conditional Use Permit in 2018.

On July 10, 2018, the Plan Commission recommended Common Council approval of a Conditional Use Permit for the same request. The Common Council approved the Conditional Use Permit at a public hearing on August 21, 2018. As with the Conditional Use Permit approved in 2016, the Conditions and Restrictions required the issuance of a building permit within 12 months of the adoption date (on or before August 21, 2019). A building permit application was submitted to the City on August 12, 2019; however, the typical timeframe for all departments to complete their reviews is 3 weeks. If an application is incomplete or requires additional/revised information, this review period may be extended. In this case, a building permit could not be issued prior to the expiration of the Conditional Use Permit. Therefore, on August 20, 2019, the Applicant submitted a request for an amendment to the Conditional Use Permit until September 21, 2019.

Staff is unable to grant extensions of Conditional Use Permits, and review by the Plan Commission was not available until the September 24, 2019 meeting (after the requested extension). With that in mind, staff is suggesting an extension of six (6) months for Council consideration.

Included with this report for consideration are amended Conditions and Restrictions incorporating an extension of the Conditional Use Permit for a period of six (6) months following adoption of the approval ordinance. The Plan Commission reviewed the proposed Conditional Use Permit request at their meeting

on September 24, 2019, and has recommended approval subject to the attached Conditions and Restrictions.

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

Respectfully submitted:



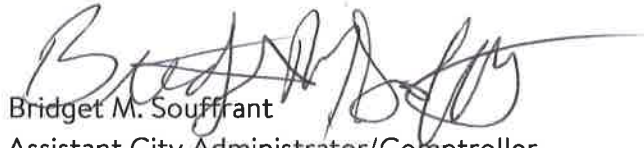
Andrew J. Vickers, MPA
City Administrator

Prepared:



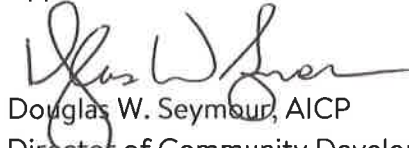
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ordinance 2952

Location Map

Hearing Notice

Plan Commission minutes

Conditions and Restrictions

ORDINANCE NO. 2952

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS
IN ORDINANCE NO. 2911 FOR A COMMUNITY-BASED RESIDENTIAL FACILITY
(CBRF) WITH A CAPACITY OF AT LEAST NINE (9) BUT NO MORE THAN TWENTY
(20) PERSONS AT 7801 S. PENNSYLVANIA AVE.

(1st Aldermanic District)

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

WHEREAS, Ordinance No. 2911 (The "Ordinance"), which approved a Conditional Use Permit for a Community-Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons located at 7801 S. Pennsylvania Ave., was approved on August 21, 2018, and the Conditional Use Permit contained a requirement for the commencement of construction within twelve (12) months of the date of adoption of the ordinance approving the Conditional Use Permit; and

WHEREAS, the Ordinance affected the following legally described property;

Part of the SE ¼ of the SW ¼ of Section 10, Town 5 North, Range 22 East, described as follows: commencing at the south ¼ corner of said section; thence N.0° 18' 15"E. along the East line of said ¼ section a distance of 586.38 feet; thence S.88° 53' 45"W. 65.02 feet to the west line of S. Pennsylvania Avenue, said point being the point of beginning; thence continue S.88° 53' 45"W. 217.96 feet; thence S.01° 14' 37"E. 406.08 feet; thence S.89° 42' 45"E. 206.92 feet; thence N.0° 18' 15"W. along the west line of said S. Pennsylvania Avenue 411.29 feet to the point of beginning. Said land being more particularly described as Lot 2 of Certified Survey Map 8689 as recorded in the office of the Register of Deeds for Milwaukee County.

WHEREAS, the owner of the Property, HUMBLE HABITAT LLC, is requesting that Section 7 of the Ordinance be amended to extend the compliance deadline; and

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the requested amendment be approved to a compliance deadline of May 5, 2020 (six months from the date of adoption of the approving ordinance); and

WHEREAS, a public hearing was held on this matter on November 5, 2019 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 7 of the conditions and restrictions approved by the Ordinance affecting the Property is amended as follows:

The operator of the Conditional Use shall commence work in accordance with these conditions and restrictions for the Conditional Use within six (6) months (May 5, 2020) from the date of adoption of the ordinance authorizing the amendment of the Conditional Use Permit. This Conditional Use approval shall expire within six (6) months after the date of adoption of the ordinance (on May 5, 2020) if a building permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval prior to recommencing work or construction.

SECTION 2: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

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

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

Passed and adopted this 5th day of November, 2019.

President, Common Council

Approved this 5th day of November, 2019.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Notification Map




7801 S. Pennsylvania Ave.



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



Legend

-  Subject Property
-  Officially Mapped Streets
-  DNR Wetlands Inventory

OFFICIAL NOTICE

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BEFORE THE OAK CREEK COMMON COUNCIL**

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8040 South 6th Street
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Applicant: Brian Schoenleber
Property Owner: Humble Habitat, LLC
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**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, SEPTEMBER 24, 2019**

Alderman Guzikowski 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 Guzikowski, Commissioner Siepert, and Commissioner Chandler. Mayor Bukiewicz, Alderman Loreck, and Commissioner Oldani were excused. Also present: Kari Papelbon, Planner and Laurie Miller, Zoning Administrator/Planner.

**CONDITIONAL USE PERMIT AMENDMENT
BRIAN SCHOENLEBER
7801 S. PENNSYLVANIA AVE.
TAX KEY NO. 779-9010-000**

Planner Papelbon provided an overview of a request for a Conditional Use Permit Amendment to the Time of Compliance section for a Community Based Residential Facility, including the background for the previous approvals in 2016 and 2018. (See staff report for details.)

Commissioner Chandler asked for more information on the six-month extension. Joe Frederick, 1422 N. 69th St., Wauwatosa, WI, stated that six months is longer than they would need, and therefore, would be adequate.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves an amendment to the existing Conditional Use Permit extending Section 7, Time of Compliance to a deadline of six (6) months of the date of adoption of the amendment ordinance for the property at 7801 S. Pennsylvania Avenue, after a public hearing.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 6:48 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

October 8, 2019

Date

**City of Oak Creek – Conditional Use Permit
DRAFT AMENDED
Conditions and Restrictions**

Applicant:	Joe Frederick & Brian Schoenleber	Approved by Plan Commission:	9-24-19
Property Address:	7801 S. Pennsylvania Avenue	Approved by Common Council:	TBD
Tax Key Number:	779-9010-000	(Ord. # 2952, Amending Ord. #2911)	
Conditional Use:	Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons.		

1. LEGAL DESCRIPTION

Part of the SE ¼ of the SW ¼ of Section 10, Town 5 North, Range 22 East, described as follows: commencing at the south ¼ corner of said section; thence N.0° 18' 15"E. along the East line of said ¼ section a distance of 586.38 feet; thence S.88° 53' 45"W. 65.02 feet to the west line of S. Pennsylvania Avenue, said point being the point of beginning; thence continue S.88° 53' 45"W. 217.96 feet; thence S.01° 14' 37"E. 406.08 feet; thence S.89° 42' 45"E. 206.92 feet; thence N.0° 18' 15"W. along the west line of said S. Pennsylvania Avenue 411.29 feet to the point of beginning. Said land being more particularly described as Lot 2 of Certified Survey Map 8689 as recorded in the office of the Register of Deeds for Milwaukee County.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

1) General Development Plan

- a) Detailed building locations with setbacks
- b) Square footage of building
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks
- h) Location of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Precise location of outdoor storage
- m) Location of wetlands (field verified)
- n) Location, square footage and height of signs
- o) A description of the vehicles, materials and equipment to be stored at the site

2) Landscape Plan

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

3) Building Plan

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

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

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

6) Fire Protection

- a) Location of existing and proposed fire hydrants
- b) Interior floor plan
- c) Materials of construction

- B. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- C. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- D. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- F. All plans shall be in conformance with Wisconsin Department of Health Services (DHS) Chapter 83 which establishes regulations and standards for the care, treatment or services, and health, safety, rights, welfare, and comfort of residents in CBRFs.

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403(j)(6)(f) of the Municipal Code.
- B. Parking shall be located in a garage or carport or on a driveway that does not exceed twenty-four (24) feet in width, except for a spur that is a maximum of ten (10) feet by twenty (20) feet or the flare to access a parking area in the side or rear yard.

4. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	30'	30'	10'
Accessory Structure*	See Section 17.0501	See Section 17.0501	See Section 17.0501
Off-street Parking ¹	0'	5'	5'

* No accessory structures shall be permitted in the front yard.

5. MAINTENANCE AND OPERATION

- A. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

6. PERMITTED USES

- A. All permitted uses in the Rs-1, Single Family Residential zoning district and Rd-1, Two-family Residential.
- B. One (1) Community Based Residential Facility (CBRF) with a capacity of at least nine (9) but no more than twenty (20) persons.
- C. Usual and customary accessory uses to the above listed permitted uses.

7. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these Conditions and Restrictions for the Conditional Use within six (6) months (May 5, 2020) from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit amendment. This Conditional Use approval shall expire within six (6) months after the date of adoption of the ordinance (on May 5, 2020) if a building permit has not been issued for this use. The applicant shall re-apply for a Conditional Use approval, prior to recommencing work or construction.

8. OTHER REGULATIONS

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

9. VIOLATIONS & PENALTIES

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

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider proposed amendments to Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Places of Assembly and Religious Institutions.

Hearing Date: November 5, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Proposal: The proposed Code Amendments for Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and the creation of Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 would update language for religious institutions and places of assembly. Below is the proposed text:

Section 17.0313

- (a) Permitted Uses: The following are permitted uses, provided that there is no outdoor storage of merchandise...
 - (6) Place of Assembly.

Section 17.0314

- (a) Permitted Uses...
 - (2) Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, dentist, optometrist, or other similarly recognized profession.

Section 17.03171 Paragraph 5

Adult entertainment businesses in proximity to residential areas, religious institutions, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.

Section 17.03171(a)2.b.2

No adult entertainment business shall be permitted within 1,000 feet of any hospital, religious institution, school, library, park, museum, playground, day care center, restaurant or any other

public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.

Section 17.0318

(a) Permitted Uses...

(3) Religious Institutions

17.0403(j)(2)j

Theaters, Auditoriums and Other Places of Assembly, one (1) space per three (3) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number of employees.

17.0403(j)(6) Institutional and Related Uses:

- a. Religious Institutions, one (1) space per 150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- b. Libraries, one (1) space per 150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- c. Libraries, one (1) space per 150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
- ...
- e. Deleted. Sections 17.0403(j)(6) e-g renumbered.

17.0808(d)(1)d.

Low Activity: employee parking, educational facility, office parks and religious institution parking.

Section 17.0315

(a) Permitted Uses...

(18) Place of Assembly

Section 17.0316

(b) Permitted Uses...

(19) Place of Assembly

Section 17.03170

(d) Conditional Uses...

(17) Place of Assembly

Section 17.03171

(c) Conditional Uses...

(41) Place of Assembly

Section 17.1402 SPECIFIC WORDS AND PHRASES

Place of Assembly. A building or outdoor area wherein individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

Religious Institutions. A place of worship or religious assembly including churches, synagogues, mosques, temples, and similar designations, with related facilities such as offices for administration of the institution, fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, or cemeteries.

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

Date of Notice: October 9, 2019

CITY OF OAK CREEK COMMON COUNCIL

By: Dan Bukiewicz, Mayor

PUBLIC NOTICE

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

COMMON COUNCIL REPORT

Item: Text Amendment - Religious Institutions and Places of Assembly

Recommendation: That the Council adopts Ordinance 2953, an ordinance to repeal and recreate Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 PARAGRAPH 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)(j) ,17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code regarding Place of Assembly and Religious Institutions.

Fiscal Impact: No direct fiscal impact will occur with approval of the proposed Text Amendment; however, religious institutions may apply for tax exempt status. Approval of the amendments will more closely align the Zoning Code with federal requirements.

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: Staff are proposing several amendments throughout the existing Zoning Code pertaining to religious institutions and places of assembly. The changes are being proposed as updates to more closely align the Code with the most recent federal requirements for the Religious Land Use and Institutionalized Persons Act (RLUIPA). Specifically, legacy language (e.g., church, club, etc.) is being updated to “religious institutions” or “places of assembly,” and other Sections are being amended to ensure that religious institutions and other places of assembly are reviewed similarly. Definitions for both have also been updated for clarity.

Staff have worked closely with the City Attorney to ensure compliance with federal requirements, and are taking this opportunity to amend the Code as an integral step to the Zoning Code update process. Changes included in the proposal will be incorporated into the overall update anticipated to be adopted next year.

The Plan Commission reviewed the proposal at their meeting on October 8, 2019, and recommended Council approval.

Options/Alternatives: Council may request modifications or clarifications to the proposed text amendment provided such modifications or clarifications are in conformance with federal law.

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 2953

Hearing Notice

Proposed Code Changes (15 pages)

ORDINANCE NO. 2953

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 17.0313(a)(6), 17.0314(a)(2), 17.03171 PARAGRAPH 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)(j) ,17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. AND 17.0808(d)(1)d.; AND TO CREATE SECTIONS 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) AND 17.1402 SPECIFIC WORDS AND PHRASES OF THE MUNICIPAL CODE REGARDING PLACE OF ASSEMBLY AND RELIGIOUS INSTITUTIONS

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

SECTION 1: Section 17.0313(a)(6) of the Municipal Code is hereby repealed and recreated to read as follows:

(6) Place of Assembly.

SECTION 2: Section 17.0314(a)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

(1) Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, dentist, optometrist, or other similarly recognized profession.

SECTION 3: Section 17.0315(a)(18) of the Municipal Code is hereby created to read as follows:

(18) Place of Assembly.

SECTION 4: Section 17.0316.b.(19) of the Municipal Code is hereby created to read as follows:

(19) Place of Assembly.

SECTION 5: Section 17.03170(d)(17) of the Municipal Code is hereby created to read as follows:

(17) Place of Assembly.

SECTION 6: Section 17.03171, paragraph five, of the Municipal Code is hereby repealed and recreated to read as follows:

Adult entertainment businesses in proximity to residential areas, religious institutions, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.

SECTION 7: Section 17.03171(a)2.b.2. of the Municipal Code is hereby repealed and recreated to read as follows:

- 2. No adult entertainment business shall be permitted with 1,000 feet of any hospital, religious institution, school, library, park, museum, playground, day care center, restaurant or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.

SECTION 8: Section 17.03171(c)(41) of the Municipal Code is hereby created to read as follows:

- (41) Place of Assembly.

SECTION 9: Section 17.0318(a)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

- (3) Religious Institutions.

SECTION 10: Section 17.0403(j)(2)(j) of the Municipal Code is hereby repealed and recreated to read as follows:

- j. Theaters, Auditoriums and Other Places of Assembly, one (1) space per three (3) patrons based on the maximum capacity of the facility, plus one (1) space per employee for the work shift with the largest number of employees.

SECTION 11: Section 17.0403(j)(6)a. of the Municipal Code is hereby repealed and recreated to read as follows:

- a. Religious Institutions, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

SECTION 12: Section 17.0403(j)(6)b. of the Municipal Code is hereby repealed and recreated to read as follows:

- b. Libraries, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

SECTION 13: Section 17.0403(j)(6)c. of the Municipal Code is hereby repealed and recreated to read as follows:

- c. Museums, one (1) space per 150 feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.

SECTION 14: Section 17.0403(j)(6)(e) of the Municipal Code is hereby repealed and recreated to read as follows:

- e. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.

SECTION 15: Section 17.0403(j)(6)(f) of the Municipal Code is hereby repealed and recreated to read as follows:

- f. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.

