



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

COMMON COUNCIL MEETING AGENDA

AUGUST 18, 2020

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.

IMPORTANT NOTICE

This meeting will be held by video conference. Persons wishing to participate in the meeting need to register via <http://ocwi.org/register> prior to the start of the meeting. The webinar will start at 6:50 p.m. so those that registered may log in.

The meeting will also be live streamed on the City of Oak Creek YouTube Page via <http://ocwi.org/livestream> for those that wish to view the meeting.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 7/21/2020

Recognition

4. **Mayoral Proclamation:** In recognition of fallen Private First Class Evan Bath.
5. **Council Proclamation:** Consider *Council Proclamation* No. 20-04, Congratulations to Casey Hunter Jones for receiving the Eagle Scout Award (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. **Rezone:** Consider a request by LaVerne Boers to rezone portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.

CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property (4th District).

7. **Ordinance:** Consider Ordinance No. 2981, approving a rezone of portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property (4th District).
8. **Resolution:** Consider Resolution No. 12176-081820, approving a Certified Survey Map submitted by LaVerne Boers for the properties at 3280 and 3360 E. Oakwood Road, and 3380 E. Oak Lane (4th District).

New Business

9. **Informational:** COVID-19 Update.
10. **Discussion:** City reconfiguration proposal options for board, committees, and commissions.
11. **Resolution:** Consider Resolution No. 12179-081820, adopting a 401(a) Qualified Retirement Plan for the Oak Creek Professional Police Officer's Association ("Association") and the City of Oak Creek.
12. **Resolution:** Consider Resolution No. 12184-081820, accepting the 2019 Financial Statements and Auditors Report.
13. **Motion:** Consider a motion to concur with the Mayor's appointment of Alexa Alfaro, 9175 S. Patricia Blvd., to the Police & Fire Commission for a five-year term ending 4/2025 (by Committee of the Whole).

COMMUNITY DEVELOPMENT

14. **Resolution:** Consider Resolution No. 12178-081820, approving a Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the properties at 1001 & 1199 W. Ryan Rd., and 9540 S. 13th St. (5th District).
15. **Resolution:** Consider Resolution No. 12182-081820, approving a Consent to Release of Easements between Legacy/Riverwood LLC and Brandywood Estates LLC at 500 W. Riverwood Dr. and 8900-20 S. Wood Creek Dr. (6th District).

ENGINEERING

16. **Resolution:** Consider Resolution No. 12180-081820, approving a Storm Water Management Practices Maintenance Agreement with Oak Creek Hotel Associates, LLC for their AVID Hotel development located at 9315 S. 13th St. (Tax Key No. 877-9995-005) (6th District).
17. **Motion:** Consider a motion to award the Private Property Infiltration & Inflow Reduction unit-price contract to Globe Contractors at the estimated cost of \$132.00 (Project No. 18035) (4th District).

VENDOR SUMMARY

18. **Motion:** Consider a motion to approve the July 29, 2020 Vendor Summary Report in the total amount of \$338,476.81 (by Committee of the Whole).

19. **Motion:** Consider a *motion* to approve the August 12, 2020 Vendor Summary Report in the total amount of \$591,139.21 (by Committee of the Whole).

Adjournment.

Public Notice

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MAYORAL PROCLAMATION
IN HONOR OF
PRIVATE FIRST CLASS EVAN BATH

WHEREAS, Private First Class Evan Bath was a member of the 15th Marine Expeditionary Unit (MEU), 1 Marine Expeditionary Force. Evan was among eight Marines and one US Navy Hospital Corpsman who lost their lives as a result of an amphibious assault vehicle (AAV) mishap during a training exercise off the coast of southern California on July 30, 2020.

WHEREAS, PFC Evan Bath attended Oak Creek High School and graduated from the Connections Academy in June 2019. He was an avid student of history and enjoyed playing and designing strategy games, particularly those related to military science; and

WHEREAS, PFC Evan Bath had a great sense of humor and a smile that he shared freely. He always had a kind word or a helping hand for people that needed either. He loved God, his Country, his family, and his friends, and

WHEREAS, PFC Evan Bath had a lifelong dream to join the Marine Corp and serve his Country. He achieved his dream, attending Marine Corps basic training in July 2019 before being assigned to the 15th MEU, and

WHEREAS, PFC Evan Bath was awarded the National Defense Service Medal, and the Global War on Terrorism Service Medal, and

WHEREAS, PFC Evan Bath was a proud son of the City of Oak Creek, Wisconsin, born on Memorial Day, May 28, 2001; and

WHEREAS, PFC Evan Bath's commitment to service will forever be remembered; and

WHEREAS, PFC Evan Bath's father, Andrew Bath, stated, "A sacrifice like this, for all of us, the greatest reward we can do is just live"; and

WHEREAS, PFC Evan Bath's mother, Aleta Bath, stated, "He's the best son that a mother could have, he was nothing less than a hero".

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, and the Oak Creek Common Council, do hereby recognize and honor PFC Evan Bath for his ultimate sacrifice on July 30, 2020 in service to our Country;

BE IT FURTHER RESOLVED that this proclamation be spread upon the minutes of this meeting and the City Clerk be, and she is hereby directed, to transmit a suitable copy thereof to the family of PFC Evan Bath.

Introduced and adopted this 18th day of August, 2020.

Daniel J. Bukiewicz, Mayor, City of Oak Creek

ATTEST:

Catherine A. Roeske, City Clerk

COUNCIL PROCLAMATION NO. 20-04
CONGRATULATIONS TO
CASEY HUNTER JONES
FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than four percent of all Scouts actually achieve this goal; and

WHEREAS, at a Court of Honor an Eagle Award will be conferred upon Casey Jones; and

WHEREAS, as his Eagle project, Casey designed, fund-raised and recruited volunteers for the building of two outdoor classroom spaces at River Bend Nature Center in Racine; and

WHEREAS, River Bend's mission is to continue and expand outdoor recreation and environmental education; and

WHEREAS, by constructing two outdoor classroom spaces at the Nature Center, Casey has provided a space for visitors, young and old, to learn and grow in environmental education and outdoor recreation; and

WHEREAS, Casey coordinated the efforts of eighteen volunteers to assist with the construction and installation, putting in a total of over 200 man hours of work; and

WHEREAS, the Oak Creek Common Council wishes to recognize this noteworthy achievement of Casey Jones.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek hereby extend their congratulations to Eagle Scout Casey Jones for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

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

Dated this 18th day of August, 2020.

Presented and adopted this 18th day of August, 2020.

Common Council President

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

Publish July 29 & August 5, 2020

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

IMPORTANT NOTICE

This meeting will be held both in person and by video/phone conference. Persons wishing to participate in the video conference, including applicants and their representatives, must register via <http://ocwi.org/register> prior to the meeting. The video conference will begin at 6:55 PM to allow participants to log in.

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (August 18, 2020) to obtain a meeting call-in number.

Persons who wish to view the meeting live without participating may visit the City of Oak Creek YouTube page at <http://ocwi.org/livestream>.

Persons requiring other reasonable accommodations may contact the City at 414-766-7000. Requests should be made as far in advance as possible, preferably a minimum of 48 hours.

PURPOSE: The purpose of this public hearing is to consider a request by LaVerne Boers to rezone portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property.

Hearing Date:

August 18, 2020

Time:

7:00 PM

Place:

Oak Creek City Hall

Common Council Chambers

8040 S. 6th St.

Oak Creek, WI 53154 AND via online video conference (see box above)

Applicant:

LaVerne Boers

Property Owner(s):

LaVerne Boers

Property Location(s):

3280 E. Oakwood Rd.

Tax Key(s):

919-9991-006

Legal Description:

Portion 1, to be combined with the property at 3380 E. Oak Lane in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Beginning at the Northwest corner of Parcel 1 of Certified Survey Map No. 2625; thence South 12°38'15" West along the West line of said Parcel 1 a distance of 216.40 feet to a point in the Southwest corner of said Parcel 1; thence North 72°46'27" West 31.30 feet to a point; North 00°41'32" East 201.34 feet to a point in the North line of South 1/2 of said Southwest 1/4; thence North 89°34'00" East 74.81 feet to the point of beginning. Said Lands Contains 10,905 square foot or 0.2503 Acres.

Portion 2, to be combined with the property at 3360 E. Oakwood Road in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Beginning at the Northeast corner of Parcel 1 of Certified Survey Map No. 1800; thence South 74°03'33" West along the North line of said Parcel 1 a distance of 104.37 feet to a point in the West line of said Parcel 1; thence South 00°44'19" West along said West line 199.99 feet to a point in the Southwest corner of said Parcel 1; thence South 89°30'47" West 40.01 feet to a point; thence North 00°44'19"

East 227.81 feet to a point; thence North 89°30'47" East 140.01 feet to the point of beginning. Said Lands Contains 10,503 square foot or 0.2411 Acres.

Portion 3, to become Lot 2 in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Commencing at the Southwest corner of said Southwest 1/4 Section; thence North 00°38'53" East along the West line of said 1/4 Section 40.01 feet to a point; thence North 89°30'47" East along the North line of Oakwood Road 300.88 feet to the point of beginning of lands described hereinafter; thence North 00°29'13" West 325.00 feet to a point; thence North 89°30'47" East 273.00 feet to a point; thence South 00°29'13" East 325.00 feet to a point; thence South 89°30'47" West 273.00 feet to the point of beginning. Said Lands Contains 88,725 square foot or 2.0365 Acres.

The Common Council has scheduled other public hearings for August 18, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: July 22, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

Public Notice

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COMMON COUNCIL REPORT

Item: Rezone - 3280 E. Oakwood Rd.

Recommendation: That the Council adopts Ordinance 2981, an ordinance to approve a rezone of portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property .

Fiscal Impact: Approval will allow for the proposed Certified Survey Map (CSM) to be reviewed in the next agenda item to create a 2-acre parcel around the existing residential home, and to add approximate 1/4 of an acre to two (2) adjacent residential properties. While no direct fiscal impact will occur as a result of the rezone, the CSM will provide potential residential redevelopment opportunities that will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. This property is not part of a TID.

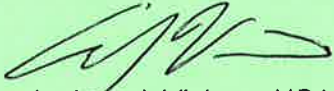
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not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

Background: The Applicant is requesting recommendation of approval to rezone portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts). This is related to and dependent on a proposed CSM to create a 2-acre parcel around the existing homestead and two (2) lot line adjustments. That proposed CSM will be reviewed by the Council in a subsequent agenda item. No new development is included in the proposal.

The Plan Commission recommended Common Council approval at their meeting on July 14, 2020. Should the Council agree that rezoning portions of the parcel at 3280 E. Oakwood Rd. from A-1, Limited Agricultural to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) is appropriate, a motion recommending approval is provided above.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. Disapproval of the rezone would affect the proposed CSM to divide the property for sale and lot line adjustments.

Respectfully submitted:



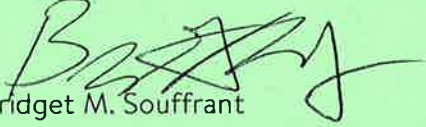
Andrew J. Vickers, MPA
City Administrator

Prepared:



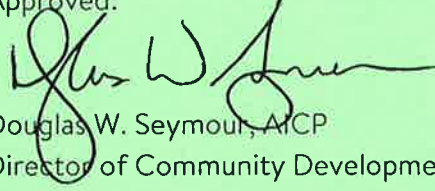
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2981

Location Map

Hearing Notice

Narrative (1 page)

Rezone Exhibits (3 pages)

Plan Commission meeting minutes

ORDINANCE NO. 2981

By: _____

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTY AT 3280 E. OAKWOOD RD. FROM A-1, LIMITED AGRICULTURAL DISTRICT TO RS-3, SINGLE FAMILY RESIDENTIAL (NO CHANGE TO THE FW, FLOODWAY, FF, FLOOD FRINGE, OR C-1, SHORELAND WETLAND CONSERVANCY DISTRICTS) AS PART OF A RELATED CERTIFIED SURVEY MAP DIVIDING THE PROPERTY

(4th Aldermanic District)

WHEREAS, LAVERNE BOERS, has proposed a rezoning of portions of the property at 3280 W. E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property.

WHEREAS, the portions of the property to be rezoned are more precisely described as follows:

Portion 1, to be combined with the property at 3380 E. Oak Lane in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Beginning at the Northwest corner of Parcel 1 of Certified Survey Map No. 2625; thence South 12°38'15" West along the West line of said Parcel 1 a distance of 216.40 feet to a point in the Southwest corner of said Parcel 1; thence North 72°46'27" West 31.30 feet to a point; North 00°41'32" East 201.34 feet to a point in the North line of South 1/2 of said Southwest 1/4; thence North 89°34'00" East 74.81 feet to the point of beginning. Said Lands Contains 10,905 square foot or 0.2503 Acres.

Portion 2, to be combined with the property at 3360 E. Oakwood Road in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Beginning at the Northeast corner of Parcel 1 of Certified Survey Map No. 1800; thence South 74°03'33" West along the North line of said Parcel 1 a distance of 104.37 feet to a point in the West line of said Parcel 1; thence South 00°44'19" West along said West line 199.99 feet to a point in the Southwest corner of said Parcel 1; thence South 89°30'47" West 40.01 feet to a point; thence North 00°44'19" East 227.81 feet to a point; thence North 89°30'47" East 140.01 feet to the point of beginning. Said Lands Contains 10,503 square foot or 0.2411 Acres.

Portion 3, to become Lot 2 in the related Certified Survey Map - That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter; Commencing at the Southwest corner of said Southwest 1/4 Section; thence North 00°38'53" East along the West line of said 1/4 Section 40.01 feet to a point; thence North 89°30'47" East along the North line of Oakwood Road 300.88 feet to the point of beginning of lands described hereinafter; thence North 00°29'13" West 325.00 feet to a point; thence North 89°30'47" East 273.00 feet to a point; thence South 00°29'13" East 325.00 feet

to a point; thence South 89°30'47" West 273.00 feet to the point of beginning. Said Lands Contain 88,725 square foot or 2.0365 Acres.

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

WHEREAS, the Common Council held a public hearing on said application on August 18, 2020, at which time all interested parties appeared and were heard; and

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described at 3280 W. E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

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

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

SECTION 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and approval of the related Certified Survey Map, and shall take effect immediately upon its passage and publication.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this 18th day of August, 2020.

Mayor

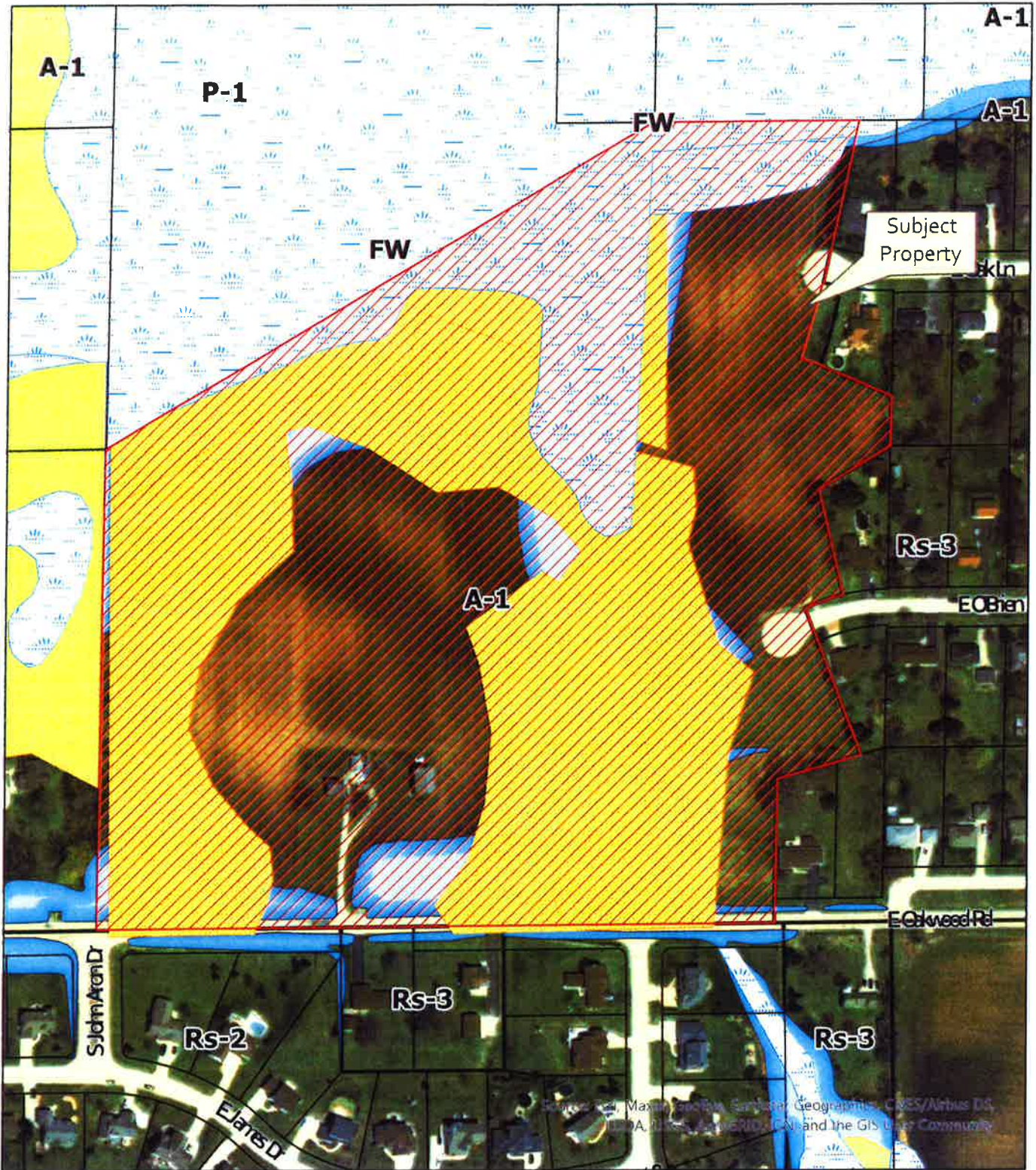
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map






3280 E Oakwood Rd



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



Legend

-  3280 E Oakwood Rd
-  DNR Wetlands Inventory
-  Environmental Corridor
-  Flood Plain (2008)
-  Floodway (2008)

Publish July 29 & August 5, 2020

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

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PURPOSE: The purpose of this public hearing is to consider a request by LaVerne Boers to rezone portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property.

Hearing Date: August 18, 2020
Time: 7:00 PM
Place: Oak Creek City Hall
Common Council Chambers
8040 S. 6th St.
Oak Creek, WI 53154 AND via online video conference (see box above)

Applicant: LaVerne Boers
Property Owner(s): LaVerne Boers
Property Location(s): 3280 E. Oakwood Rd.
Tax Key(s): 919-9991-006

Legal Description:

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325.00 feet to a point; thence North 89°30'47" East 273.00 feet to a point; thence South 00°29'13" East 325.00 feet to a point; thence South 89°30'47" West 273.00 feet to the point of beginning. Said Lands Contains 88,725 square foot or 2.0365 Acres.

The Common Council has scheduled other public hearings for August 18, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: July 22, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

Public Notice

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JUN 16 2020

RECEIVED

Zoning Change Request Description

In regards to a proposed 2 acre lot from parcel # 9199991006 and
2 minor land divisions of adjacent properties

The Zoning Change Request is to change the proposed lot and 2 minor land divisions from A-1, Limited Agricultural to Rs-3, Single Family Residential. The adjacent subdivision is currently zoned Rs-3. The 2 acre lot currently has a house, detached garage, and a barn located on proposed lot, and is surrounded by farm land. This change to Rs-3 zoning is in preparation to sell the proposed lot and buildings. We currently have an accepted offer on the proposed lot and buildings.

EXHIBIT

CLIENT

SITE ADDRESS

Dale Dewitt 3380 E OAK Lane, City of Oak Creek, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

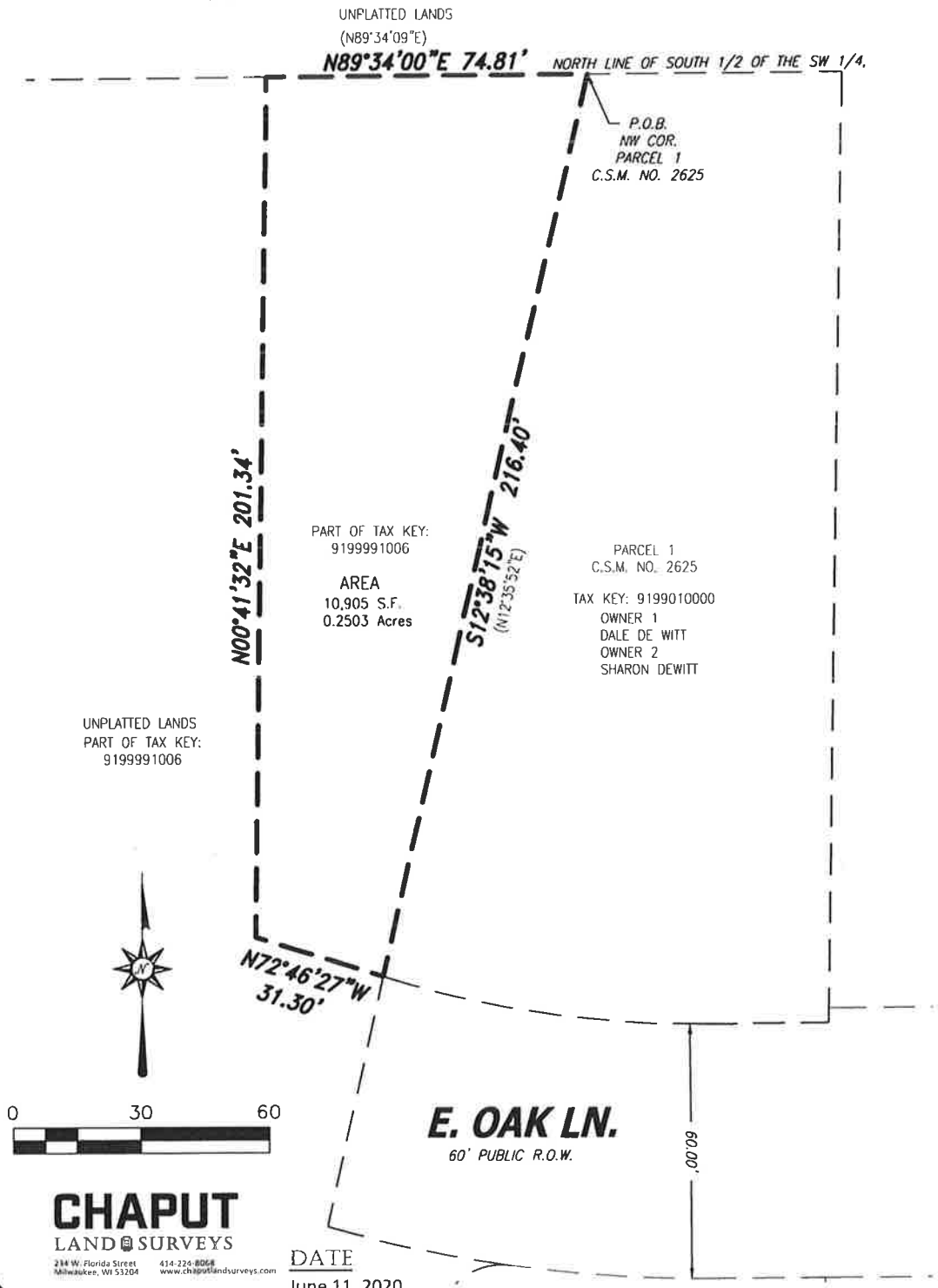
That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter;

Beginning at the Northwest corner of Parcel 1 of Certified Survey Map No. 2625; thence South 12°38'15" West along the West line of said Parcel 1 a distance of 216.40 feet to a point in the Southwest corner of said Parcel 1; thence North 72°46'27" West 31.30 feet to a point; North 00°41'32" East 201.34 feet to a point in the North line of South 1/2 of said Southwest 1/4; thence North 89°34'00" East 74.81 feet to the point of beginning.

Said Lands Contains 10,905 square foot or 0.2503 Acres.

BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Feb., 2018 in which the South line of the SW1/4, Sec. 26 bears N89°30'47"E.



EXHIBIT

CLIENT

Dale Dewitt

SITE ADDRESS

3380 E OAK Lane, City of Oak Creek, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

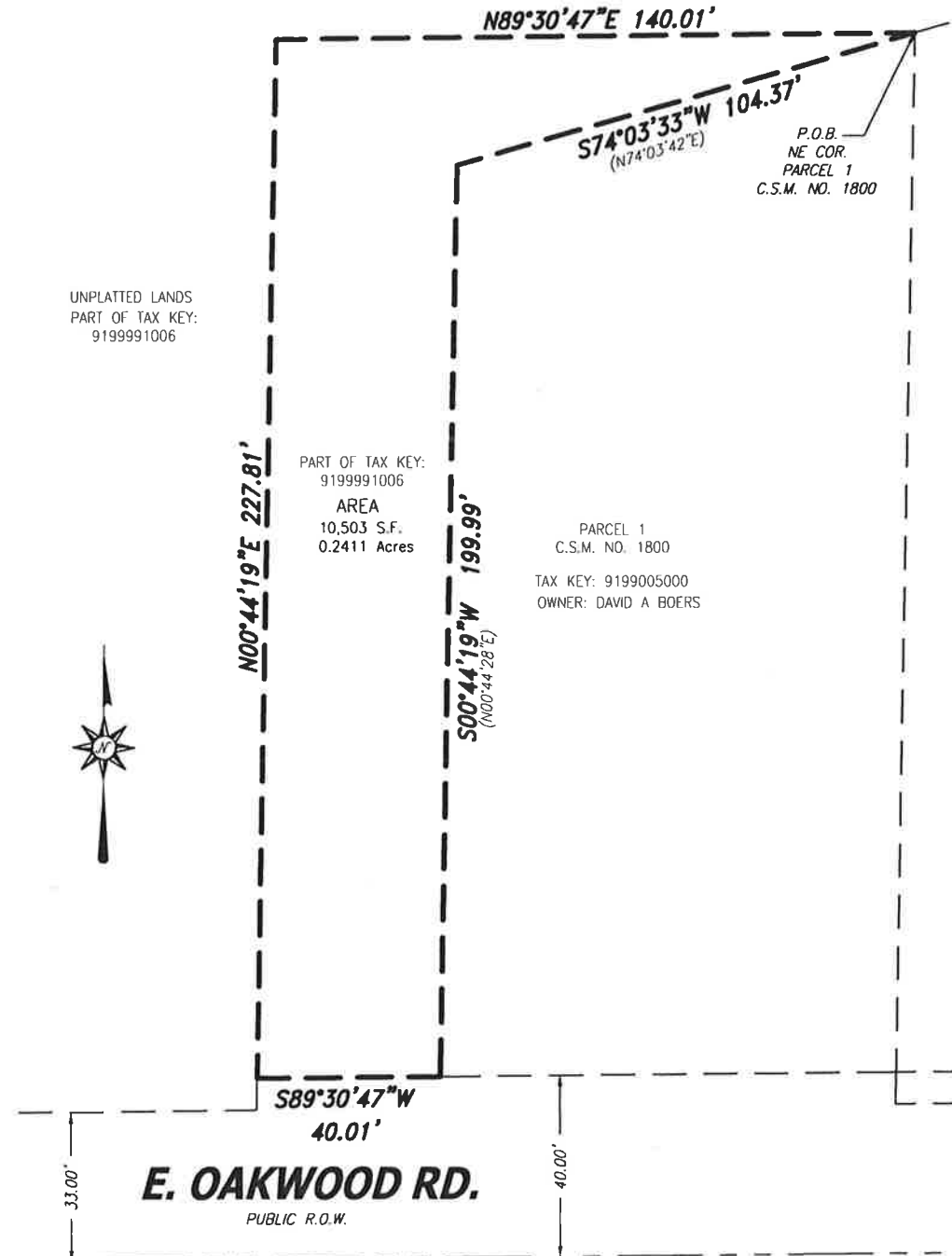
That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter;

Beginning at the Northeast corner of Parcel 1 of Certified Survey Map No. 1800; thence South 74°03'33" West along the North line of said Parcel 1 a distance of 104.37 feet to a point in the West line of said Parcel 1; thence South 00°44'19" West along said West line 199.99 feet to a point in the Southwest corner of said Parcel 1; thence South 89°30'47" West 40.01 feet to a point; thence North 00°44'19" East 227.81 feet to a point; thence North 89°30'47" East 140.01 feet to the point of beginning.

