

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, FEBRUARY 12, 2019**

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

Minutes of the January 8, 2019 meeting

Commissioner Siepert moved to approve the minutes of the January 8, 2019 meeting. Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

PLAN REVIEW

**MURPHY REAL ESTATE, LLC
7221 S. 10TH ST.
TAX KEY NO. 764-9047-000**

Planner Papelbon provided an overview of the request for a plan review for a parking lot addition. (See staff report for details).

Commissioner Chandler asked for more information about the opacity of the fence that is going around the property. Dominic Ferrente, Briohn Design Group LLC/Briohn Building Corp., 3425 S. Russell Road, New Berlin, responded that they are proposing a regular chain link fence. He stated that they have added a good amount of landscape to provide for the screening needs.

Commissioner Chandler asked if there is a recommendation for the opacity. Planner Papelbon responded that there is no recommendation because the existing chain link fence is not screened. It is up to the Plan Commission if they want to include an opacity requirement, or if they are fine with it the way it is proposed.

Mayor Bukiewicz explained that there is just a south and a north parking lot; the back was always just storage for the existing business that was there. There was always a chain link fence, and there was nothing in the back. He added that the enhancements to the landscape should suffice.

Commissioner Johnston suggested the fence be pushed back behind the landscaping instead of out towards the road and brought around. If it is not an issue, it does not matter. Mayor Bukiewicz stated he does not have a preference either way.

Commissioner Siepert moved that the Plan Commission approves the site and landscaping plans submitted by Sam Dickman, Jr., Murphy Real Estate, LLC, for the property at 7721 S. 10th St. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That the landscape plan is revised to include the heights of plants at maturity.
3. That all revised plans (site, building, landscaping, east elevation, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of building permit applications.

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

**REZONE
STEVEN KRAEGER
3961 E. OAKWOOD RD.
TAX KEY NO. 961-9999-000**

Zoning Administrator/Planner Wagner provided an overview of this rezoning request. (See staff report for details.)

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

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the property at 3961 E. Oakwood Road be rezoned from Rs-2, Single Family Residential to Rs-3, Single Family Residential after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CERTIFIED SURVEY MAP
HIGHGATE, LLC
7705, 7725, 7751, 7831 AND 7869 S. 13th St.
784-9020-000, 784-9019-000, 784-9003-000, 784-9001-000, 784-9993-002**

Planner Papelbon provided an overview of the request to combine properties on a proposed CSM. (See staff report for details.)

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

Alderman Loreck moved that the Commission recommends to the Common Council that the Certified Survey Map submitted by John Thomsen, Highgate, LLC, for the properties 7705, 7725, 7751, 7831, and 7869 S. 13th St. be approved with the following conditions:

1. That the missing bearing on the southeast corner is included on the map prior to recording.
2. That public utility easements are shown on the map prior to recording.
3. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**CONDITIONAL USE PERMIT
SUMMIT CREDIT UNION
7869 S. 13TH ST.
TAX KEY NO. 784-9993-002**

Planner Papelbon provided an overview of the conditional use permit for a proposed financial institution with a drive-through facility. (See staff report for details.)

Several Commissioners and the Mayor voiced their agreement that this is a good-looking building. Seeing as there were no other questions or comments, Mayor Bukiewicz called for a motion.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for a financial institution with a drive-through facility on a portion of the property at 7869 S. 13th St. (Lot 2 of CSM to be recorded), after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (February 26, 2019). Commissioner Chandler seconded. On roll call: all voted aye. Motion carried.

**SIGN PLAN REVIEW
FIRST WATCH
120 W. TOWN SQUARE WAY
TAX KEY NO. 813-9045-000**

Zoning Administrator/Planner Wagner provided an overview of the proposed sign plan. (See staff report for details.)

Commissioner Siepert asked if this sign is compatible to the sign in the neighboring tenant space. Zoning Administrator/Planner Wagner confirmed that it is similar in design to other signage in the area.