SECTION 16: Section 17.0403(j)(6)(g) of the Municipal Code is hereby repealed and recreated to read as follows:

- g. Schools:
 - 1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.
 - 2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.
 - 3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

SECTION 17: Section 17.0808(d)(1)d. of the Municipal Code is hereby repealed and recreated to read as follows:

- d. Low Activity: employee parking, educational facility, office parks and religious institution parking.

SECTION 18: The following specific words and phrases of Section 17.1402 of the Municipal Code are hereby created to read as follows:

Place of Assembly. A building or outdoor area wherein individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

Religious Institutions. A place of worship or religious assembly including churches, synagogues, mosques, temples, and similar designations, with related facilities such as offices for administration of the institution, fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, or cemeteries.

SECTION 19: 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 20: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 21: 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 _____

TO BE PUBLISHED OCTOBER 16 & 23, 2019

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider proposed amendments to Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and to create Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 Specific Words and Phrases of the Municipal Code Regarding Places of Assembly and Religious Institutions.

Hearing Date: November 5, 2019
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

Proposal: The proposed Code Amendments for Sections 17.0313(a)(6), 17.0314(a)(2), 17.03171 Paragraph 5, 17.03171(a)2.b.2., 17.0318(a)(3), 17.0403(j)(2)j., 17.0403(j)(6)a., 17.0403(j)(6)b., 17.0403(j)(6)c., 17.0403(j)(6)e., 17.0403(j)(6)f., 17.0403(j)(6)g. and 17.0808(d)(1)d.; and the creation of Sections 17.0315(a)(18), 17.0316(b)(19), 17.03170(d)(17), 17.03171(c)(41) and 17.1402 would update language for religious institutions and places of assembly. Below is the proposed text:

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- (6) Place of Assembly.

Section 17.0314

- (a) Permitted Uses...
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(a) Permitted Uses...

(3) Religious Institutions

17.0403(j)(2)j

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17.0403(j)(6) Institutional and Related Uses:

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- b. Libraries, one (1) space per 150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
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e. Deleted. Sections 17.0403(j)(6) e-g renumbered.

17.0808(d)(1)d.

Low Activity: employee parking, educational facility, office parks and religious institution parking.

Section 17.0315

(a) Permitted Uses...

(18) Place of Assembly

Section 17.0316

(b) Permitted Uses...

(19) Place of Assembly

Section 17.03170

(d) Conditional Uses...

(17) Place of Assembly

Section 17.03171

(c) Conditional Uses...

(41) Place of Assembly

Section 17.1402 SPECIFIC WORDS AND PHRASES

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Date of Notice: October 9, 2019

CITY OF OAK CREEK COMMON COUNCIL

By: Dan Bukiewicz, Mayor

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permanent building with a minimum size of 1,500 square feet. (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.

- (3) Funeral homes provided all principal uses and structures are not less than twenty-five (25) feet from any side or rear lot line.
 - (4) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line or no closer than fifty (50) feet from any residential district boundary line.
 - (5) Group day care centers.
 - (6) Temporary uses.
 - (7) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - (8) Solar energy collectors erected as an accessory structure.
- (d) Lot Area and Width: Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
- (e) Building Height and Area:
- (1) No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed seventeen (17) feet in height.
 - (2) The maximum building floor area shall be 5,000 square feet.
 - (3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) Setback and Yards:
- (1) There shall be a minimum building front setback of twenty-five (25) feet from the right-of-way of all streets.
 - (2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet. However this may be increased upon the recommendation of the City Engineer in order to accommodate the required grading between properties.
 - (3) There shall be a rear setback of not less than twenty (20) feet.
 - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential dis-

trict, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance 2392, A 2/7/06, Sec. 17.0312(a)(2) & (c)
Ordinance 2349 A 4/6/09, Sec. 17.0312(c)2

SEC. 17.0313 B-2 COMMUNITY BUSINESS DISTRICT

The B-2 Community Business District is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wider range of retail products and services than are provided in B-1 Local Business Districts. The character, appearance, and operation of any business in the district should be compatible with any surrounding areas.

- (a) Permitted Uses: The following are permitted uses, provided that there is no outdoor storage of merchandise:
- (1) Any use permitted in the B-1 Local Business District.
 - (2) Antique and collectors stores.
 - (3) Art galleries.
 - (4) Art supply stores.
 - (5) Catering services.
 - (6) ~~Clubs, fraternities, and sororities~~ Place of Assembly.
 - (7) Coin and philatelic stores.
 - (8) Confectioneries and ice cream stores.
 - (9) Currency exchanges.
 - (10) Dog obedience training facilities when conducted entirely within an enclosed structure.
 - (11) Electronic equipment sales, service, and repair.
 - (12) Fish markets.
 - (13) Fruit stores.
 - (14) Interior decorators.
 - (15) Janitorial supplies and services.
 - (16) Laundries and dry cleaners, not employing more than five (5) persons on any one work-shift.
 - (17) Meat markets.
 - (18) Neighborhood food store.
 - (19) Paint, glass, and wallpaper stores.
 - (20) Photography and art studios.
 - (21) Physical fitness centers.
 - (22) Printing services, limited to no more than 2,000 square feet of floor area.
 - (23) Public utility offices.
 - (24) Radio and television broadcast or recording studios, not including transmitting towers.
 - (25) Taverns and cocktail lounges.
 - (26) Testing laboratories.
 - (27) Upholstering.
 - (28) Vegetable stores.
- (b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.

- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Solar collectors attached to the principal structure.

(c) Conditional Uses:

- (1) Any conditional use permitted in the B-1 Local Business District.
- (2) Any permitted use in the B-2 Community Business District with a building area 60,000 square feet.
- (3) Outdoor display of retail merchandise.
- (4) Public passenger transportation terminals, such as bus and rail depots, but not including airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.
- (5) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, health clubs, miniature golf facilities, pool and billiard halls, and indoor skating rinks.
- (6) State of Wisconsin certified adult day care facilities.
- (7) Licensed tattoo and/or body piercing studios

- (d) Lot Area and Width: Lots in the B-2 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.

(e) Building Height and Area:

- (1) No principal building or parts of a principal building shall exceed forty-five (45) feet in height. No accessory building shall exceed seventeen (17) feet in height.
- (2) The maximum building floor area for any permitted use shall be 60,000 square feet.
- (3) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

(f) Setbacks:

- (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
- (2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
- (3) There shall be a rear setback of not less than twenty-five (25) feet.
- (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

Ordinance 2372, A 9/20/05, Sec. 17.0313(c)(2) & (e)(2)

Ordinance 2392, A 2/7/06, Sec. 17.0313

Ordinance 2425, A 9/5/06, Sec. 17.0313(c)(6)

Ordinance 2858, A 6/20/17, Sec. 17.0313(c)(7)

SEC. 17.0314 B-3 OFFICE & PROFESSIONAL BUSINESS DISTRICT

The B-3 Office and Professional Business District is intended to provide for individual or groups of buildings limited to office, professional, and special service uses where the office use would be compatible with other adjacent uses.

(a) Permitted Uses:

- (1) Administrative and public service offices.
- (2) Professional offices of an architect, engineer, landscape architect, lawyer, accountant, doctor, chiropractor, ~~Christian science practitioner,~~ dentist, optometrist, ~~elderly,~~ or other similarly recognized profession.
- (3) Studios for photography, painting, music, sculpture, dance, pottery and jewelry.

- (4) Banks, savings and loan, and other financial institutions with no drive-through facilities.
 - (5) Barber shops and beauty shops.
 - (6) Group day care centers with no outdoor activity areas.
 - (7) Interior decorators.
 - (8) Medical and dental clinics.
 - (9) Real estate and insurance sales offices.
 - (10) Video productions.
 - (11) Licensed massage therapy and body work as certified by the State.
- (b) Permitted Accessory Uses:
- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
 - (2) Cafeterias, delicatessens, and restaurants accessory to and located within the same building as a permitted use.
 - (3) Off-street parking and loading areas.
 - (4) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area, setback, and parking and loading area requirements for permitted business uses.

- (5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
 - (6) Solar collectors attached to the principal structure.
- (c) Conditional Uses:
- (1) Banks, savings and loan associations, and other financial institutions with drive-through facilities.
 - (2) Group day care centers with outdoor activity areas.
 - (3) Public passenger transportation terminals, such as bus and rail depots, but not in-

cluding airports, airstrips, and landing fields. Any such use shall be located not less than 500 feet from any residential district boundary.

- (4) Radio and television transmitting and receiving stations, and studios.
 - (5) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - (6) Solar energy collectors erected as an accessory structure.
 - (7) State of Wisconsin certified adult day care facilities.
- (d) Lot Area and Width: Lots shall have a minimum area of 10,000 square feet and shall have a lot width of not less than seventy-five (75) feet. Corner lots shall have a lot width of not less than eighty-five (85) feet.
- (e) Building Height and Area:
- (1) No principal building or parts of a principal building shall exceed fifty-five (55) feet in height. No accessory building shall exceed seventeen (17) feet in height.
 - (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) Setbacks:
- (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
 - (2) There shall be a side setback on each side of all principal buildings of not less than twenty (20) feet.
 - (3) There shall be a rear setback of not less than twenty-five (25) feet.
 - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principal building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.
- Ordinance # 2261 A 8/4/03 Sec. 17.0314(a)11*
Ordinance 2392, A 2/7/06 Sec. 17.0314(c)(4) &(c)(1)
Ordinance 2425, A 9/7/06, Sec. 17.0314(c)(7)
Ordinance 2564, A 8/3/09, Sec. 17.0314(e)(2)

SEC. 17.0315 B-4 HIGHWAY BUSINESS DISTRICT

The B-4 Highway Business District is intended to provide for the orderly and attractive grouping at appropriate locations along federal, state and county

highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic.

(a) Permitted Uses:

- (1) Any use permitted in the B-2 Community Business District.
- (2) Appliance stores.
- (3) Bowling alleys.
- (4) Building supply stores; excluding lumber yards.
- (5) Department stores.
- (6) Equipment rental with only inside storage facilities.
- (7) Funeral homes.
- (8) Furniture stores.
- (9) Indoor tennis and racquetball courts, physical fitness centers and health clubs.
- (10) Garden centers.
- (11) Grocery stores.
- (12) Hardware stores.
- (13) Mail order service stores.
- (13) Restaurants, without drive-in or drive-through facilities.
- (14) Theaters and other amusement places.
- (16) Utility offices.
- (17) Automotive parts and accessories without installation.

(18) Place of Assembly

(b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, not exceeding the floor area used for business purposes, and located on a ground or non-ground level in the same building as the business and provided that there shall be a minimum lot area and floor area as provided below:

	Minimum Lot Area per Dwelling Unit (square feet)	Minimum Living Area per Dwelling Unit (square feet)
Efficiency Unit	2,400	350
1-bedroom	2,400	500
2-bedroom or larger unit	3,000	700

The minimum lot area required per dwelling unit shall be in addition to the land area required to meet the building area,

- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Solar collectors attached to the principal structure.

(c) Conditional Uses:

- (1) Any conditional use permitted in the B-2 Community Business District.
 - (2) Animal hospitals.
 - (3) Automotive, motorcycle, recreation vehicles, marine, and aircraft sales and service.
 - (4) Car washes.
 - (5) Contractor's offices and shops, provided that there shall be no outdoor storage of equipment and materials.
 - (6) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
 - (7) Hotels and motels
 - (8) Lumber yards, millwork, saw mills, and planing mills.
 - (9) Radio and television transmission towers, receiving towers, relay and microwave towers, and broadcast studios.
 - (10) Restaurants with drive-in or drive-through facilities. No drive-in restaurant shall sell or dispense alcoholic beverages. No drive-through restaurants shall sell alcoholic beverages through a drive-through window. All drive-in/drive-through restaurants must also have indoor dining areas unless they meet the following criteria: (1) The restaurant must be located on lot no less than one (1) acre in size, (2) The restaurant shall be located in a permanent building with a minimum size of 1,500 square feet, (3) The restaurant shall provide an outdoor dining area and adequate parking to accommodate the outdoor dining area. (4) Permanent restroom facilities shall be provided.
 - (11) Licensed massage therapy and body work as certified by the State of Wisconsin.
 - (12) Licensed tattoo and/or body piercing establishments.
- (d) Lot Area and Width: Lots shall have a minimum area of 30,000 square feet and shall be not less than 150 feet in width.
- (e) Building Height and Area:
- (1) No principal building or parts of a principal building shall exceed fifty (50) feet in setback, and parking and loading area requirements for permitted business uses

height. No accessory building shall exceed seventeen (17) feet in height.

- (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.
- (f) **Setback and Yards:**
- (1) There shall be minimum front setback of twenty-five (25) feet from the right-of-way of all streets.
 - (2) There shall be a side setback on each side of all principal buildings of not less than fifteen (15) feet.
 - (3) There shall be a rear setback of not less than twenty-five (25) feet.
 - (4) Accessory buildings shall be located not less than five (5) feet from a side or rear lot line; except if it abuts a residential district, the setback provided shall be at least what the appropriate side or rear setback for a principle building would be in the adjoining residential district. However, in no case shall it be less than 10 feet.

*Ordinance #2185 A 8/20/02 Sec. 17.0316 Repeated
Ordinance # 2386, A 12/20/05 Sec. 17.0315(a)(15) and 17.0315(c)(9)
Ordinance 2392, A 2/7/06, Sec. 17.0315
Ordinance 2489, A 1/15/08, Sec. 17.0315(a)&(c)
Ordinance 2536, A 12/16/08, Sec. 17.0315(c)(11)
Ordinance 2549, A 4/6/09, Sec. 17.0315(c)(10)
Ordinance 2567, A 10/20/09, Sec. 17.0315(c)(10)*

SEC. 17.0316: B-6 INTERCHANGE REGIONAL RETAIL DISTRICT – The B-6 Interchange Regional Retail District is intended to provide for the orderly and attractive grouping of high-intensity retail, commercial and mixed uses along the federal interstate highway system. Areas that may be designated as part of the B-6 district shall be limited to contiguous premises that abut the federal interstate highway system, and at least one (1) premises shall include a Destination Retail building with a gross floor area of 250,000 square feet or more. The zoning regulations applicable to the B-6 District set forth in this Section 17.0316 override and supersede any and all contrary provisions in Chapter 17 of the Municipal Code. In the event that any other provisions of Chapter 17 are contrary to any provisions in this Section 17.0316, the provisions of this Section 17.0316 shall control.

a. **Definitions:**

- (1) **Destination Retail.** A type of store that attracts regional customers as their ultimate destination.
- (2) **High-intensity uses.** Uses which (a) are logically dependent upon, and can offer regional access within, one-half mile of freeway interchange entrances and exits, (b) draw cus-

tomers from a trade area that extends beyond the Seven-County Southeastern Wisconsin Region, and (c) incorporate Destination Retail.

- (3) **Seven-County Southeastern Wisconsin Region.** The region of Wisconsin comprised of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.
- b. **Permitted uses:**
- (1) Appliance Stores.
 - (2) Banks, savings and loan associations, and other financial institutions.
 - (3) Confectioneries and ice cream stores.
 - (4) Delicatessens.
 - (5) Department stores.
 - (6) Electronic stores.
 - (7) Furniture stores.
 - (8) Hardware stores.
 - (9) Interior decorators and home interiors.
 - (10) Private indoor physical fitness centers and health clubs.
 - (11) Offices including medical office buildings.
 - (12) Restaurants, without drive-in or drive-through facilities.
 - (13) Specialty food stores.
 - (14) Theaters.
 - (15) Shoe stores.
 - (16) Clothing stores.
 - (17) Jewelry stores.
 - (18) Hospitals and day surgery clinics.
 - (19) Place of Assembly.

c. **Permitted accessory uses:**

- (1) Cafeterias, delicatessens, bistros, and restaurants accessory to and located within the same building as the permitted use.
- (2) Cart storage areas and enclosures.
- (3) Customer pickup areas used in conjunction with the operation of business.
- (4) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (5) Garden centers attached to and primarily accessed from the principal structure.
- (6) Grocery stores within and accessory to a Destination Retail building.
- (7) Off-street parking and loading areas used in conjunction with the operation of the business.
- (8) Solar collectors attached to and only serving the principal structure.
- (9) Supervises and unsupervised children's play areas located within the same building as the permitted Destination Retail use.
- (10) Warehouse and office uses accessory to and located within the same building as a permitted Destination Retail use, provided that such uses may occupy greater floor area than

LIGHT MANUFACTURING ZONING DISTRICT

SEC. 17.03170 LM-1 LIGHT MANUFACTURING ZONING DISTRICT

The LM-1, Light Manufacturing District is intended to provide for a mix of low-impact (of a limited nature and size) manufacturing, industrial, wholesaling, limited warehousing, research and development, engineering and testing, and related service facilities and uses which occur within enclosed buildings, and which will not have an adverse effect upon the district in which the use is located.