Said Lands Contains 10,503 square foot or 0.2411 Acres.

BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Feb., 2018 in which the South line of the SW1/4, Sec. 26 bears N89°30'47"E.



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

DATE

June 8, 2020



Drawing No. 3396-far

EXHIBIT

CLIENT

SITE ADDRESS

Dale Dewitt 3380 E OAK Lane, City of Oak Creek, Milwaukee County, Wisconsin.

LEGAL DESCRIPTION

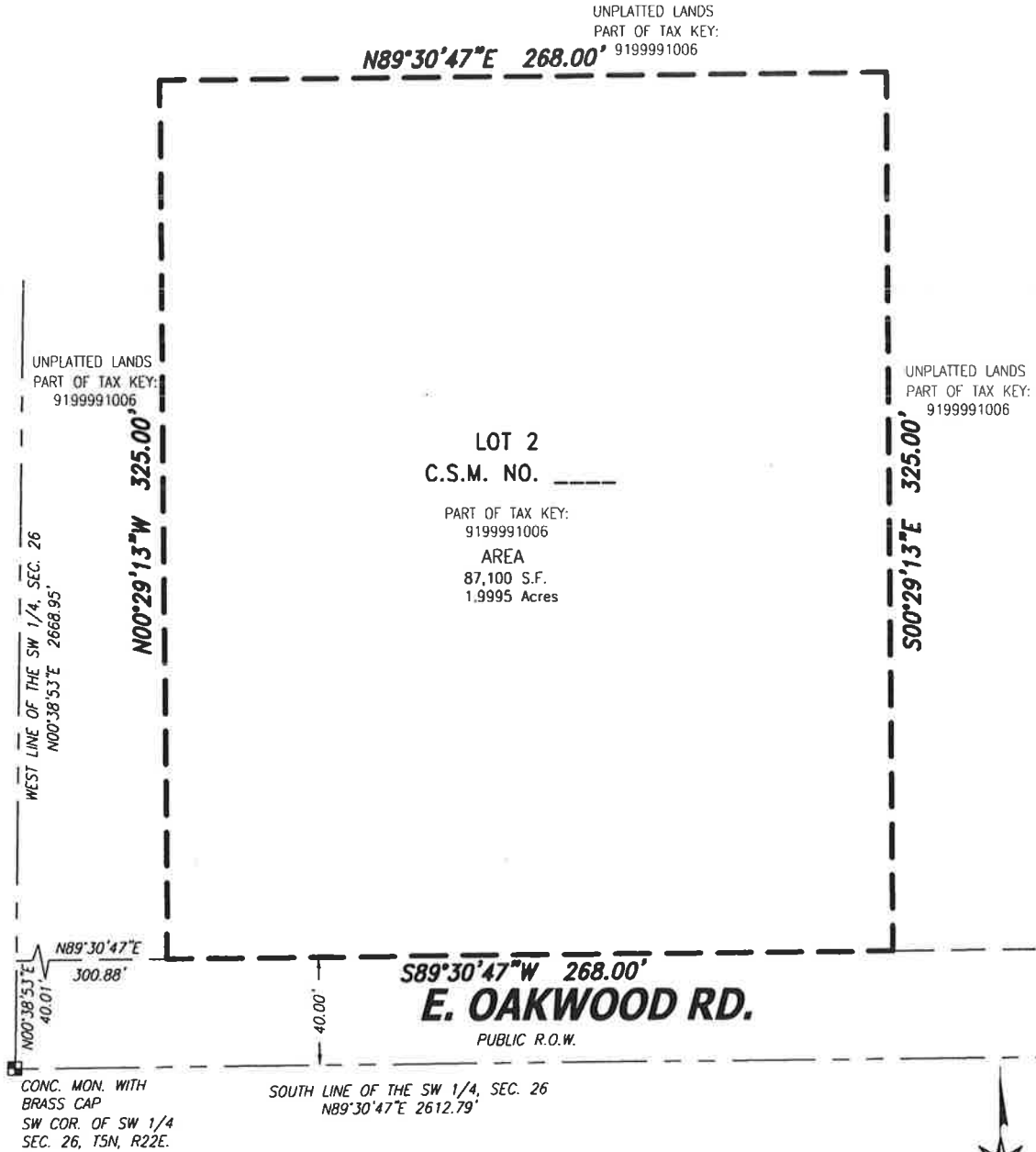
That part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin bounded and described hereinafter;

Commencing at the Southwest corner of said Southwest 1/4 Section; thence North 00°38'53" East along the West line of said 1/4 Section 40.01 feet to a point; thence North 89°30'47" East along the North line of Oakwood Road 300.88 feet to the point of beginning of lands described hereinafter; thence North 00°29'13" West 325.00 feet to a point; thence North 89°30'47" East 268.00 feet to a point; thence South 00°29'13" East 325.00 feet to a point; thence South 89°30'47" West 268.00 feet to the point of beginning.

Said Lands Contains 87,100 square foot or 1.9995 Acres.

BASIS OF BEARINGS

Bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Feb., 2018 in which the South line of the SW1/4, Sec. 26 bears N89°30'47"E.



CHAPUT
LAND SURVEYS

234 W. Florida Street
Milwaukee, WI 53204
414-224-8068
www.chaputlandsurveys.com

DATE

June 15, 2020



Drawing No. 3396-far

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, July 13, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Director of Community Development Doug Seymour; and Assistant Fire Chief Mike Havey.

Planner Papelbon read the following into the record:

The City of Oak Creek is authorized to hold this public meeting remotely during the COVID-19 public health emergency under the March 16 and March 20 advisories from the Office of Open Government in the Wisconsin Department of Justice and subsequent Common Council approvals. Per the advisories and approvals, this meeting being conducted via Zoom video conference with telephone conferencing capabilities was duly noticed per the City of Oak Creek Municipal Code and Statutory notice requirements more than 24 hours in advance of the meeting. Members of the public have been advised of the options for participation via direct mailing to property owners within 300 feet of a proposal, via the COVID-19 information page on the City's website, via social media, and via the information contained on the meeting agenda. This meeting may also be viewed at the City's YouTube page, the link for which was contained in all aforementioned notice methods. The meeting recording will also be accessible on the City's YouTube page within 48 hours.

Plan Commissioners and participants are initially muted upon joining the meeting. Plan Commissioners and staff have the ability to mute and unmute their microphones throughout the meeting. Please mute at all times except for roll call, motions, voting, and when recognized by the Chair. Roll call and voting will occur per the usual and customary procedure, starting from Plan Commissioner seating positions south to north in the Common Council Chambers (e.g., Hanna, Sullivan, Carrillo, Loreck, Bukiewicz, Guzikowski, Oldani, Siepert, Chandler). The Chair will facilitate questions and comments by calling on each Plan Commissioner, or by requesting the use of the "raise hand" function in the Zoom webinar control panel. Only speak once you have been recognized by the Chair or moderator.

Applicants, their representatives, and all other participants who wish to speak will be unmuted

- When there is a direct request for information from the Plan Commission or staff;
- When the participant utilizes the "raise hand" function within the Zoom webinar control panel, and the moderator verbally indicates that they are unmuted;
- When a phone participant dials *9 to indicate they wish to speak, and the moderator verbally indicates that their line is open.

When unmuted, all participants must state their name and address for the record, then proceed with comments or questions.

Questions and comments may also be entered into the Q&A function within the Zoom webinar control panel. Staff and/or the moderator will monitor this function during the meeting, and provide the information requested. There shall be no private messages or side conversations during the meeting utilizing the chat or Q&A functions. Chat and Q&A messages are part of the public

record.

Minutes of the June 23, 2020 meeting

Alderman Loreck moved to approve the minutes of the June 23, 2020 meeting. Commissioner Chandler seconded. On roll call: all voted aye, except Alderman Guzikowski who abstained. Motion carried.

REZONE LAVERNE BOERS 3280 E. OAKWOOD ROAD TAX KEY NO. 919-9991-006

Planner Papelbon provided an overview of the request to rezone portions of the property at 3280 E. Oakwood Rd. from A-1, Limited Agricultural district to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts) as part of a related Certified Survey Map dividing the property (next agenda item)

Planner Papelbon read a resident's questions into record. The first resident question was, "Why did the Common Council hold this item in 2018?" Planner Papelbon explained they did not hold this particular item, it was separate request that was held to answer questions, and was approved. That was a CSM rezone variation request, a combination for one additional parcel. The second question was, "Are there potential houses and what would their minimum size be?" Planner Papelbon stated at this time there are no proposed homes, as the lots are currently developed. Planner Papelbon received an inquiry from the person that is considering purchasing the proposed Lot 2 as to what size of home would be allowed on the property should they change that home. There are minimum size requires for the Rs-3 District depending on how many stories the house is. The last resident comment was, "The parcel does flood often." Planner Papelbon explained the Plan Commission will address the floodplains in the next agenda item.

Commissioner Sullivan stated the Engineering Department has no issues with the rezone.

Commissioner Chandler asked the applicant to provide a little more information as to why these properties have come to the Plan Commission for rezoning.

Dale DeWitt, 3380 E Oak Lane, representing his mother-in-law owner at 3280 E Oakwood Road, stated the two acres are being parceled off so the owner can sell to the current long-term tenants. On the land there are historic buildings: a house, garage, and barn. The request to expand the lots is to ensure owners have access to their backyards.

Monica Perkins, 3408 E O'Brien Road:

"I live at the end of the cul-de-sac and the field is there. It was noted that the buildings are historic. Are the buildings going to be left there? Are they on the historic registry? And, also when you take that two acre parcel out, is it going to be able to be subdivided into four single family homes with half acre lots? My concern is filling the field or raising it and then the water has no place to go, but in our basements and homes."

Mr. DeWitt stated they are not on a list, they are just very old buildings.

Mayor Bukiewicz reiterated Ms. Perkins question, and asked staff if Lot 2 would ever have the

possibility of being divided into four half-acre lots to accommodate four new homes.

Planner Papelbon explained that if the proposed Lot 2 met all the requirements for the district, it is possible that they could be divided further. However, there is a lot that goes along with that. There are wetlands, floodplains, and existing buildings that affect the ability to further divide the property. There are other considerations besides the size of the property for redevelopment purposes. Should there be any redevelopment of the property that requires Plan Commission approval, there would be notice to landowners within 300 feet.

Mayor Bukiewicz asked Ms. Perkins if the explanation helped.

Ms. Perkins:

"It just seems like we went through this, like they said in 2018, giving them the one parcel and now they keep coming back for more and more. Which is their right, they own the property, however, it reflects a lot on the people that live close to it. The kids next door took canoes out there in the field, I'm not kidding, if you guys ever, driving around after a storm it floods at least four and five times a year. Where's the water going to go?"

Mayor Bukiewicz stated as of right now there is no proposed development, but that water would need to be managed before development can be approved.

Commissioner Sullivan stated stormwater management would probably fall under the green infrastructure requirements. It would probably not require a pond under Milwaukee Metropolitan Sewage District (MMSD) or City requirements, but it would fall under green infrastructure, in which each parcel would manage their water in a smaller fashion. It would have to go through Engineering and be approved by Council.

Director Seymour explained it is the intent, but not the obligation, to work with the MMSD to preserve the bulk of the property for conservation. Director Seymour believes the owners are preparing this property for possible sale or transfer to MMSD.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that portions of the property at 3280 E. Oakwood Rd. be rezoned from A-1, Limited Agricultural to Rs-3, Single Family Residential (NO CHANGE to the FW, Floodway, FF, Flood Fringe, or C-1, Shoreland Wetland Conservancy Districts), in conjunction with a Certified Survey Map dividing the property, after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

7-28-20

Date



COMMON COUNCIL REPORT

Item: Certified Survey Map - 3280 and 3360 E. Oakwood Rd., & 3380 E. Oak Ln.

Recommendation: That the Council adopts Resolution No. 12176-081820, a resolution approving a Certified Survey Map submitted by LaVerne Boers for the properties at 3280 and 3360 E. Oakwood Road, & 3380 E. Oak Lane.

Fiscal Impact: The proposal would divide the property into one (1) 2-acre parcel around the existing residence, and two (2) property line adjustments for existing adjacent residential parcels. The existing residential structures on Lots 3 & 4 will remain. The existing single family home on Lot 2 may be replaced with a new single family home. No direct fiscal impact other than assessed value is anticipated. These properties are not part of a TID.

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

Background: The Applicant is requesting approval of a Certified Survey Map for the properties at 3280 and 3360 E. Oakwood Rd., & 3380 E. Oak Ln. This request is directly related to and dependent upon the rezone request in the previous agenda item. One (1) new compliant lot of approximately 2 acres is proposed around the existing buildings (Lot 2). Two (2) existing lots would be slightly increased in size to 0.73 acres (Lot 3) and 0.68 acres (Lot 4), both of which are compliant with the requirements of the Rs-3, Single Family Residential District. Lot 1 will contain the remaining 27.89 acres, and no development is proposed at this time. Due the presence of extensive wetlands and floodplain areas on Lot 1, the Applicant is working with MMSD to acquire the land for conservation purposes. While there is no local requirement for the land to be conserved, staff are fully in support.

The Plan Commission reviewed the Certified Survey Map proposal at their meeting on July 14, 2020, and recommend approval with the following conditions:

1. That all relevant Code requirements are in effect.
2. All floodplain areas shall be included on the CSM prior to recording.
3. That a note stating that wetland and floodplain delineations appear on subsequent pages of the CSM shall be included on Sheet 1 of the CSM prior to recording.
4. That public rights-of-way around the cul-de-sacs at the west ends of E. Oak Ln. and E. O'Brien Rd. shall be dedicated to the City as part of the CSM. The Common Council signature block on the last page shall be updated to include the dedication and acceptance of the rights-of-way.

-
5. The existing 60-foot sanitary and watermain easement shall be included on the CSM prior to recording.
 6. A 25-foot drainage easement centered on the swale between Oak Ln. and Oakwood Rd., maintaining access for agricultural purposes and drainage elevations, shall be included on the CSM prior to recording. A written easement coordinated with the Engineering Department shall be recorded prior to or concurrent with the Certified Survey Map.
 7. 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.

Options/Alternatives: Council has the discretion to modify the condition(s) of Certified Survey Map approval, or deny the request. Disapproval will likely result in the existing condition of the property to remain, and may affect the sale and use of the properties in the future.

Respectfully submitted:



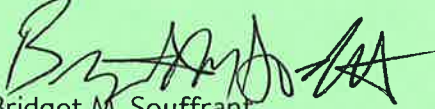
Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Resolution 12176-081820

Location Map

Plan Commission Minutes

Proposed Certified Survey Map (6 pages)

RESOLUTION NO. 12176-081820

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
LAVERNE BOERS

Portions of 3280 E. Oakwood Rd.
(4th Aldermanic District)

WHEREAS, LAVERNE BOERS, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following conditions:

1. That all relevant Code requirements are in effect.
2. All floodplain areas shall be included on the CSM prior to recording.
3. That a note stating that wetland and floodplain delineations appear on subsequent pages of the CSM shall be included on Sheet 1 of the CSM prior to recording.
4. That public rights-of-way around the cul-de-sacs at the west ends of E. Oak Ln. and E. O'Brien Rd. shall be dedicated to the City as part of the CSM. The Common Council signature block on the last page shall be updated to include the dedication and acceptance of the rights-of-way.
5. The existing 60-foot sanitary and watermain easement shall be included on the CSM prior to recording.
6. A 25-foot drainage easement centered on the swale between Oak Ln. and Oakwood Rd., maintaining access for agricultural purposes and drainage elevations, shall be included on the CSM prior to recording. A written easement coordinated with the Engineering Department shall be recorded prior to or concurrent with the Certified Survey Map.
7. 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.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

1. That all relevant Code requirements are in effect.
2. All floodplain areas shall be included on the CSM prior to recording.
3. That a note stating that wetland and floodplain delineations appear on subsequent pages of the CSM shall be included on Sheet 1 of the CSM prior to recording.

4. That public rights-of-way around the cul-de-sacs at the west ends of E. Oak Ln. and E. O'Brien Rd. shall be dedicated to the City as part of the CSM. The Common Council signature block on the last page shall be updated to include the dedication and acceptance of the rights-of-way.
5. The existing 60-foot sanitary and watermain easement shall be included on the CSM prior to recording.
6. A 25-foot drainage easement centered on the swale between Oak Ln. and Oakwood Rd., maintaining access for agricultural purposes and drainage elevations, shall be included on the CSM prior to recording. A written easement coordinated with the Engineering Department shall be recorded prior to or concurrent with the Certified Survey Map.
7. 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.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this 18th day of August, 2020.

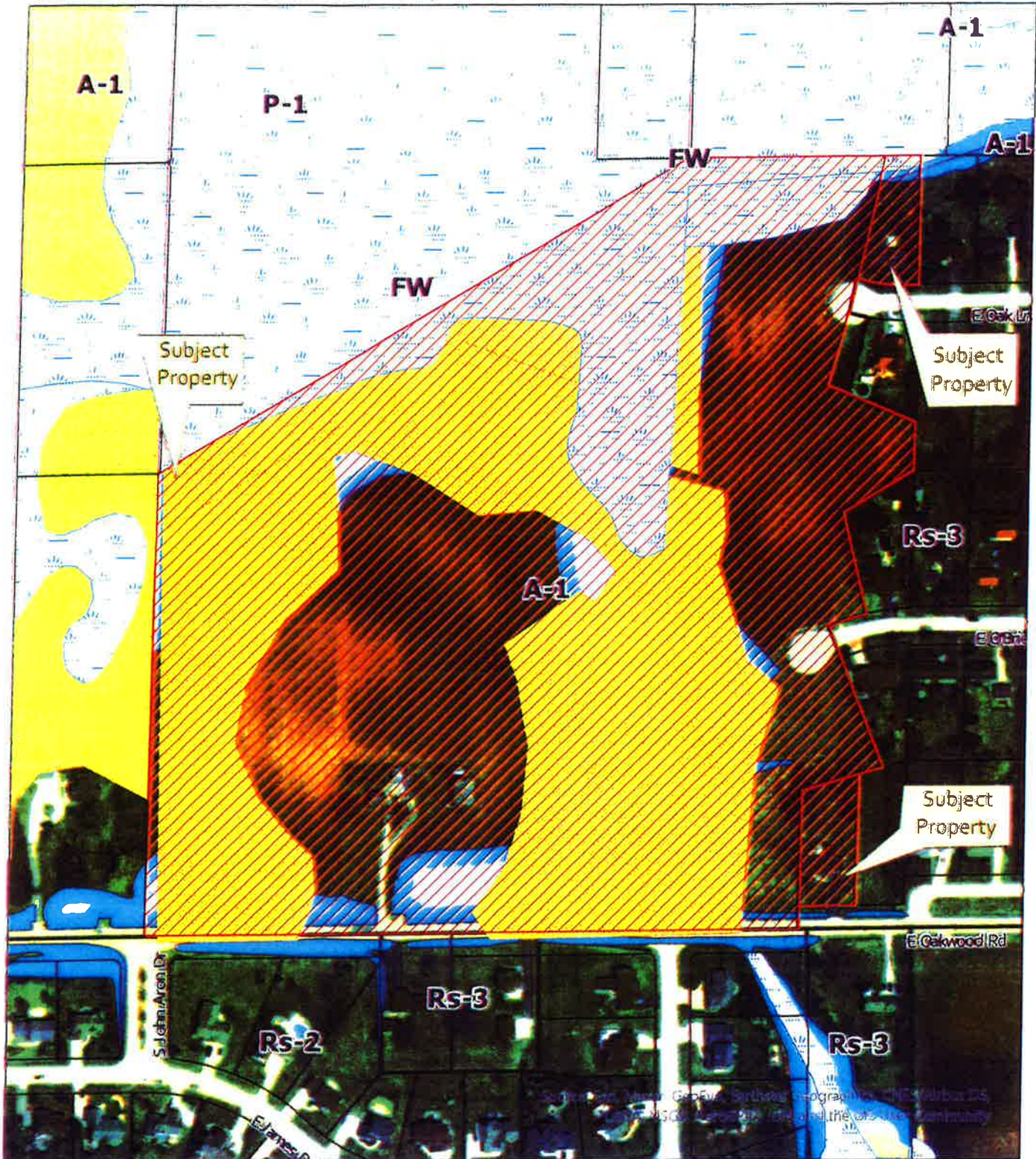
Mayor

ATTEST:

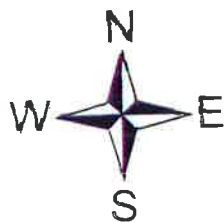
City Clerk

VOTE: Ayes _____ Noes _____

Location Map
 3280 & 3360 Oakwood Rd, 3380 Oak Ln



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



| Legend | |
|--------|--|
| | 3280 & 3360 Oakwood Rd, 3380 Oak Ln |
| | DNR Wetlands Inventory Environmental Corridor |
| | Flood Plain (2008) |
| | Floodway (2008) |

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, July 13, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; Director of Community Development Doug Seymour; and Assistant Fire Chief Mike Havey.

**CERTIFIED SURVEY MAP
LAVERNE BOERS, ET AL
3280 AND 3360 E. OAKWOOD RD., AND 3380 E. OAK LN.
TAX KEY NO. 919-9991-006, 919-9005-000, & 919-9010-000**

Planner Papelbon provided an overview of the Certified Survey Map request to divide and reconfigure the properties at 3280 and 3360 E. Oakwood Rd. & 3380 E. Oak Ln. (see staff report for details).

Dale DeWitt, 3380 E Oak Lane, representing his mother-in-law at 3280 E Oakwood Road:

"The only remaining issue that the owner has at this time is in regard to the proposed new drainage easement. I'd like to level set what a drainage easement is in case there's people on the call that don't know, at least my understanding of what it is. It's put in place to limit the property owner from negatively affecting the existing historical drainage. However, the drainage easement also gives the City the right to alter the land to maintain or improve drainage, if they so choose. Depending on the extent of that drainage alteration it may impact our ability to access the land to the east of the proposed easement to plant and harvest crops. I know the current intent of the City is it maintain the historic drainage the way it is, but our concern is what will the future bring and how will future administrators deal with this drainage. The property is currently under a perpetual lease for 25 acres of farmland to a farmer in Caledonia, if the City impacts his ability to farm the entire parcel, the owner could lose the lease and the future ability to lease the land. Money generated from this land lease is used by the owner to pay the taxes on the property. I believe there's no need for a new drainage issue at this time. However, if the City insists on one we suggest it be a drainage easement with a restriction, stating that the City shall maintain a historic drainage, as is. This would ensure that the existing historical drainage be maintained without alteration and guarantee access for farming both now and into the future. It is my understanding that many easements have been created with restrictions, so this would not be an unusual thing it may be unusual in Oak Creek, I don't know, but I think it's common elsewhere. With that I turn it over to you Mr. Mayor and continue on with discussion."

Mayor Bukiewicz deferred to staff and Commissioner Sullivan to give the technical terms of what the easement does, from the City's perspective, what is expected of it, and why the City does not put the restrictions in place to an unforeseen date in the future.

Commissioner Sullivan agreed with Mr. DeWitt's terminology and definitions. The City's intent is not to prohibit the ability to farm under current agreements or reduce the amount of farming that is currently being done. It is more the ability to clean out the easement and maintain the flow of

water. The City is willing to entertain the language that was suggested by Mr. DeWitt. The City can work with the owner, her surveyor, and the City's stormwater management group, and come to an agreement to make sure the interest of the City and the owners is protected along with neighbors. Commissioner Sullivan believes the City and owner can come to some sort of agreement in terminology as long as the City can maintain the ability to continue having that drainage and cleaning those areas out.

Mr. DeWitt agrees the drainage needs to be maintained, but is concerned about losing land depending on what the future holds.

Commissioner Sullivan believes there is some wording that can be added to maintain the elevations, shape, and format. The City can come up with some type of language that has been used in neighboring cities or municipalities to prevent future administrations from coming in and doing that. Commissioner Sullivan stated that in his 15-year career with the City he has not seen the City go out and just dig ditches deeper. Commissioner Sullivan stated that he does not believe digging a ditch deeper in that area would be helpful as it is pretty flooded most of the time. This easement is to provide water flow.

Mr. Dewitt agreed with Commissioner Sullivan.

Mayor Bukiewicz asked staff how the Plan Commission would cite the negotiation of language concerning the condition the easement stays in.

Commissioner Sullivan deferred to Planner Papelbon on the language. Commissioner Sullivan suggested language similar to, "language that is agreed upon between staff and property owners."

Planner Papelbon stated that she is not sure the conditions would need to be updated from the draft because the easement will need to be recorded and signed off on.

Commissioner Sullivan stated the minutes can be used as a document of the discussion.

Director Seymour suggested adding intent to the minutes stating, "the easement shall provide access for continued agricultural use." This might help dissuade some of the concerns of the property owners.

Commissioner Sullivan stated the language like that, and maintaining the historical elevation through the swale, may help satisfy Mr. DeWitt in not making a deeper ditch. Commissioner Sullivan stated Engineering would probably be satisfied with that because it gives them that tool and ability to keep water moving safely.