Alderman Loreck moved that the Plan Commission approve the sign plan for Suite 200 located at 120 W. Town Square Way. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW
WE ENERGIES
10770 AND 11060 S CHICAGO RD.
TAX KEY NOS. 966-9999-002 AND 965-9999-001**

Planner Papelbon provided an overview of the request to allow a wind screen for the coal pile at the WE Energies property. (See staff report for details.)

Jennifer Zierer, WE Energies, explained that this wind barrier project was to address an incident that occurred at the power plant in the spring of 2018. To date, WE Energies has built a berm around the coal pile, as well as planting well over 200 trees on the site.

Commissioner Siepert asked how they determined the height for this fence for controlling the air flow that is coming off the lake in the southeast portion. Paul Haubert, Project Manager, 901 E. Trivie Lane, Bayside, Wisconsin, explained that they performed extensive CFD modeling, habitational flow dynamic modeling, commonly used throughout the industry. They ran 30 to 40 different runs of different lengths and heights and screen materials to optimize it to be most effective, as well as most economic. That was run through a contractor, DSI, who subcontracted that to a separate engineering company out of Alabama and this is this company's main function.

Commissioner Siepert asked what the maximum wind velocity is that the screen will withstand. Mr. Haubert explained that it is dictated by code, and it is designed for 95 mph.

Commissioner Siepert asked why the entire coal pile was not enclosed. Mr. Haubert responded that they are looking to protect adjacent neighborhoods from the coal dusting. To wrap that further

around did not provide any further neighborhood protection. The nature of the fence is to protect downwind. It does provide upwind protection, but it works functionally like a snow fence. The wind hits it, some flows through, and most of it rolls over the top the fence and forms a dome over the top and rolls over the coal pile. The fence will be about 100 feet high. The coal piles with be about 85 feet high.

Commissioner Siepert inquired if the applicant has tried this any place else. Mr. Haubert explained that this type of fence is extensively used worldwide for not just coal, but for any type of a dusting situation.

Commissioner Siepert asked if they were still going to cover the coal with water to keep the dust down. Mr. Haubert agreed and said the dust bosses and the rain birds would still be used.

Commissioner Siepert questioned if this will allow the coal pile to increase to a certain height. Mr. Haubert indicated that there is still capacity to add more to the pile, but the fence is designed to have an 85-foot maximum height capacity on the coal pile and 100 feet on the fence itself.

Commissioner Siepert queried if they were planning to keep the same amount of coal they have right now. Mr. Haubert responded that as it stands right now, the amount would remain the same.

Commissioner Chandler asked for a little background information on the true purpose of the screen and the process. Mr. Haubert explained that the purpose of the screen is to knock the wind down to prevent erosion of the coal pile that causes dust. The fence can knock the wind speed down by up to 95%. He touched on the technical side by explaining that if you halve the speed of the wind, the erosion will be only a quarter of that. The screen would give extensive wind reduction on the velocities. They researched the two major companies that make this type of fence, bid the job out, and spoke with them to find out who had the better system. They ended up with this system, but they both work functionally the same.

Commissioner Chandler asked what velocity the wind would have to be to disturb the coal pile. Mr. Haubert responded that at 25 miles per hour, they stop working the coal. At 20 miles per hour, they start hitting alarms. At that point, that is the velocity that they started shooting for to see what they could do with reduction from 25 miles per hour. That is where they got the 95% reduction.

Mayor Bukiewicz reminded the Commissioners that the issue at hand is the wind screen and accompanying landscaping.

Alderman Guzikowski stated that Alderman Toman could not be at the meeting because he is out of town. He did mention that he wanted to make sure that a letter was sent out to an extended area, notifying residents of this meeting. Alderman Toman does support this project right now, and he does feel it will have a good impact and will help out with what is going on out there.

Alderman Loreck asked if the fence is opaque as depicted on the renderings. Mr. Haubert explained that the fence material is about 50% porous and is green in color.