(a) Definitions:

- (1) **Business Accelerator.** Organizations that provide cohorts of selected nascent ventures seed-investment, usually in exchange for equity, and limited-duration educational programming, including extensive mentorship and structured educational components. These programs typically culminate in "demo days" where the ventures make pitches to an audience of qualified investors (International Economic Development Council. Accelerating Success: Strategies to Support Growth-Oriented Companies (pdf). 2012, pg. 11.)
- (2) **Business Incubator.** A mechanism used to encourage and support young companies until they become viable. These are typically multitenant buildings developed by local economic development entities to help "grow" new businesses by providing them with inexpensive space and common business services (International Economic Development Council).
- (3) **Incubator (alternate definition).** A space, building, or facility dedicated for providing technical, financial, managerial, technological, legal, and other support or assistance to start-up and/or growing businesses.
- (4) **Light Manufacturing.** The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

- (5) **Self-Service Storage / Mini-Warehouse.** A facility consisting of a building or a group of buildings where individual units are leased or rented to the general public for dead storage. The use of the premises shall be limited to storage only, and shall not be used for any auction (except where required by law), sales (except as provided below), or any other commercial or industrial activity; for the assembly, fabrication, processing, servicing, or repair of any vehicle, boat, trailer, appliance, or similar item; for practice (music) rooms, meeting rooms, residential purposes, or kennels; or for the operation of power tools, compressors, kilns, spray painting equipment, table saws, lathes, welding equipment, or other similar equipment. Limited sales to tenants of products and supplies incidental to the principal use (e.g., packing materials, identification labels, rope, locks, tape, etc.) may be allowed within the retail/leasing office as approved by the Plan Commission. The storage of combustible or flammable liquids, combustible or explosive materials, salvage or toxic/hazardous materials are expressly prohibited.
- (b) Permitted uses
- (1) Assembly, production, or manufacture, from previously prepared materials & packaging, of the following:
 - a. Apparel, buttons, findings, fabrics, footwear, and related products.
 - b. Blank books, loose-leaf binders, binding devices, envelopes, greeting cards/stationery, packaging products.
 - c. Brooms and brushes.
 - d. Canvas, flags/pennants, and related products.
 - e. Communications equipment.
 - f. Dental, ophthalmic (including lenses), orthopedic, prosthetic, and surgical instruments/equipment and supplies.
 - g. Earthenware, table, and kitchen articles (excluding appliances or electronics).
 - h. Electric lighting and wiring equipment.
 - i. Engineering, laboratory, scientific, and research instruments and related equipment.
 - j. Furniture.
 - k. Garage doors.

lic street or right-of-way as a modification ONLY:

- i. If a ¾ majority vote of those Commissioners present at a meeting approves of the orientation; AND
- ii. If it is proven to the satisfaction of the Plan Commission that no practical alternative exists; AND
- iii. if screening through vegetation, architectural walls, fencing, or a combination thereof is approved; AND
- iv. If supplemental design elements or improvements are incorporated into the project which compensate for the modification.

f. All other applicable requirements as defined in the Municipal Code.

(17) Place of Assembly.

- (e) Lot area and width. Lots shall have a minimum area of 1 acre (43,560 square feet), and shall not be less than 150 feet in width. Lots shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, required setbacks and buffer yards, and minimum green/open space areas.
- (f) Building height and area:
 - (1) No principal building or parts of a principal building shall exceed fifty (50) feet in height. No accessory building shall exceed seventeen (17) feet in height, subject to regulations and permitting requirements under the jurisdiction of the Federal Aviation Administration and Milwaukee County.
 - (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed sixty (60) percent of the lot area.
- (g) Building setbacks and yards:
 - (1) There shall be a minimum front setback of twenty-five (25) feet from the right-of-way of all public streets.
 - (2) There shall be a side setback on each side of not less than fifteen (15) feet.
 - (3) There shall be a rear setback of not less than twenty-five (25) feet.
 - (4) Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to buffer requirements in Section 17.0205(d).
- (h) Loading. All provisions of Section 17.0402 of the Municipal Code are applicable to this subsection.

- (i) Parking. In addition to the provisions of Sections 17.0403 and 17.0404 of the Municipal Code, the following shall apply in the LM-1, Light Manufacturing District:
 - (1) There shall be a minimum setback of ten (10) feet from the right-of-way of all public streets.
 - (2) Buffers, landscape areas and screening for parking lots shall be approved by Plan Commission.
 - (3) Parking for self-service storage/mini-warehouse premises shall be in accordance with the following:
 - a. (1) space per employee;
 - b. (1) space per 1,000 gross square feet of retail/leasing office space;
 - c. (1) space for every 10 units for interior/controlled-access buildings. Units accessed via exterior overhead/roll-up doors may count one (1) space in front of each unit as a parking stall. All travel aisles and emergency access areas shall remain completely unobstructed at all times.
 - (4) The Plan Commission may modify these requirements in accordance with Section 17.0404.
- (j) Site plan and architectural review. All provisions of Section 17.1009 of the Municipal Code are applicable to this subsection.
- (k) Landscaping. All provisions of Sections 17.1010 and 17.0205 of the Municipal Code are applicable to this subsection.

Ordinance #2848 A 4/3/17 Sec. 17.03170

Ordinance #2893, A 12/19/17, Sec. 17.03170(g)(1)

Ordinance #2919, A 11/20/18, Sec. 17.03170(f)(1)

MANUFACTURING DISTRICT

SEC. 17.03171 M-1 MANUFACTURING DISTRICT

The M-1 Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the City as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

It is the intention of the Common Council of the City of Oak Creek to enact regulations for the purpose of promoting health, safety, and general welfare of its citizens.

Pursuant to the City of Oak Creek's authority, it is the intent of the Common Council to adopt by ordinance regulations restricting the location of adult entertainment businesses as defined herein to promote the City of Oak Creek's interest in protecting and preserving the quality of its neighborhoods, commercial districts, and quality of urban life through effective land-use planning.

It has been the experience of other cities including Seattle and Renton, Washington and Detroit, Michigan that adult entertainment businesses can contribute to the impairment of the character and quality of a surrounding residential neighborhood; and contribute to a decline in the value of surrounding properties.

Adult entertainment businesses in proximity to residential areas, churches, religious institutions, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.

The Common Council has reviewed studies distributed by the National Obscenity Law Center in a three volume set that documents the secondary effects of adult entertainment businesses that affect property values, contribute to physical deterioration and blight, have a deleterious effect on both existing business around them and surrounding areas, including increased transiency, increased levels of criminal activities including prostitution, rape, assaults and other sex related crimes. The Common Council is also aware that similar studies have been conducted in other communities across the United States such as St. Paul and Minneapolis, MN; Indianapolis, IN; Hil-

ton Head, SC; Austin, TX; Phoenix, AZ and Los Angeles, CA.

The Common Council believes that the experiences and studies from other communities set forth herein are relevant in addressing the secondary effects adult entertainment businesses can have upon areas surrounding such establishments in the City of Oak Creek.

A reasonable regulation of the location of adult entertainment businesses will provide for the protection of the image of the community and its property values and protect the residents of the community from the adverse secondary effects of an adult entertainment business, while providing to those who desire to patronize adult entertainment businesses, such an opportunity in areas within the City which are appropriate for the location of adult entertainment businesses.

The United States Supreme Court in the case of City of Renton vs. Playtime Theaters, Inc., 475 US 41, 106 S. Ct., 925, 89 L. Ed., 2d, 29 (1986) and Young vs. American Mini Theaters, 427 US 50, 96 S. Ct., 2440, 49 L. Ed., 2d, 310 (1976) have approved efforts by local government to regulate the location of adult entertainment businesses through land-use plans.

The Common Council of the City of Oak Creek conducted a public hearing and heard testimony from proponents and opponents of the proposed ordinance.

The Plan Commission has the adoption of the proposed ordinance as an amendment to our existing zoning code.

The proposed ordinance serves a substantial government interest and does not unreasonably limit alternative avenue of communication.

The Common Council of the City of Oak Creek, Milwaukee County, Wisconsin do ordain as follows:

- (a) Permitted Uses:
1. Assembly, processing, manufacturing, and/or storage of the following:
 - a) Apparel and findings, and related products.
 - b) Automatic temperature controls.
 - c) Automotive, marine, and aircraft manufacturing.
 - d) Automotive parts manufacturing.
 - e) Automotive upholstery and automotive accessories.
 - f) Beverage manufacturing and bottling.

to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

3. Adult entertainment material means any books, magazines, cards, pictures, periodicals, or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD roms, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized, by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."

4. Booths, cubicles, rooms, compartments or stalls means enclosures as are specifically offered to the public or members of an adult entertainment business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee.

5. City means the City of Oak Creek, Wisconsin.

6. Specified anatomical areas means:
a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breast below a point immediately above the top of areolae; or

b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

7. Specified sexual activities means:

a) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or

b) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or

c) Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered.

b. Location of Adult Entertainment Businesses. Adult entertainment businesses as defined in paragraph (1) are prohibited in all zones except the M-1 Manufacturing District, subject to the following restrictions:

1. No adult entertainment business shall be permitted within 1,000 feet of another adult entertainment business.

2. No adult entertainment business shall be permitted within 1,000 feet of any hospital, ~~church~~ religious institution, school, library, park, museum, playground, day care center, restaurant or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.

3. No adult entertainment business shall be permitted within 1,000 feet of any area zoned residential.

c. Standards of Measurement. The distances provided in this section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult entertainment business to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

Ordinance #2185 A 8/21/02 Sec. 17.0317(a)

(b) Permitted Accessory Uses:

- (1) Garages used for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation.
- (4) Residential quarters for the owner or caretaker; provided that there shall be no more than one such dwelling unit on an industrial site.
- (5) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (6) Solar collectors.
- (7) Retail sales of products produced on the premises or products related thereto; provided the square footage of this retail space does not exceed 1,250 square feet.

(c) Conditional Uses:

- (1) Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities.
- (2) Any manufacturing buildings which exceed fifty-five (55) feet in height.
- (3) Animal hospitals and boarding kennels, provided that any outdoor animal facilities are located not less than 300 feet from a residential district.
- (4) Asphalt and concrete plants.
- (5) Automobile and truck engine and body repair.
- (6) Candy and confectionery products.
- (7) Car wash facilities.
- (8) Chemicals.
- (9) Commercial service facilities, such as restaurants, financial institutions, and clinics.
- (10) Contractor's offices, shops, and yards with outdoor storage.
- (11) Freight yards, freight terminals, and trans-shipment depots.
- (12) Gasoline service stations provided that all gas pumps are set back at least twenty-five (25) feet from the street right-of-way and are not closer than twenty-five (25) feet to a side or rear lot line. Service station canopies shall be located not closer than twenty (20) feet to a street right-of-way or side or rear lot line.
- (13) Government structures, such as fire and police stations.
- (14) Hotels and motels.

- (15) Inflammable gas and liquids storage in excess of 5,000 gallons, which is accessory to a permitted use, or an approved conditional use.
- (16) Lawn and garden equipment manufacturing and storage.
- (17) Lumber yards, millwork, saw mills, and planing mills.
- (18) Moving and storage services.
- (19) Packaging and assembly of products made from fur or animal skins; and animal hide tanning.
- (20) Private bus service storage yards.
- (21) Processing of grain and feed for animals and fowl, and processing of animal health products.
- (22) Public passenger transportation terminals, such as bus and rail depots, and heliports.
- (23) Public utility power plants, storage yards, and service centers.
- (24) Solar energy collectors erected as an accessory structure.
- (25) Smelting of metals.
- (26) Storage of animal feeds, fertilizer, seeds, and animal health products.
- (27) Temporary uses.
- (28) Transmitting towers, receiving towers, and relay and microwave towers and broadcast facilities or studios.
- (29) Truck parking lots.
- (30) Utility substations, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
- (31) Storage of vehicles and equipment.
- (32) Building restoration contractor.
- (33) Machinery cleaning.
- (34) Plumbing contractor.
- (35) Environmental contractor.
- (36) Food processing and locker plants, provided that no slaughtering of animals is permitted.
- (37) Self-service storage facilities (mini-warehouse).
- (38) Indoor firing range, firearms and accessory sales and training operations for firearms and self-defense not within 1,000 feet of a residential district.
- (39) Indoor commercial recreation facilities.
- (40) Outdoor commercial recreation facilities.
- (41) Place of Assembly.

d. Lot Area and Width: Lots shall have a minimum area of 43,560 square feet and shall have a lot width of not less than 200 feet.

e. Building Height and Area:

INSTITUTIONAL AND PARK DISTRICTS

SEC. 17.0318 I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public, public-related or private ownership and where the use for public purpose is anticipated to be permanent. Uses permitted shall generally serve the public benefit.

(a) Permitted Uses:

- (1) Public or private primary and secondary schools.
- (2) Colleges, and universities, excluding fraternity and sorority houses, firing ranges, and outdoor "burn buildings" used for fire fighting instruction.
- (3) Churches/Religious Institutions.
- (4) Hospitals, sanatoriums, and nursing homes.
- (5) Libraries, community centers, museums, and public art galleries.
- (6) Public administrative offices, and public service buildings, including fire and police stations; but excluding firing ranges and outdoor "burn buildings" used for fire fighting instruction.
- (7) Public utility offices.

(b) Permitted Accessory Uses:

- (1) Residential quarters for caretakers, clergy or institutional staff.
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Service buildings and facilities normally accessory to the permitted use.
- (4) Ground-mounted and building-mounted earth station dish and terrestrial antennas.
- (5) Roof-mounted solar collectors.
- (6) Municipally-owned wells, pumping stations, water towers and reservoirs and municipally owned telecommunications towers and antenna, provided they are located not less than fifty (50) feet from any lot line.
- (7) Any other usual and customary uses accessory to the above permitted uses as determined by the Zoning Administrator or a designee.

(c) Conditional Uses:

- (1) Cemeteries and crematories.
- (2) Housing for the elderly provided that the density shall not exceed 27 units per acre, and provided that there shall be a minimum living area of 500 square feet for a

one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.

- (3) Firing ranges and outdoor "burn buildings" associated with a fire station, police station, or college.
 - (4) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than fifty (50) feet from any lot line.
 - (5) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
 - (6) Public utility treatment facilities.
 - (7) Solar energy collectors erected as an accessory structure.
- (d) Lot Area and Width: Lots in the I-1 district shall provide sufficient area and width for the principal structure(s) and its accessory structures, off-street parking and loading areas, and required setbacks.
- (e) Building Height and Area:
- (1) No principal building or part of a principal building shall exceed fifty-five (55) feet in height.
 - (2) Residential uses permitted in the I-1 district shall comply with the building area requirements of the Rs-2 Single-Family Residential District.
- (f) Setbacks:
- (1) There shall be a minimum front setback of thirty (30) feet from the street right-of-way.
 - (2) There shall be a side setback and rear setback for all principle buildings of not less than fifty (50) feet.
 - (3) Accessory buildings and structures shall not exceed thirty-five (35) feet in height and shall be provided with a side and rear setback of not less than five (5) feet if it is 720 square feet in area or less; and fifteen (15) feet if it is greater than 720 square feet in area or greater than seventeen (17) feet in height.