Commissioner Chandler inquired if the drainage easement addresses the flooding issue the resident mentioned.

Mayor Bukiewicz believes the water will still gather there - this will help - but it is a lot of flood area. This land is holding a lot of the water. If MMSD took control of the land it would probably stay there forever.

Planner Papelbon reworded a proposed condition for the motion, "A 25-foot drainage easement centered on the swale between Oak Lane and Oakwood Road, maintaining access for agricultural purposes and drainage elevations, shall be included on the CSM prior to recording. A written easement coordinated with the Engineering Department shall be recorded prior to or concurrent

with the CSM.”

Commissioner Sullivan agreed this sounded favorable.

Mr. DeWitt agreed.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by LaVerne Boers, et al, for the properties at 3280 and 3360 E. Oakwood Rd., & 3380 E. Oak Ln. be approved with the following conditions:

1. That all relevant Code requirements are in effect.
2. All floodplain areas shall be included on the CSM prior to recording.
3. That a note stating that wetland and floodplain delineations appear on subsequent pages of the CSM shall be included on Sheet 1 of the CSM prior to recording.
4. That public rights-of-way around the cul-de-sacs at the west ends of E. Oak Ln. and E. O'Brien Rd. shall be dedicated to the City as part of the CSM. The Common Council signature block on the last page shall be updated to include the dedication and acceptance of the rights-of-way.
5. The existing 60-foot sanitary and watermain easement shall be included on the CSM prior to recording.
6. As read by Planner Papelbon, “A 25-foot drainage easement centered on the swale between Oak Lane and Oakwood Road, maintaining access for agricultural purposes and drainage elevations, shall be included on the CSM prior to recording. A written easement coordinated with the Engineering Department shall be recorded prior to or concurrent with the CSM.”
7. 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.

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

Commissioner Carrillo moved to adjourn the meeting. Commissioner Hanna seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:05 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

7-28-20

Date

CERTIFIED SURVEY MAP NO. _____

A redivision of all of Parcel 1 of Certified Survey Map No. 1800, Parcel 1 of Certified Survey Map No. 2625 and part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, Owner: LaVerne Boers
 3280 E. OAKWOOD RD,
 WI 53154

All bearings are referenced to the Wisconsin State Plane Coordinate System (South zone) dated Feb., 2018 in which the South line of the SW1/4, Sec. 26 bears N89°30'47"E.

VICINITY MAP

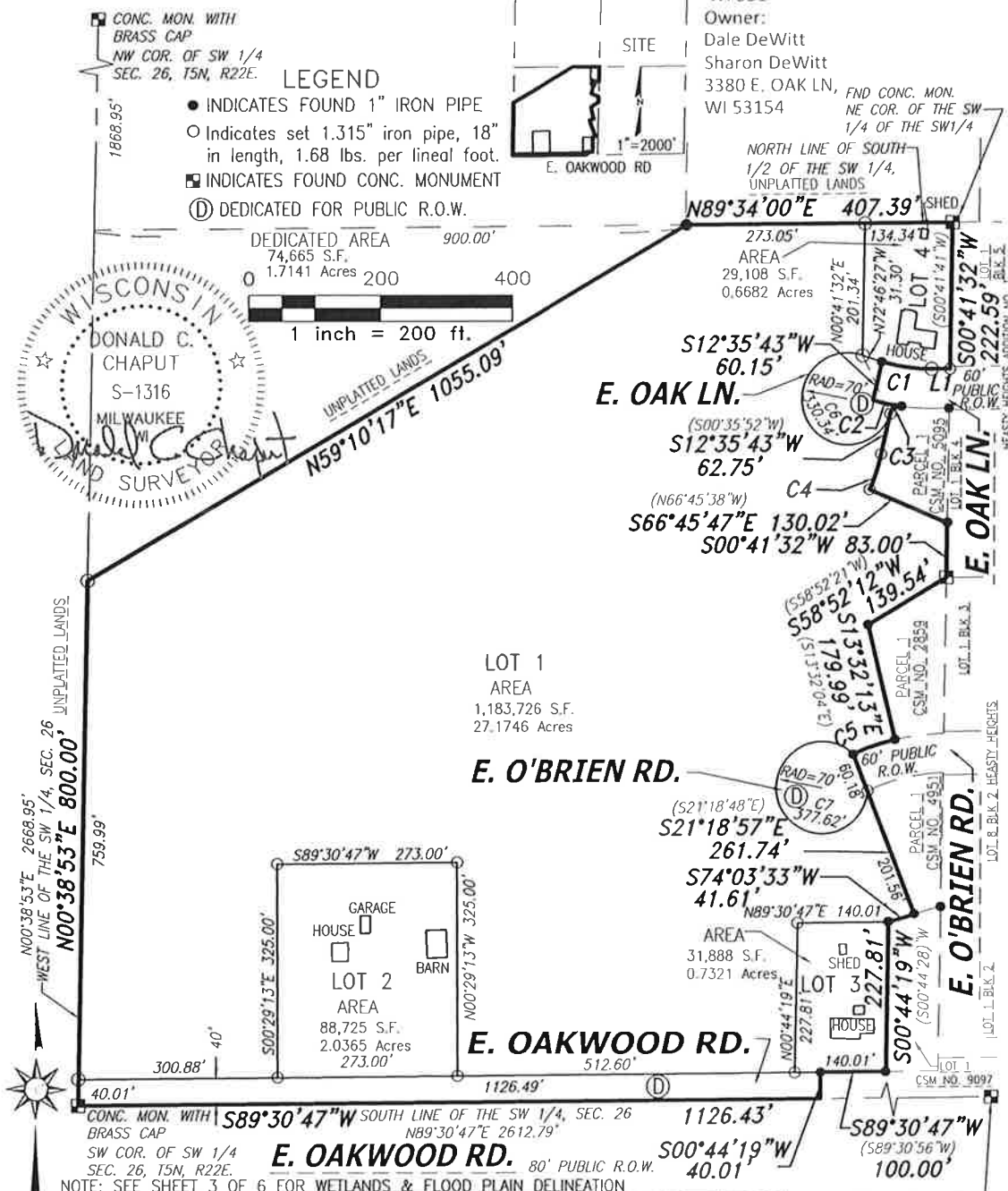
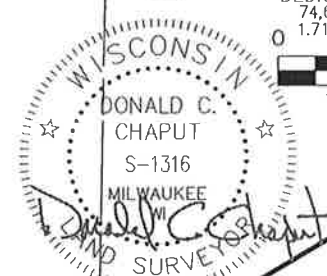
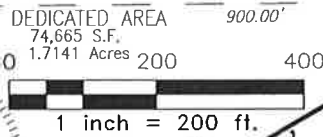


Owner: David Boers
 3360 E. OAKWOOD RD,
 WI 53154
 Owner:
 Dale DeWitt
 Sharon DeWitt
 3380 E. OAK LN,
 WI 53154

CONC. MON. WITH BRASS CAP
 NW COR. OF SW 1/4
 SEC. 26, T5N, R22E.

LEGEND

- INDICATES FOUND 1" IRON PIPE
- Indicates set 1.315" iron pipe, 18" in length, 1.68 lbs. per lineal foot.
- INDICATES FOUND CONC. MONUMENT
- Ⓧ DEDICATED FOR PUBLIC R.O.W.



LOT 1
 AREA
 1,183,726 S.F.
 27.1746 Acres

E. O'BRIEN RD.

E. OAKWOOD RD.

E. OAKWOOD RD.

| LINE | BEARING | DISTANCE |
|--------|-------------|----------|
| L1 | S89°30'47"W | 28.00' |
| REC AS | S89°30'56"W | |

| CURVE | ARC | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD |
|-------|---------|---------|-------------|---------------|--------|
| C1 | 77.31' | 250.00' | 17°43'06" | N81°38'00"W | 77.00' |
| C2 | 43.89' | 310.00' | 8°06'45" | S77°43'22"E | 43.86' |
| C3 | 22.42' | 15.00' | 85°37'24" | S55°24'29"W | 20.39' |
| C4 | 56.65' | 305.00' | 10°38'30" | S17°54'58"W | 56.57' |
| C5 | 67.87' | 330.00' | 11°47'02" | S70°33'28"W | 67.75' |
| C6 | 330.34' | 70.00' | 270°23'01" | S25°44'25"E | 98.66' |
| C7 | 377.62' | 70.00' | 309°04'59" | S21°18'57"E | 60.18' |

This instrument was drafted by Donald C. Chaput
 Professional Land Surveyor S-1316

CONC. MON. WITH BRASS CAP
 SE COR. OF SW 1/4
 SEC. 26, T5N, R22E.

Date: June 11, 2020
 Rev: Aug 10, 2020
 Dwg. No. 3396-far
 Sheet 1 of 6 Sheets

CHAPUT
 LAND SURVEYS

233 W. Florida Street Milwaukee, WI 53276 414.226.8305 www.donaldcchaput.com

CERTIFIED SURVEY MAP NO. _____

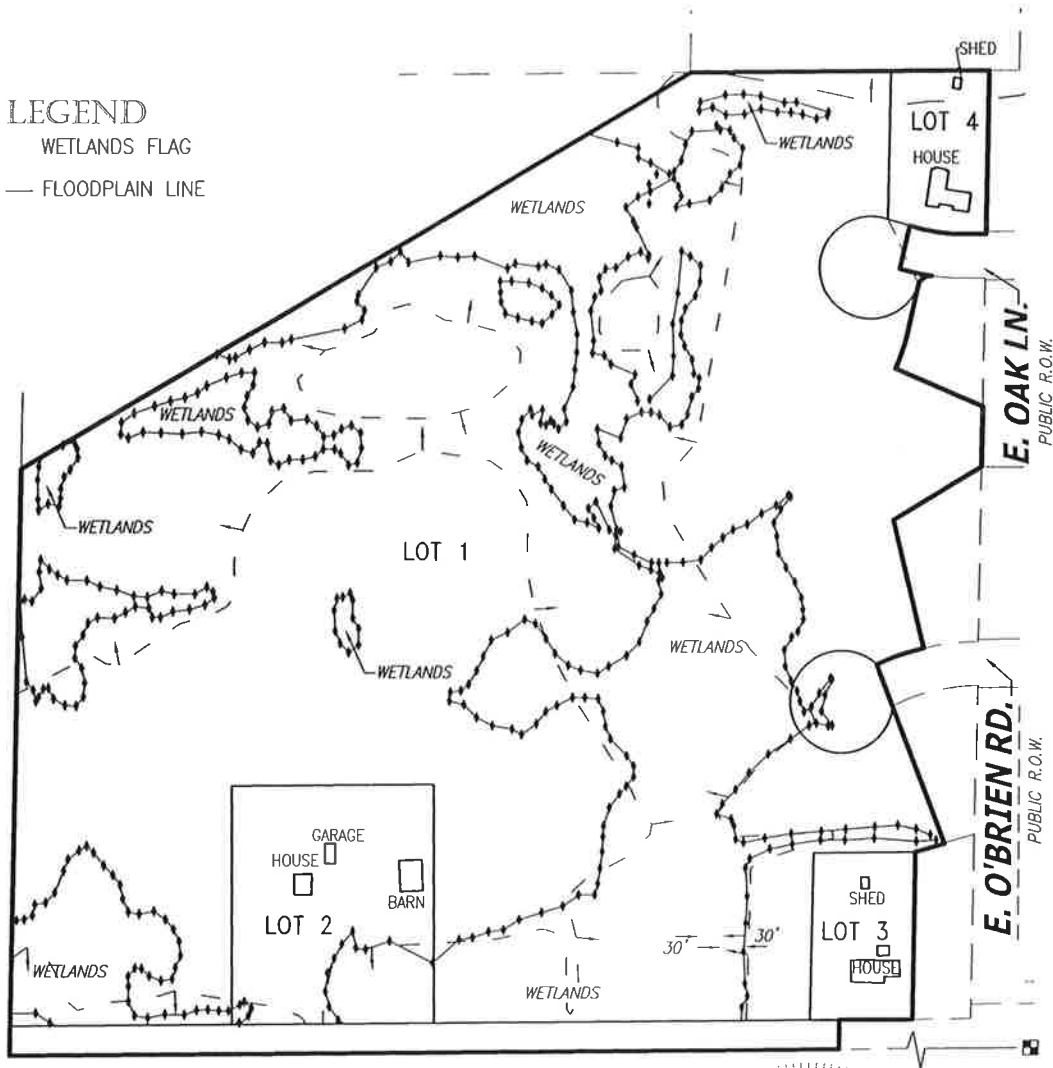
A revision of all of Parcel 1 of Certified Survey Map No. 1800, Parcel 1 of Certified Survey Map No. 2625 and part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

NOTE

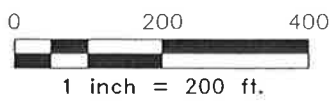
- Wetlands are delineated by Southeastern Wisconsin Regional Planning Commission (SEWRPC) dated June 1 and 2, 2020.
- Floodplain per FEMA Firm Panel 55079C0251E effective September 26, 2008.

LEGEND

- ▲ WETLANDS FLAG
- FLOODPLAIN LINE



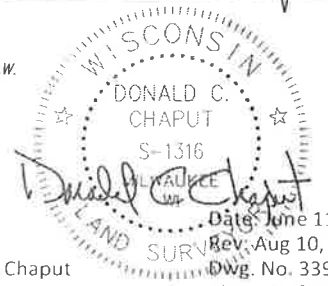
E. OAKWOOD RD. 80' PUBLIC R.O.W.



CHAPUT
LAND SURVEYS

234 W. Florida Street Milwaukee, WI 53204
414.216.9685 www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316



Date: June 11, 2020
Rev: Aug 10, 2020
Dwg. No. 3396-far
Sheet 3 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of all of Parcel 1 of Certified Survey Map No. 1800, Parcel 1 of Certified Survey Map No. 2625 and part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

LaVerne Boers, as owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 14 of the Oak Creek Municipal Code.

WITNESS, the hand Seal of LaVerne Boers, this ____ day of _____, 2020.

LaVerne Boers

STATE OF WISCONSIN)
): SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of, _____ 2020, the above named LaVerne Boers, trustee to me known as the person who executed the foregoing instrument and acknowledged the same.

(Notary Seal)

Notary Public State of Wisconsin
My commission expires,
My commission is permanent.

OWNER'S CERTIFICATE

Dale DeWitt and Sharon DeWitt, as owner, We hereby certify that we caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 14 of the Oak Creek Municipal Code.

WITNESS, the hand Seal of Dale DeWitt, this ____ day of _____, 2020.

WITNESS, the hand Seal of Sharon DeWitt, this ____ day of _____, 2020.

Dale DeWitt

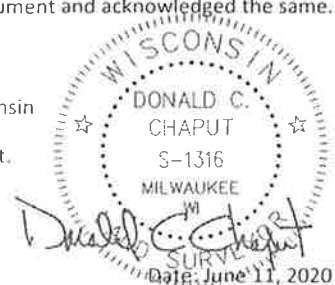
Sharon DeWitt

STATE OF WISCONSIN)
): SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of, _____ 2020, the above named Dale DeWitt and Sharon DeWitt, trustee to me known as the persons who executed the foregoing instrument and acknowledged the same.

(Notary Seal)

Notary Public State of Wisconsin
My commission expires,
My commission is permanent.



CHAPUT
LAND SURVEYS

231 W. Lincoln Street Milwaukee, WI 53206 414-224-8963 www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Date: June 11, 2020
Rev: Aug 10, 2020
Dwg. No. 3396-far
Sheet 5 of 6 Sheets

CERTIFIED SURVEY MAP NO. _____

A redivision of all of Parcel 1 of Certified Survey Map No. 1800, Parcel 1 of Certified Survey Map No. 2625 and part of the Southwest 1/4 of the Southwest 1/4, Section 26, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

David Boers, as owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 14 of the Oak Creek Municipal Code.

WITNESS, the hand Seal of David Boers, this _____ day of _____, 2020.

David Boers

STATE OF WISCONSIN)
): SS
MILWAUKEE COUNTY)

Personally came before me this ____ day of, _____ 2020, the above named David Boers, trustee to me known as the person who executed the foregoing instrument and acknowledged the same.

(Notary Seal)

Notary Public State of Wisconsin
My commission expires,
My commission is permanent.

PLANNING COMMISSION CERTIFICATE OF APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek on this ____ day of _____, 2020.

Date

Daniel Bukiewicz, Chairman

Date

Douglas W Seymour, Secretary

The city's signature on this CSM for the approval and acceptance of dedication of E. O'Brien Rd and E. Oak Lane hereby releases the temporary cul-de-sac easements per CSM No.'s 4951 and 5095 on all lots encumbered by such. It also releases/discontinues the "30 ft. Road Reservation" per CSM No. 5095.

COMMON COUNCIL CERTIFICATE OF APPROVAL

APPROVED and accepted by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this ____ day of _____, 2020 by Resolution No. _____.

Date

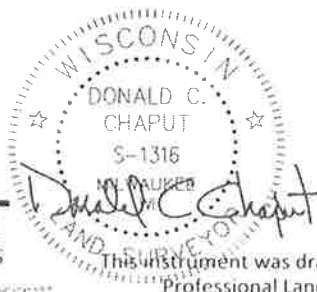
Daniel Bukiewicz, Mayor

Date

Catherine A Roeske, City Clerk

CHAPUT
LAND SURVEYS

230 W. Lincoln St. Ste. 200
Milwaukee, WI 53202



This instrument was drafted by Donald C. Chaput
Professional Land Surveyor S-1316

Date: June 11, 2020
Rev: Aug 10, 2020
Dwg. No: 3396-far
Sheet 6 of 6 Sheets



COMMON COUNCIL REPORT

Item: Strategic Action Plan (SAP) Initiative(s) requesting an examination of board, committee, and commission structure

Recommendation: The staff seeks Council direction regarding the board, committee, and commission reconfiguration proposal. Based on Council direction, staff will prepare formal ordinance changes and bring a proposed ordinance back for action at the September 1 or September 15 Common Council meeting.

Fiscal Impact: n/a

- 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 City uses several boards, committees, and commissions in its governance structure as outlined in Municipal Code Ch. 2 "Government and Administration." The City's SAP endorses the following priorities under the Inspired, Aligned, and Proactive City Leadership Critical Success Factors:

GOAL: Evaluate, Right-Size, and Better Align the Organization

>OBJECTIVE: Enact better alignment between the City and Utility; eliminate resource overlap.

>OBJECTIVE: Evaluate and revise the City organizational chart/structure including committee structure.

In furtherance of these goals and objectives, the staff has attached a reconfiguration proposal for our board, committee, and commissions. In short, the proposal entails the following:

- 1) Combining the now separate Personnel Committee and Finance Committee into one "Personnel & Finance Committee";
- 2) Combining the now separate Capital Improvement Committee, Traffic and Safety Commission, and Water & Sewer Utility Commission into one "Board of Public Works and Capital Assets";
- 3) Eliminating the Landscape and Beautification Committee (and perhaps folding that function into the current Parks, Recreation and Forestry Commission).

Realizing there is a more acute objective to "enact better alignment between the City and Utility; eliminate resource overlap", a comprehensive analysis regarding City/Utility alignment is also attached to this report.

Staff understands this is a significant change in our decision-making model and welcomes a thorough discussion on all of the above.

Options/Alternatives: Any number of options and alternatives can be discussed by Council, including the option to leave the current structure unchanged.

Respectfully submitted:

Prepared:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:

Approved:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

n/a

Attachments: Current and Proposed Board, Committee and Commissions Configuration; Memo: Initial Thought Primer on Better Aligning City with its Utility Department.

CURRENT BOARD, COMMITTEE, COMMISSION CONFIGURATION
August 18, 2020

Below is the current configuration **of only** those boards, committees, or commissions that are being proposed to change. Our Ch. 2 Ordinance outlines these entities.

1) Personnel Committee

- a. Current ordinance language: "the Committee shall consist of a minimum of two (2) Aldermen"
- b. Current practice: three (3) Aldermen comprise this committee.

2) Finance Committee

- a. Current ordinance language: "the Finance Committee shall consist of three (3) Aldermen appointed annually by the Council President, and one citizen representative (and one alternate to vote when the citizen representative is not in attendance) appointed annually by the Mayor and Finance Director/Comptroller." Ex-officio (non-voting) members include Mayor, Administrator, Clerk, and Treasurer.
- b. Current practice: Committee has been dormant for past ~ 4 years.

3) Water & Sewer Utility Commission

- a. Current ordinance language: "the Water & Sewer Utility Commission" shall consist of five Commissioners. One member of the Commission shall be a member of the Common Council... The Mayor shall be an ex-officio member of the Commission without authority to vote."
- b. Current practice: as written.

4) Capital Improvements Committee (CIP)

- a. Current ordinance language: "the Capital Improvements Committee shall consist of three (3) Aldermen annually appointed by the Council President. The Capital Improvements Committee shall perform duties as assigned by the Council.
- b. Current practice: as written.

5) Traffic & Safety Commission

- a. Current ordinance language: "the Commission shall consist of eight (8) voting members, including one (1) Alderman appointed by the Council President... the voting members of the Commission shall be as follows:
 - (1) Three (3) citizen members
 - (2) The Chief of Police, or his/her designee
 - (3) The Fire Chief, or his/her designee
 - (4) The City Engineer, or his/her designee
 - (5) The Street Superintendent, or his/her designee."
- b. Current practice: as written.

6) Landscape and Beautification Committee

- a. Current ordinance language: "there shall be five (5) voting members...consisting of five (5) citizen members, one (1) elected official, and one (1) Parks, Recreation and Forestry Commission member
- b. Current practice: as written.

PROPOSED BOARD, COMMITTEE, COMMISSION RECONFIGURATION

August 18, 2020

1) Personnel Committee and Finance Committee:

- Combine into one Committee: "Personnel & Finance Committee";
- 3 Aldermanic Reps;
- Decide whether to have any citizen reps- currently, Finance Committee has 2 citizen reps. Staff suggests we keep 2 citizen reps in addition to the three aldermanic reps, noting that scheduling for citizen reps could be an issue as the current meeting schedule is 2nd and 4th Wednesdays @ 1:00pm.;
- Only the 3 aldermanic reps would serve as the Labor Bargaining Team- not the citizen reps;
- Ex-officio (non-voting) members would include the Clerk and Treasurer (for financial matters) and Administrator and Comptroller (all matters)

2) Create new Board of Public Works and Capital Assets:

- This new Council Committee would be a combination of the current Water & Sewer Utility Commission, Traffic & Safety Commission, and CIP Committee;
- 3 Aldermanic reps and 2 citizen reps;
- Council could decide to have more than 2 citizen reps;
- Any personnel policy matters to be handled through the Personnel & Finance Committee;
- This Board would serve as a committee of jurisdiction for larger items relating to the Department of Public Works projects (i.e. Streetlight conversion projects, renewal of and associated policies for refuse and recycling contracts, etc.). DPW currently does not have a committee of jurisdiction;
- Would have duties and authorities spelled out via resolution or general ordinance (not in charter ordinance). This would eliminate our current "strong Utility Commission" concept and rebuild what the authority and responsibility the current Common Council would like to vest in the Board of Public Works and Capital Assets related to the areas of oversight;
- Ex-officio (non-voting) members could include the Utility General Manager/designee, City Engineer/designee, and City Administrator/designee.

3) Water & Sewer Utility Commission, CIP Committee, Traffic & Safety Commission- eliminate and combine per the above into new Board of Public Works and Capital Assets.

4) Parks, Recreation, and Forestry Commission

- May need to be tweaked pending the outcome of the discussion on Joint City-School District Recreation Platform.

5) Community Development Authority:

- Keep on the books with expectation that there would be specific skill sets we are looking for (real estate/finance);
- Use this committee for future loan programs, grant programs, small business assistance programs, façade improvements, down payment forgivable loans (lakefront development); These items will likely be discussed in our successor SAP 2022 and beyond.

6) Landscape and Beautification Committee- eliminate or combine with Parks & Recreation



MEMO

To: Mayor Daniel J. Bukiewicz & Common Council

From: Andrew J. Vickers, City Administrator

Subject: Initial Thought Primer on Better Aligning City with its Utility Department

Date: August 18, 2020

BACKGROUND:

Public utility oversight can be organized in several different structures per state statutes. This memo outlines those different structures in a simple, practical (non-legalistic) way.

Strong Commission. Clearly one option, which is the current method the City utilizes, could be considered a “Strong Commission.” The Commission acts as independently from the governing body (Council) as is allowed by statutes, with management control over all aspects of the personnel, operations, and policy of the Utility Department vested in the non-elected Commission. Previous Councils have not acted to appreciably limit or better define aspects of our Commission’s charge versus those responsibilities the Council may wish to retain (or in our case, reclaim). The relevant law, *Wis. Stats. 66.0805*, is attached to this memo.

Modified/Limited Commission. A second option is that of a “Modified/Limited Commission” wherein the limits of a commission’s independent management of the Utility Department’s policy, operational, and human resource decision-making are determined by the governing body (Council) as afforded to the Common Council by state statute. In sum, the City could still incorporate the “Strong Commission” statutes, but would also need to establish an itemized list of the commission’s independent authority on selected items. Any authority or responsibility the Common Council wishes to retain would need to be expressly written into our charter ordinance.

Common Council as Commission. Another option, and one representing the most significant change, is to have the Common Council take the place of the Commission. This option could eliminate any other commission or advisory board and the Common Council would be responsible for the Utility Department (finances, human resources, rate-setting, all policies, etc). This is consistent with the oversight over other Departments in the City, and would be handled via the daily oversight of the General Manager, accountable to the City



MEMO

Administrator (in conjunction with the Mayor) as our current Ch. 2 ordinance reads.

Advisory Board. A final option to organize oversight of the Utility is through a Board of Public Works (or another name serving the same function). This board structure would have limited decision-making autonomy outside of Common Council control. An advisory board would only recommend policy, personnel, financial, and rate information to the Council for its consideration. In sum, the board would have no independent decision-making, or only that which Council expressly confers upon it. In a sense, this structure could be synonymous with other standing Committees such as the Personnel Committee. The relevant law, *Wis. Stats. 66.0805 (6) and 62.14*, is attached to this memo.

ASSESSING OTHER COMMUNITIES/UTILITIES

In assessing how other communities are structured, the staff used three (3) comparison methods. The first is Comparison A: Population-based comparison. Staff has compiled the committee/commission/board structures of all Wisconsin cities in the 20,000-50,000 population range.

Based on input from the Utility General Manager, other comparisons were also warranted as population is not an all-telling metric. Staff also utilized Comparison B: A Comparison of other Surface Water Utilities, and Comparison C: a Net-Plant (assets) based comparison. These demonstrate comparisons of more complex utilities.

In reviewing these data, communities utilize a smattering of each of the above structures, and some hybrids of the same. Comparisons B and C show tendency toward *Strong Commission* or a *Common Council as Commission* over purely *Advisory Board* structures. Comparison A, based on population, shows more tendency to *Modified/Limited Commission* and *Common Council as Commission* structures (with and without advisory board or a council committee of some sort).