Commissioner Hanna asked about the maintenance plan and how often they will change the material on the fence after it has collected the dust. Mr. Haubert explained that the fence does not collect dust, but acts as a wind barrier. Commissioner Hanna stated that the dust particles will collect with time, so there should be some sort of maintenance done so it will not become a dust wall. Mayor Bukiewicz stated that the purpose of the fence is to knock the wind down and

compared it to a snow fence, which keeps the wind from blowing snow. He restated that the purpose of the fence is to knock the wind down so as not to disturb the coal pile.

Mayor Bukiewicz asked about the life span of these fences. Mr. Haubert responded that they are used all over the world and have a life expectancy of 20 years. The biggest problem is tractors ripping the material.

Commissioner Chandler questioned how the fence would be a barrier if there is a buildup of dust. Mr. Haubert reassured the Council that this type of fence has been used all over the world and the dust build up has not been an issue.

Mayor Bukiewicz asked Assistant Fire Chief Kressuk what the Fire Department's point of view would be on this project and if the material was flammable, posed a hazard, or negated any efforts in the event of an emergency. Mike Kressuk, Fire Department, reiterated that the structure is being built to solve a known problem. Assistant Fire Chief Kressuk explained the Fire Department has a significant concern with coal dust and would not comment on maintenance of the structure, but said that WE Energies shares the Fire Department's concerns about coal dust. Coal dust on the outdoor fence is very different than coal dust inside the power plant. He continued to say that he is sure dust could accumulate and that is a great question for WE Energies to comment on their maintenance plan to be sure the dust does not build up. Their general processes would lead him to believe that would be part of the routine maintenance of the wind barrier. Mayor Bukiewicz asked again from a fire perspective if the wind barrier would impede anything they had to do there, and if the material was flammable. Assistant Fire Chief Kressuk could not comment on the flammability of the fabric. He further explained that the barrier appears to solve the issue of coal dust and from an operational stand point, this is an open field and there certainly could be some challenges associated with it, but nothing more pressing than the overall goal of the project.

Mayor Bukiewicz asked WE Energies about the timeline of the project. Mr. Haubert explained they are looking to start receiving the materials in March, foundation drilling would take place in April, and the project would be complete by the end of August.

Mayor Bukiewicz inquired about the diameter of the poles. Mr. Haubert described the poles as being more robust than a street light pole. The poles are constructed of three different pipes of decreasing diameter. The base will be 36 inches in diameter, the second will be 30 inches, and the top pipe will be 18 inches.

Mayor Bukiewicz invited the applicant to address the remediation that has already gone on with the berm and trees. Mayor Bukiewicz asked for clarification regarding the diagram of the park in regards to where the fence would be. Mr. Haubert clarified that the fence would be behind the trees and was only placed in front of the trees to demonstrate fence height.

Commissioner Siefert asked a question about the testing regarding what the difference in wind velocity would be coming off the lake versus hitting the coal pile after passing through the wind barrier. Mr. Haubert repeated that they have typically seen a 95% reduction in wind speed and have seen wind velocities lowered to 5 miles per hour depending on the modeling of the coal pile.

Commissioner Siefert asked if they would be testing the difference in wind speeds at this facility after it has been installed. Mr. Haubert explained it would be possible, but that was not their plan. Mayor Bukiewicz explained that the coal pile is being monitored now so they could compare data.

Commissioner Chandler wanted to know how the material with large gaps would be able to block the wind. Mr. Haubert explained that the material is pieced together. He also stated that some wind needs to pass through to prevent negative back pressure.

Commissioner Chandler wanted to confirm that there is just one layer of material on the wind barrier. Mr. Haubert confirmed there would be just one layer of material.

Mayor Bukiewicz read the following comment into the record from Michelle Jeske, 4338 E. Studio Lane: *"Oak Creek's approval of this wind screen is another attempt to control dust/coal/poison that should've never been approved in the first place. Oak Creek's attempt to help us failed when they approved it in the first place."*

Mayor Bukiewicz invited Greg Millard to the podium.