Ordinance #2069 A 5/16/00

Ordinance #2102 A 12/5/00 Sec. 17.0318(b)(6) & (7)

Ordinance # 2455, A 5/1/07, Sec. 17.0318(b)(7)

SEC. 17.0319 P-1 PARK DISTRICT

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the City of Oak Creek can be met without undue disturbance of natural resources and adjacent uses.

(a) Permitted Uses:

- (1) Public botanical gardens and arboretums.
- (2) Public historic monuments or sites.

- a. Manufacturing, Processing, and Fabrication Operations, one (1) space per employee for the work shift with the largest number of employees.
 - b. Wholesale Business - one (1) space per 2,500 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Warehousing - one (1) space per 5,000 sq. ft. of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.
 - d. Mini-Warehousing, one (1) space per 10 storage cubicles, plus one (1) space per employee for the work shift with the largest number of employees.
- (6) Institutional and Related Uses:
- a. ~~Churches~~ Religious Institutions, one (1) space per ~~150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees~~ ~~three (3) seats based on the maximum capacity of the facility.~~
 - b. Libraries, one (1) space per ~~2150 square feet of gross floor area or one (1) space per four (4) seats based on maximum capacity, whichever is greater,~~ plus one (1) space per employee for the work shift with the largest number of employees.
 - c. Museums, one (1) space per ~~2150 square feet of gross floor area, plus one (1) space per employee for the work shift with the largest number of employees.~~
 - d. Rooming and Boarding Houses, Fraternity and Sorority Houses, and Dormitories, one (1) space per bed.
 - e. ~~Convents, Rectories and Monasteries, one (1) space per three (3) residents, plus one (1) space per employee for the work shift with the largest number of employees, plus one (1) space per five (5) chapel seats if the public may attend.~~
 - f. Nursing Homes, one (1) space per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
 - g. Hospitals, two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor, plus one (1) space per employee, excluding doctors, for the work shift with the largest number of employees.

hg. Schools:

1. Elementary Schools, Middle Schools, and High Schools, one (1) space for each teacher and staff member, plus one (1) space for every 5 students 16 years of age or older.
2. Colleges, Universities and Trade Schools, one (1) space for each teacher and staff member, plus one (1) space for every two (2) students during the highest attendance period.
3. Children's Nursery Schools and Day-Care Centers, one (1) space per employee for the work shift with the largest number of employees, plus one space for every six (6) students at the highest class attendance period.

Ordinance #2002 A 6/1/99 Sec. 17.0403(e)

Ordinance #2078 A 6/20/00 Sec. 17.0403(e)

Ordinance #2756 3/03/15 Sec. 17.0403(e)

SEC. 17.0404 ADJUSTMENTS TO REQUIRED PARKING

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

- (a) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

- (1) Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Chapter requires.
- (2) Availability of Shared Parking. The petitioner shall submit written documentation

- c. Any outdoor lighting fixture installed on a parking lot or parking structure shall use either high-pressure sodium or metal halide lamps or LED fixtures, however new lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, upon approval by the Inspection Department.
 - d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.
 - e. All lamp types utilized for search lighting and/or spot lighting for advertising purposes shall not be operated past 11:00 PM. Outdoor lighting fixtures used to illuminate sportsfields and tennis courts shall not be operated past 10:00 PM.
 - f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.
 - g. Light fixtures shall not be permitted within required buffer yards.
 - h. Any lighting complaints against existing installations shall be in the written form. They shall include the name and address of the property that is the subject of the complaint and a description of the complaint. The name and address of the person filling the complaint shall be optional.
- (2) All outdoor fixtures installed prior to adoption shall be exempt from this section except as follows:
- e. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.
 - f. All outdoor lighting fixtures installed on residential sites shall conform to subsection (2)(c) herein.
- (3) All outdoor lighting fixtures shall be maintained according to approval by the inspection division plans. New lighting technology may be used as a substitute for high-pressure sodium or metal halide lamps or LED fixtures, subject to approval by the Inspection Department.
- (4) Trees and shrubbery shall not be located where they significantly reduce or block parking lot or roadway lighting.
- (5) Outdoor lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and tennis courts, parking lots, parking structures, garages or ramps, landscape areas, product display areas, building overheads and open canopies. Outdoor lighting fixtures may be installed to provide building and parking lot security.
- (d) **Specific Design Requirements**
- (1) A lighting system for parking facilities and outdoor merchandising areas in commercial, industrial, institutional, agricultural, and recreational areas shall be designed to provide the lighting intensities and uniformities described as follows:
- a. Open Parking Facilities. The illumination requirements of an open parking facility depends on the amount of usage the facility receives. Three levels of activity shall be established as High, Medium, and Low, reflecting both traffic and pedestrian activity. The following examples are nonexclusive and include:
 - b. High Activity Facilities: for athletic events or major cultural or civic events.
 - c. Medium Activity: shopping centers, retail parking areas, hospital and clinic parking, transportation parking (commuter lots, etc.) cultural civic or recreational events and fast food facilities.
 - d. Low Activity: employee parking, educational facility, office parks and church/religious institution -- parking.

Horizontal Illumination for Parking Facilities
Open Parking Facilities

Level of Activity	General Parking & Pedestrian Area			Vehicle Use Area (Driveway)		
	Minimum Footcandle (FC) on pavement	Minimum Average Footcandle on pavement	Maximum Uniformity (Max-Min)	Minimum Footcandle (FC) on pavement	Maximum Average Footcandle on pavement	Maximum Uniformity (Max-Min)
High	0.8fc	3.75fc	5:1	0.12	0.7fc	5:1
Med.	0.4fc	2.5fc	5:1	0.1	0.33fc	5:1
Low	0.2fc	1.5fc	5:1	0.08	0.25fc	5:1

Modification. A departure from the rules and regulations set forth in this Chapter where a particular use is not required to meet the stated requirements of the Ordinance. Examples would include not requiring steeples and antenna to comply with the stated building height requirements for principal buildings; or not requiring roof overhangs, fences, or accessory buildings to comply with side or rear setback requirements for principal buildings. The Ordinance may limit the amount of modification from the stated requirements for given structures or uses.

Modular Unit. A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational, or industrial purposes.

Motor Home. A vehicle designed to be operated upon a highway or as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Municipality or Municipal. The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum, 1929 adjustment.

Navigable Water. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

Neighborhood Food Store. A retail establishment of at least 3,000 square feet in area, but less than 25,000 square feet in area, where food products and related household products are sold.

New Construction. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming Structure. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

Nonconforming Use. An existing lawful use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the

floodplain which it occupies. (Such as a residence in the floodway.)

Nudity. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaqued covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.

Nursing Home. Any facility which provides twenty-four (24) hour services, including room and board, to three (3) or more unrelated residents; who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week.

Obstruction to Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map. That map, adopted and made part of this ordinance, as described in Section 17.0321(e)(2), which has been approved by the Department and FEMA.

Open Space Use. Those uses having a relatively low flood damage potential, such as agriculture, recreation, parking or storage yards and not involving structures.

Ordinary Highwater Mark. The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. Parking lots include rows of parking spaces, the aisles from which motor vehicles enter and leave the spaces. Ingress and egress drives from the parking lot to the public street are not part of the parking lot.

Performance Standard. A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat, and lighting intensity or spill-over generated by or inherent in uses of land and buildings.

Place of Assembly. A building or outdoor area where a group of individuals or groups of people gather for an attraction or service, such as but not limited to, community centers, fraternal or civic organizations, lodges, libraries, museums, municipal buildings, auditoriums, or religious institutions.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Use. See "Use, Principal."

Private Sewage System. A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as

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the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Professional Home Offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Publishing House. A facility where books, magazines, periodicals, maps, etc. are printed and issued.

Rear Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the rear internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 12)

Rear Yard. A regulated area on a developed parcel of land. The yard area bounded by the rear lot line, the side lot lines and the rear foundation wall of the principal structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 13)

Reasonably Safe From Flooding. Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreation, commercial outdoor. A recreational facility conducted for commercial purposes and outside of a building including uses such as, but not limited to, athletic fields, miniature golf, outdoor skateboard park, laser tag field; swimming, bathing, wading, and other therapeutic facilities; tennis, handball, basketball courts, batting cages, and trampoline facilities, not including firing and archery ranges.

Regional Flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Religious Institutions. A place of worship or religious assembly including churches, synagogues, mosques, temples, and similar designations, with related facilities such as offices for administration of

the institution, fellowship halls, parish halls, and similar buildings used for meetings, religious education, and similar functions, but excluding licensed child or adult daycares, playgrounds, or cemeteries.

Right-of-way. A strip of land acquired by a public entity and intended to accommodate a specific public purpose or use.

Rummage Sale. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this Section, are not rummage sales.

Seat and Seating. Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Setback. The minimum required horizontal distance between an internal lot line or the street right-of-way and the regulated structure or item. (See also "front setback," "side setback," and "rear setback")

Sexual Conduct. Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

Shopping Center. A group of commercial establishments planned, constructed, and managed as a total entity with ample customer and employee parking provided on-site, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Shorelands. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. (See Illustration No. 14)

Side Setback. A line established on a parcel of land for the purpose of identifying the nearest point a principal or accessory structure may be placed to a lot line or right-of-way line. The minimum required horizontal distance between the side internal lot line and a line parallel thereto through the nearest foundation wall of the principal or accessory structure, excluding overhangs, uncovered steps and stoops, gutters and awnings. (See Illustration No. 15)

Side Yard. A regulated area on a developed parcel of land. The yard area bounded by the side lot line, the side foundation wall of the principal structure, excluding uncovered steps and stoops, gutters and awnings, the front yard and the rear yard. (See Illustration No. 16)

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COMMON COUNCIL REPORT

- Item:** Plan of Finance for \$4,500,000 General Obligation Refunding Bonds and \$1,150,000 Taxable General Obligation Promissory Notes (TID 14, 6th & Rawson) (Estimated)
- Recommendation:** Motion to approve the Plan of Finance for \$4,500,000 General Obligation Refunding Bonds and \$1,150,000 Taxable General Obligation Promissory Notes (Estimated).
- Fiscal Impact:** The general obligation refunding bond will continue to be supported by general debt service tax levy and the promissory notes will be paid from tax increment revenue in TID 14 from the values generated by the project.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: This plan of finance covers two different debt issues.

The first is to refinance the 2010 general obligation refunding bonds. In April of 2010, the Common Council issued a \$7 million dollar refunding bond to refinance the cost of the Department of Public Works building. This debt issuance is supported by the general debt service tax levy. The interest rate on the existing debt is 4%. In today's interest rate market, it is advantageous for the City to refinance the remaining principal amount at today's lower interest rate. Baird is estimating that the City could save over \$400,000 over the course of the remaining 10 years in the debt issue (an estimated \$40,000 a year).

The second is to issue a taxable promissory note for a developer grant in TID 14. The Council has entered into a Finance Development Agreement with H.S.A. for the project in TID 14, 6th & Rawson. The Developer has met the terms of that agreement and now the City will pay the developer grant of \$1,081,250 in early 2020.

Justin Fischer, Senior Vice President with Baird will be at the Council meeting to discuss the Plan of Finance in greater detail.

Options/Alternatives:

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:

Attachments: Presentation from Baird



100
YEARS

City of Oak Creek
City Council Meeting

November 5, 2019

Justin A. Fischer, Senior Vice President

jfischer@nwbaird.com

777 East Wisconsin Avenue

Milwaukee, WI 53202

Phone 414.765.3827

Fax 414.258.7354

City of Oak Creek

City Council Meeting
November 5, 2019



Tentative Timeline

- City Council considers plan of finance and adopts Parameters Resolution.....November 5, 2019
 - Authority for final sign-off of the sales, within designated parameters, is delegated to the City Administrator or Assistant City Administrator/Comptroller
 - Preparations are made for issuance
 - ✓ Official Statement
 - ✓ Bond Rating
 - ✓ Marketing
- If market is strong, savings meet Council’s parameters, sell the securities Early December 2019
- Closing/funds invested..... January 2020

Borrowing/Structure/Purpose

Estimated Size:	\$4,225,000	\$1,135,000
Issue:	General Obligation Refunding Bonds (Tax-Exempt)	Taxable General Obligation Promissory Notes
Purpose:	Refinancing for Debt Service Savings (State Utility Aid Supported)	TIF #14 Supported
Structure:	Matures April 1, 2020-2030	Matures April 1, 2021-2029
First Interest:	April 1, 2020	April 1, 2020 (Covered by Capitalized Interest)
Callable:	TBD	TBD
Estimated Interest Rate:	2.43%	2.70%
Estimated Savings ¹ :	\$360,355	N/A
Parameters Maximum Interest Rate:	3.00%	3.25%
Parameters Minimum PV Savings %:	5.00%	N/A

¹ Present value calculated using the All-Inclusive Cost (AIC) of 2.59% as the discount

City of Oak Creek

City Council Meeting
November 5, 2019



Illustration of Hypothetical Refinancing of 2010 Bonds

Calendar Year	BEFORE REFINANCING			TOTAL DEBT SERVICE	AFTER REFINANCING					POTENTIAL DEBT SERVICE SAVINGS	
	\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010				\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010		\$4,225,000 G.O. Refunding Bonds (CR) Dated January 6, 2020 ⁽¹⁾		TOTAL NEW DEBT SERVICE		
	PRINCIPAL (4/1)	RATE	INTEREST (4/1 & 10/1)		PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	TOTAL		
2020	\$325,000	4.000%	\$183,656	\$508,656	\$325,000	\$6,500	\$80,000	\$94,743	\$174,743	\$506,243	\$2,413
2021	\$350,000	4.000%	\$170,156	\$520,156	***		\$355,000	\$122,613	\$477,613	\$477,613	\$42,544
2022	\$350,000	4.000%	\$156,156	\$506,156	***		\$355,000	\$111,963	\$466,963	\$466,963	\$39,194
2023	\$375,000	4.000%	\$141,656	\$516,656	***		\$375,000	\$101,013	\$476,013	\$476,013	\$40,644
2024	\$400,000	4.000%	\$126,156	\$526,156	***		\$395,000	\$89,463	\$484,463	\$484,463	\$41,694
2025	\$400,000	4.000%	\$110,156	\$510,156	***		\$390,000	\$77,688	\$467,688	\$467,688	\$42,469
2026	\$425,000	4.000%	\$93,656	\$518,656	***		\$410,000	\$65,688	\$475,688	\$475,688	\$42,969
2027	\$450,000	4.250%	\$75,594	\$525,594	***		\$430,000	\$53,088	\$483,088	\$483,088	\$42,506
2028	\$475,000	4.375%	\$55,641	\$530,641	***		\$450,000	\$39,325	\$489,325	\$489,325	\$41,316
2029	\$500,000	4.375%	\$34,313	\$534,313	***		\$470,000	\$24,375	\$494,375	\$494,375	\$39,938
2030	\$550,000	4.250%	\$11,688	\$561,688	***		\$515,000	\$8,369	\$523,369	\$523,369	\$38,319
	\$4,600,000		\$1,158,828	\$5,758,828	\$325,000	\$6,500	\$4,225,000	\$788,324	\$5,013,324	\$5,344,824	\$414,004

Maturities callable 4/1/20 or any date thereafter.

CALLABLE MATURITIES

*** REFINANCED WITH 2020 ISSUE.

(1) This illustration represents a mathematical calculation of potential interest cost savings (cost), assuming hypothetical rates based on current rates for municipal bonds +25 bps as of 10/23/19. Actual rates may vary. If actual rates are higher than those assumed, the interest cost savings would be lower. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a refinancing or otherwise to be considered as advice.

ROUNDING AMOUNT..... \$3,403
POTENTIAL GROSS SAVINGS..... \$417,407

(2) Present value calculated using the All Inclusive Cost (AIC) of 2.59% as the discount rate. Includes estimated investment earnings calculated at a hypothetical rate of 1.90%.