GENERAL ISSUE(S):

The Common Council approved the following goals and objectives in the City's SAP:

CRITICAL SUCCESS FACTOR: INSPIRED, ALIGNED, AND PROACTIVE CITY LEADERSHIP

GOAL: Evaluate, Right-Size, and Better Align the Organization

>**OBJECTIVE:** *Enact better alignment between the City and Utility; eliminate resource overlap.*

>**OBJECTIVE:** *Evaluate and revise the City organizational chart/structure including committee structure.*



MEMO

While the Council endorsed this prerogative in the SAP, such endorsement is not pre-requisite. The Council may choose to examine any City function at any time regardless of whether there is a critical or emergent “need” to do so.

To be clear, the Commission and the Utility Department are well-run City functions. The timing of looking at the City/Utility alignment is not borne of a watershed moment, or real or perceived mismanagement. However, there are several issues to consider:

- 1) “Separate versus Independent”. Over time, the Utility has evolved to a “separate” entity from the City compared to operating as a department of the City. Numerous departments answer to boards or commissions, but that does not make them “separate”;
- 2) Pay compression issues exist between Utility Department staff and other City employees, most notably in middle and senior-management positions, but there may be other discrepancies to examine in more detail;
- 3) The City has realized annual compensation equity issues. In recent history, general COLA increases among Utility Department employees and other non-represented employees were inconsistent. I understand this may have resulted from a past Utility compensation study, and, over the last several years, COLA increases among Utility and other City non-represented employees have been consistent. However, the Utility has used a separate method of “base-building merit pay” structure for Utility management employees that was not endorsed by Council and that does not exist for other City Departments;
- 4) In the past, the Utility Department/Commission determined that it would be afforded its own Personnel Policy Manual. This is not consistent with certain language in the City’s charter ordinance;
- 5) The General Manager position does not operate in the same manner as other Department Directors: accountable to the Administrator, “in conjunction with the Mayor.” The City Administrator is not consulted on budget recommendations, personnel compensation recommendations, hiring processes, or discretionary utility policy creation and implementation, among other items;
- 6) Resource overlap is a real issue. The Utility, as a department of the City, applies certain separate staff and processes for resources already provided to all City departments. This includes separate payroll software, payroll staff, accounting staff, custodial staff, engineering staff, inconsistent use of the HR staff, and a separate IT



MEMO

framework/staff. This is not intended to be an exhaustive list as other areas of efficiency and economy such as sharing of machinery, tools, vehicles, equipment, and the central procurement regarding same, could also be improved;

- 7) Economic Development policies and initiatives of the City can conflict with policies the Commission has implemented relating to water and sewer infrastructure expansion;
- 8) Common Council has no spending authority over the Commission regarding Utility finances. With the City's current structure, unelected Commissioners are not required to justify expenses to the elected governing body (Council);
- 9) Common Council has no oversight over timing and need of water rate case petitions to the Public Service Commission (PSC). A predominantly unelected Commission, save for one aldermanic representative, sets financial impacts to taxpayers with no oversight by citizens, and Council is presently afforded no "checks and balances" on that major policy decision;
- 10) Financial communication could improve among the Finance Department and Utility Department as relates to banking, bond issues, investment holdings, and grants, among other items. Additionally, most other communities in our cohort group at least include utility funds in the overall Operating Budget document, and some even integrate into the same accounting system, save for certain reporting/accounting requirements per the PSC (more research needs to be conducted on that aspect);
- 11) It is important to note that the Utility Department has likely experienced areas where the City's policy actions, administrative decisions, and/or communication gaps have caused angst and inefficiency for its best operation. Getting to the present state of "separateness" was the result of actions by both the City and Utility over many years/decades. The relationship is a two-way street; both parties have taken actions to create alignment issues over time.

MOVING FORWARD:

By-and-large, either a new Modified/Limited Commission or new Board of Public Works can retain a level of independence for Utility oversight, but only for certain aspects expressly carved out by the Council. Changes to our ordinance(s), and/or overall general administrative practice, to produce better alignment and Common Council oversight could include the following:

- 1) Clearly re-defining that the Utility operates as a department of the City, functioning like all other departments, especially those, such as the



MEMO

- Library and Police and Fire Departments, which have oversight bodies with certain authority and statutory responsibilities;
- 2) Clearly re-defining the General Manager is a Department Director. As with other Department Directors, they could be appointed by the Mayor (or Administrator) with confirmation by the Council, and accountable to the City Administrator. Reports to the General Manager would be considered "division managers" similar to the divisions (IT, HR, ASA, Facilities) of the City's Central Services Department;
 - 3) Increasing the Aldermanic representation on the new board/commission structure by adding two (2) additional Alderpersons as members. The make-up would then consist of three (3) Alderpersons and two (2) residents at-large, with the Mayor and City Administrator serving ex-officio (no voting position); Note: if the Common Council wishes to retain the current Strong Commission structure "as is", Common Council cannot simply add two (2) additional Alderpersons (it could add only one (1) additional Alderperson).
 - 4) Utilizing one standardized Personnel Policy Manual for all employees of the City. The Council should make this a stated expectation.
 - 5) Requiring that the Common Council (via Personnel Committee) review recommendations from the General Manager (and City Administrator) as relates to new positions, filling vacancies, and personnel compensation, and include Utility Department employees in annual ordinances establishing compensation. As per the current Personnel Policy Manual, the Personnel Committee would hear grievances from Utility employees. Prior to the updated Manual, this grievance function was the Commission's responsibility. The Common Council should make this a stated expectation;
 - 6) Migrating toward more taxpayer efficiency and economy by centralizing HR, finance/accounting, payroll, and IT services at a minimum. This will standardize central services to evoke maximum taxpayer efficiency. This can take place over time, but Council should make this a stated expectation.

Much of the above relates to personnel administration within the Utility Department. Certain other decision-making aspects could very well be retained by a Modified/Limited Commission or new Advisory Board if the Council is so inclined. These items include, but are not limited to: approving expenditures (without Council approval or within established Council thresholds), rate-setting, budgeting (both operating and CIP budget), and establishing general policies for infrastructure repair, replacement, and expansion, among other items. The level of authority Council wishes a new or revised board to retain is a critical discussion point moving forward.



MEMO

WHY NOW?:

As was previously stated, the Council does not need to justify any examination of City operations. However, there exist critical pieces that make this timing ripe, including, but not limited to, the following:

- 1) The City SAP document, as noted above, was unanimously adopted by the Council and calls for such a review of better alignment between the City and its Utility;
- 2) The City SAP has an additional objective to: "evaluate and revise City organization chart/structure including committee structure." To further this objective, my office is performing a comprehensive review of our charter ordinance. The relationship of the General Manager with the City Administrator and Mayor, as well as the committee relationship among the Commission and the Common Council, is part of our charter ordinance;
- 3) The City Administrator's Office, Finance, and HR recently completed a total overhaul of the Personnel Policy Manual which is intended to apply to all departments and divisions of the City, including the Utility, without exception. The new Manual is effective as of August 1. Certain revisions would need to be made to handle Utility-specific issues, but those are relatively minor;
- 4) The City will not be contracting wholesale water to Waukesha, and all signs point to the City losing its largest wholesale water customer (Franklin) in the next five (5) years. This creates an entirely new landscape regarding the scope of City utilities for the long term;
- 5) Within the next year to 18 months, the City will engage a consultant for a comprehensive compensation and/or classification study. This report, and associated ongoing administrative guidance, should necessarily include the Utility Department to ensure consistency and equitability of compensation throughout the organization. Changes made to the charter now will firmly capture this expectation;
- 6) The City's larger goals in the economic development arena will be better served with sound policy alignment regarding a critical economic development advantage: the placement, cost-effectiveness, and adequacy of utility infrastructure.

It has been some years since the Council considered actions to instill better alignment among the City's Utility Department. It is my hope that focusing first on personnel administration (equity and consistency) and resource overlap (standardizing central services) will be viewed as normal managerial review of operations versus a "Council takeover" of the Utility. How does a duly-elected



MEMO

Common Council “takeover” one of its own departments? It’s already a Department created by the Council, and there should be acknowledged and practiced oversight of said department by the Council, directly, and through the accountability of the City Administrator to the Council.

Oak Creek is a vastly different community, and more sophisticated organizationally, than when the current Commission structure was enacted. The main goal of examining alignment is to ensure we are operating: 1) as efficiently as possible among all departments; and 2) in accordance with the goals and objectives of the current Mayor and Common Council. Accordingly, the City must not be meeting either goal or the Council would not have requested this examination via its Strategic Action Plan. Retaining the current “Strong Commission” structure does not afford the Council a level playing field when working to achieve alignment.

OPTIONS/ALTERNATIVES:

There are numerous iterations of options to consider regarding a new structure, but for ease of discussion, staff offers the following alternatives:

- 1) Keep the present Commission “as-is”. This is essentially the “do nothing” option;
- 2) Remove Strong Commission statute and keep Commission intact, still handling only matters relating water and sewer utilities. To effect alignment, this option should place at least three (3) Alderpersons on the five (5) member Commission. The Council would need to delegate which areas the Commission would have exclusive authority versus advisory-only;
- 3) As an alternative expressly provided by statute, the City could create a “board of public works”. This eliminates the “Strong Commission” structure, and allows the Council to legislate the authority the board would have and that which the Council wishes to retain. This structure could have three (3) Alderpersons, and additionally could have two (2) (recommended) or four (4) citizen members;
- 4) Re-purpose the Commission into a board of public works and combine other standing Council committees, namely, the Traffic & Safety and CIP Committee, into one (1) standing Committee. This could have three (3) Alderpersons, like other standing Council committees, and a number of citizen representatives of the Council’s choosing (two (2) is recommended);
- 5) Operate without a commission or board, and have the Council serve as the exclusive oversight and policy-making body over the City’s utilities.

While Council should thoroughly discuss all options, my office is recommending



MEMO

alternative #4 above. Not only will this alternative provide a platform for better, albeit future, alignment and efficiency among the City and its Utility Department, it will also make for a more streamlined standing committee structure. It is also worth noting that in implementing this alternative, it is recommended that the board of public works retain a level of independent decision-making (like the current Commission) over items such as: setting sewer rates, petitioning the PSC for water rate increases, utility budgeting process and approval (both operating and CIP), capital project management, and overall spending authority, but within a Council-determined threshold, among others.

IMPLEMENTATION:

Based on Council's direction regarding the above discussion and structural options, staff will commence a red-lined revision to City Ordinance Ch. 2, *Government & Administration*. The easy part to this is drafting and passing an ordinance that satisfies the Common Council's goals and that is legally sound. The longer-term, and more impactful process is formally re-integrating the utility into the City operations and business systems. This will not be an overnight process, but the above actions would create an equal footing to have those discussions.

The Commission structure is not the only item that will be revised in our Charter Ordinance. Other items include: general clean-up/updating, clarifying roles of Mayor and Administrator in a community with a part-time Mayor and Council, manner of appointment for Department Director positions, and revisions to the City's committee, board, and commission structure, among others. This further underscores that the timing of such a review of Commission's role is part of a larger Charter reform the Council requested my office undertake in the 2017-2020 SAP.

Enclosures:

- 1) City Ordinance 2.67 establishing the Water and Sewer Utility Commission
- 2) *Wis. Stats. 66.0805 and Wis. Stats. 66.0805 (6)*
- 3) *Wis. Stats. 62.14 Board of Public Works*
- 4) Board, Committee, and Commission Reconfiguration Options- Initial Proposal August 2020
- 5) Other Community Structures Comparisons A, B, and C.

EXCERPT OF CURRENT OAK CREEK
CHARTER ORDINANCE

SEC. 2.67 WATER & SEWER UTILITY
COMMISSION.

- (a) **Creation.** There is hereby created an independent and non-partisan Water & Sewer Utility Commission to manage and operate the water and sewer utility of the City.
- (b) **Membership; Terms.** The Water & Sewer Utility Commission shall consist of five Commissioners. One member of the Commission shall be a member of the Common Council who shall be appointed for a one year term. The remaining members of the Commission shall be appointed for a five-year term. The terms shall be staggered so that, except for the aldermanic representative, no more than one Commissioner's term shall expire each year. The Mayor shall be an ex-officio member of the Commission without authority to vote.
- (c) **Appointments.** The Mayor shall appoint the aldermanic representative to the Commission at the second Common Council meeting in April, subject to Common Council approval. The aldermanic representative shall serve the Commission without a salary in addition to the salary received for serving as an alderperson. The Mayor shall appoint the remaining Commissioners, who shall be residents of the City, subject to Common Council approval, at its first regular meeting in August for terms to commence on the October 1 following appointment. In the case of a vacancy on the Commission, the Mayor, at a regular meeting, may appoint a Commissioner to fill the vacancy for the remainder of the term, subject to Common Council approval. Each member of the Commission, other than the aldermanic representative, shall receive such salary as the Council shall from time to time determine.
- (d) **Powers of Commission.**
- (1) **Management and Control.** The Commission shall take entire management and control of

the City's water and sewer utility and any other public utility authorized by the Common Council. The Commission shall have full authority to manage and control the operation of the utility subject only to the general control and supervision of the Common Council, with such general control and supervision being exercised through the enactment and amendment of this Ordinance.

- (2) **Manager.** The Commission shall appoint a Utility Manager, fix his/her compensation and duties and provide for the authority of the Manager to act on behalf of the Commission.
- (3) **Other Employees; Consultants.** The Commission may employ and fix the compensation of such other employees as the Commission deems necessary or convenient for the management and operation of the City's utility. The Commission also may employ the services and fix the compensation of such other agents or consultants as the Commission deems necessary or convenient for the operation and management of the utility. The Commission shall provide the City with a written report on a biannual basis that enumerates the wages and benefits of its employees.
- (4) **Rates, Rules and Regulations.** The Commission shall have authority to fix sewer rates, subject to Common Council approval. The Commission shall have the authority to establish rules and regulations for the governance, management and operation of the utility and fix water rates, subject to the jurisdiction of the Public Service Commission of Wisconsin, and shall have the authority to establish rules for the governance of its own proceedings.

66.0805 Management of municipal public utility by commission.

- (1) Except as provided in sub. (6), the governing body of a city shall, and the governing body of a village or town may, provide for the nonpartisan management of a municipal public utility by creating a commission under this section. The board of commissioners, under the general control and supervision of the governing body, shall be responsible for the entire management of and shall supervise the operation of the utility. The governing body shall exercise general control and supervision of the commission by enacting ordinances governing the commission's operation. The board shall consist of 3, 5 or 7 commissioners.
- (2) The commissioners shall be elected by the governing body for a term, beginning on the first day of October, of as many years as there are commissioners, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding first day of October.
- (3) The commission shall choose a president and a secretary from its membership. The commission may appoint and establish the compensation of a manager. The commission may command the services of the city, village or town engineer and may employ and fix the compensation of subordinates as necessary. The commission may make rules for its proceedings and for the government of the department. The commission shall keep books of account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.
- (4)
 - (a) The governing body of the city, village or town may provide that departmental expenditures be audited by the commission, and if approved by the president and secretary of the commission, be paid by the city, village or town clerk and treasurer as provided by s. 66.0607; that the utility receipts be paid to a bonded cashier appointed by the commission, to be turned over to the city, village or town treasurer at least once a month; and that the commission have designated general powers in the construction, extension, improvement and operation of the utility. Actual construction work shall be under the immediate supervision of the board of public works or corresponding authority.
 - (b) If water mains have been installed or extended in a municipality and the cost of installation or extension has been in some instances assessed against the abutting owners and in other instances paid by the municipality or a utility, the governing body of the municipality may provide that all persons who paid the assessment against any lot or parcel of land may be reimbursed the amount of the assessment regardless of when such assessment was made or paid. Reimbursement may be made from such funds or earnings of the municipal utility or from such funds of the municipality as the governing body determines.
- (5) Two or more public utilities acquired as a single enterprise may be operated under this section as a single enterprise.
- (6) In a 2nd, 3rd or 4th class city, a village or a town, the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section.

History: 1977 c. 29 s. 1654(9)(g); 1981 c. 347 s. 80(2); 1983 a. 207 ss. 23, 93(1); 1983 a. 538; 1993 a. 16, 246; 1999 a. 150 ss. 179, 181, 183, 236; Stats. 1999 s. 66.0805.

When a city council creates a board under sub. (1), the council is prohibited by sub. (3) from fixing the wages of the utility's employees. Schroeder v. City of Clintonville, 90 Wis. 2d 457, 280 N.W.2d 166 (1979).

Although the statutes relating to public utilities and transit commissions describe certain attributes the governing commissions must have, these statutes do not call the commission into existence or endow it with authority independent of what the statutes confer on the municipality. A commission has no authority but for what it received from the municipality, and the municipality has no authority to legislate contrary to the boundaries established by the statutes. Wisconsin Carry, Inc. v. City of Madison, 2017 WI 19, 373 Wis. 2d 543, 892 N.W.2d 233, 15-0146.

This section grants municipalities the authority to create commissions to govern public utilities, but it contains no independent grant of authority to such commissions. As a public utility, a commission exercises its authority under the supervision of the city. The city exercises its supervisory authority via ordinance. Wisconsin Carry, Inc. v. City of Madison, 2017 WI 19, 373 Wis. 2d 543, 892 N.W.2d 233, 15-0146.

62.14 Board of public works.

- (1) **HOW CONSTITUTED; TERMS.** There shall be a department known as the "Board of Public Works" to consist of 3 commissioners. In cities of the 2nd class the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices, 1, 2 and 3 years, respectively, and thereafter for 3 years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer. The council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officer, officers or boards as the council designates. The words "board of public works" wherever used in this subchapter shall include such officer, officers, or boards as shall be designated to discharge its duties.
- (2) **ORGANIZATION.** The members of the board of public works shall, on the first Tuesday in May of each year, choose a president of the board from their number, and in cities of the first class a secretary; in other cities the city clerk shall be the secretary of the board.
- (3) **COMPENSATION.** The commissioners of public works in cities of the second class shall receive a salary, but in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.
- (4) **RULES FOR, BY COUNCIL.** The council may make such rules as the council deems proper, not contravening this subchapter, for the government of the board of public works and the manner in which the business of said board shall be conducted.
- (5) **QUORUM; RECORD; REPORT.** A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city, and shall make a report to the council on or before the first day of March in each year, and oftener if required.
- (6) **DUTIES AND POWERS.**
 - (a) *In general.* It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.
 - (b) *Unusual use of streets.* No building shall be moved through the streets without a written permit therefor granted by the board of public works, except in cities where the council shall, by ordinance authorize some other officer or officers to issue a permit therefor; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.
 - (c) *Restoring streets.* In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the city clerk by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.
- (7) **RECORDS OF CITY ENGINEER.** The city engineer shall keep on file in the engineer's office, in the office of the city clerk, a record of all the engineer's official acts and doings and also a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to the engineer's successor or to the board of public works. Whenever requested, the engineer shall make a report of all doings of the engineer's department to the board of public works.

History: 1977 c. 151; 1991 a. 316.

- (5) **Contract.** The Commission shall have full authority to let bids and enter into contracts in the name of the City, provided that such contracts are necessary or convenient to the management and operation of the utility.
- (6) **Other Powers.** The Commission shall have such other powers as are necessary or convenient to the management and operation of the City's public utility, and the City intends that the Commission shall have full authority respecting the utility unless that authority is specifically withheld by statute.
- (e) **Organization.** The Commission shall choose from among their number a President and Secretary and shall appoint a Utility Accountant who shall perform the duties of a bonded cashier, shall keep accurate books and accounts of utility revenues and expenses, and shall perform such other duties as the Commission shall from time to time direct. The Utility Accountant, before taking office, shall give a bond to the City for the faithful performance of the duties of his/her office in such amount as the Water & Sewer Utility Commission shall direct. The bond shall be approved by the Mayor and filed with the City Clerk.
- (f) **Utility Expenses.** Utility expenses shall be audited by the Commission at its regular meeting, and if approved by its President and Secretary, shall be paid by the City Treasurer pursuant to Sec. 66.0607, Wis. Stats. The Commission may authorize the payment of labor, salaries and such other regular expenses as the Commission may determine, including but not limited to power and fuel bills, to be paid as they become due, if approved by the President and Secretary.
- (g) **Receipts.** All utility receipts shall be paid to the Utility Accountant and be turned over by the Accountant to the City Treasurer, at least once a month. Utility funds shall be separately accounted for by the water and sewer utility and shall be subject to disposition as the Commission shall direct.
- (h) **Annual Report.** The Water & Sewer Utility Commission shall submit to the Common Council, on or before July 1st of each year, a detailed report of all its doings for the preceding year, together with an itemized statement of all its expenditures, as well as a list of its employees, together with their salaries and a statement of the income, together with the inventory of the property of every character under its control and such other information as may be determined by it essential to inform the Common Council of the condition of the Utility financially otherwise.**Real Estate.** Title to real estate which is used by the water and sewer utility for its operations shall be held by the City and shall be subject to the management and control of the Commission.
- (i) **Construction; Definition.** This Ordinance shall be liberally construed to effect its purpose. As used herein, the terms "management and control" or "management and operation" shall be construed broadly and shall include, without limitation by enumeration, all authority related to the utility properties of the City, and all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating, or managing the City's public utilities, except as specifically withheld by statute.

State Law Reference: Sec. 66.068, Wis. Stats.

Comparison A: Population-Based Comparison

| Municipality | 2018 Population | Public Utility Oversight | Board/Commission Makeup | Additional Notes |
|-----------------|-----------------|---|---|--|
| Beloit | 36,548 | Common Council | n/a | City invokes SS. 66.0805(6) <i>the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section.</i> Beloit Ordinance reads: Pursuant to §66.0805(6), Wis. Stats., the City of Beloit hereby designates the Public Works Director, subject to the supervision of the City Manager and City Council, to manage the day to day operation of the public water utility. Essentially, the Council retains all policy control as staff cannot set policy. This is typical of a Council/City Manager form of government. |
| Brookfield | 39,951 | advisory board to Common Council ("water and sewer board") | 5 total: 5 councilmembers | ordinance citations of authority are slim (no statutory references), but all the recent actions of the Water and Sewer Board have been ratified by the Council at a subsequent Common Council meeting, thus, the "advisory" designation |
| DePere | 24,742 | Board of Public Works | unclear | ordinances unclear as to what stand-alone authority for water and sewer items this board has. DePere is a customer of Central Brown County Water Authority. City Administrator represents City on Water Authority. However, water distribution (as a customer) is a Division in the Dept of Public Works. According to City Administrator, the board is mostly advisory to Council on unbudgeted items, contracts, and potential ordinances, but the board does approve sewer rates without Council approval. |
| Fitchburg | 29,177 | Board of Public Works | 5 total: Mayor, 1 Councilmember, 3 citizens | do not reference strong commission statute (66.0805), but have similar language to strong commission in statute. Do not state any Council limitations of authority, reviewing meeting agendas though it would appear all items from board of public works are approved by the Council. |
| Fond Du Lac | 44,303 | Common Council | n/a | City invokes SS. 66.0805(6): <i>the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section.</i> In Fond Du Lac the Council designates the Director of Public Works as that officer. Essentially, the Council retains all policy control as staff cannot set policy. This is typical of a Council/City Manager form of government |
| Franklin | 35,996 | Strong Commission ("Board of Water Commissioners") | 5 total: 5 citizens | do not reference strong commission statute (66.0805), but have similar language in charter. One stated Council limitation and that is when they borrow general obligation notes. Are a wholesale water customer of OC. Maintenance on sewer side is handled with the Dept of Public Works and sewer oversight is handled through an advisory "board of public works" (1 councilmember, 6 citizens) |
| Greenfield | 36,968 | Board of Public Works | 3 total: 3 councilmembers | it's unclear, but this board likely only handles non-water items, as GF is a RETAIL WATER customer of Milwaukee WaterWorks (city of Milwaukee). |
| Manitowoc | 33,772 | Modified/Limited Commission ("Public Utilities Commission") | 5 total: all citizens with Mayor and 1 councilmember ex-officio | Manitowoc provide services to Village of Reedsville and also partners with the Central Brown County Water Authority to provide water to DePere, Allouez, Bellevue, and Howard. Commission manages only water and electric utility. Ordinance spells out specific powers entitled to the commission as well as Council limitations to commission authority. Control and Supervision of the Common Council for: Large construction projects (> \$5M), Assessment policy, extension of service outside City Limits, Eminent Domain, Municipal borrowing |
| Mequon | 24,398 | Common Council | 9 total: Mayor and all 8 councilmembers | Do have noted a Water Commission and a Sewer Commission, but each of those entities is the full Mayor and Common Council. This could be classified as a hybrid board of public works and Common Council as commission, similar to West Bend. "The management and operation of the utility shall be the responsibility of the common council which shall serve as and perform the function of a utility commission, and which shall be responsible for the entire management of and shall supervise the operation of the utility, as well as exercise general control of the commission by enacting ordinances governing the commission's operation." |
| Middleton | 20,713 | Board of Public Works ("Public Works Committee") | 7 total: 2 councilmembers, 5 citizens | Committee powers and duties are somewhat unclear in the ordinances, but from past agendas/minutes it looks as though this is a purely advisory board. |
| Muskego | 24,999 | hybrid of Common Council as Commission with a Board of Public Works ("Public Works and Safety Committee") | Public Works/Safety Committee = 3 total: 3 councilmembers | utility management is under Dept of Public Works. The oversight body is purely an advisory board to the Common Council for all things utility-related (incl. rate-setting, budgeting, expenditures). Ordinance reads: <i>The Public Works and Safety Committee shall have charge of the Water Utility owned and operated by the City in lieu of a Water Commission pursuant to § 66.0805, Wis. Stats., but said Committee shall only have the powers and duties as other committees of the Common Council have, and said Committee shall not have any other powers or duties as provided by § 66.0805, Wis. Stats [1]</i> Control of Water Utility. <i>The City hereby creates and establishes a Water Utility for the City. The management, operation and control of such water system is vested in the Common Council, provided that the management and operation of such water system shall be performed by the Public Works and Safety Committee subject to the ultimate control by the Common Council. All records, minutes, written proceedings and financial records shall be kept and maintained by the City</i> |
| Neeah | 26,436 | Strong Commission ("Waterworks Commission") | 5 total: Mayor, 1 Councilmember, 3 citizens | have a joint Neenah-Menasha Sewerage Commission on wastewater side. Dept of Public Works handles sewer-related functions. On the water side, as an observation, certain functions related to finances flow through other city staff (i.e. finance director, clerk) |
| New Berlin | 40,596 | Modified/Limited Commission ("Utility Committee") | 5 total: 3 councilmembers, 2 citizens | only make recommendations on rate charges to Council. Several other "limitations of powers" that require the consent of the Council. Also, central functions of City Finance and Administration integrate/oversee utility functions |
| Sheboygan | 48,697 | Strong Commission ("Board of Waterworks Commissioners") | 3 total: all citizens | do use a "Public Works Committee" (5 aldermen) for non-water related public works functions. Do not reference strong commission statute, but seems to operate with same independence. |
| South Milwaukee | 20,725 | Advisory Board ("Water/Wastewater Commission") | 7 total: 7 citizens (1 councilmember serves as "liaison" - non-voting) | The city once had two separate commissions, a wastewater commission and a separate Strong Commission on the water side. The city put those two into one commission and went away from the strong commission. According to City Administrator, Council approves rate-setting, budgets, projects, etc., and the wastewater manager and water utility manager report to the City Administrator and follow all hiring, purchasing, and personnel policies of the city. This body, although named "commission" is purely an advisory board to the Council, similar to a board of public works... |
| Stevens Point | 26,490 | Common Council | do have an advisory (emphasis added) "board of water and sewerage commissioners." 5 total members: all citizens | "the Common Council of the City of Stevens Point shall exercise general control, and shall be responsible for the entire management and supervision and operation of the Water and Sewerage System. The governing body shall adopt such rules for the control and operation of the system as may be necessary". |
| Sun Prairie | 34,926 | Strong Commission ("Sun Prairie Utilities Commission") | 7 total: Mayor, 1 councilmember, 5 citizens | do use strong commission statute (66.0805), but with all budgets developed jointly with commission and Council ultimately approved by the Council. Council also approves any property purchase and any debt issuance (both GO debts and revenue bonds). According to City Administrator, while Council has budget authority, they never change the budget as presented by the Commission. |
| Superior | 27,217 | for-profit utility (not public) "Superior Water, Light and Power Co." | n/a | do use a Public Works Committee consisting of 3 councilmembers that is advisory board to council on matters relating to sewer (among others), but water and electric utility is a private entity. |