Greg Millard, 4335 E. Studio Lane:

"We got coal dust March last year. We had a 30 mile an hour east wind come off, covered 200 homes all the way going to Oakwood and 32. WE Energies power-washed 43 houses. That's with a 30 mile an hour wind. We still get coal coming through once in a while except for the last couple of months because the pile has been covered with snow or it's raining with a 50 mile an hour wind. Now we stand outside our house. We live right by the north stack. Studio lines right up with that. The smoke can be blowing that way. We're standing in the front yard. The wind is coming at us this way. We can't go by wind direction. My thing is, coal pile that was put 1,800 feet from residential area should have never been put there. We wouldn't even be here discussing this right now.

Second thing is why isn't the fence going all the way around? What you're going to do if you could put up the other picture of the pile, the colored one with the wind barrier, okay, the one, the barrier there, that's on the south and east side. We get the wind off the south and the east, especially in March and April. We get 30 mile an hour plus winds is what caused our problem last time. That fence isn't going to work. It's going to take the east wind, it's going to go over the top of that fence, hit the coal pile, come down, hit the berm in the other picture and launch it back into our subdivision even farther. It's going to go to Deerfield, to the school. I don't know who these people are. I can't hear. Nobody consulted any of the residents here. We know what's going on in our subdivision. The winds, the wind currents and everything. They need to talk to us. That's not working. We are still going to get coal from that. It's not surrounding the whole pile. It's going to go over the top of that. Mark my words. It's going to hit that, go over the pile, and it's going to launch it over the berm you put by Haas Park to cover the fact that you got it. I talked to Anna Marino from WE Energies in September. They just put that berm up that you guys approved to cover it from Haas Park with all the pine trees. Two weeks later, we got coal dust on the slide. I called her up and said, 'Anna, we got coal at the park right after you put the berm up.' I said, 'It isn't working. The wind currents are all changed now because all the berms in there, it's not like what they're saying. It's going to come over the top of that. The whole thing should have been covered.'

And second thing, two years ago in March, we had a south wind. My neighbor lady down the street got coal dust in a dish. We called WE Energies, I said, 'I think we have suspected coal dust. We don't know how to test for that.' The next day, WE Energies person that tested our coal at our property in March that said 100% coal was Craig Martin. Oh we do know how to test it. Let's see what you got. I said, 'Well we put it in a jar.' Well you corrupted the sample. We can't do nothing. That's the end of the story until last year. Now we're a little smarter. We know what

coal looks like. We get it every once in a while. Everybody denies it. We need more help from Oak Creek to help us to figure out what's going on."

Mayor Bukiewicz stated that no one is denying that there is an issue with the coal dust, but finding a solution is why this matter is before the Plan Commission. Mayor Bukiewicz stated that WE Energies admitted in spring of 2018 that they had a problem. They put in the berms and the trees and that was not necessarily the answer to get rid of coal dust, and that is why they are coming before the City to install the wind barrier.

Mr. Millard:

"It's not working."

Mayor Bukiewicz continued by saying that it was never designed to work or stop the coal dust, but was there to screen and block. This is supposed to be the answer to knock the wind down. He continued by saying that it has been engineered according to the applicant since March, 2018. This is the best model that they can come up with and has been computer-generated on what they can expect off that lake. Mayor Bukiewicz stated that the applicant did address the issue of the fencing not going around the entire pile. They did encapsulate the pile. The City and WE Energies are working together to help relieve the problem.

Mr. Millard:

"I'm not that educated either, but I've lived there 17 years and the wind currents. I work outside every day. It's gotten so bad sometimes, you can't breathe."

Mayor Bukiewicz reiterated that they are trying to alleviate those issues going forward and this is the answer that WE Energies is proposing.

Mayor Bukiewicz invited Mr. Haubert to step to the podium to explain once again why the screening is not being planned to go around the entire pile. Discussion ensued with between Mr. Haubert and Mr. Millard off the microphones.