POTENTIAL PRESENT VALUE SAVINGS \$..... \$360,355
POTENTIAL PRESENT VALUE SAVINGS %..... 8.429%

Interest Rate Sensitivity		
Change in Rates	Est. PV % Savings	Est. PV \$ Savings
-0.30%	10.246%	\$438,004
-0.20%	9.634%	\$411,843
-0.10%	9.028%	\$385,963
+0.10%	7.838%	\$335,074
+0.20%	7.249%	\$309,883
+0.30%	6.659%	\$284,678

City of Oak Creek

City Council Meeting
November 5, 2019



Illustration of TIF #14 Taxable General Obligation Promissory Notes

		\$1,135,000 Taxable G.O. Promissory Notes - POS Dated January 6, 2020						
		Expenditures				Net Revenues		
Year	(a) Projected Total TID #14 Revenues	(b) Principal <i>(4/1)</i>	(c) Interest <i>(4/1 & 10/1)</i> TIC= 2.70%	(d) Capitalized Interest	(e) Debt Service	(f) Less: Administrative Costs	(g) Available After Debt Service & Admin Costs	Year
2019	\$0							2019
2020	\$0							2020
2021	\$211,200	\$115,000	\$19,757	(\$19,757)	\$0	\$7,500	\$63,085	2021
2022	\$213,447	\$115,000	\$23,154		\$140,615	\$7,500	\$67,793	2022
2023	\$215,717	\$120,000	\$20,598		\$140,598	\$7,500	\$67,619	2023
2024	\$218,009	\$125,000	\$17,871		\$142,871	\$7,500	\$67,638	2024
2025	\$220,324	\$125,000	\$15,028		\$140,028	\$7,500	\$72,797	2025
2026	\$222,662	\$130,000	\$12,030		\$142,030	\$7,500	\$73,132	2026
2027	\$225,024	\$130,000	\$8,845		\$138,845	\$7,500	\$78,679	2027
2028	\$227,409	\$135,000	\$5,465		\$140,465	\$7,500	\$79,444	2028
2029	\$229,819	\$140,000	\$1,855		\$141,855	\$7,500	\$80,464	2029
2030	\$232,252					\$7,500	\$224,752	2030
2031	\$234,709					\$7,500	\$227,209	2031
2032	\$237,586					\$7,500	\$230,086	2032
2033	\$242,394					\$7,500	\$234,894	2033
2034	\$247,275					\$7,500	\$239,775	2034
2035	\$252,230					\$7,500	\$244,730	2035
2036	\$257,261					\$7,500	\$249,761	2036
2037	\$262,367					\$7,500	\$254,867	2037
2038	\$267,551					\$7,500	\$260,051	2038
2039	\$272,812					\$7,500	\$265,312	2039
2040	\$278,153					\$7,500	\$270,653	2040
2041	\$283,575					\$7,500	\$276,075	2041
2042	\$289,077					\$7,500	\$281,577	2042
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2044	\$300,331					\$7,500	\$292,831	2044
2045	\$306,084					\$7,500	\$298,584	2045
2046	\$311,923					\$7,500	\$304,423	2046
2047	\$317,849					\$7,500	\$317,849	2047
	\$6,871,705	\$1,135,000	\$150,217	(\$19,757)	\$1,265,460	\$195,000	\$5,411,245	



COMMON COUNCIL REPORT

Item: Resolution No. 12102-110519, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,500,000 General Obligation Refunding Bonds

Recommendation: That the Common Council adopt Resolution No. 12102-110519, a Resolution authorizing the issuance and establishing parameters for the sale of not to exceed \$4,500,000 General Obligation Refunding Bonds.

Fiscal Impact: The refunding bonds will continue to be paid from the general debt service tax levy.

Critical Success Factor(s):

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

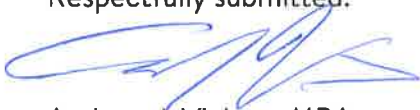
Background: In April of 2010, the Common Council issued a \$7 million dollar refunding bond to refinance the cost of the Department of Public Works building. This debt issuance is supported by the general debt service tax levy. The interest rate on the existing debt is 4%. In today's interest rate market, it is advantageous for the City to refinance the remaining principal amount at today's lower interest rate. Baird is estimating that the City could save over \$400,000 over the course of the remaining 10 years in the debt issue (an estimated \$40,000 a year).

The attached resolution gives Baird the ability to present to the City a bond sale on any day versus only on the day of a Common Council meeting offering flexibility to take advantage of good rates. The parameters for this refunding bond are: a maximum interest rate of 3% and a minimum present value savings of 5%.

Justin Fischer, Senior Vice President with Baird will be at the Council meeting to discuss this issuance and any questions the Council may have.

Options/Alternatives: The Council can choose not to go forward with the debt issuance and continue paying the higher interest rate as is. The Council could choose to request that the sale of the bond come back to them for approval at a set Council meeting, thus removing the flexibility to sell the bond on a day of Bairds choosing based on the interest rate market.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Baird Illustration & Resolution No. 12102-110519



City of Oak Creek

City Council Meeting

November 5, 2019

Justin A. Fischer, Senior Vice President

jfischer@rwbaird.com
777 East Wisconsin Avenue
Milwaukee, WI 53202
Phone 414.765.3827
Fax 414.298.7354

City of Oak Creek

City Council Meeting

November 5, 2019



Tentative Timeline

- City Council considers plan of finance and adopts Parameters Resolution.....November 5, 2019
 - Authority for final sign-off of the sales, within designated parameters, is delegated to the City Administrator or Assistant City Administrator/Comptroller
 - Preparations are made for issuance
 - ✓ Official Statement
 - ✓ Bond Rating
 - ✓ Marketing
- If market is strong, savings meet Council’s parameters, sell the securities Early December 2019
- Closing/funds invested..... January 2020

Borrowing/Structure/Purpose

Estimated Size:	\$4,225,000	\$1,135,000
Issue:	General Obligation Refunding Bonds (Tax-Exempt)	Taxable General Obligation Promissory Notes
Purpose:	Refinancing for Debt Service Savings (State Utility Aid Supported)	TIF #14 Supported
Structure:	Matures April 1, 2020-2030	Matures April 1, 2021-2029
First Interest:	April 1, 2020	April 1, 2020 (Covered by Capitalized Interest)
Callable:	TBD	TBD
Estimated Interest Rate:	2.43%	2.70%
Estimated Savings ¹ :	\$360,355	N/A
Parameters Maximum Interest Rate:	3.00%	3.25%
Parameters Minimum PV Savings %:	5.00%	N/A

¹ Present value calculated using the All-Inclusive Cost (AIC) of 2.59% as the discount

City of Oak Creek

City Council Meeting

November 5, 2019



Illustration of Hypothetical Refinancing of 2010 Bonds

Calendar Year	BEFORE REFINANCING			*	AFTER REFINANCING				TOTAL NEW DEBT SERVICE	POTENTIAL DEBT SERVICE SAVINGS	
	\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010				\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010						
	PRINCIPAL (4/1)	RATE	INTEREST (4/1 & 10/1)	TOTAL DEBT SERVICE	PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	TOTAL		
2020	\$325,000	4.000%	\$183,656	\$508,656	\$325,000	\$6,500	\$80,000	\$94,743	\$174,743	\$506,243	\$2,413
2021	\$350,000	4.000%	\$170,156	\$520,156	***		\$355,000	\$122,613	\$477,613	\$477,613	\$42,544
2022	\$350,000	4.000%	\$156,156	\$506,156	***		\$355,000	\$111,963	\$466,963	\$466,963	\$39,194
2023	\$375,000	4.000%	\$141,656	\$516,656	***		\$375,000	\$101,013	\$476,013	\$476,013	\$40,644
2024	\$400,000	4.000%	\$126,156	\$526,156	***		\$395,000	\$89,463	\$484,463	\$484,463	\$41,694
2025	\$400,000	4.000%	\$110,156	\$510,156	***		\$390,000	\$77,688	\$467,688	\$467,688	\$42,469
2026	\$425,000	4.000%	\$93,656	\$518,656	***		\$410,000	\$65,688	\$475,688	\$475,688	\$42,969
2027	\$450,000	4.250%	\$75,594	\$525,594	***		\$430,000	\$53,088	\$483,088	\$483,088	\$42,506
2028	\$475,000	4.375%	\$55,641	\$530,641	***		\$450,000	\$39,325	\$489,325	\$489,325	\$41,316
2029	\$500,000	4.375%	\$34,313	\$534,313	***		\$470,000	\$24,375	\$494,375	\$494,375	\$39,938
2030	\$550,000	4.250%	\$11,688	\$561,688	***		\$515,000	\$8,369	\$523,369	\$523,369	\$38,319
	\$4,600,000		\$1,158,828	\$5,758,828		\$6,500	\$4,225,000	\$788,324	\$5,013,324	\$5,344,824	\$414,004

Maturities callable 4/1/20 or any date thereafter.

CALLABLE MATURITIES

*** REFINANCED WITH 2020 ISSUE.

(1) This illustration represents a mathematical calculation of potential interest cost savings (cost), assuming hypothetical rates based on current rates for municipal bonds +25 bps as of 10/23/19. Actual rates may vary. If actual rates are higher than those assumed, the interest cost savings would be lower. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a refinancing or otherwise to be considered as advice.

ROUNDING AMOUNT.....	\$3,403
POTENTIAL GROSS SAVINGS.....	\$417,407

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City of Oak Creek

City Council Meeting

November 5, 2019



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	\$6,871,705	\$1,135,000	\$150,217	(\$19,757)	\$1,265,460	\$195,000	\$5,411,245	

RESOLUTION NO. 12102-110519

RESOLUTION AUTHORIZING THE ISSUANCE AND
ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED
\$4,500,000 GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds to pay the cost of refinancing certain outstanding obligations of the City, specifically, the General Obligation Refunding Bonds, dated April 1, 2010 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of achieving debt service savings;

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

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser");

WHEREAS, at the time that the market conditions produce the savings the City expects to achieve, the Purchaser intends to submit a bond purchase proposal to the City (the "Proposal") offering to purchase the Bonds in accordance with the terms and conditions to be set forth in the Proposal; and

WHEREAS, in order to facilitate the sale of the Bonds to the Purchaser in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to the City Administrator or Assistant City Administrator/Comptroller (each an "Authorized Officer") of the City the authority to accept the Proposal on behalf of the City so long as the Proposal meets the terms and conditions set forth in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate").

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

Section 1. Authorization and Sale of the Bonds; Parameters. For the purpose of paying costs of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of not to exceed FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) from the Purchaser upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 16 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, Bonds

aggregating the principal amount of not to exceed FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000). The purchase price to be paid to the City for the Bonds shall not be less than 97.50% of the initial public offering price of the Bonds and the difference between the initial public offering price of the Bonds and the purchase price to be paid to the City by the Purchaser shall not exceed 2.50% of the initial public offering price of the Bonds, with an amount not to exceed 1.25% of the initial public offering price of the Bonds representing the Purchaser's compensation and an amount not to exceed 1.25% of the initial public offering price of the Bonds representing costs of issuance, including bond insurance premium, payable by the Purchaser or the City.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of up to \$4,500,000; shall be dated as of their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$300,000 per maturity or mandatory redemption amount and that the aggregate principal amount of the Bonds shall not exceed \$4,500,000. The schedule below assumes the Bonds are issued in the aggregate principal amount of \$4,220,000.

<u>Date</u>	<u>Principal Amount</u>
04-01-2020	\$80,000
04-01-2021	355,000
04-01-2022	350,000
04-01-2023	375,000
04-01-2024	395,000
04-01-2025	390,000
04-01-2026	410,000
04-01-2027	430,000
04-01-2028	450,000
04-01-2029	470,000
04-01-2030	515,000

Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2020. The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) shall not exceed 3.00%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

The present value debt service savings achieved by the Refunding (the "Savings") shall be at least 5.00% of the principal amount refunded.

Section 3. Redemption Provisions. The Bonds shall be subject to optional redemption as set forth on the Approving Certificate. If the Proposal specifies that certain of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Exhibit MRP. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such

Bonds so redeemed shall be credited against the mandatory redemption payments established in the Approving Certificate in such manner as the City shall direct.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2019 through 2029 for the payments due in the years 2020 through 2030 in the amounts as are sufficient to meet the principal and interest payments when due.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Refunding Bonds - 2020" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting

principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

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

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

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

Section 10. Qualified Tax-Exempt Obligation Status. The Bonds are deemed designated as "qualified tax-exempt obligations" to the extent permitted pursuant to the provisions of Section 265(b)(3)(D)(ii) of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations. The balance of the Bonds is designated as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts

for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 13. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 16. Conditions on Issuance and Sale of the Bonds. The issuance of the Bonds and the sale of the Bonds to the Purchaser are subject to satisfaction of the following conditions:

(a) approval by the Authorized Officer of the principal amount, definitive maturities, redemption provisions, interest rates and purchase price for the Bonds, which approval shall be evidenced by execution by the Authorized Officer of the Approving Certificate; and

(b) realization by the City of the Savings in an amount equal to at least 5.00% of the principal amount refunded.

The Bonds shall not be issued, sold or delivered until these conditions are satisfied. Upon satisfaction of these conditions, the Authorized Officer is authorized to execute a Proposal with the Purchaser providing for the sale of the Bonds to the Purchaser.

Section 17. Official Statement. The Common Council hereby directs the Authorized Officer to approve the Preliminary Official Statement with respect to the Bonds and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officer or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 19. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on April 1, 2020 (or on such other date approved by the Authorized Officer in the Approving Certificate) at a price of par plus accrued interest to the date of redemption subject to final approval by the Authorized Officer as evidenced by the execution of the Approving Certificate.

The City hereby directs the City Clerk to work with the Purchaser to cause timely notice of redemption, in substantially the form attached hereto as Exhibit C and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 20. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 5, 2019.

Daniel Bukiewicz
Mayor

ATTEST:

Catherine A. Roeske
City Clerk

(SEAL)

EXHIBIT A
Approving Certificate

(See Attached)

CERTIFICATE APPROVING THE PRELIMINARY OFFICIAL STATEMENT
AND DETAILS OF
GENERAL OBLIGATION REFUNDING BONDS

The undersigned [City Administrator/Assistant City Administrator/Comptroller] of the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby certify that:

1. Resolution. On November 5, 2019, the Common Council of the City adopted a resolution (the "Resolution") authorizing the issuance and establishing parameters for the sale of not to exceed \$4,500,000 General Obligation Refunding Bonds of the City (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser") and delegating to me the authority to approve the Preliminary Official Statement, to approve the purchase proposal for the Bonds, and to determine the details for the Bonds within the parameters established by the Resolution.

2. Preliminary Official Statement. The Preliminary Official Statement with respect to the Bonds is hereby approved and deemed "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

3. Proposal; Terms of the Bonds. On the date hereof, the Purchaser offered to purchase the Bonds in accordance with the terms set forth in the Bond Purchase Agreement between the City and the Purchaser attached hereto as Schedule I (the "Proposal"). The Proposal meets the parameters established by the Resolution and is hereby approved and accepted.

The Bonds shall be issued in the aggregate principal amount of \$ _____, which is not more than the \$4,500,000 approved by the Resolution, and shall mature on April 1 of each of the years and in the amounts and shall bear interest at the rates per annum as set forth in the Pricing Summary attached hereto as Schedule II and incorporated herein by this reference. The amount of each annual principal or mandatory redemption payment due on the Bonds is not more than \$300,000 more or less per maturity or mandatory redemption amount than the schedule included in the Resolution as set forth below:

<u>Date</u>	<u>Resolution Schedule</u>	<u>Actual Amount</u>
04-01-2020	\$ 80,000	\$ _____
04-01-2021	355,000	_____
04-01-2022	350,000	_____
04-01-2023	375,000	_____
04-01-2024	395,000	_____
04-01-2025	390,000	_____
04-01-2026	410,000	_____
04-01-2027	430,000	_____
04-01-2028	450,000	_____
04-01-2029	470,000	_____
04-01-2030	515,000	_____

The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) is _____%, which is not in excess of 3.00%, as required by the Resolution. The present value debt service savings achieved by the Refunding is \$_____ or _____% of the principal amount refunded, which is at least 5.00% of the principal amount refunded, as required by the Resolution.