CONTINUED

| Comparison A: Population-Based Comparison | | | | |
|--|-----------------|---|---|--|
| Municipality | 2018 Population | Public Utility Oversight | Board/Commission Makeup | Additional Notes |
| Watertown | 23,952 | Strong Commission ("Public Works Commission") | 5 total: 4 Councilmembers, 1 citizen | quasi strong commission; do not cite strong commission statute (66.0805), but use certain language from that statute. "The Commission shall have the entire charge and management of the Water Utility and Wastewater Utility and..... shall perform such other duties as the Common Council or the Mayor may prescribe". Do also have the authority under 55.62.14 for boards of public works. |
| Wausau | 39,090 | Strong Commission | 5 total: Mayor, 1 Councilmember, 3 citizens | use a combined Director of Public Works & Utilities |
| Wauwatosa | 48,314 | Common Council | all members of Council | is a wholesale customer of Milwaukee Water Works (city of Milwaukee). They do utilize a board of public works, made up of 1 aldermen, and 5 staff members. Scope of the board of public works is very limited to features within the ROW (above ground). They advise on bids for capital projects to the Council. No exclusive authority over the management and operations of the water or sewer utility. Administrative oversight over utilities is through the Director of Public Works; No other Dept. level position overseeing utility operations. |
| West Bend | 32,122 | Common Council | 8 total: all Councilmembers | WB operates with a board of public works, but the board consists of, and only of, all 8 council members. This is similar to Mequon above with only difference being "name" of committee. This could be classified as a hybrid of a board of public works and Council as the Commission. The City Administrator is the business manager of the Utilities under the direction of the board of public works |
| Milwaukee | 590,126 | Common Council | Mayor and entire Common Council | The utility is owned by the City of Milwaukee. Policy is set by the Mayor and Common Council. We adhere to regulations of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (DNR) for facilities, operations, and water quality. The Public Service Commission of Wisconsin (PSC) sets water rates and service charges and monitors our accounting. |

Comparison B: Surface Water Utilities Comparison

| Community | Public Utility Oversight | Board/Commission Makeup | Additional Notes |
|--|--------------------------|--|--|
| Appleton | Commission for Plant | Utilize a "Utilities Committee" made up of 5 Alderpersons | The City also provides water to Grand Chute- a large commercial base and 15,000 residential base. Water distribution is a function of the Dept of Public Works, treatment and wastewater are their own utility function through a Dir of Utilities |
| Cudahy | Commission | Utilize a "Water Commission" made up of 5 citizens | Common Council establishes the water rates (through PSC oversight). Capital projects requiring borrowing controlled by Council. Water Superintendent reports to the Dir of Public Works |
| Green Bay | Commission | Water Commission is 7 people with 1 being an Alderperson | In addition to City of GB service, Utility sells water to Scott, Hobart, Ashwaubenon, and Wrightstown. GB also has a "improvement and services committee" which has the statutory authority in lieu of a "board of public works" |
| Kenosha | Commission | "Board of Water Commissioners". The board consists of 6 alderpersons | Kenosha also sells water to Pleasant Prairie, Somers, and Bristol for a total service area of 118,360 population |
| Manitowoc | Commission | 5 total: all citizens with Mayor (1 councilmember ex-officio-non-voting) | Manitowoc provide services to Village of Reedsville and also partners with the Central Brown County Water Authority to provide water to DePere, Allouez, Bellevue, and Howard. Commission manages only water and electric utility. Ordinance spells out specific powers entitled to the commission as well as Council limitations to commission authority. Control and Supervision of the Common Council for: Large construction projects (> \$5M), Assessment policy, extension of service outside City Limits, Eminent Doman, Municipal borrowing |
| Menasha | Commission | 5 total: Mayor and 4 citizens | Also provide water to village of fox crossing (formerly town of Menasha), pop. 19,000 |
| Milwaukee | Council | Mayor and entire Common Council | The utility is owned by the City of Milwaukee. Policy is set by the Mayor and Common Council. We adhere to regulations of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (DNR) for facilities, operations, and water quality. The Public Service Commission of Wisconsin (PSC) sets water rates and service charges and monitors our accounting. |
| Neenah | Commission | 5 total: Mayor, 1 Councilmember, 3 citizens | have a joint Neenah-Menasha Sewerage Commission on wastewater side. Dept of Public Works handles sewer-related functions. On the water side, as an observation, certain functions related to finances flow through other city staff (i.e. finance director, clerk) |
| North Shore (Fox Point, Glendale, Whitefish Bay) | Commission | 7 members: mostly staff from each community with 1 citizen member | structure a bit unclear as they use staff as commissioner and 2 "alternate" members. Safe to say this is stand alone given the multiple community structure. |
| Oshkosh | Council | Mayor and entire Common Council | City Manager exercises the authority of a "board of public works" (§§.62.14) |
| Port Washington | Board of Public Works | 6 total: 3 aldermen, 3 citizens. | Board duties are vague in their ordinances. Operationally, Water and Sewer are divisions of the Public Works Dept. |
| Racine | Commission | Mayor, 2 aldermen, 4 citizens | Common Council approves for both waterworks and wastewater commissions, still cite strong commission statute as authority. Utility provides wholesale to Village of Caledonia, and direct services to Sturtevant, Mt. Pleasant, Elmwood Park and North Bay. |
| Sheboygan | Commission | "Board of Waterworks Commissioners" 3 members, all citizens | do not reference strong commission statute, but seems to operate with the same independence |
| South Milwaukee | Commission | 7 total: 7 citizens (1 councilmember serves as "liaison"- non-voting) | The city once had two separate commissions, a wastewater commission and a separate Strong Commission on the water side. The city put those two into one commission and went away from the strong commission. According to City Administrator, Council approves rate-setting, budgets, projects, etc. and the wastewater manager and water utility manager report to the City Administrator and follow all hiring, purchasing, and personnel policies of the city. This body, although named "commission" is purely an advisory board to the Council, similar to a board of public works. |
| Superior | Private | for-profit utility (not public) "Superior Water, Light and Power Co." | do use a Public Works Committee consisting of 3 councilmembers that is advisory board to council on matters relating to sewer (among others), but water and electric utility is a private entity. |
| Two Rivers | Council | full council | (a) CITY MANAGER. The Water and Light Plant and the Sewage Disposal Plant, and the Communications Plant shall be operated by the City Manager in lieu of a commission created pursuant to sec. 66.068, Wis. Stats. |

Comparison C: Net Plant-based Comparison

| Community | Net Utility Plant | Public Utility Oversight | Board/Commission Makeup | Additional Notes |
|----------------------------|-------------------|---|--|---|
| Milwaukee | \$ 1,330,833,668 | Council | Mayor and Council | The utility is owned by the City of Milwaukee. Policy is set by the Mayor and Common Council. We adhere to regulations of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (DNR) for facilities, operations, and water quality. The Public Service Commission of Wisconsin (PSC) sets water rates and service charges and monitors our accounting. |
| Madison | \$ 686,535,447 | Water Utility Board | utilize a "Water Utility Board" as their strong commission. 8 total members, 2 alderpersons, 5 citizens, 1 non-voting member | City invokes statute that in lieu of a commission under 66.0805 they will use a board of officers other than a "commission". This would be classified as a limited/modified commission as the board has certain authorities per strong commission statutes- but Council "approve contracts for the Water Utility as it does for other departments." bit of a hybrid here. |
| Green Bay | \$ 371,149,430 | Commission | Water Commission is 7 people with 1 being an Alderperson | In addition to City of GB service, Utility sells water to Scott, Hobart, Ashwaubenon, and Wrightstown. GB also has a "improvement and services committee" which has the statutory authority in lieu of a "board of public works" |
| Racine | \$ 344,247,305 | Commission | Mayor, 2 aldermen, 4 citizens | Common Council approves for both waterworks and wastewater commissions, still cite strong commission statute as authority. Utility provides wholesale to Village of Caledonia, and direct services to Sturtevant, Mt. Pleasant, Elmwood Park and North Bay. |
| Appleton | \$ 295,772,736 | Commission for Plant | Utilize a "Utilities Committee" made up of 5 Alderpersons | The City also provides water to Grand Chute- a large commercial base and 15,000 residential base. Water distribution is a function of the Dept of Public Works, treatment and wastewater are their own utility function thru a Dir of Utilities |
| Dshkosh | \$ 263,505,176 | Council | Mayor and Council | City Manager exercises the authority of a "board of public works" (SS.62.14) |
| Waukesha | \$ 227,013,342 | Commission | 7 members, including the Mayor and 1 alderperson | This is a prototypical strong commission. also have board of public works for non-water matters (very limited scope- roads). |
| Kenosha | \$ 201,969,215 | Commission | their strong commission is called "Board of Water Commissioners". The board consists of 6 alderpersons | Kenosha also sells water to Pleasant Prairie, Somers, and Bristol for a total service area of 118,360 population |
| Oak Creek | \$ 197,078,624 | Commission | 5 total: 4 citizens, 1 alderperson | City invokes SS.66.0805 (strong commission) |
| Fond Du Lac | \$ 195,728,258 | Council | Full Council | City invokes SS. 66.0805(6): <u>the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section</u> . In Fond Du Lac the Council designates the Director of Public Works as that officer. Essentially, the Council retains all policy control as staff cannot set policy. This is typical of a Council/City Manager form of government. |
| Eau Claire | \$ 178,868,148 | Council | Full Council | City Manager exercises the authority of a "board of public works" (SS.62.14). This is typical of a Council/City Manager form of government. |
| Brookfield | \$ 169,791,781 | Water and Sewer Board (advisory) | 5 total: 5 councilmembers | ordinance citations of authority are slim (no statutory references), but all the recent actions of the Water and Sewer Board have been ratified by the Council at a subsequent Common Council meeting; thus, the "advisory" designation |
| Janesville | \$ 168,740,277 | Council | Mayor and Council | City Manager exercises the authority of a "board of public works" (SS.62.14) |
| Village of Menomonee Falls | \$ 154,515,444 | Water Board through the Utilities and Public Works Committee (advisory) | 3 total: 3 Village Board members | Villages are bit different. The Village Board is ultimate authority on utility decisions, but use advisory boards in the governance structure |
| Manitowoc | \$ 119,221,273 | Commission | 5 total: all citizens with Mayor and 1 councilmember ex-officio | Manitowoc provide services to Village of Reedsville and also partners with the Central Brown County Water Authority to provide water to DePere, Allouez, Bellevue, and Howard. Commission manages only water and electric utility. Ordinance spells out specific powers entitled to the commission as well as Council limitations to commission authority. Control and Supervision of the Common Council for: Large construction projects (> \$5M), Assessment policy, extension of service outside City Limits, Eminent Doman, Municipal borrowing |
| Sheboygan | \$ 118,126,942 | Commission | "Board of Waterworks Commissioners" 3 members, all citizens | do not reference strong commission statute, but seems to operate with the same independence |



COMMON COUNCIL REPORT

Item: Adoption of the City of Oak Creek 401(a) a Qualified Retirement Plan Resolution No. 12179-081820

Recommendation: The staff recommends Council adoption of Resolution

Fiscal Impact: One-time Deconversion Plan Fee \$1,000 and Audit Support, if needed, \$275 per hour. Additional savings of 7.62% employer taxes on all sick leave payouts of retiring Oak Creek Professional Police Officer's Association members.

- 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 Oak Creek Professional Police Officer's Association ("Association") and the City of Oak Creek, agree that under Article 15 - Benefit Distribution, Association members will elect to have their sick leave payout pursuant to Article 15 E, paid as a lump sum distribution to their PrimeChoice Plan in lieu of a cash option. PrimeChoice is a 401 (a) tax-deferred retirement savings plan defined by subsection 401(a) of the Internal Revenue Code.

Under the current plan the City pays 7.62% in employer taxes on every sick leave payout. Under the new plan the City does not pay any employer taxes.

Options/Alternatives: Council may resolve to amend, add, or delete any part of the resolution.

Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA
City Administrator

Judy L. Rogers
Human Resources Manager

Fiscal Review:

Approved:

n/a

Bridget M. Souffrant
Assistant City Administrator/Comptroller

RESOLUTION NO. 12179-081820
A RESOLUTION FOR THE ADOPTION OF A QUALIFIED RETIREMENT PLAN 401(A)

WHEREAS, the Employer has decided to adopt the City of Oak Creek 401(a) Plan ("Plan"), a qualified retirement plan, for the benefit of eligible employees; and

WHEREAS, the Employer wishes to appoint Pelion Benefits, Inc. - Christine L. Chnupa 888-532-7526 www.pelionbenefitsinc.com as Trustee(s) of the Plan.

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby adopts the City of Oak Creek 401(a) Plan to be effective on 8-1-2020;

BE IT FURTHER RESOLVED that the Employer is authorized to execute the Plan document and perform any other actions necessary to implement the adoption of the Plan. The Employer may designate any other authorized person to perform the actions necessary to adopt the Plan. A copy of the Plan shall be retained in the business office of the Employer;

BE IT FURTHER RESOLVED that the Employer will act as administrator of the Plan and will be responsible for performing all actions necessary to carry out the administration of the Plan. The Employer may designate any other person or persons to perform the actions necessary to administer the Plan; and

BE IT FURTHER RESOLVED that Plan participants shall be provided with a summary of the Plan provisions within a reasonable period of time following the adoption of the Plan.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

Common Council President Kenneth Gehl

Approved this 18th day of August, 2020.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____



COMMON COUNCIL REPORT

Item: Accepting the 2019 Financial Statements and Auditor's report

Recommendation: That the Common Council approve Resolution No. 12184-081820 accepting the 2019 Financial Statements and Auditors' Report as prepared and presented by Baker Tilly Virchow Krause, LLP.

Fiscal Impact: Fees for the 2019 audit were contracted and paid out of the 2020 budget

- 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:

Annually, the Common Council formally accepts the financial statements completed by Baker Tilly Virchow Krause, LLP. Attached is a copy of the 2019 Financial Statements and Auditor's Report for the Common Council's review and approval.

Representatives from Baker Tilly Virchow Krause, LLP will be in attendance (virtually) at the Council meeting to present the financials.

In 2019, the City added \$972,018 to the General Fund fund balance. This was related in large part due to increased permit revenue (large permit in the first quarter), and vacant positions throughout the year. The City's General Fund fund balance ended at \$9,405,151 with an unassigned fund balance at 16% which falls into the fund balance policy.

In reviewing our 2019 ending financial status, Staff took a conservative approach in bolstering the General Fund fund balance by the \$972,018 as a conscious decision given the potential loss of revenue resulting from COVID-19. It was determined that this addition to the fund balance could give financial security if the Council chose to draw down on the fund balance in 2020, as an option in the COVID-19 Financial Mitigation Plan.

Each year the auditor's report on weaknesses and deficiencies that may exist after reviewing the City's financial processes and business practices. It is management's responsibility to correct these items each year and improve as the years progress. For the second year in row, the only audit note presented from the auditors is the standard note regarding internal control over financial reporting. This essentially says that we do not have an auditor on staff that completes and then reviews the financials, which most small and medium size communities do not.

Options/Alternatives: N/A

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:

Attachments: Resolution No. 12184-081820, 2019 Financial Statements

RESOLUTION NO. 12184 - 081820

BY: _____

A RESOLUTION ACCEPTING THE 2019 FINANCIAL STATEMENTS
AND AUDITOR'S REPORT AS PREPARED BY BAKER TILLY VIRCHOW KRAUSE, LLP

WHEREAS, the City of Oak Creek has an annual audit performed in accordance with State Statutes; and

WHEREAS, the City had engaged the services of the accounting firm of Baker Tilly Virchow Krause, LLP to conduct the audit of the 2019 fiscal year; and

WHEREAS, the Common Council finds the statement and report to be acceptable and complete.

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek accepts the 2019 Financial Statements and Auditor's Report as prepared and presented by Baker Tilly Virchow Krause, LLP.

Introduced at a regular meeting of the Common Council of the City of Oak Creek this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this ____ day of _____, 2020.

Mayor

ATTEST:

City Clerk

Vote: Ayes ____ Noes ____

CITY OF OAK CREEK
REPORT TO THE CITY COMMON COUNCIL

August 18, 2020

Presented By:

Baker Tilly US, LLP

Wendi Unger, CPA, Partner
Steven Henke, CPA, Senior Manager

Note: Data was derived from current and prior years audited financial statements

CITY OF OAK CREEK

Report to the City Common Council

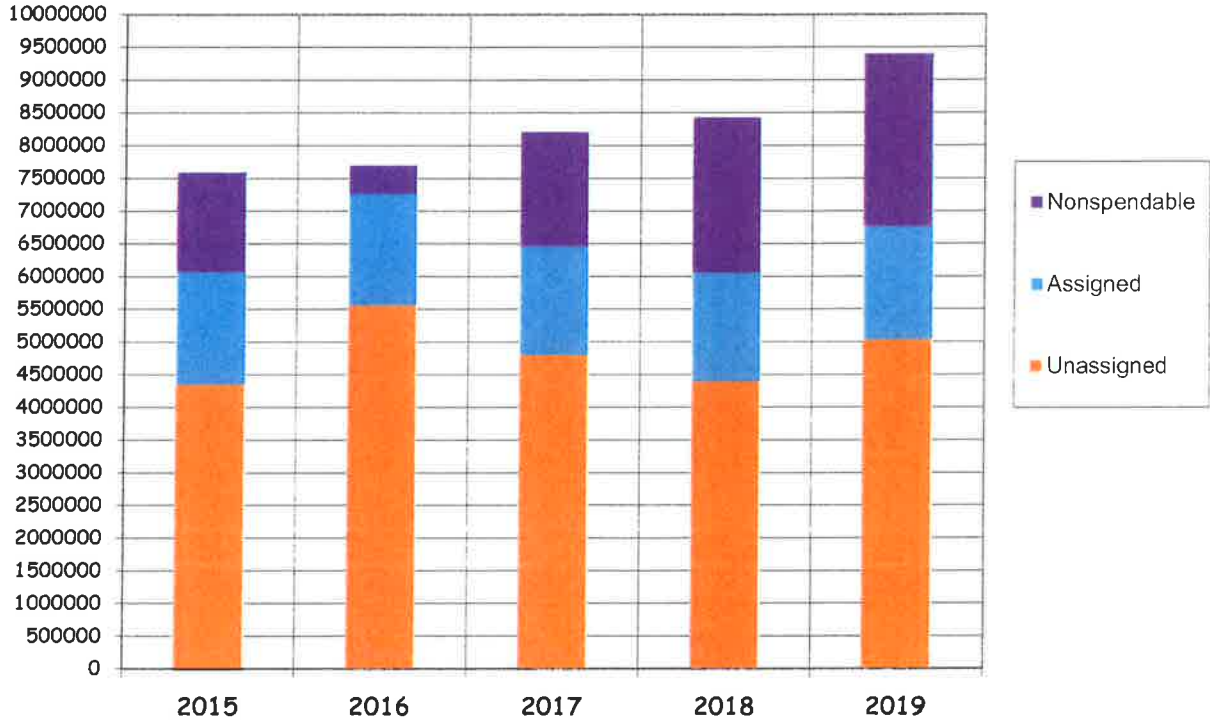
August 18, 2020

1. Objective of the audit was to express our opinion on your financial statements
2. Reports issued
 - a. Financial statements
 - i. Unmodified opinion, commonly referred to as a "clean" opinion
 - ii. Highest level of assurance you can receive from your auditor
 - iii. Implementation of GASB Statements No. 84 and No. 88
 - b. Reporting and insights from 2019 audit
 - i. Information regarding the audit process
 - ii. Required communication regarding material weakness
 - iii. Required communications
 1. Communications are customary and usual
 - iv. Other communications
 1. Planning for next year's audit, we welcome your input
 2. Comments and recommendations
 3. Informational points
3. Financial highlights and financial trends are presented on the following pages

City of Oak Creek

General Fund's Fund Balance

Actual 2015 - 2019

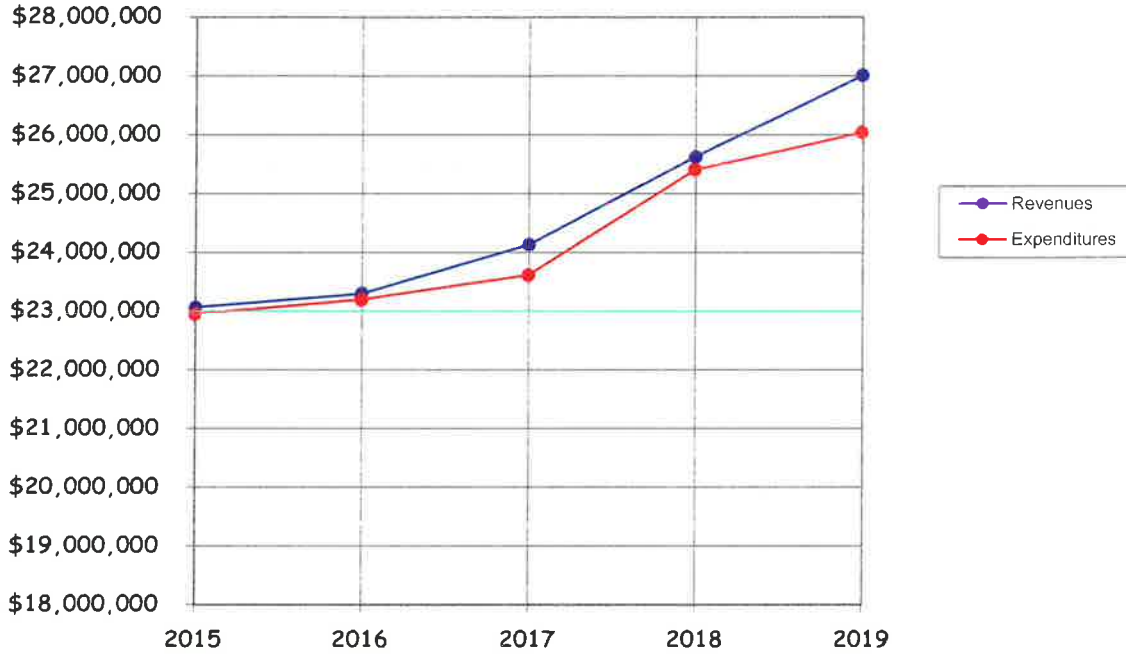


| | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Nonspendable | \$ 1,525,608 | \$ 429,425 | \$ 1,753,084 | \$ 2,378,598 | \$ 2,642,784 |
| Assigned | 1,719,547 | 1,707,741 | 1,663,609 | 1,661,639 | 1,730,567 |
| Unassigned | 4,350,890 | 5,561,022 | 4,795,437 | 4,392,896 | 5,031,800 |
| Total | \$ 7,596,045 | \$ 7,698,188 | \$ 8,212,130 | \$ 8,433,133 | \$ 9,405,151 |

City of Oak Creek

General Fund Revenues & Expenditures

Actual 2015 - 2019



| | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Revenues & Transfers In | \$ 23,062,000 | \$ 23,297,453 | \$ 24,128,895 | \$ 25,625,706 | \$ 27,011,632 |
| Total Expenditures & Transfers Out | \$ 22,949,356 | \$ 23,195,310 | \$ 23,614,953 | \$ 25,404,703 | \$ 26,039,614 |
| Excess (Deficiency) | \$ 112,644 | \$ 102,143 | \$ 513,942 | \$ 221,003 | \$ 972,018 |

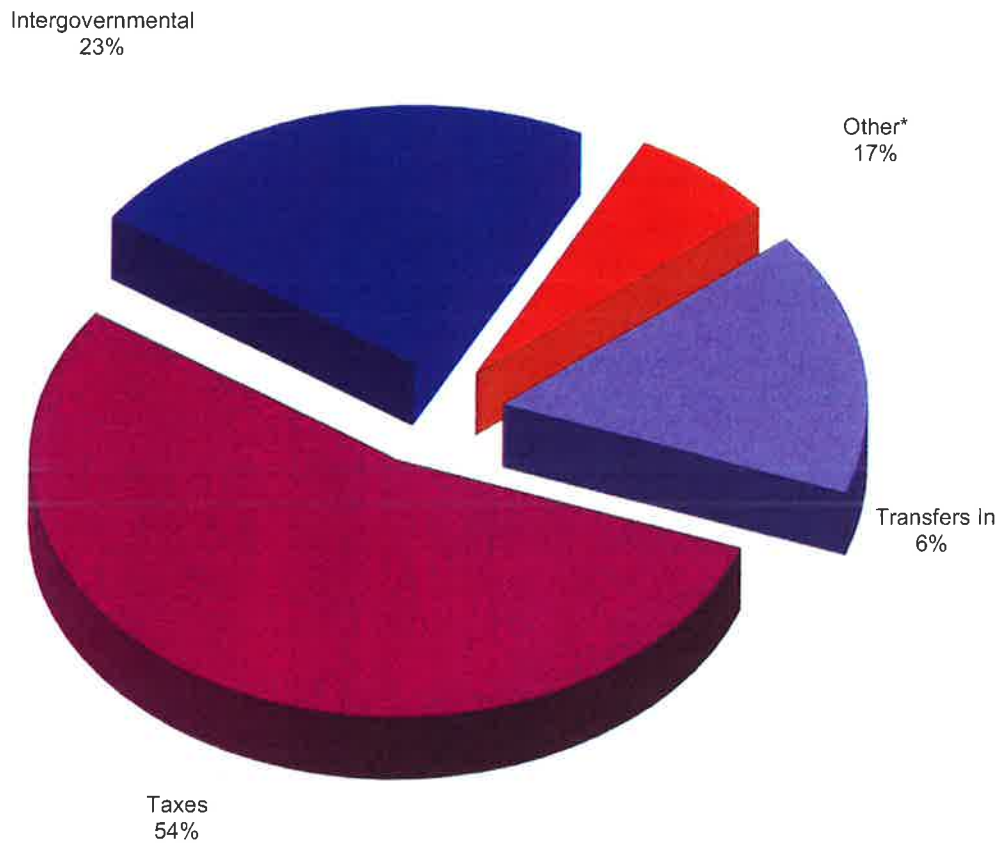
Fund Balance

| | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|--------------|--------------|--------------|--------------|--------------|
| General Fund | \$ 7,596,045 | \$ 7,698,188 | \$ 8,212,130 | \$ 8,433,133 | \$ 9,405,151 |

City of Oak Creek

2019 General Fund Revenues and Transfers In

Total Revenues: \$27,011,632

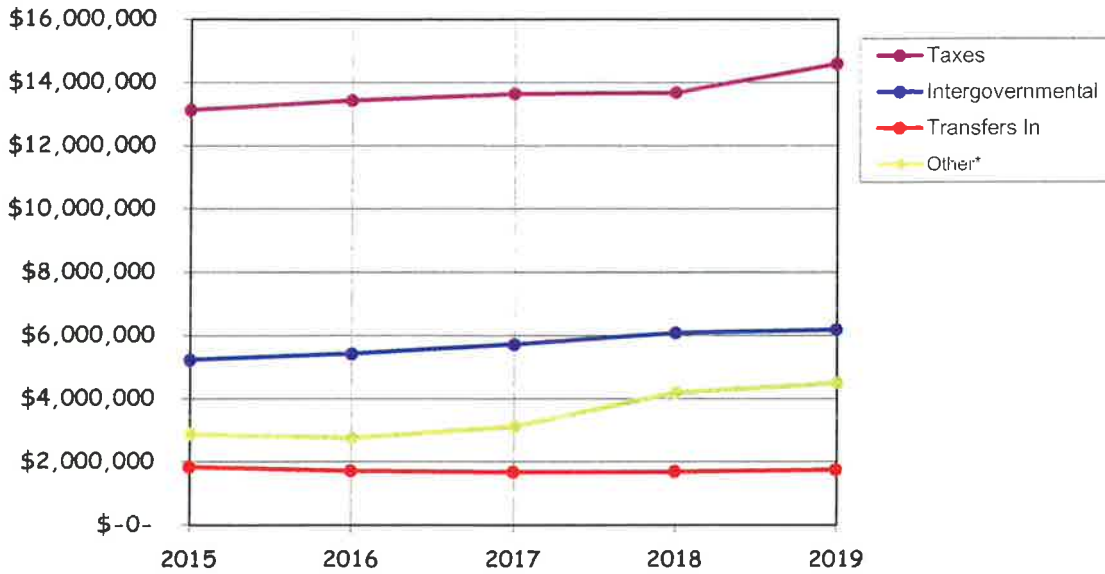


* Other includes regulation and compliance, public charges for services, investment income, miscellaneous, interfund charges for services and sale of property.