Mr. Millard:

"My point is that circle sign is the turnaround. The wind's going to come over the top of that, drop down on the pile and carry it back into us even farther. And second point is, we got coal from the south pile before the north pile was even in. Two years ago, I was telling you about my neighbor lady from the south pile. Why isn't the south pile being covered like this one? The south pile doesn't have any green on it at all. (inaudible)...and everybody else on the Racine side get coal dust like we did. We at least got green on there right now and it is eroding really bad. I've got pictures. I can take them from my back yard and show them pictures where the green is eroding. They've got nothing over there. Why not do one on the south pile too? What about the south one? It will go over the top of the fence that you decided."

I would like to know why nobody come around and talked to any of the residents about that. Do you know that from where that coal pile is to where I live is 1,800 feet? It carried 5,200 feet to Oakwood and 32 with 30 mile an hour wind. You're saying it takes 25 mile an hour wind to move coal. It takes 15 miles an hour. You don't talk to anybody. That's part of the problem. Nobody talks to anybody here."

Ms. Zierer responded that Mr. Millard and other residents in the area should have received a letter that WE Energies is hosting an open house on February 27, 2018 to discuss all of this with the residents.

Mr. Millard:

"We got a letter, but this is a plan of review. My question is I don't think this is going to work and it's part of a solution, I'll give you that."

Ms. Zierer stated that Mr. Millard stated that no one is communicating with him and that is not true.

Mr. Millard:

"Nobody said anything about what we're doing here until now. I'm telling you that's not going to work and you're not helping the south pile. Why isn't the south pile..."

Ms. Zierer stated that this wind barrier was designed professionally by engineers from a company that has been doing this all over the world. Experts were involved to make sure that this is done correctly.

Mr. Millard:

"I've been in construction for 47 years and I know a lot too, but nobody talks to us."

Mayor Bukiewicz stated that the topic of discussion at hand is the engineered structure.

Mr. Millard:

"My last comment is why isn't the south pile being covered like this one. There's no green on the south pile."

Mayor Bukiewicz responded that when there was an issue in spring of 2018, it concerned only the north pile and that is why only the north pile is being addressed with this solution.

Mr. Millard:

"Will they address that then too? The south pile with something?"

Mayor Bukiewicz responded that the City doesn't do this. It is up to the DNR and the EPA. The City of Oak Creek is not the governing agency for the dust. Mayor Bukiewicz reiterated that the north pile was addressed because that is where the issue arose.

Mr. Millard:

"Respectfully, the south pile is part of the problem too. Thank you for your time."

Commissioner Chandler asked if there will be a verification that the wind screen is working and if that information will be communicated to the residents. Planner Papelbon responded that it would be the responsibility of WE Energies to communicate the effectiveness and how it is working with

the residents. Mayor Bukiewicz added that WE Energies has information on their website that speaks to the issue of coal dust levels and what they are doing.

Commissioner Chandler asked the applicant if they had a plan to communicate the success of the wind screen to the residents after it has been installed.

Tonya Huller-Minch, 3137 W. Hilltop Lane, Franklin, stated that they have been communicating (since March 2018) updates as they have gone through the different mitigation strategies. A communication was sent out last week that addresses the berm. There will be an informational meeting on February 27, 2018. They have the monitoring data available on their website from both the north and south monitors. They continue to operate within all the permits they have with the DNR as well as the EPA. Ms. Huller-Minch explained that they will have boards, presentations and renderings that the neighbors can come and look at as well as having their questions answered. It is from 3:00 to 7:00 at the Oak Creek Community Center so that people can come when it is convenient for them to have their questions answered.

Alderman Loreck moved that the Plan Commission approves the site plans submitted by WE Energies for the properties at 10770 and 11060 S. Chicago Rd. with the following conditions:

1. That all relevant Code requirements remain in effect.
2. That all revised plans (site, building, landscaping, east elevation, etc.) are submitted in digital format for review and approval by the Department of Community Development prior to the submission of building permit applications.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

Mayor Bukiewicz encouraged WE Energies to continue to reach out to the neighborhood. He expressed his hope that this wind screen will provide relief to the neighbors. He also encouraged the neighbors to attend the event that WE Energies will be hosting on February 27, 2018 hosting.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 7:08 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

2-26-19

Date