4. Purchase Price of the Bonds. The Bonds shall be sold to the Purchaser in accordance with the terms of the Proposal at a price of \$_____, plus accrued interest, if any, to the date of delivery of the Bonds which is not less than 97.50% of the initial public offering price of the Bonds, as required by the Resolution.

The difference between the initial public offering prices provided by the Purchaser of the Bonds (\$_____) and the purchase price to be paid to the City by the Purchaser (\$_____) is \$_____, or _____% of the initial public offering price of the Bonds, which does not exceed 2.50% of the initial public offering price of the Bonds. The portion of such amount representing Purchaser's compensation is \$_____, or not more than 1.25% of the initial public offering price of the Bonds. The amount representing other costs of issuance [to be paid by the City] is \$_____, which does not exceed 1.25% of the initial public offering price of the Bonds.

5. Redemption Provisions of the Bonds. [The Bonds maturing on April 1, 20___ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20___ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.] If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.

6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same respectively falls due, the full faith, credit and taxing powers of the City have been irrevocably pledged and there has been levied on all of the taxable property in the City, pursuant to the Resolution, a direct, annual irrepealable tax in an amount and at the times sufficient for said purpose. Such tax shall be for the years and in the amounts set forth on the debt service schedule attached hereto as Schedule III.

7. Redemption of the Refunded Obligations. In the Resolution, the Common Council authorized the redemption of the Refunded Obligations and granted me the authority to determine the redemption date. The Refunded Obligations shall be redeemed on April 1, 2020.

8. Approval. This Certificate constitutes my approval of the Proposal, and the principal amount, definitive maturities, interest rates, purchase price and redemption provisions for the Bonds, in satisfaction of the parameters set forth in the Resolution.

IN WITNESS WHEREOF, we have executed this Certificate on _____, 20____ pursuant to the authority delegated to me in the Resolution.

Andrew J. Vickers
City Administrator

OR

Bridget M. Souffrant
Assistant City Administrator/Comptroller

SCHEDULE I TO APPROVING CERTIFICATE

Proposal

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

(See Attached)

SCHEDULE II TO APPROVING CERTIFICATE

Pricing Summary

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

(See Attached)

SCHEDULE III TO APPROVING CERTIFICATE

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

[EXHIBIT MRP TO APPROVING CERTIFICATE

Mandatory Redemption Provisions

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

EXHIBIT B
(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R- _____ CITY OF OAK CREEK \$ _____
GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____, 20 _____ % _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2020 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Bond is one of an issue of Bonds aggregating the principal amount of \$ _____, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of refunding certain obligations of the City, as authorized by a resolution adopted on November 5, 2019 as supplemented by a Certificate Approving the Preliminary Official Statement and Details of General Obligation Refunding

Bonds (collectively, the "Resolution"). Said Resolution is recorded in the official minutes of the Common Council for said date.

The Bonds maturing on April 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20__ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

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

This Bond is a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new

depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

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

CITY OF OAK CREEK
MILWAUKEE COUNTY, WISCONSIN

By: _____
Daniel Bukiewicz
Mayor

(SEAL)

By: _____
Catherine A. Roeske
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

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

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

EXHIBIT C

NOTICE OF FULL CALL*

Regarding

CITY OF OAK CREEK
MILWAUKEE COUNTY, WISCONSIN
GENERAL OBLIGATION REFUNDING BONDS
DATED APRIL, 1 2010

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called by the City for prior payment on April 1, 2020 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
04/01/2021	\$350,000	4.00 %	671137QY6
04/01/2022	350,000	4.00	671137QZ3
04/01/2023	375,000	4.00	671137RA7
04/01/2024	400,000	4.00	671137RB5
04/01/2025	400,000	4.00	671137RC3
04/01/2026	425,000	4.00	671137RD1
04/01/2027	450,000	4.25	671137RE9
04/01/2028	475,000	4.375	671137RF6
04/01/2029	500,000	4.375	671137RG4
04/01/2030	550,000	4.25	671137RH2

The City shall deposit federal or other immediately available funds sufficient for such redemption at the office of The Depository Trust Company on or before April 1, 2020.

Said Bonds will cease to bear interest on April 1, 2020.

By Order of the
Common Council
City of Oak Creek
City Clerk

Dated _____

* To be provided by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company, to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to April 1, 2020 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.



COMMON COUNCIL REPORT

Item: Resolution No. 12103-110519, a Resolution Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$1,150,000 Taxable General Obligation Promissory Notes

Recommendation: That the Common Council adopt Resolution No. 12103-110519, a Resolution authorizing the issuance and establishing parameters for the sale of not to exceed \$1,150,000 Taxable General Obligation Promissory Notes.

Fiscal Impact: The promissory notes will be paid from tax increment revenue in TID 14 from the values generated by the project.

- 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 Council has entered into a Finance Development Agreement with H.S.A. for the project in TID 14, 6th & Rawson. The Developer has met the terms of that agreement and now the City is obligated to pay the developer grant of \$1,081,250 in early 2020. Due to the small issuance size this note is expected to have only a ten year duration.

The attached resolution gives Baird the ability to present to the City a bond sale on any day versus only on the day of a Common Council meeting offering flexibility to take advantage of good rates. The parameter for this taxable note is: a maximum interest rate of 3.25%.

Justin Fischer, Senior Vice President with Baird will be at the Council meeting to discuss this issuance and any questions the Council may have.

Options/Alternatives: The Council could choose to request that the sale of the bond come back to them for approval at a set Council meeting, thus removing the flexibility to sell the bond on a day of Bairds choosing based on the interest rate market.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Fiscal Review:

A handwritten signature in black ink, appearing to read 'Bridget M. Souffrant', written over a horizontal line.

Bridget M. Souffrant

Assistant City Administrator/Comptroller

Attachments: Baird Illustration & Resolution No. 12103-110519



City of Oak Creek
City Council Meeting

November 5, 2019

Justin A. Fischer, Senior Vice President

jfischer@rwbaird.com

777 East Wisconsin Avenue

Milwaukee, WI 53202

Phone: 414.765.3827

Fax: 414.298.7354

City of Oak Creek

City Council Meeting
November 5, 2019



Tentative Timeline

- City Council considers plan of finance and adopts Parameters Resolution.....November 5, 2019
 - Authority for final sign-off of the sales, within designated parameters, is delegated to the City Administrator or Assistant City Administrator/Comptroller
 - Preparations are made for issuance
 - ✓ Official Statement
 - ✓ Bond Rating
 - ✓ Marketing
- If market is strong, savings meet Council's parameters, sell the securities Early December 2019
- Closing/funds invested..... January 2020

Borrowing/Structure/Purpose

Estimated Size:	\$4,225,000	\$1,135,000
Issue:	General Obligation Refunding Bonds (Tax-Exempt)	Taxable General Obligation Promissory Notes
Purpose:	Refinancing for Debt Service Savings (State Utility Aid Supported)	TIF #14 Supported
Structure:	Matures April 1, 2020-2030	Matures April 1, 2021-2029
First Interest:	April 1, 2020	April 1, 2020 (Covered by Capitalized Interest)
Callable:	TBD	TBD
Estimated Interest Rate:	2.43%	2.70%
Estimated Savings ¹ :	\$360,355	N/A
Parameters Maximum Interest Rate:	3.00%	3.25%
Parameters Minimum PV Savings %:	5.00%	N/A

¹ Present value calculated using the All-Inclusive Cost (AIC) of 2.59% as the discount

City of Oak Creek

City Council Meeting
November 5, 2019



Illustration of Hypothetical Refinancing of 2010 Bonds

Calendar Year	BEFORE REFINANCING				AFTER REFINANCING					POTENTIAL DEBT SERVICE SAVINGS	
	\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010			TOTAL DEBT SERVICE	\$7,000,000 G.O. Refunding Bonds (CR) Dated April 1, 2010		\$4,225,000 G.O. Refunding Bonds (CR) Dated January 6, 2020 ⁽¹⁾		TOTAL NEW DEBT SERVICE		
	PRINCIPAL (4/1)	RATE	INTEREST (4/1 & 10/1)		PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)	PRINCIPAL (4/1)	INTEREST (4/1 & 10/1)			TOTAL
2020	\$325,000	4.000%	\$183,656	\$508,656	\$325,000	\$6,500	\$80,000	\$94,743	\$174,743	\$506,243	\$2,413
2021	\$350,000	4.000%	\$170,156	\$520,156	***		\$355,000	\$122,613	\$477,613	\$477,613	\$42,544
2022	\$350,000	4.000%	\$156,156	\$506,156	***		\$355,000	\$111,963	\$466,963	\$466,963	\$39,194
2023	\$375,000	4.000%	\$141,656	\$516,656	***		\$375,000	\$101,013	\$476,013	\$476,013	\$40,644
2024	\$400,000	4.000%	\$126,156	\$526,156	***		\$395,000	\$89,463	\$484,463	\$484,463	\$41,694
2025	\$400,000	4.000%	\$110,156	\$510,156	***		\$390,000	\$77,688	\$467,688	\$467,688	\$42,469
2026	\$425,000	4.000%	\$93,656	\$518,656	***		\$410,000	\$65,688	\$475,688	\$475,688	\$42,969
2027	\$450,000	4.250%	\$75,594	\$525,594	***		\$430,000	\$53,088	\$483,088	\$483,088	\$42,506
2028	\$475,000	4.375%	\$55,641	\$530,641	***		\$450,000	\$39,325	\$489,325	\$489,325	\$41,316
2029	\$500,000	4.375%	\$34,313	\$534,313	***		\$470,000	\$24,375	\$494,375	\$494,375	\$39,938
2030	\$550,000	4.250%	\$11,688	\$561,688	***		\$515,000	\$8,369	\$523,369	\$523,369	\$38,319
	\$4,600,000		\$1,158,828	\$5,758,828	\$325,000	\$6,500	\$4,225,000	\$788,324	\$5,013,324	\$5,344,824	\$414,004

Maturities callable 4/1/20 or any date thereafter.

CALLABLE MATURITIES

*** REFINANCED WITH 2020 ISSUE.

(1) This illustration represents a mathematical calculation of potential interest cost savings (cost), assuming hypothetical rates based on current rates for municipal bonds +25 bps as of 10/23/19. Actual rates may vary. If actual rates are higher than those assumed, the interest cost savings would be lower. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a refinancing or otherwise to be considered as advice.

ROUNDING AMOUNT..... **\$3,403**
POTENTIAL GROSS SAVINGS..... **\$417,407**

(2) Present value calculated using the All Inclusive Cost (AIC) of 2.59% as the discount rate. Includes estimated investment earnings calculated at a hypothetical rate of 1.90%.

POTENTIAL PRESENT VALUE SAVINGS \$..... **\$360,355**
POTENTIAL PRESENT VALUE SAVINGS %..... **8.429%**

Interest Rate Sensitivity		
Change in Rates	Est. PV % Savings	Est. PV \$ Savings
-0.30%	10.246%	\$438,004
-0.20%	9.634%	\$411,843
-0.10%	9.028%	\$385,963
+0.10%	7.838%	\$335,074
+0.20%	7.249%	\$309,883
+0.30%	6.659%	\$284,678

City of Oak Creek

City Council Meeting
November 5, 2019



Illustration of TIF #14 Taxable General Obligation Promissory Notes

		\$1,135,000 Taxable G.O. Promissory Notes - POS Dated January 6, 2020						
		Revenues		Expenditures			Net Revenues	
Year	(a) Projected Total TID #14 Revenues	(b) Principal	(c) Interest	(d) Capitalized Interest	(e) Debt Service	(f) Less: Administrative Costs	(g) Available After Debt Service & Admin Costs	Year
		(4/1)	(4/1 & 10/1) TIC= 2.70%					
2019	\$0							2019
2020	\$0							2020
2021	\$211,200	\$115,000	\$19,757	(\$19,757)	\$0	\$0	\$0	2021
2022	\$213,447	\$115,000	\$25,615		\$140,615	\$7,500	\$63,085	2022
2023	\$215,717	\$120,000	\$23,154		\$138,154	\$7,500	\$67,793	2023
2024	\$218,009	\$120,000	\$20,598		\$140,598	\$7,500	\$67,619	2024
2025	\$220,324	\$125,000	\$17,871		\$142,871	\$7,500	\$67,638	2025
2026	\$222,662	\$125,000	\$15,028		\$140,028	\$7,500	\$72,797	2026
2027	\$222,662	\$130,000	\$12,030		\$142,030	\$7,500	\$73,132	2027
2028	\$225,024	\$130,000	\$8,845		\$138,845	\$7,500	\$78,679	2028
2029	\$227,409	\$135,000	\$5,465		\$140,465	\$7,500	\$79,444	2029
2030	\$229,819	\$140,000	\$1,855		\$141,855	\$7,500	\$80,464	2030
2031	\$232,252					\$7,500	\$224,752	2031
2032	\$234,709					\$7,500	\$227,209	2032
2033	\$237,586					\$7,500	\$230,086	2033
2034	\$242,394					\$7,500	\$234,894	2034
2035	\$247,275					\$7,500	\$239,775	2035
2036	\$252,230					\$7,500	\$244,730	2036
2037	\$257,261					\$7,500	\$249,761	2037
2038	\$262,367					\$7,500	\$254,867	2038
2039	\$267,551					\$7,500	\$260,051	2039
2040	\$272,812					\$7,500	\$265,312	2040
2041	\$278,153					\$7,500	\$270,653	2041
2042	\$283,575					\$7,500	\$276,075	2042
2043	\$289,077					\$7,500	\$281,577	2043
2044	\$294,662					\$7,500	\$287,162	2044
2045	\$300,331					\$7,500	\$292,831	2045
2046	\$306,084					\$7,500	\$298,584	2046
2047	\$311,923					\$7,500	\$304,423	2047
	\$317,849						\$317,849	
	\$6,871,705	\$1,135,000	\$150,217	(\$19,757)	\$1,265,460	\$195,000	\$5,411,245	

RESOLUTION NO. 12103-110519

RESOLUTION AUTHORIZING THE ISSUANCE AND
ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED
\$1,150,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds for public purposes, including development grants in tax incremental districts (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City is authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes (the "Notes") for such public purposes;

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

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to authorize the issuance of and to sell the Notes to Robert W. Baird & Co. Incorporated (the "Purchaser");

WHEREAS, the Purchaser intends to submit a bond purchase proposal to the City (the "Proposal") offering to purchase the Notes in accordance with the terms and conditions to be set forth in the Proposal; and

WHEREAS, in order to facilitate the sale of the Notes to the Purchaser in a timely manner, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City to delegate to the City Administrator or Assistant City Administrator/Comptroller (each an "Authorized Officer") of the City the authority to accept the Proposal on behalf of the City so long as the Proposal meets the terms and conditions set forth in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate").

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

Section 1. Authorization and Sale of the Notes; Parameters. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of not to exceed ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000) from the Purchaser upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 13 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, Notes

aggregating the principal amount of not to exceed ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000). The purchase price to be paid to the City for the Notes shall not be less than 97.00% of the initial public offering price of the Notes and the difference between the initial public offering price of the Notes and the purchase price to be paid to the City by the Purchaser shall not exceed 3.00% of the initial public offering price of the Notes, with an amount not to exceed 1.25% of the initial public offering price of the Notes representing the Purchaser's compensation and an amount not to exceed 1.75% of the initial public offering price of the Notes representing costs of issuance, including bond insurance premium, payable by the Purchaser or the City.