City of Oak Creek

General Fund Revenues and Transfers In

Actual 2015 - 2019



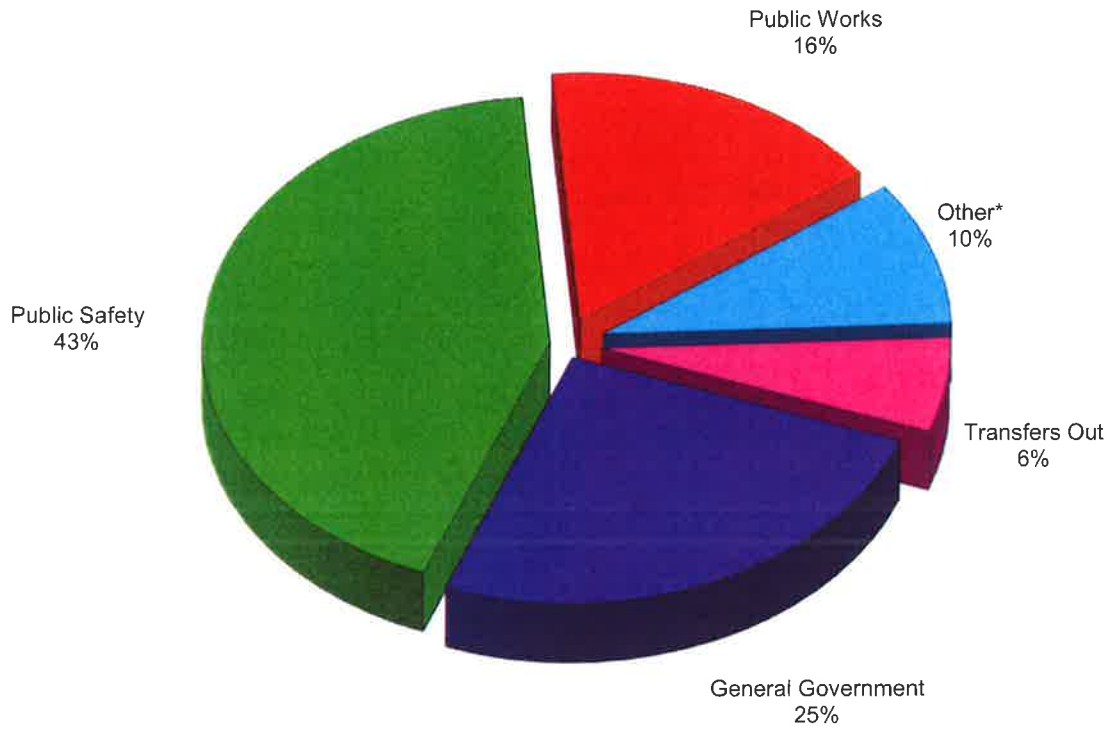
| | 2015 | 2016 | 2017 | 2018 | 2019 |
|-------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Taxes | \$ 13,130,408 | \$ 13,427,303 | \$ 13,632,350 | \$ 13,672,382 | \$ 14,591,049 |
| Intergovernmental | 5,225,738 | 5,415,480 | 5,714,573 | 6,071,829 | 6,179,617 |
| Transfers In | 1,827,248 | 1,707,741 | 1,663,609 | 1,686,766 | 1,748,903 |
| Other* | 2,878,606 | 2,746,929 | 3,118,363 | 4,194,729 | 4,492,063 |
| Totals | \$ 23,062,000 | \$ 23,297,453 | \$ 24,128,895 | \$ 25,625,706 | \$ 27,011,632 |

* Other includes regulation and compliance, public charges for services, investment income, miscellaneous, interfund charges for services and sale of property.

City of Oak Creek

2019 General Fund Expenditures and Transfers Out

Total Expenditures: \$26,039,614

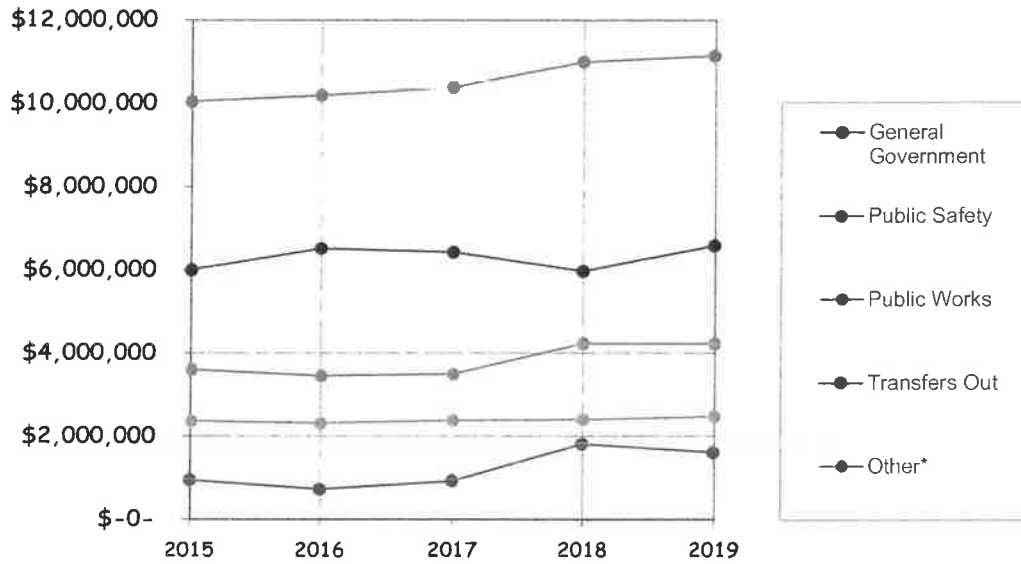


* Other includes Leisure Activities, and Health and Social Services.

City of Oak Creek

General Fund Expenditures and Transfers Out

Actual 2015 - 2019



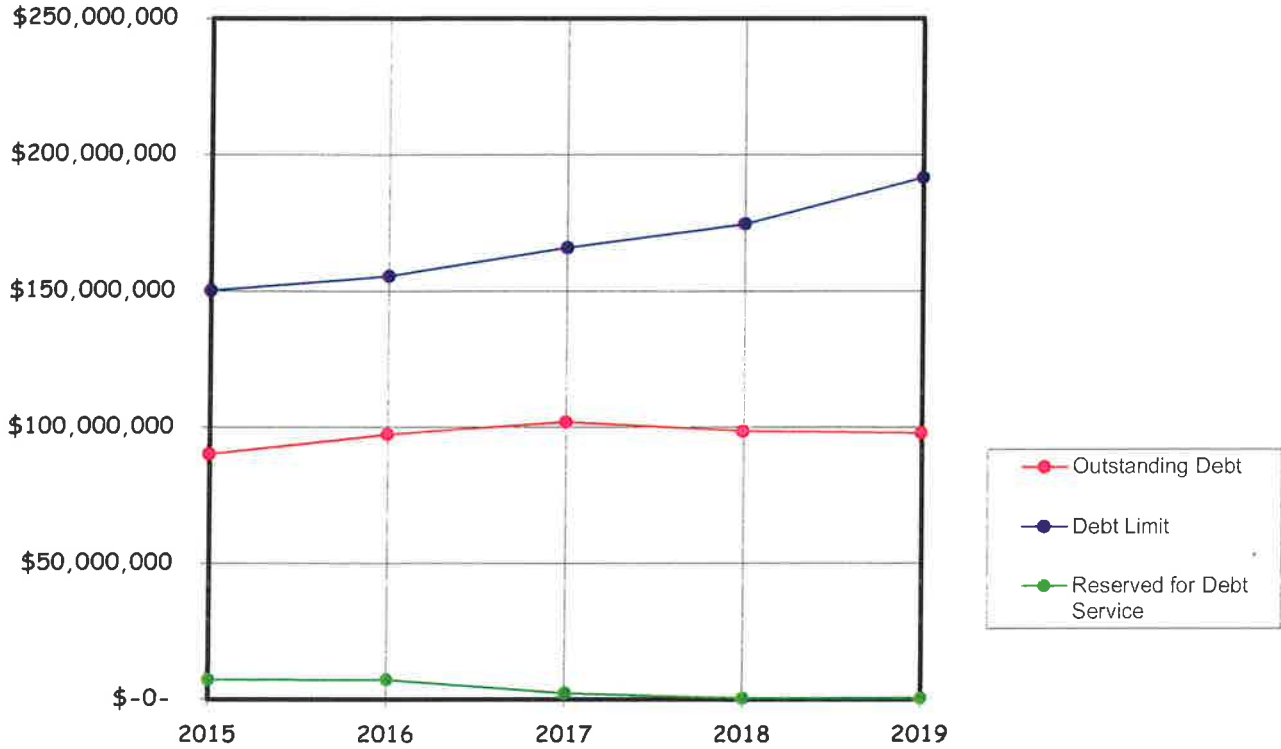
| | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| General Government | \$ 5,995,906 | \$ 6,517,355 | \$ 6,431,888 | \$ 5,974,818 | \$ 6,583,217 |
| Public Safety | 10,046,212 | 10,191,351 | 10,386,204 | 10,997,815 | 11,141,719 |
| Public Works | 3,598,761 | 3,449,221 | 3,493,477 | 4,226,285 | 4,223,646 |
| Other* | 2,363,066 | 2,311,554 | 2,379,428 | 2,395,808 | 2,478,793 |
| Transfers Out | 945,411 | 725,829 | 923,956 | 1,809,977 | 1,612,239 |
| Totals | \$ 22,949,356 | \$ 23,195,310 | \$ 23,614,953 | \$ 25,404,703 | \$ 26,039,614 |

* Other includes Leisure Activities, and Health and Social Services.

City of Oak Creek

G. O. Debt vs. Capacity

Actual 2015 - 2019



| | 2015 | 2016 | 2017 | 2018 | 2019 |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|
| Debt Limit | \$ 150,195,965 | \$ 155,444,895 | \$ 165,916,655 | \$ 174,632,650 | \$ 191,550,190 |
| Outstanding Debt | 90,105,000 | 97,330,000 | 101,850,000 | 98,490,000 | 97,845,000 |
| Difference | \$ 60,090,965 | \$ 58,114,895 | \$ 64,066,655 | \$ 76,142,650 | \$ 93,705,190 |
| % Available | 40.01% | 37.39% | 38.61% | 43.60% | 48.92% |
| Equalized Value | \$ 3,003,919,300 | \$ 3,108,897,900 | \$ 3,318,333,100 | \$ 3,492,653,000 | \$ 3,831,003,800 |
| Growth | \$ 51,822,000 | \$ 104,978,600 | \$ 209,435,200 | \$ 174,319,900 | \$ 338,350,800 |
| % Growth | 1.76% | 3.49% | 6.74% | 5.25% | 9.69% |
| Restricted for debt service | \$ 7,068,285 | \$ 7,032,214 | \$ 2,103,371 | \$ 282,287 | \$ 212,275 |



Item No.

COMMON COUNCIL REPORT

Item: Certified Survey Map - 1001 & 1199 W. Ryan Rd., and 9540 S. 13th St.

Recommendation: That the Council adopts Resolution No. 12178-081820, a resolution approving a Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the properties at 1001 & 1199 W. Ryan Rd., and 9540 S. 13th St.

Fiscal Impact: The proposal would divide Lot 6 of CSM 9242 into public right-of-way for Bartel Court, Outlot 5 for stormwater and signage, and Lot 8 for a park. All divisions will be dedicated and transferred to the City. This property is part of TID 16.

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

Background: The Applicant is requesting approval of a Certified Survey Map (CSM) for the properties at 1001 & 1199 W. Ryan Rd., and 9540 S. 13th St. Council will recall that a CSM creating the lot further divided in this proposed CSM (Lot 6) was approved May 19, 2020. A copy of the recorded CSM 9242 is included with this report for reference.

Lot 6 is proposed to be redivided into the following:

- Public right-of-way dedication for Bartel Court.
- Lot 8 – 0.5375 acres for a proposed “Historical Monument Pocket Park.”
- Outlot 5 – 2.5337 acres for the Ryan Business Park’s stormwater pond and development sign.

Special Flood Hazard Areas are shown affecting the proposal, amendments for which are currently in progress. All of the divisions are proposed to be dedicated/transferred to the City.

With respect to the amendments to the Special Flood Hazard Area, the Wisconsin DNR has issued a letter stating subsequent review steps that will be necessary prior to completion of that project. One of the requirements includes rezoning the portions to be removed from the Special Flood Hazard Area, which will be scheduled for Plan Commission and Common Council review in the very near future. This was stated in the staff report for the previously-reviewed CSM, and the Applicant is aware of this requirement

The Plan Commission reviewed the Certified Survey Map proposal at their meeting on July 28, 2020, and recommend approval with the following condition:

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.

Options/Alternatives: Council has the discretion to modify the condition(s) of Certified Survey Map approval, or deny the request. Disapproval will affect lands to be dedicated to the City.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Resolution 12178-081820

Location Map

Plan Commission Minutes

CSM 9242

Proposed Certified Survey Map (4 pages)

RESOLUTION NO. 12178-081820

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
MICHAEL FABER, RYAN BUSINESS PARK, LLC

1001 & 1199 W. Ryan Rd., and 9540 S. 13th St.
(5th Aldermanic District)

WHEREAS, MICHAEL FABER, RYAN BUSINESS PARK, LLC, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey map be approved, subject to the following condition:

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.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

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.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this 18th day of August, 2020.

Mayor

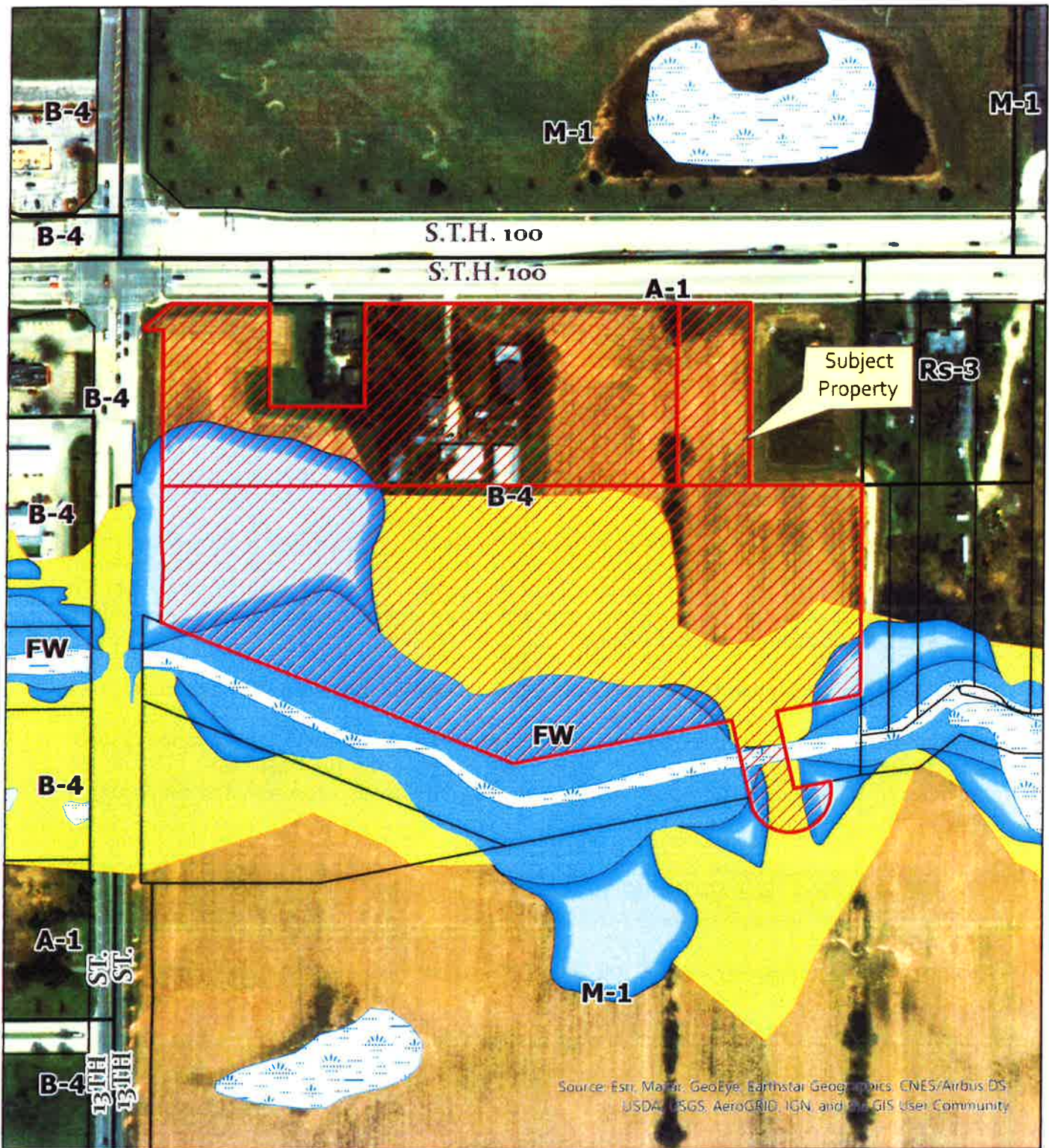
ATTEST:

City Clerk

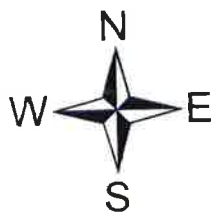
VOTE: Ayes _____ Noes _____

Location Map

1001 & 1199 W Ryan Rd, 9540 S. 13th St.



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



Legend

-  1001 & 1199 Ryan Rd, 9540 S. 13th St.
-  DNR Wetlands Inventory
-  Environmental Corridor
-  Flood Plain (2008)
-  Floodway (2008)

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 28, 2020**

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, Commissioner Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siepert and Commissioner Chandler. Also present: Kari Papelbon, Planner. IT Manager Kevin Koenig, facilitated the video conference.

CERTIFIED SURVEY MAP

**MICHAEL FABER, RYAN BUSINESS PARK, LLC
1001 AND 1199 W. RYAN RD AND 9540 S.13TH ST.
TAX KEY NOS. 905-9995-001, 905-9993-004, 905-9010-001**

Planner Papelbon provided an overview of the request to reconfigure the properties at 1001 and 1199 W. Ryan Rd., and 9540 S. 13th St. (see staff report for details).

Commissioner Chandler asked for more information on what constitutes a pocket park.

Planner Papelbon replied that it was a small-scale park with no playground equipment. This particular park would have a seating area and an open-air pergola-like structure, as well as an historic element specific to the railroad history of the parcel. Planner Papelbon stated that the park plans would come before the Plan Commission in the near future, and that the parkland would eventually be transferred to the City.

Mayor Bukiewicz stated that he thought this was a good and thoughtful use of the property.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Michael Faber, Ryan Business Park, LLC, for the properties at 1001 & 1199 W. Ryan Rd., and 9540 S. 13th St. be approved with the following condition:

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.

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 9:07 p.m.

ATTEST:



Douglas Seymour, Plan Commission Secretary

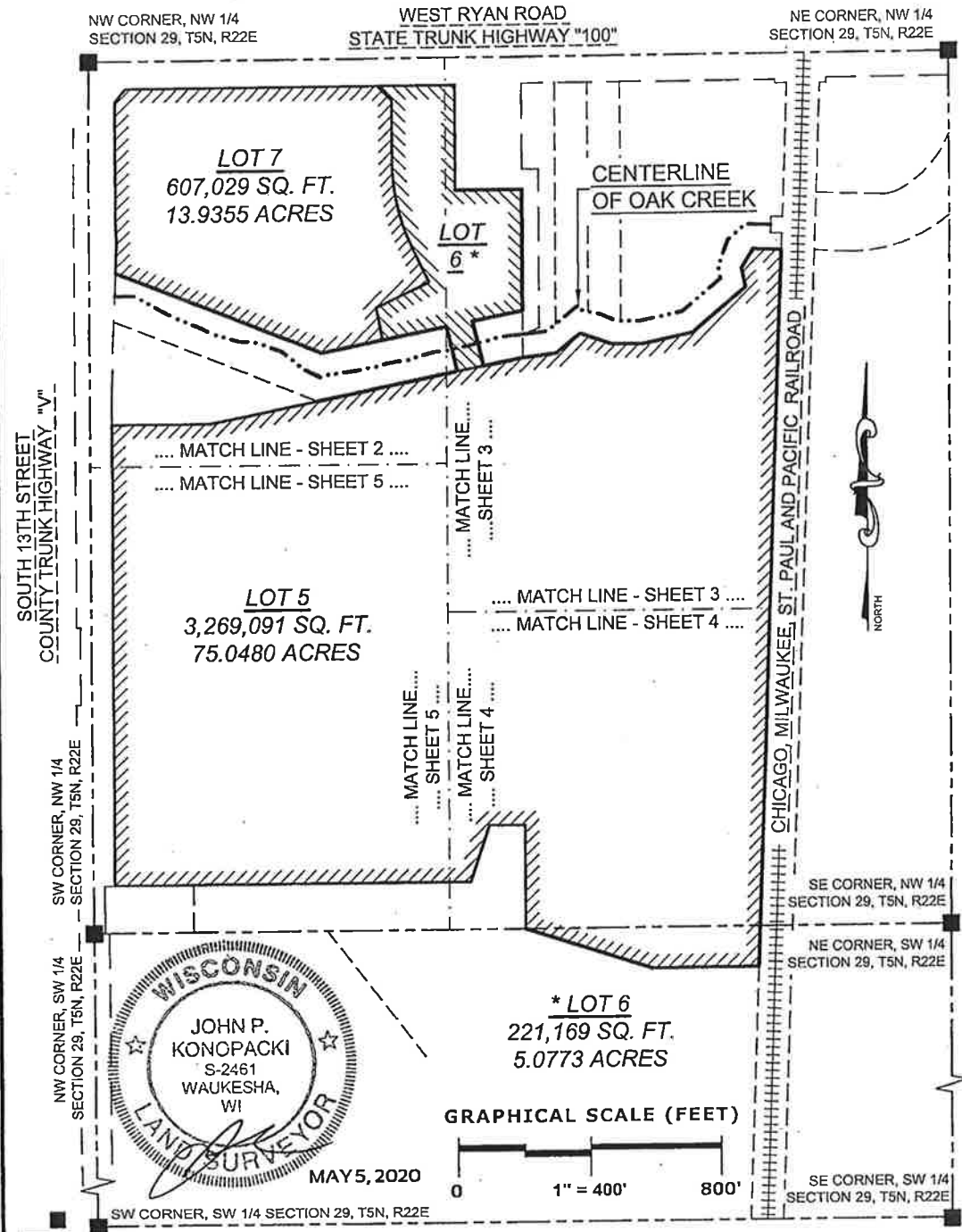
8-11-20

Date

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
 Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
 Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

.... OVERVIEW



Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

Prepared for:
 Capstone Development Company - c/o Mike Faber
 N17 W24222 Riverwood Drive, Suite 160
 Waukesha, WI 53188

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 1 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