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of up to \$1,150,000; shall be dated as of their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$100,000 per maturity or mandatory redemption amount and that the aggregate principal amount of the Notes shall not exceed \$1,150,000. The schedule below assumes the Notes are issued in the aggregate principal amount of \$1,130,000.

<u>Date</u>	<u>Principal Amount</u>
04-01-2021	\$115,000
04-01-2022	115,000
04-01-2023	120,000
04-01-2024	120,000
04-01-2025	125,000
04-01-2026	130,000
04-01-2027	130,000
04-01-2028	135,000
04-01-2029	140,000

Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2020. The true interest cost on the Notes (computed taking the Purchaser's compensation into account) will not exceed 3.25%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 3. Redemption Provisions. The Notes shall be subject to optional redemption as set forth on the Approving Certificate. If the Proposal specifies that certain of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Exhibit MRP. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in the Approving Certificate in such manner as the City shall direct.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2019 through 2028 for the payments due in the years 2020 through 2029 in the amounts as are sufficient to meet the principal and interest payments when due.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Promissory Notes - 2020" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money

Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

Section 8. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and

contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

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

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

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

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

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

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

Section 13. Conditions on Issuance and Sale of the Notes. The issuance of the Notes and the sale of the Notes to the Purchaser are subject to approval by the Authorized Officer of the principal amount, definitive maturities, redemption provisions, interest rates and purchase price for the Notes, which approval shall be evidenced by execution by the Authorized Officer of the Approving Certificate.

The Notes shall not be issued, sold or delivered until the condition is satisfied. Upon satisfaction of the condition the Authorized Officer is authorized to execute a Proposal with the Purchaser providing for the sale of the Notes to the Purchaser.

Section 14. Official Statement. The Common Council hereby directs the Authorized Officer to approve the Preliminary Official Statement with respect to the Notes and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officer or other officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 15. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

Section 16. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 17. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment

of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 5, 2019.

Daniel Bukiewicz
Mayor

ATTEST:

Catherine A. Roeske
City Clerk

(SEAL)

EXHIBIT A

Approving Certificate

(See Attached)

CERTIFICATE APPROVING THE PRELIMINARY OFFICIAL STATEMENT
AND DETAILS OF
TAXABLE GENERAL OBLIGATION PROMISSORY NOTES

The undersigned [City Administrator/Assistant City Administrator/Comptroller] of the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby certify that:

1. Resolution. On November 5, 2019, the Common Council of the City adopted a resolution (the "Resolution") authorizing the issuance and establishing parameters for the sale of not to exceed \$1,150,000 Taxable General Obligation Promissory Notes of the City (the "Notes") to Robert W. Baird & Co. Incorporated (the "Purchaser") and delegating to me the authority to approve the Preliminary Official Statement, to approve the purchase proposal for the Notes, and to determine the details for the Notes within the parameters established by the Resolution.

2. Preliminary Official Statement. The Preliminary Official Statement with respect to the Notes is hereby approved and deemed "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934.

3. Proposal; Terms of the Notes. On the date hereof, the Purchaser offered to purchase the Notes in accordance with the terms set forth in the Note Purchase Agreement between the City and the Purchaser attached hereto as Schedule I (the "Proposal"). The Proposal meets the parameters established by the Resolution and is hereby approved and accepted.

The Notes shall be issued in the aggregate principal amount of \$ _____, which is not more than the \$1,150,000 approved by the Resolution, and shall mature on April 1 of each of the years and in the amounts and shall bear interest at the rates per annum as set forth in the Pricing Summary attached hereto as Schedule II and incorporated herein by this reference. The amount of each annual principal or mandatory redemption payment due on the Notes is not more than \$100,000 more or less per maturity or mandatory redemption amount than the schedule included in the Resolution as set forth below:

<u>Date</u>	<u>Resolution Schedule</u>	<u>Actual Amount</u>
04-01-2021	\$115,000	\$ _____
04-01-2022	115,000	_____
04-01-2023	120,000	_____
04-01-2024	120,000	_____
04-01-2025	125,000	_____
04-01-2026	130,000	_____
04-01-2027	130,000	_____
04-01-2028	135,000	_____
04-01-2029	140,000	_____

The true interest cost on the Notes (computed taking the Purchaser's compensation into account) is _____%, which is not in excess of 3.25%, as required by the Resolution.

4. Purchase Price of the Notes. The Notes shall be sold to the Purchaser in accordance with the terms of the Proposal at a price of \$_____, plus accrued interest, if any, to the date of delivery of the Notes which is not less than 97.00% of the initial public offering price of the Notes, as required by the Resolution.

The difference between the initial public offering prices provided by the Purchaser of the Notes (\$_____) and the purchase price to be paid to the City by the Purchaser (\$_____) is \$_____, or _____% of the initial public offering price of the Notes, which does not exceed 3.00% of the initial public offering price of the Notes. The portion of such amount representing Purchaser's compensation is \$_____, or not more than 1.25% of the initial public offering price of the Notes. The amount representing other costs of issuance [to be paid by the City] is \$_____, which does not exceed 1.75% of the initial public offering price of the Notes.

5. Redemption Provisions of the Notes. [The Notes maturing on April 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20__ or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.] If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the City shall direct.

6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same respectively falls due, the full faith, credit and taxing powers of the City have been irrevocably pledged and there has been levied on all of the taxable property in the City, pursuant to the Resolution, a direct, annual irrepealable tax in an amount and at the times sufficient for said purpose. Such tax shall be for the years and in the amounts set forth on the debt service schedule attached hereto as Schedule III.

SCHEDULE I TO APPROVING CERTIFICATE

Proposal

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

(See Attached)

SCHEDULE II TO APPROVING CERTIFICATE

Pricing Summary

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

(See Attached)

SCHEDULE III TO APPROVING CERTIFICATE

Debt Service Schedule and Irrepealable Tax Levies

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

(See Attached)

EXHIBIT MRP TO APPROVING CERTIFICATE

Mandatory Redemption Provision

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

For the Term Bonds Maturing on April 1, 20_____

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

EXHIBIT B

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R- _____ CITY OF OAK CREEK \$ _____
TAXABLE GENERAL OBLIGATION PROMISSORY NOTE

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____, 20____ % _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2020 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Note is one of an issue of Notes aggregating the principal amount of \$ _____, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including development grants in tax incremental districts, as authorized by a resolution adopted on November 5, 2019, as supplemented by a Certificate Approving the Preliminary Official Statement and Details of Taxable General

Obligation Promissory Notes (collectively, the "Resolution"). Said Resolution is recorded in the official minutes of the Common Council for said date.

The Notes maturing on April 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of the City, on April 1, 20__ or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Notes maturing in the years _____ are subject to mandatory redemption by lot as provided in the Resolution at the redemption price of par plus accrued interest to the date of redemption and without premium.]

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

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

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

during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

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

CITY OF OAK CREEK
MILWAUKEE COUNTY, WISCONSIN

By: _____
Daniel Bukiewicz
Mayor

(SEAL)

By: _____
Catherine A. Roeske
City Clerk

Date of Authentication: _____, _____

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes of the issue authorized by the within-mentioned Resolution of the City of Oak Creek, Milwaukee County, Wisconsin.

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN

By _____
Authorized Signatory

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

COMMON COUNCIL REPORT

Item: Resolution 12106-110519, A Resolution Opposing the Development of a Postal Service Processing and Mail Distribution Facility at 2209 E. College Avenue, 6405 and 6469 S. Pennsylvania Avenue, 2000R E. Birch Drive, 1900R E. Poplar Drive, and 1920A E. Rawson Avenue.

Recommendation: That the Common Council discuss and consider a motion to approve Resolution 12106-110519

Fiscal Impact: not applicable

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 attached Resolutions provide historical background to this project/issue which will not be repeated in this staff report. Council was apprised of the only information the City had obtained on the USPS project prior to and at the October 15, 2019 Common Council meeting. At that meeting, Council approved Resolution 12099-101519 (see attached).

Following staff disseminating the previous Council Resolution 12099-101519, a representative from the USPS did meet with Director Seymour, Planner Papelbon, and Administrator Vickers on Friday, October 25. While staff appreciated the contact, the representative was not a key decision-maker able to answer the City's overarching concerns regarding approval process, zoning, public infrastructure, and public input, among others. To-date, USPS has not submitted updated site and/or building plans, and there is seemingly no intention of a local review or public input process. This was evidenced by the fact the City was told that "the contractor is scheduled to break ground on November 1 (2019)."

Among numerous reasons, historical contexts, and (unfulfilled) requests for information stated in the previous Resolution 12099-101519 and this evening's Resolution 12106-110519, the City has limited options at its disposal to invoke collaboration from USPS on this project. Staff does not feel, as a matter of public policy and process, the Council can remain idle in terms of its public position. Our taxpayers, and residents (especially in the immediate project area), deserve better. The USPS position regarding this project is simply bad public policy. The staff now asks the Council to consider going on the record as opposing the project via Resolution 12106-110519.

The City is in a tough position. The USPS, and similarly situated federal entities/installations, are not legally-obligated to follow local building and zoning regulations.

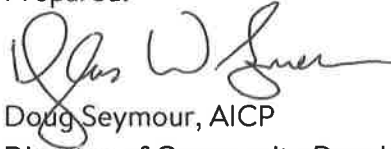
Options/Alternatives: The Council could choose to not approve the Resolution, which result could be exactly the same as approving the Resolution: the USPS plows forward to construction without meaningful local review, public input, or adherence to previous 2008 agreements. Staff feels at a minimum, given a complete lack of formal plan submittal or public input process from USPS, Council is left no other option than to oppose the project at this time.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Doug Seymour, AICP
Director of Community Development

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Resolution 12099-101519

Resolution 12106-110519

RESOLUTION NO. 12099-101519

BY: Ald. Kurkowski

RESOLUTION REQUESTING THAT THE UNITED STATES POSTAL SERVICE
HONOR ITS PREVIOUS AGREEMENTS REGARDING THE DEVELOPMENT
AND OPERATION OF A POSTAL SERVICE PROCESSING AND MAIL DISTRIBUTION
FACILITY AT 2201 E. COLLEGE AVENUE.

WHEREAS, on December 2, 2008 the Common Council of the City of Oak Creek adopted Ordinance No. 2530, rezoning the properties at 2209 E. College Avenue, 6405 and 6469 S. Pennsylvania Avenue, 2000R E. Birch Drive, 1900R E. Poplar Drive and 1920A E. Rawson Avenue (the Properties) from A-1, Agricultural and B-4, Highway Business to M-1 (Manufacturing) Planned Unit Development; and

WHEREAS, under the terms of that rezoning and subsequent agreements, the property owner agreed to comply with conditions and restrictions to regulate the construction and operation of a postal service processing and distribution center on the properties; and

WHEREAS, under the terms of those agreements, construction was to have commenced within thirty-six (36) months (December 2, 2011) from the date of adoption, and that all the public improvements be completed within sixty (60) months (December 2, 2013); and

WHEREAS, except for certain improvements to College Avenue none of the public improvements identified in the general development plan, conditions and restrictions and traffic impact analysis have been constructed to date; and

WHEREAS, on July 30, 2019 the City of Oak Creek (the City) received a letter from the United States Postal Service (USPS) declaring its intent to construct a mail processing center on the properties (the Project), and providing the City the opportunity to review and comment on the project; and

WHEREAS, on August 1, 2019 the City responded to the United States Postal Service and formally requested the opportunity to review and comment on the project; and

WHEREAS, the City has not received any correspondence from the USPS in response to its request to review and comment on the project; and

WHEREAS, the City has yet to receive assurances from the USPS that it intends to honor its agreements with the City with respect to the construction and operation of a postal service processing and distribution center on the properties

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 requesting that any construction and operation of a postal service processing and distribution center on the properties take place in accordance with the construction and operational standards that were agreed upon as part of the initial rezoning approval.

BE IT FURTHER RESOLVED that, any development of a postal service processing and distribution center proceed in accordance with the standards established by the

Postal Accountability and Enhancement Act standards for soliciting, assessing, and incorporating local community input.


Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15th Day of October, 2019.

Passed and adopted this 15th day of October, 2019.



President, Common Council

Approved this 15th day of October, 2019.



Mayor

ATTEST:



City Clerk

VOTE: Ayes 6 Noes 0

RESOLUTION NO. 12106-110519

BY: _____

RESOLUTION OPPOSING THE DEVELOPMENT OF A POSTAL SERVICE PROCESSING AND MAIL DISTRIBUTION FACILITY AT 2209 E. COLLEGE AVENUE, 6405 AND 6469 S. PENNSYLVANIA AVENUE, 2000R E. BIRCH DRIVE, 1900R E. POPLAR DRIVE AND 1920A E. RAWSON AVENUE

WHEREAS, on December 2, 2008 the Common Council of the City of Oak Creek adopted Ordinance No. 2530, rezoning the properties at 2209 E. College Avenue, 6405 and 6469 S. Pennsylvania Avenue, 2000R E. Birch Drive, 1900R E. Poplar Drive and 1920A E. Rawson Avenue (the Properties) from A-1, Agricultural and B-4, Highway Business to M-1 (Manufacturing) Planned Unit Development; and

WHEREAS, under the terms of that rezoning and subsequent agreements, the property owner agreed to comply with conditions and restrictions to regulate the construction and operation of a postal service processing and distribution center on the properties; and

WHEREAS, under the terms of those agreements, construction was to have commenced within thirty-six (36) months (December 2, 2011) from the date of adoption, and that all the public improvements be completed within sixty (60) months (December 2, 2013); and

WHEREAS, except for certain improvements to College Avenue none of the public improvements identified in the general development plan, conditions and restrictions and traffic impact analysis have been constructed to date; and

WHEREAS, on July 30, 2019 the City of Oak Creek (the City) received a letter from the United States Postal Service (USPS) declaring its intent to construct a mail processing center on the properties (the Project), and providing the City the opportunity to review and comment on the project; and

WHEREAS, on August 1, 2019 the City responded to the United States Postal Service and formally requested the opportunity to review and comment on the project; and

WHEREAS, on October 25, 2019 City staff met with a representative from the United States Postal Service, who verbally described the scope of the project but indicated that there were no plans available for local review at this time and that it was their intent to commence construction as early as November 4, 2019; and

WHEREAS, the conditions under which the original project were approved have changed significantly over the past decade; and

WHEREAS, the City has yet to receive assurances from the USPS that it intends to honor its agreements with the City with respect to the construction and operation of a postal service processing and distribution center on the properties; and

WHEREAS, under the scheduled proposed by the USPS, the City would not have an opportunity to review plans prior to the commencement of construction; and

WHEREAS, the City has not received any assurances that the USPS intends to fulfill all its obligations under the previously agreed to planned unit development designation, tri party agreement and development agreement.

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 opposing the construction and operation of a postal service processing and distribution center on the properties.

BE IT FURTHER RESOLVED that, should the development of a postal service processing and distribution center proceed that it do so in accordance with the Postal Accountability and Enhancement Act standards for soliciting, assessing, and incorporating local community input.

BE IT FURTHER RESOLVED that, should the development of a postal service processing and distribution center proceed that it do so in accordance with all the construction and operational standards that were agreed upon as part of the initial rezoning approval and development agreements.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 5th Day of November, 2019.

Passed and adopted this _____ day of _____, 2019.