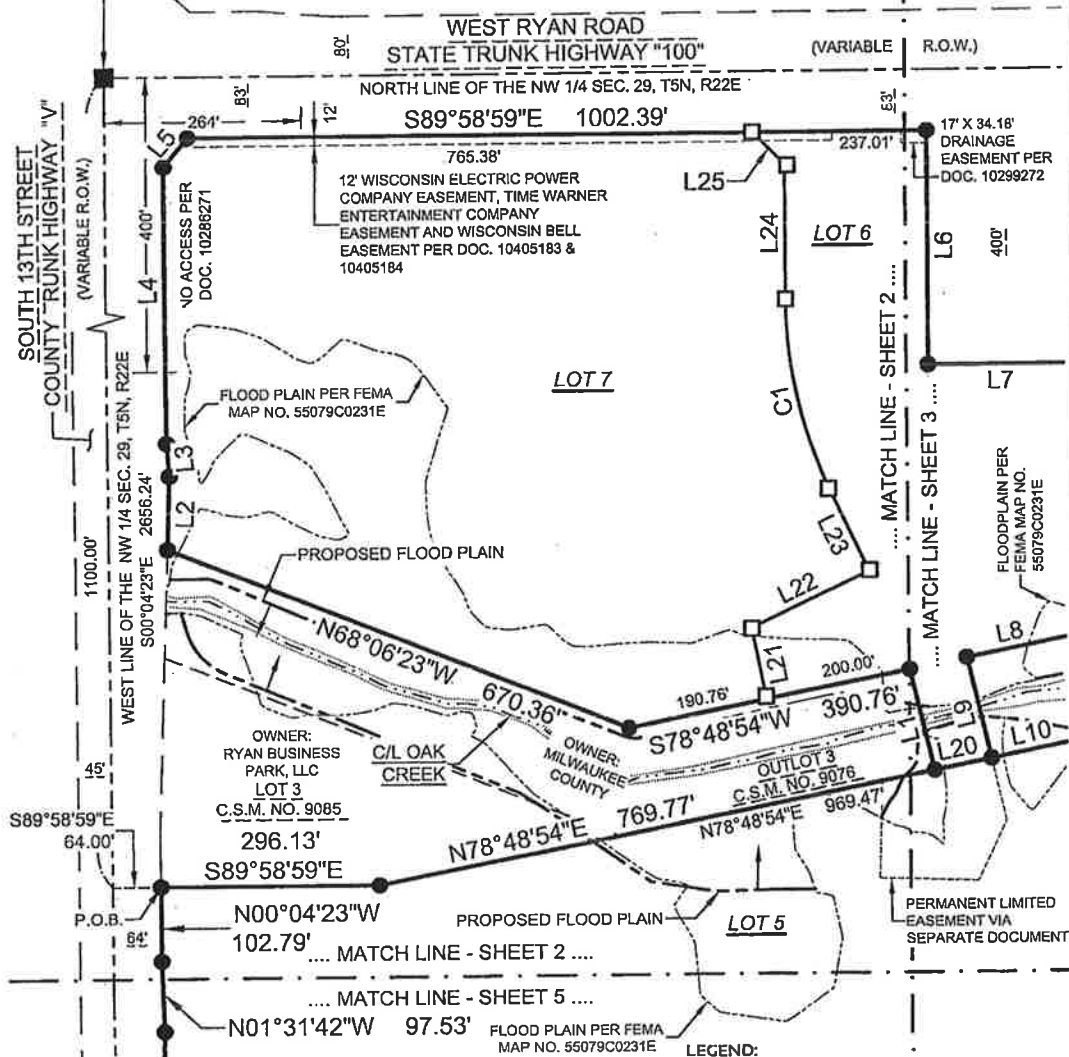


GRAPHICAL SCALE (FEET)



MAY 5, 2020

NW CORNER, NW 1/4 SECTION 29, T5N, R22E
(FOUND CONC. MON. W/ BRASS CAP)



- LEGEND:**
- - Denotes Found 1" Iron Pipe
 - - Denotes Found 3/4" Iron Rod
 - ⊠ - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
 - ⊙ - Denotes Sanitary Sewer Manhole
 - (R) - Denotes "Recorded As"
 - ||||| - Denotes No Access

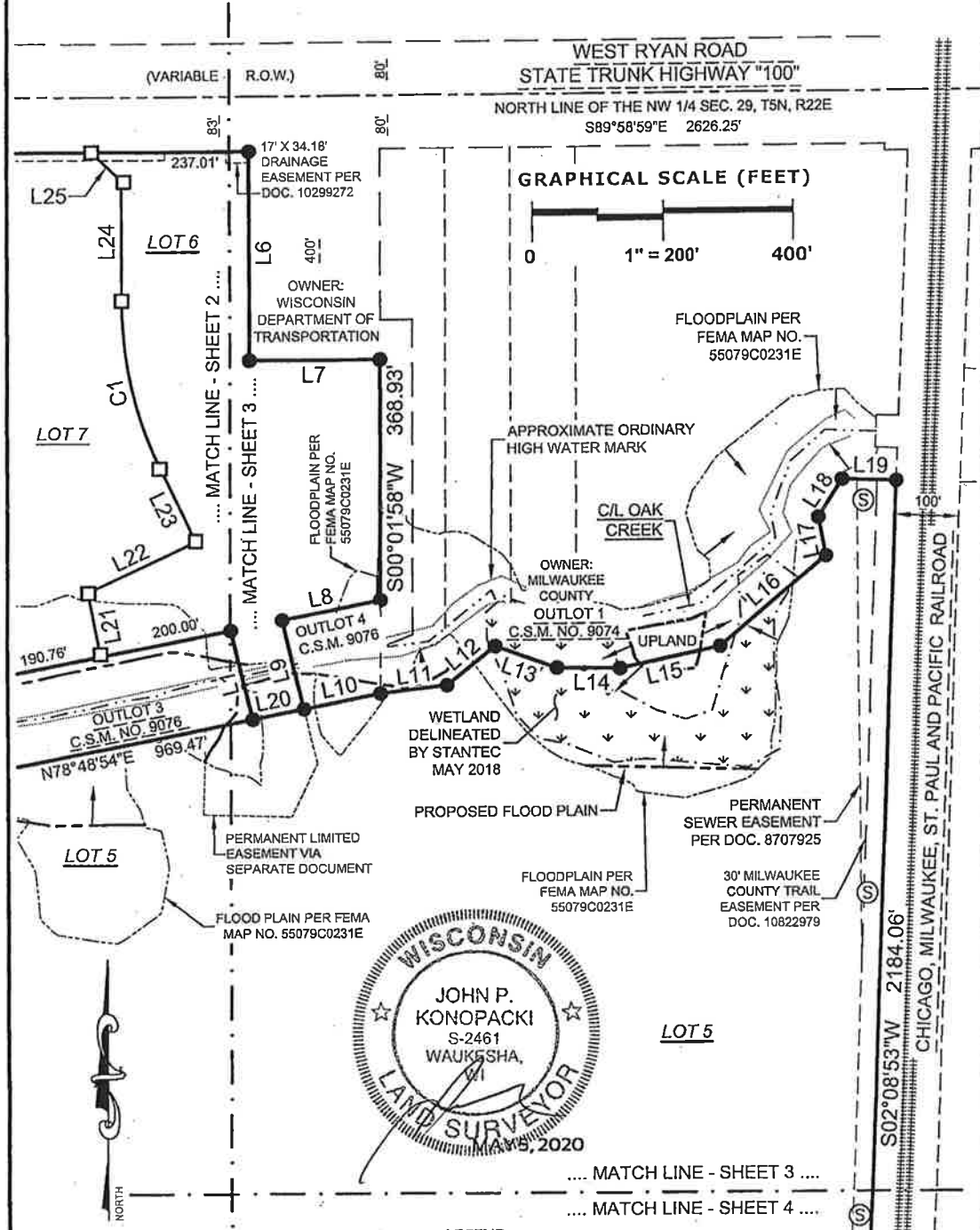
Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 2 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
 Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
 Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



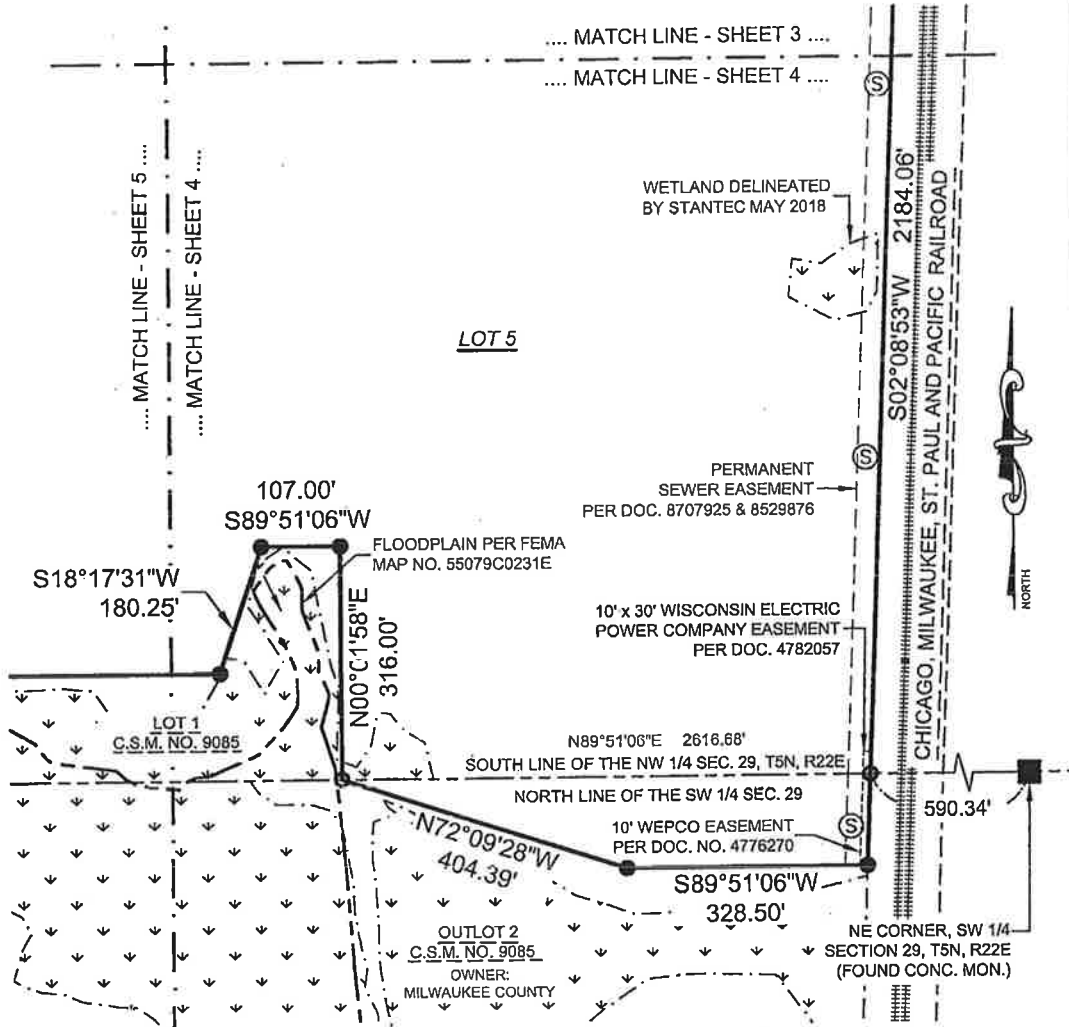
LEGEND:
 ○ - Denotes Found 1" Iron Pipe
 ● - Denotes Found 3/4" Iron Rod
 ⊕ - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
 ⊙ - Denotes Sanitary Sewer Manhole
 (R) - Denotes "Recorded As"

Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461
 PEG JOB#146.00
SHEET 3 OF 10

CERTIFIED SURVEY MAP NO. 9242

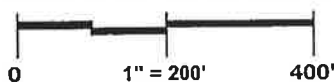
Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
 Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
 Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



LEGEND:

- - Denotes Found 1" Iron Pipe
- - Denotes Found 3/4" Iron Rod
- ⊠ - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
- Ⓢ - Denotes Sanitary Sewer Manhole
- Ⓡ - Denotes "Recorded As"

GRAPHICAL SCALE (FEET)



MAY 5, 2020

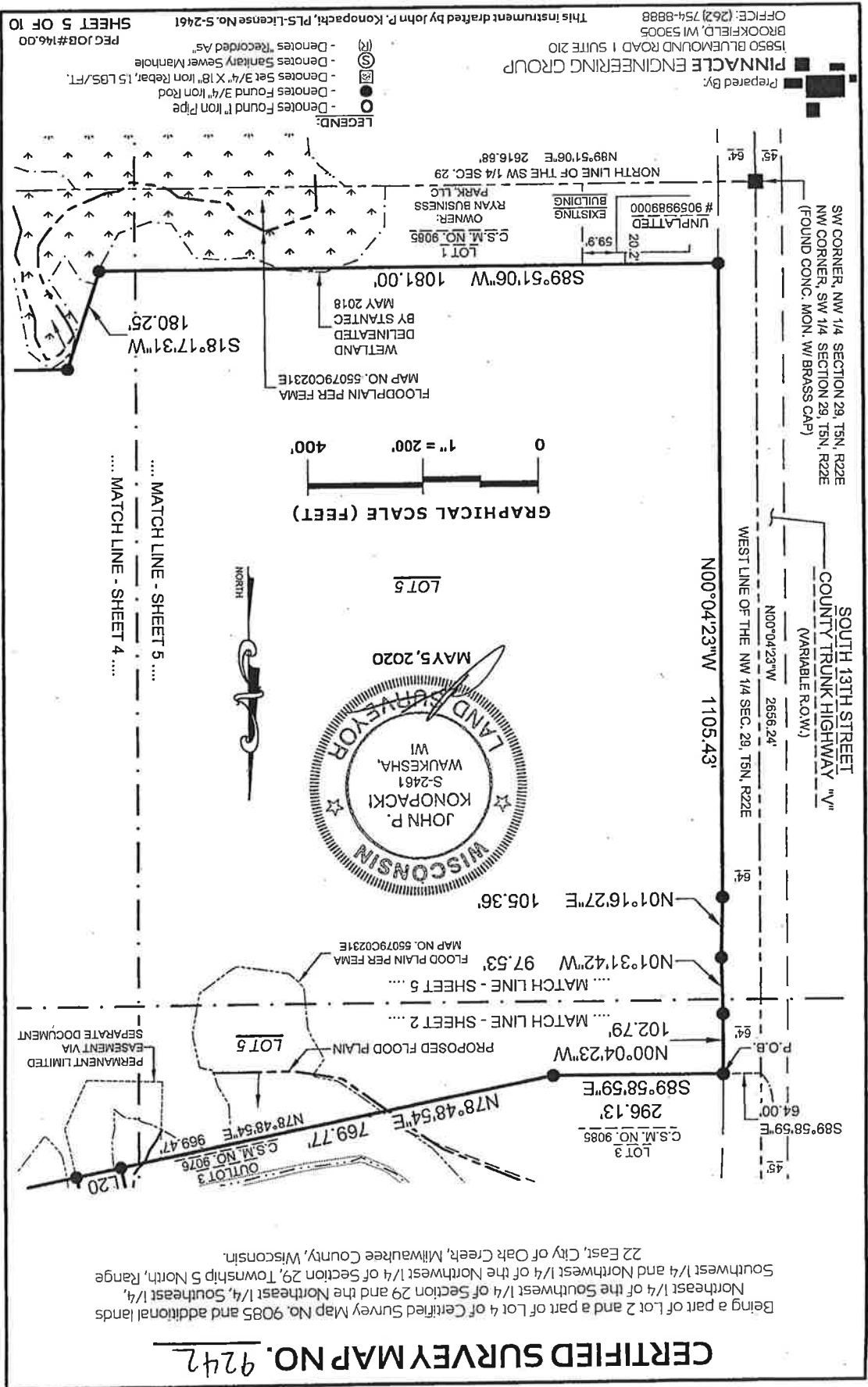
Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD 1 SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
 SHEET 4 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Northeast 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range Southwest 1/4 and Northwest 1/4 of the North West 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



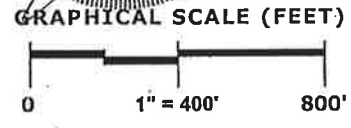
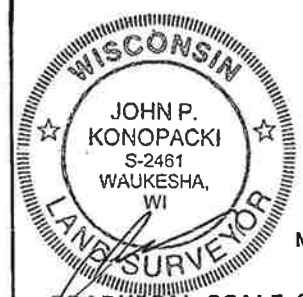
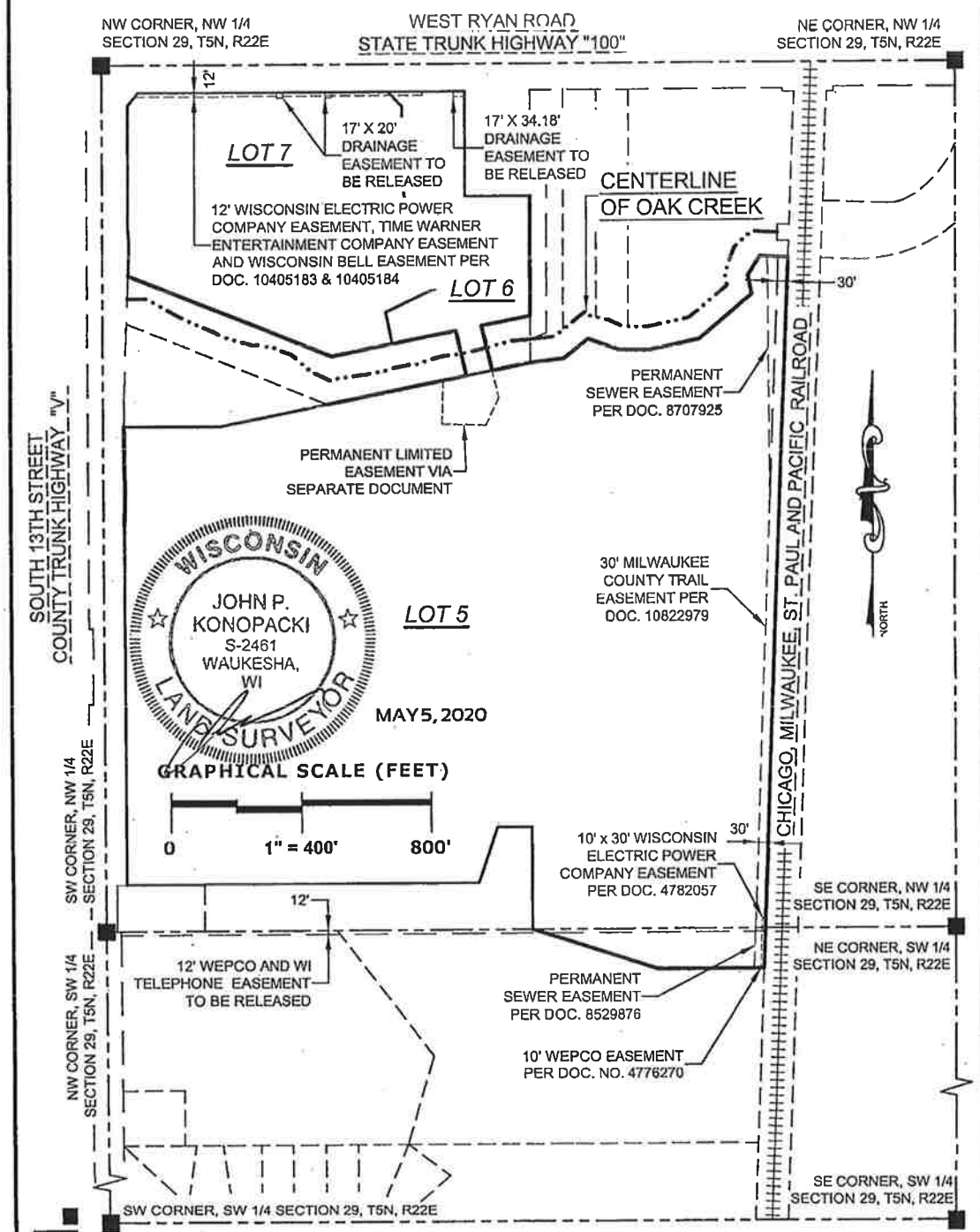
Prepared By: **PINNACLE ENGINEERING GROUP**
 15850 BLUEMOUND ROAD, SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461
 PEGJOB#146.00
 SHEET 5 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
 Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
 Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

.... EASEMENT DETAIL



Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

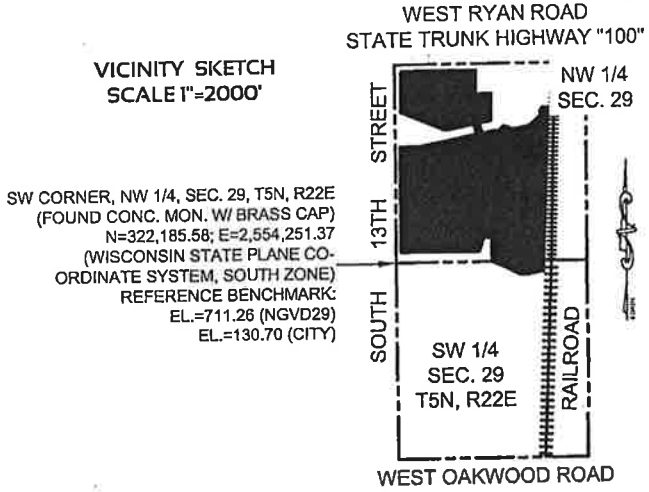
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEGJOB#146.00
SHEET 6 OF 10

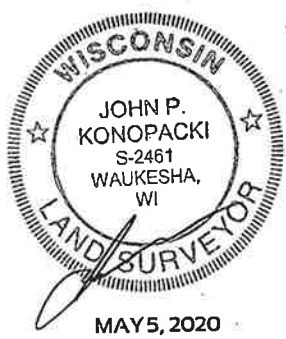
CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
22 East, City of Oak Creek, Milwaukee County, Wisconsin.

| LINE TABLE | | |
|------------|---------------|---------|
| LINE | DIRECTION | LENGTH |
| L1 | N13° 24' 20"W | 140.11' |
| L2 | N02° 00' 01"E | 99.07' |
| L3 | N04° 13' 37"W | 44.31' |
| L4 | N00° 06' 45"W | 374.36' |
| L5 | N39° 09' 32"E | 51.26' |
| L6 | S00° 01' 58"W | 317.00' |
| L7 | S89° 58' 59"E | 200.00' |
| L8 | S78° 48' 54"W | 152.84' |
| L9 | S13° 24' 20"E | 140.11' |
| L10 | N78° 48' 54"E | 119.65' |
| L11 | N83° 15' 55"E | 102.90' |
| L12 | N51° 03' 50"E | 94.29' |
| L13 | S70° 33' 49"E | 100.64' |
| L14 | S89° 14' 30"E | 96.01' |
| L15 | N78° 00' 53"E | 157.11' |
| L16 | N50° 01' 25"E | 212.65' |
| L17 | N11° 02' 26"W | 59.30' |
| L18 | N32° 20' 21"E | 68.51' |
| L19 | S87° 51' 11"E | 86.00' |
| L20 | S78° 48' 54"W | 80.06' |
| L21 | N11° 11' 06"W | 99.63' |
| L22 | N64° 36' 06"E | 179.13' |
| L23 | N25° 23' 54"W | 121.90' |
| L24 | N00° 01' 58"E | 180.68' |
| L25 | N44° 58' 02"W | 61.54' |



- NOTES:**
- All measurements have been made to the nearest one-hundredth of a foot.
 - All angular measurements have been made to the nearest one second.
 - Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
 - The property lies within Zone "AE" of the Flood Insurance Rate Map Community Panel No. 55079C0231E dated SEPTEMBER 26, 2008. Zone "AE" areas have Base Flood Elevations determined.
 - Vertical Datum: City of Oak Creek (City of Oak Creek Vertical Datum conversion = National Geodetic Vertical Datum of 1929 minus (-) 580.56).
Reference Benchmark: Concrete monument with brass cap at the northwest corner of the Southwest 1/4 Section 29, Town 5 North, Range 22 East, Elevation = 711.26 (NGVD29) = 130.70 (CITY).



MAY 5, 2020

| CURVE DATA | | | | | | | |
|------------|---------|---------|------------|---------------|--------------|---------------|---------------|
| CURVE NO. | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH | TANGENT | TANGENT |
| C1 | 269.87' | 608.00' | 025°25'52" | N12°40'58"W | 267.66' | N25° 23' 54"W | N00° 01' 58"E |

Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 7 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided part of Lot 2 and part of Lot 4 of Certified Survey Map No. 9085, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10623469, and additional lands all located in the Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 29;
Thence South 00°04'23" East along the west line of said Northwest 1/4, 1100.00 feet;
Thence South 89°58'59" East, 64.00 feet to the east right of way line of South 13th Street -
County Trunk Highway "V" and the Point of Beginning;
Thence South 89°58'59" East along the south line of Lot 3 of Certified Survey Map No. 9085, 296.13 feet;
Thence North 78°48'54" East along said south line of Lot 3 and then along the south line of Outlot 3 of
Certified Survey Map No. 9076, 769.77 feet to the east line of said Outlot 3;
Thence North 13°24'20" West along said east line, 140.11 feet to the north line of said Outlot 3;
Thence South 78°48'54" West along said north line, 390.76 feet;
Thence North 68°06'23" West along said north line, 670.36 feet to the aforesaid east right of way line of South 13th Street;
Thence North 02°00'01" East along said east right of way line, 99.07 feet;
Thence North 04°13'37" West along said east right of way line, 44.31 feet;
Thence North 00°06'45" West along said east right of way line, 374.36 feet;
Thence North 39°09'32" East along said east right of way line, 51.26 feet to the south right of way line of
West Ryan Road - State Trunk Highway "100";
Thence South 89°58'59" East along said south right of way line, 1002.39 feet;
Thence South 00°01'58" West along said south right of way line, 317.00 feet;
Thence South 89°58'59" East along said south right of way line, 200.00 feet;
Thence South 00°01'58" West along said south right of way line, 368.93 feet to the north line of Outlot 4
of Certified Survey Map No. 9076;
Thence South 78°48'54" West along said north line, 152.84 feet to the west line of said Outlot 4;
Thence South 13°24'20" East along said west line, 140.11 feet to the south line of said Outlot 4;
Thence North 78°48'54" East along said south line, 119.85 feet to the south line of Outlot 1 of Certified Survey Map No. 9074;
Thence the following courses along said south line of Outlot 1:
North 83°15'55" East, 102.90 feet;
North 51°03'50" East, 94.29 feet;
South 70°33'49" East, 100.64 feet;
South 89°14'30" East, 96.01 feet;
North 78°00'53" East, 157.11 feet;
North 50°01'25" East, 212.65 feet;
North 11°02'26" East, 59.30 feet;
North 32°20'21" East, 86.51 feet;
South 87°51'11" East, 86.00 feet to the west right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad;
Thence South 02°08'53" West along said west right of way line, 2184.06 feet to the north line of Outlot 2 of
Certified Survey Map No. 9075;
Thence South 89°51'06" West along said north line, 328.50 feet;
Thence North 72°09'28" West along said north line, 404.39 feet to the south line of said Northwest 1/4;
Thence North 00°01'58" East along the east line of Lot 1 of Certified Survey Map No. 9085, 316.00 feet
to the north line of said Lot 1;
Thence South 89°51'06" West along said north line, 107.00 feet;
Thence South 18°17'31" West along said north line, 180.25 feet;
Thence South 89°51'06" West along said north line, 1081.00 feet to the aforesaid east right of way line of South 13th Street;
Thence North 00°04'23" West along said east right of way line, 1105.43 feet;
Thence North 01°16'27" East along said east right of way line, 105.36 feet;
Thence North 01°31'42" West along said east right of way line, 97.53 feet;
Thence North 00°04'23" West along said east right of way line, 102.79 feet to the Point of Beginning.