President, Common Council

Approved this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending September 30, 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)
\$36,531,236.43	\$34,114,076.75	\$62,047.67	-\$2,417,159.68

September Activity: TIF #8 Bond Payments -\$174,300; TIF #11 Bond Payments -\$1,477,459 38

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	4,610,842.49	5,582,989.12	(5,471,194.66)		4,722,636.95	9,080.62	2.13000%	13.84%
General Fund	4,205,557.09	4,810,410.23	(4,705,890.59)	4,310,076.73				
Title 125	57,372.25	-	(18,383.03)	38,989.22				
Police Credit Card	48,496.73	18,242.71	(22,440.77)	44,298.67				
Parks & Rec Counter Credit Card	27,227.29	4,761.52	(11,829.00)	20,159.81				
Tax Payment Account #2	6,886.49	-	-	6,886.49				
Parks & Rec Online Credit Card	10,263.66	3,720.00	(2,079.66)	11,904.00				
Health Insurance	56,245.84	641,728.27	(630,286.38)	67,687.73				
Tax Payment Account	8,183.33	-	-	8,183.33				
EMS	190,609.81	104,126.39	(80,285.23)	214,450.97				
0	-	-	-	-				
DANA Investment Advisors	5,717,655.79	16,126.33	(5,791.34)		5,727,990.78	16,126.33	2.42%	16.79%
BMO Global Asset Management	4,630,610.73	10,639.05	(11,274.72)		4,629,975.06	10,639.05	2.24%	13.57%
American Deposit Management (ADM)	6,012,035.03	8,816.58	(1,169,430.43)		4,851,421.18	8,816.58	2.18%	14.22%
*ADM General Account Balance	1,175,330.70	150.26	(1,169,430.43)	6,050.53		150.26		
Local Government Investment Pool (LGIP)	9,533,790.12	815,727.72	(2,200,000.00)		8,149,517.84	15,727.72	2.18%	23.89%
*LGIP General Account Balance	7,434,172.95	812,160.62	(1,400,000.00)	6,846,333.57		12,160.62		
**Ehlers Investment	6,026,302.27	10,571.46	(4,338.79)		6,032,534.94	1,657.37	2.1340%	17.68%
Net of Fees	6,026,302.27	10,571.46	(5,253.45)		6,031,620.28			
Total Balance	36,531,236.43	6,444,870.26	(8,862,029.94)		34,114,076.75	62,047.67		

**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

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

COMMON COUNCIL REPORT

Item: 2020 Common Council Meeting Dates

Recommendation: That the Common Council review and direct City Staff regarding the scheduling of the 2020 Regular Combined Common Council meeting dates.

Fiscal Impact: None.

Critical Success Factor(s):

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

Background: Mayor Bukiewicz is requesting discussion and direction to the Clerk's Office regarding the scheduling of the 2020 Common Council meeting dates.

Per Oak Creek Municipal Code Sec. 2.28(b), regular meetings of the Common Council shall be held on the first and third Tuesdays of each calendar month, at the hour of 7:00 p.m., or as otherwise scheduled by the Council.

The first meeting in January 2020 is scheduled for January 7, the first full week after the holidays. Due to the timing of the meeting date and the holiday's, Mayor Bukiewicz is not requesting a vacation of that meeting this year.

Additionally, in past years, the Council has voted to vacate the first meeting in July, as it often falls within the July 4th holiday week. In 2020, it does not, and therefore, the Mayor is proposing that we vacate the first meeting in August instead, which, if held, is scheduled for Monday, August 3, due to National Night Out the following day.

Attached is a tentative 2020 schedule. The above date recommended for vacation is in blue for reference. A final calendar will be presented to the Council on November 19 for formal adoption.

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: 2020 Common Council meeting dates calendar

2020

January

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Common Council Dates - **Circled**

Tentative Budget Hearing Date - **ORANGE**

National Night Out - **YELLOW**

Election Dates - **GREEN**

Holiday - **PINK**

**** Proposed Vacated Meeting - **Circled****

RESOLUTION NO. 12101-110519

BY: _____

RESOLUTION DESIGNATING OFFICIAL HOLIDAYS FOR 2020

RESOLVED that the following days are hereby declared to be the official holidays for all employees of the City of Oak Creek during the year of 2020, exclusive of the Police and Fire Departments, to wit:

- 1. **New Year's Day** (Wednesday, January 1, 2020)
- 2. **Friday before Easter** (Friday, April 10, 2020)
- 3. **Memorial Day** (Monday, May 25, 2020)
- 4. **Independence Day** (Friday, July 3, 2020) (the last normal workday before Independence Day)
- 5. **Labor Day** (Monday, September 7, 2020)
- 6. **Thanksgiving Day** (Thursday, November 26, 2020)
- 7. **The day after Thanksgiving** (Friday, November 27, 2020)
- 8. **Christmas Eve Day** (Thursday, December 24, 2020)
- 9. **Christmas Day** (Friday, December 25, 2020)
- 10. **New Year's Eve Day** (Thursday, December 31, 2020)

Additional note: **New Year's Day 2021** (Friday, January 1, 2021) will be designated as the first holiday date for the year 2021 official holidays.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this _____ day of _____, 2019.

Passed and adopted this _____ day of _____, 2019.

President, Common Council

Approved this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____



COMMON COUNCIL REPORT

Item: Special Assessment, East Jewell Street, Project No. 17106

Recommendation: That the Common Council adopt Resolution 12104-110519, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek, and to set a public hearing date of December 3, 2019. (Project 17106) (1st District).

Fiscal Impact: The Oak Creek Water and Sewer Utility will initially fund the entire cost of the project, and shall be reimbursed as special assessments are received. The estimated cost of the project is \$1,500,000.

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

Background: This project was initiated by the Oak Creek Water and Sewer Utility Commission and eliminates the Jewell Street lift station and provides gravity sewer with a connection to the MMSD sewer along College Avenue. It includes 1,950 LF of 18" sanitary sewer main pipe with appurtenances and associated restoration that will run from Jewell to College. This system will provide for gravity sewer to serve the properties and open land to development previously not served by sewer. The Public Hearing will be scheduled for the December 3, 2019 Common Council meeting.

Options/Alternatives: Reconstruct the lift station at an estimated cost of \$700,000.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Brian L. Johnston, PE
Utility Engineer

Fiscal Review:

Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: 12104-110519 Preliminary Assessment Resolution, map

RESOLUTION NO. 12104-110519

BY: _____

**PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE
SPECIAL ASSESSMENT POWERS UNDER SECTION 3.200
OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK
(JEWELL SANITARY SEWER)**

(PROJECT NO. 17106)

(1ST ALDERMANIC DISTRICT)

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

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

PROJECT NO. 17106 SANITARY SEWER AND APPURTENCES AND LIFT STATION
ABANDONMENT

All property along sanitary easement:

6448 and 6508 S Howell Avenue, 239 and 325 W College Avenue

From: E. Jewell Street

To: E. College Avenue

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

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

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

6. Upon receiving the notice of the Utility Engineer, the Clerk is directed to give notice of a public hearing on such report as specified in Section 3.203 of the Municipal Code of the City of Oak Creek.

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

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

Passed and adopted this 5th day of November, 2019.

 President, Common Council

Approved this 5th day of November, 2019.

 Mayor

ATTEST:

 City Clerk

VOTE: Ayes _____ Noes _____

PROPOSED SANITARY SEWER EAST JEWELL STREET





COMMON COUNCIL REPORT

Item: Traffic & Safety

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installation "No Parking, Stopping, Standing Anytime" sign on the east side of Shepard Hills Circle between 9700 Shepard Hills Circle & Shepard Hills Drive and replace the "Weight Limit 3 Tons" signs with "No Trucking (symbol)" signs along Pennsylvania Avenue between Rawson Avenue and Puetz Road.

Fiscal Impact: Street Department will construct and install signs.

- 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: Shepard Hills Circle and Shepard Hills Drive - There was one resident in attendance for this item. The resident's main concern is pedestrian safety before/after school and the reduced visibility for cross & pedestrian traffic when a vehicle is parked between the driveway and Shepard Hills Drive. There is 28-ft from the driveway to the crosswalk, vehicles are not allowed to park within 15-ft of a crosswalk and within 4-ft a driveway, leaving 8-ft for a vehicle to park. The commission discussed increasing enforcement to prevent vehicles from parking there but that would only resolve the issue for a limited time, therefore the commission did support the proposed installation of the "No Parking, Stopping or Standing Anytime" sign.

Pennsylvania Avenue between Rawson Avenue and Puetz Road - There was nobody in attendance for this item. Citizens are concerned with the increase of truck traffic along Pennsylvania Avenue between Rawson Avenue and Puetz Road. Engineering suggested replacing the existing "WEIGHT LIMIT 3 TONS" signs with NO TRUCKING symbol signs. From experience, signs with symbols instead of words have been more effective, the commission did support replacing the signs.

Options/Alternatives: Do nothing and leave existing conditions.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Ashley Kiepczynski, PE
Design Engineer

Fiscal Review:


Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Map



COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 11/5/19 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,350.00 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 met on 10/21/19. Recommendations are as follows:

1. Grant an Operator's license to Taylor R. Nelson, 8891 S. Parkside Dr., Oak Creek (The Cellar Pub and Grill).
2. Deny an Operator's license to Mathiu D. Wall, 204 Parkway Dr., South Milwaukee (Water Street Brewery), for falsification by omission.
3. Deny an Operator's license to Nicole K. Phillips, 7521 5 Mile Rd., Racine, WI (Oak Creek Mobil) for felony conviction within the previous five years of a controlled substance.
4. Grant a Special Event Permit to Danielle Stiebs, agent on behalf of the March of Dimes' Mom's Day 5k to be held on Saturday, May 9, 2020.

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

5. Grant an Operator's license to:
 - * Bailey M. Hintz, 8900 S. 11th Ave., Oak Creek (Southbound)
 - * Dina M. Varga, 745 College Ave., South Milwaukee (Sidetracked)
 - * Angelique R. Zweber, 4516 S. Kansas Ave., St. Francis (Applebee's)
 - * Yesica Alvarez, 2965 S. 15th Pl., Milwaukee (Fairfield Inn & Suites)
 - * Theodore A. Menut, 6132 W. Richmond Ave., Milwaukee (Aldi)
 - * Ashok Kumar, 2253 W. Alvina Ave., Milwaukee (Mobil)
 - * Iliana M. Mercado, 2663 S. 8th St., Milwaukee (Meijer)

-
- * Lisa M. Weeks, 5926 S. Packard Ave., Cudahy (Sidetracked)
 - * Nathaniel D. Ricker, 9555 S. Nicholson Rd., Oak Creek (BelAir Cantina)

6. Grant a Temporary Class "B" Beer license to Jill Lininger, agent on behalf of St. Matthew Congregation, 9303 S. Chicago Rd., for Trivia Night to be held on 11/15/2019.

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

MINUTES
LICENSE COMMITTEE
October 21, 2019 at 8:30 a.m.

1. The meeting was called to order at 8:30 a.m.
2. On roll call, the following committee members were present: Ald. Kurkowski, Ald. Duchniak, and Ald. Gehl. Also in attendance was Deputy City Clerk Christa Miller.
3. Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the minutes of 10/3/19. On roll call, the vote was as follows: Ald. Kurkowski, aye, Ald. Duchniak, aye; and Ald. Gehl, aye.
4. The Committee reviewed an original application for an Operator license submitted by Mathiu D. Wall, 204 Parkway Dr., South Milwaukee (Water Street Brewery) (held 10/3/19). Mr. Wall was invited to the meeting, however, did not attend.

The Committee had held this item at their 10/3/19 License Committee meeting, to provide the applicant another opportunity to appear and answer questions regarding his application versus the background report. Again, the applicant was not in attendance.

Ald. Gehl, seconded by Ald. Kurkowski, moved to deny the original application for an Operator license submitted by Mathiu D. Wall, 204 Parkway Dr., South Milwaukee (Water Street Brewery) for falsification by omission. On roll call, all voted aye.

5. The Committee reviewed an original application for an Operator license submitted by Nicole K. Phillips, 7521 5 Mile Rd., Upper, Racine, WI (Oak Creek Mobil) (held 10/3/19). Ms. Phillips was invited to the meeting, however, did not attend.

The Committee had held this item at their 10/3/19 License Committee meeting, to provide the applicant another opportunity to appear and answer questions regarding her application versus the background report. Again, the applicant was not in attendance.

Ald. Gehl, seconded by Ald. Duchniak, moved to deny the original application for an Operator license submitted by Nicole K. Phillips, 7521 5 Mile Rd., Upper, Racine, WI (Oak Creek Mobil) for felony conviction within the previous five years of a controlled substance. On roll call, all voted aye.

6. The Committee reviewed an original application for an Operator license submitted by Taylor R. Nelson, 8891 S. Parkside Dr., Oak Creek (The Cellar Pub and Grill). Ms. Nelson was in attendance.

On her application, Ms. Nelson disclosed three underage alcohol consumption citations/convictions (2013, 2016, and 2017). As the 2013 convictions was one received when Ms. Nelson was a minor, the Committee chose not to review this conviction. The Committee asked Ms. Nelson to explain the circumstances regarding the 2016 and 2017 underage alcohol consumption citations.

Ald. Duchniak, seconded by Ald. Gehl, moved to approve the original application for an Operator license submitted by Taylor R. Nelson, 8891 S. Parkside Dr., Oak Creek (The Cellar Pub and Grill).

7. The Committee reviewed the Special Event application submitted by Danielle Stiebs, agent on behalf of the March of Dimes' Mom's Day 5k to be held on Saturday, May 9, 2020.

Ald. Duchniak, seconded by Ald. Gehl, moved to approve the Special Event application submitted by Danielle Stiebs, agent on behalf of the March of Dimes' Mom's Day 5k to be held on Saturday, May 9, 2020.

8. The Committee was presented with a revised Operator license application form to review. The new form removes fields that were previously listed on the form asking applicants to disclose all

convictions received after the age of 18. It has been noted that by asking applicants to disclose all convictions, they often time neglect to disclose one or more convictions, whether on purpose or failure to recall exact convictions. Additionally, it was noted that many omissions are those that, if noted, would not fall into the habitual offender or felony status, and had they been disclosed, would not have resulted in a License Committee meeting.

Ald. Gehl, seconded by Ald. Duchniak, moved to adopt the new Operator license application form, for use effective 1/1/2020. On roll call, all voted aye.

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adjourn this meeting at 8:49 a.m. On roll call, all voted aye.

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the October 30, 2019 Vendor Summary Report in the total of \$874,348.77.

Fiscal Impact: Total claims paid of \$874,348.77.

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. \$5,208.00 to ABT Mailcom (pg #1) for advance postage for 2019 tax bill mailing.
2. \$97,949.92 to Advanced Disposal (pg #1) for September recycling and trash pickup.
3. \$67,632.55 to Benistar (pgs #2-3) for November insurance premiums.
4. \$8,928.24 to Houseal Lavigne Associates (pg #9) for consulting services for plan & zoning ordinance update.
5. \$12,617.83 to Kansas City Life Insurance Co. (pgs #10-11) for November disability insurance.
6. \$40,586.94 to Oak Creek Water & Sewer Utility (pg #14) for digger's hotline, water/sewer quarterly fees, and inspection costs for projects: East Brooke Preserve, Creekside Crossing, Orchard Hills, Amazon, Ryan Road Business Park, and Highgate LLC.
7. \$414,476.37 to Payne & Dolan, Inc. (pg #15) for street improvements.
8. \$5,720.56 to Savage Solutions LLC (pg #17) for August & September marketing and advertising services. (Tourism)
9. \$7,432.23 to Securian Financial Group, Inc. (pgs #17-18) for November 2019 life insurance premiums.
10. \$15,050.00 to Tyler Technologies, Inc. (pg #21) for consulting services, Project #129752.
11. \$59,347.32 to WE Energies (pgs #21-23) for street lighting, electricity & natural gas.
12. \$15,888.92 to WI Dept. of Transportation (pg #24) for 5th Avenue relocation.
13. \$17,150.11 to World Fuel Services, Inc. (pg #24) for fuel inventory.

Options/Alternatives: None

Respectfully submitted:



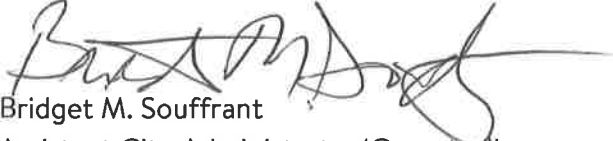
Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: 10/30/19 Invoice GL Distribution Report