Containing 4,097,289 square feet (94.0608 acres) more or less.

That I have made such survey, land division and map by the direction of RYAN BUSINESS PARK LLC and COMMERCE 94 PROJECT, LLC, owners of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

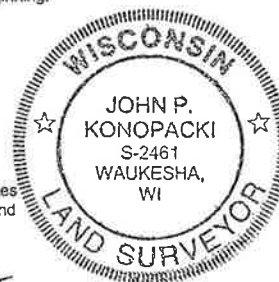
That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land Division Ordinance in surveying, mapping and dividing the land within the certified survey map.

Date: MAY 5, 2020

Prepared By:

PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888


John P. Konopacki
Professional Land Surveyor S-2461



This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 8 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE


RYAN BUSINESS PARK LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, and COMMERCE 94 PROJECT, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of DELAWARE, as owners, do hereby certify that said limited liability companies caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

RYAN BUSINESS PARK LLC and COMMERCE 94 PROJECT, LLC, as owners, do further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

IN WITNESS WHEREOF, the said RYAN BUSINESS PARK LLC has caused these presents to be signed by Michael Faber, Principal, at (city) PEWAUKEE, WAUKESHA County, Wisconsin, on this 12th day of JUNE, 2020.

In the presence of: Ryan Business Park LLC
by: Capstone Development Company, Manager
by: Michael Faber, Principal



(signature)

IN WITNESS WHEREOF, the said COMMERCE 94 PROJECT, LLC has caused these presents to be signed by (name- print) Ron Schoenheider, (title) SVP at (city) Rosemont, Cook County, (State) IL, on this 19 day of June, 2020.


In the presence of: COMMERCE 94 PROJECT, LLC



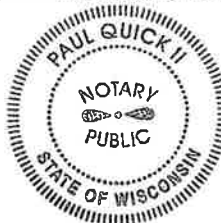
(signature)

STATE OF WISCONSIN
WAUKESHA COUNTY) SS

Personally came before me this 12th day of JUNE, 2020, Michael Faber, Principal, of the above named RYAN BUSINESS PARK LLC, to me known to be the person who executed the foregoing instrument, and to me known to be such Principal of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.




Notary Public
Name: PAUL QUICK II
State of Wisconsin
My Commission Expires: 1-2-23



STATE OF IL
Cook COUNTY) SS

Personally came before me this 19 day of June, 2020, (name) Don Schoenheider, (title) Senior Vice President, of the above named COMMERCE 94 PROJECT, LLC, to me known to be the person who executed the foregoing instrument, and to me known to be such Senior Vice President (title) of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.



Notary Public
Name: Beverly J. Morris
State of IL
My Commission Expires: 01-20-2024



Prepared by:
 PINNACLE ENGINEERING
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 9 OF 10

CERTIFIED SURVEY MAP NO. 9242

Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this 12th day of MAY, 2020.

6-26-20
Date

Daniel Bukiewicz
Daniel Bukiewicz, Chairman

6-26-20
Date

Douglas W. Seymour
Douglas W. Seymour, Secretary or Clerk

COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

Approval and acceptance of dedication of land as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this 19th day of MAY, 2020 by Resolution No. 12159-051920

6-26-20
Date

Daniel Bukiewicz
Daniel Bukiewicz, Mayor

6-26-20
Date

Catherine A. Roeske
Catherine A. Roeske, City Clerk



DOC # 10998655
RECORDED:
07/15/2020 10:02 AM
ISRAEL RAMON
REGISTER OF DEEDS
MILWAUKEE COUNTY, WI
AMOUNT: 30.00

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

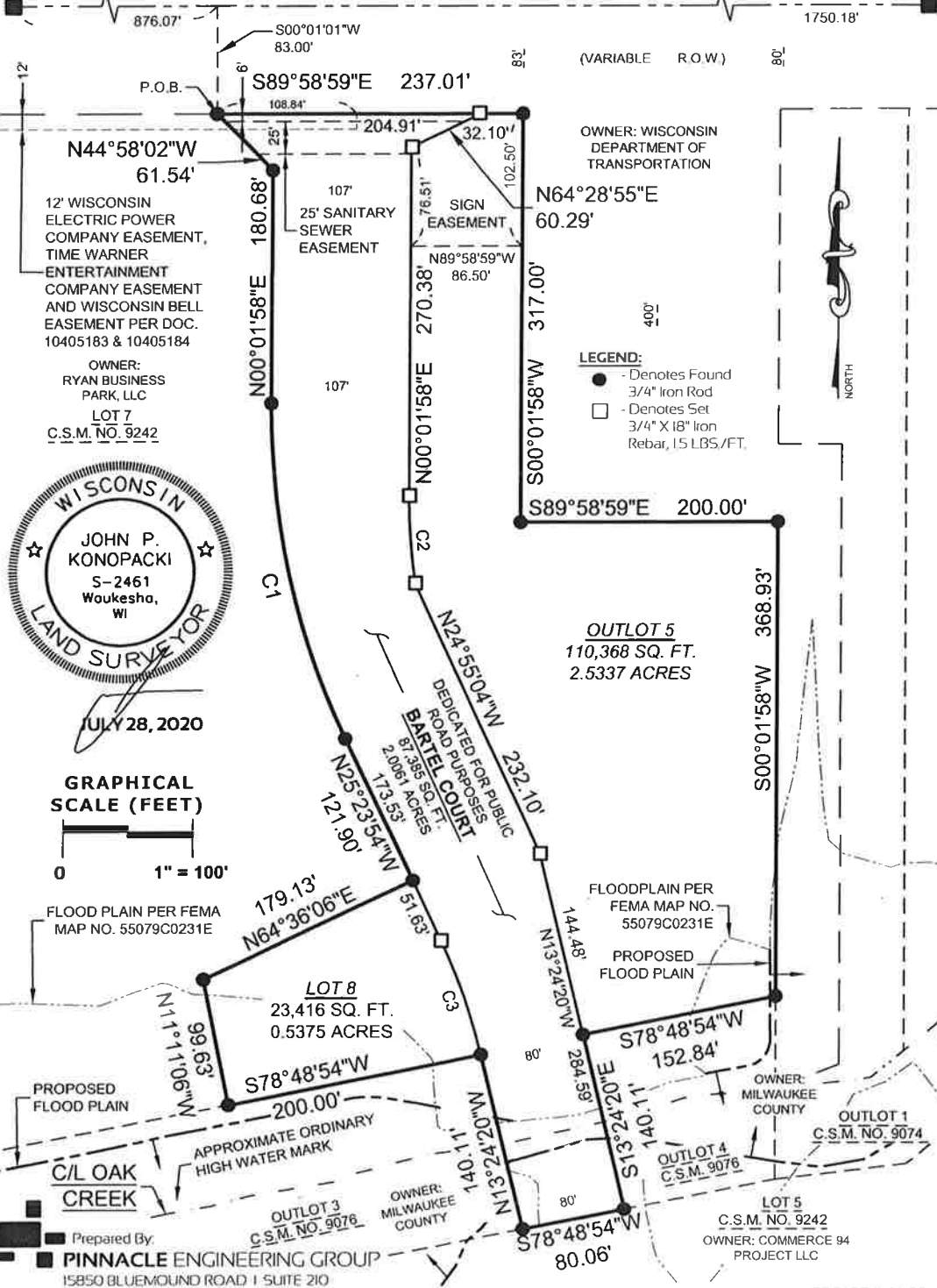
PEG JOB#146.00
SHEET 10 OF 10

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 6 of Certified Survey Map No. 9242, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin

NW CORNER, NW 1/4 SECTION 29, T5N, R22E (FOUND CONC. MON. W/ BRASS CAP)
WEST RYAN ROAD
STATE TRUNK HIGHWAY "100"
NE CORNER, NW 1/4 SEC. 29, T5N, R22E (FOUND CONC. MON. W/ BRASS CAP)

S89°58'59"E 2626.25'
NORTH LINE OF THE NW 1/4 SEC. 29, T5N, R22E



JOHN P. KONOPACKI
 S-2461
 Waukesha, WI
 JULY 28, 2020

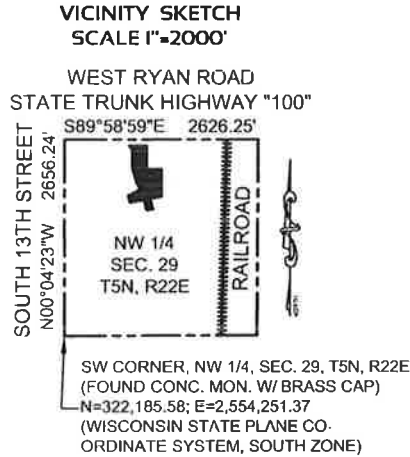
Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB #146.00
SHEET 1 OF 4

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 6 of Certified Survey Map No. 9242, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
- The property lies with in Zone "AE" of the Flood Insurance Rate Map Community Panel No. 55079CO231E dated SEPTEMBER 26, 2008. Zone "AE" areas have Base Flood Elevations determined.
- Vertical Datum: City of Oak Creek (City of Oak Creek Vertical Datum conversion = National Geodetic Vertical Datum of 1929 minus (-) 580.56).
Reference Benchmark: Concrete monument with brass cap at the northwest corner of the Southwest 1/4 Section 29, Town 5 North, Range 22 East, Elevation = 711.26 (NGVD29) = 130.70 (CITY).



JULY 28, 2020

Prepared for:
Capstone Development Company - c/o Michael Faber
N17 W24222 Riverwood Drive, Suite 160
Waukesha, WI 53188

| CURVE DATA | | | | | | | |
|------------|---------|---------|------------|---------------|--------------|-------------|-------------|
| CURVE NO. | LENGTH | RADIUS | DELTA | CHORD BEARING | CHORD LENGTH | TANGENT | TANGENT |
| C1 | 269.87' | 608.00' | 025°25'52" | N12°40'58"W | 267.66' | N25°23'54"W | N00°01'58"E |
| C2 | 68.51' | 460.00' | 008°32'00" | N04°14'02"W | 68.45' | S00°01'58"W | S08°30'02"E |
| C3 | 94.72' | 460.00' | 011°47'54" | N19°29'57"W | 94.56' | N13°36'01"W | N25°23'54"W |

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD 1 SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 2 OF 4

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 6 of Certified Survey Map No. 9242, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided all of Lot 6 of Certified Survey Map No. 9242, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10998655, located in the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 29;
Thence South 89°58'59" East along the north line of said Northwest 1/4, 876.07 feet;
Thence South 00°01'01" West, 83.00 feet to the south right of way line of West Ryan Road - State Trunk Highway "100" and the Point of Beginning;

Thence South 89°58'59" East along said south right of way line, 237.01 feet;
Thence South 00°01'58" West along said south right of way line, 317.00 feet;
Thence South 89°58'59" East along said south right of way line, 200.00 feet;
Thence South 00°01'58" West along said south right of way line, 368.93 feet to the north line of Outlot 4 of Certified Survey Map No. 9076;

Thence South 78°48'54" West along said north line, 152.84 feet to the west line of said Outlot 4;
Thence South 13°24'20" East along said west line, 140.11 feet to a north line of Lot 5 of Certified Survey Map No. 9242;
Thence South 78°48'54" West along said north line, 80.06 feet to the east line of Outlot 3 of Certified Survey Map No. 9076;
Thence North 13°24'20" West along said east line, 140.11 feet;
Thence South 78°48'54" West along a north line of said Outlot 3, 200.00 feet to the east line of Lot 7 of Certified Survey Map No. 9242;
Thence North 11°11'06" West along said east line, 99.63 feet;
Thence North 64°36'06" East along said east line, 179.13 feet;
Thence North 25°23'54" West along said east line, 121.90 feet to a point of curvature;
Thence northwesterly 269.87 feet along the arc of said curve to the right and said east line, whose radius is 608.00 feet and whose chord bears North 12°40'58" West, 267.66 feet;
Thence North 00°01'58" East along said east line, 180.68 feet;
Thence North 44°58'02" West along said east line, 61.54 feet to the Point of Beginning.

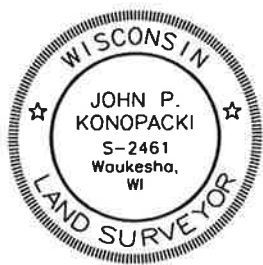
Containing 221,169 square feet (5.0773 acres) of land Gross, and 133,784 square feet (3.0712 acres) of land Net, more or less.

That I have made such survey, land division and map by the direction of RYAN BUSINESS PARK LLC owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Oak Creek Land Division Ordinance in surveying, mapping and dividing the land with in the certified survey map.

Date: JULY 28, 2020




John P. Konopacki
Professional Land Surveyor S-2461

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 3 OF 4

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 6 of Certified Survey Map No. 9242, being a part of the Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

RYAN BUSINESS PARK LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided, dedicated and mapped as represented on this certified survey map.

RYAN BUSINESS PARK LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Oak Creek

IN WITNESS WHEREOF, the said **RYAN BUSINESS PARK LLC** has caused these presents to be signed by Michael Faber, Principal, at (city) _____, _____ County, Wisconsin, on this _____ day of _____, 2020.

In the presence of: Ryan Business Park LLC
by: Capstone Development Company, Manager
by: Michael Faber, Principal

(signature)

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2020, Michael Faber, Principal, of the above named **RYAN BUSINESS PARK LLC**, to me known to be the person who executed the foregoing instrument, and to me known to be such Principal of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this _____ day of _____, 2020.

Date Daniel Bukiewicz, Chairman

Date Douglas W. Seymour, Secretary or Clerk

COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

Approval and acceptance of dedication of land and public right-of-way as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this _____ day of _____, 2020 by Resolution No. _____

Date Daniel Bukiewicz, Mayor

Date Catherine A. Roeske, City Clerk



JULY 28, 2020

Prepared By:
PINNACLE ENGINEERING GROUP
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 4 OF 4



Item No.

COMMON COUNCIL REPORT

Item: Consent to Release of Easements - 500 W. Riverwood Dr. and 8900 20 S. Wood Creek Dr.

Recommendation: That the Council adopts Resolution No. 12182-081820, a resolution approving a Consent to Release of Easements between Legacy/Riverwood LLC and Brandywood Estates LLC at 500 W. Riverwood Dr. and 8900 20 S. Wood Creek Dr.

Fiscal Impact: None. The private easements are for access to private tennis courts.

- 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 1991, an agreement between Brandywood Apartments (Brandywood Estates LLC) and Riverwood Arms Estates (formerly Wood Creek Development Corp., Legacy/Riverwood LLC) for the shared use of tennis courts on the Brandywood property was executed and recorded between the two parties. Per Section 7 of the agreement:

"The provisions of this agreement may be modified, terminated or released (1) with the consent of the parties which then own more than 50% of the square footage of the Wood Creek Property; (2) with the consent of the parties which then own more than 50% of the square footage of the Brandywood Property; and (3) with the approval of the Plan Commission of the City of Oak Creek."

As the shared tennis courts were part of a plan approved by the Plan Commission on March 26, 1991, and per the aforementioned Section 7, the City was signatory to the agreement. Both owners of the properties are requesting to release that agreement as the tennis courts are disused and would benefit the Brandywood Apartments development as potential future parking area. Copies of the original agreement and the Consent for Release of Easements for approval and signature are included with this packet. Staff have no objection to the release, although Council should be aware that the motion includes both Plan Commission and Common Council approval.

The Plan Commission reviewed the proposal at their meeting on August 11, 2020, and recommend Council approval.

Options/Alternatives: Council has the discretion to approve or deny the request. Disapproval will affect the ability of the owners of Brandywood Apartments to convert disused tennis courts to future parking.

Respectfully submitted:

Prepared:



Andrew J. Vickers, MPA
City Administrator



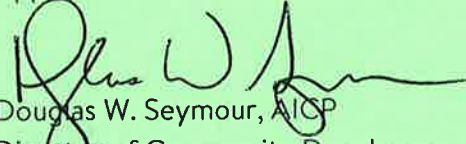
Karl Papelbon, CFM, AICP
Planner

Fiscal Review:



Bridget M. Souffrant
Finance Director/Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Resolution 12182-081820

Location Map

Original Agreement (5 pages)

Proposed Release of Easement (7 pages)

RESOLUTION NO. 12182-081820

BY: _____

A RESOLUTION APPROVING A CONSENT TO RELEASE OF EASEMENTS BETWEEN
LEGACY/RIVERWOOD LLC AND BRANDYWOOD ESTATES LLC

500 W. Riverwood Drive & 8900 20 S. Wood Creek Drive
(6th Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council that the Consent to Release of Easements between Legacy/Riverwood LLC and Brandywood Estates LLC dated April 19, 1991 and recorded with the Milwaukee County Register of Deeds on April 29, 1991 as Document No. 6477072, and dated February 12, 1991 and recorded with the Milwaukee County Register of Deeds on June 19, 1991 as Document No. 6492918, for the properties at 500 W. Riverwood Drive and 8900 20 S. Wood Creek Drive, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the Consent to Release of Easements on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this 18th day of August, 2020.

Mayor

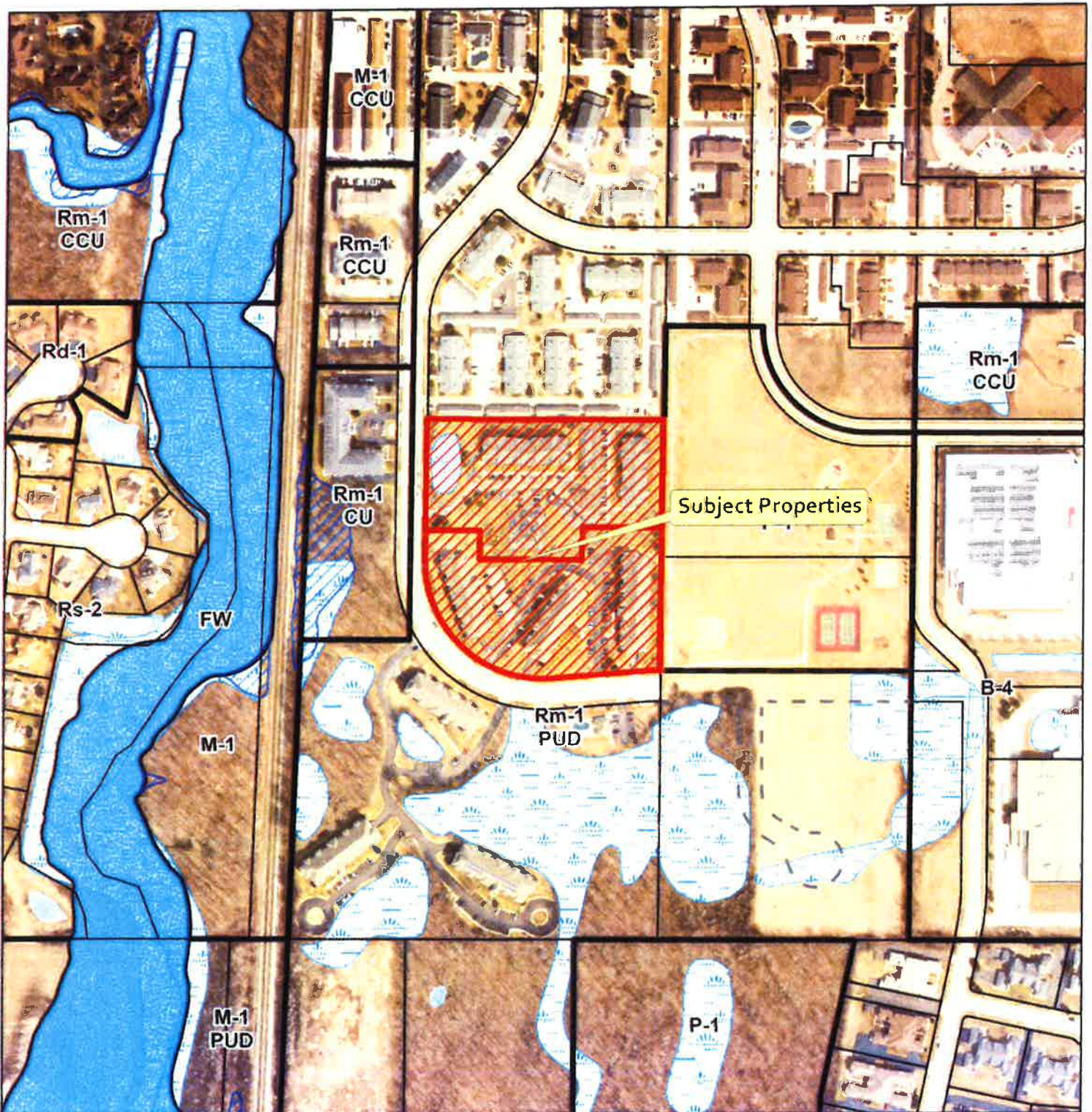
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

8900 S. Wood Creek Dr. & 500 W. Riverwood Dr.



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



Community Development



Legend

- | | |
|--------------|--------------------|
| Parcels | Streams |
| Official Map | Zoning_w_floodway |
| Flood Fringe | Waterbodies |
| Floodway | Subject Properties |

REEL 2560 IMAG 1709

6477072
REGISTRY'S OFFICE
Milwaukee County, WI
RECORDED AT 3:40 PM W
APR 29 1991 17096
REEL 2560 IMAG 1713 WCC
REGISTER OF DEEDS

AGREEMENT

This agreement is made and executed this 19th day of March, 1991, by and between Wood Creek Development Corp., a Wisconsin business corporation ("Wood Creek"), and Brandywood Limited Partnership, a Wisconsin limited partnership ("Brandywood").

WHEREAS, Brandywood is the owner of the real estate located in Milwaukee County, Wisconsin, described on Exhibit A (the "Brandywood Property"), which adjoins the Wood Creek Property;

WHEREAS, Wood Creek is the owner of the real estate located in Milwaukee County, Wisconsin, described on Exhibit B (the "Wood Creek Property").

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter set forth, the parties hereby agree as follows:

477072
16.00

1. Brandywood agrees to construct on the Brandywood Property tennis courts as provided in the general development plan covering the property approved by the City of Oak Creek Plan Commission on March 22, 1991 (as it may be amended from time to time) (the "General Development Plan") and as provided in a development agreement between Brandywood and the City of Oak Creek dated January 15, 1991 (the "Tennis Courts"). A copy of said plan is attached hereto and incorporated herein by reference. Brandywood and Wood Creek acknowledge that development of the Wood Creek and the Brandywood Properties shall substantially comply with the General Development Plan.

2. Brandywood agrees to maintain the Tennis Courts in their condition upon completion of construction, excepting ordinary wear and tear. Brandywood and Wood Creek shall each contract for and be responsible for snow plowing and yard maintenance on their respective properties.

3. Individuals living on the Wood Creek Property shall be allowed to use the Tennis Courts in common with individuals living on the Brandywood Property. Brandywood may establish reasonable rules and regulations relating to the time and frequency of use of the Tennis Courts provided that such rules shall provide for equal treatment of the individuals living on the Wood Creek Property as compared to the individuals living on the Brandywood Property.

4. The individuals living on the Wood Creek Property shall have an easement for ingress and egress from the Wood Creek Property to the Tennis Courts over those portions of the

1600

Brandywood Property which are laid out and used as driveways and pedestrian walkways, which easement shall be limited to such use as may be necessary to allow the use of the Tennis Courts as provided herein.

5. Wood Creek agrees that Brandywood shall not be liable for any loss, destruction or damages to property or injuries to persons from any source or cause whatsoever sustained by any person or any property arising from the exercise of the rights to use the Tennis Courts as granted hereunder.

6. Wood Creek agrees that as a condition to the granting of the rights to use the Tennis Courts and the easement described in paragraph 4, it will indemnify and hold Brandywood harmless against and from any and all claims, demands, actions, damages and expenses, including reasonable attorney fees and disbursements, arising out of or on account of any damages or injuries to any person or to any property by reason of any accident in or upon the Brandywood Property and arising from the exercise of the rights granted hereunder. This indemnification obligation shall not arise so long as Wood Creek obtains and maintains the insurance described in the following sentence. Wood Creek, at its election as an alternative to the foregoing indemnification obligation, may provide Brandywood with a certificate of insurance evidencing that Wood Creek has obtained general liability coverage with limits of at least \$500,000.00 per person, \$1,000,000.00 per accident for bodily injury or death and \$100,000.00 for damage to property, and naming Brandywood as an additional insured. The certificate shall provide that Brandywood shall be given at least 10 days' notice prior to cancellation of any such policy.

7. The covenants, rights and easements granted in this agreement shall be binding on and be for the benefit and use of Wood Creek and Brandywood and their respective successors and assigns. This agreement shall run with the land and be binding upon the parties hereto and their successors and assigns. The provisions of this agreement may be modified, terminated or released (1) with the consent of the parties which then own more than 50% of the square footage of the Wood Creek Property; (2) with the consent of the parties which then own more than 50% of the square footage of the Brandywood Property; and (3) with the approval of the Plan Commission of the City of Oak Creek.

8. Mark H. Pieszko, David Stauffacher and Mark Stauffacher each have an interest in the Brandywood Property as land contract vendors and they join in this agreement for the purpose of consenting to the provisions hereof as they relate to the Brandywood Property and their interests as vendors.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seal the day and year first above written.

BRANDYWOOD LIMITED PARTNERSHIP (SEAL)

WOOD CREEK DEVELOPMENT CORP. (SEAL)

By: [Signature]
Mark H. Paszko, General Partner

By: [Signature]
William J. Svoboda, President

[Signature]
Mark H. Paszko

[Signature]
Mary E. Devitt, Secretary

[Signature]
David Stauffacher

[Signature]
Mark Stauffacher

Signatures of Mark H. Paszko, David Stauffacher, Mark Stauffacher. Mark Stauffacher ~~and~~ authenticated this 23 day of April, 1991.

Signatures of Mark H. Paszko, David Stauffacher, Mark Stauffacher, William J. Svoboda and Mary E. Devitt authenticated this 23 day of April, 1991.

[Signature]
Thomas E. Kraus
Member, State Bar of Wisconsin

[Signature]
Thomas E. Kraus
Member, State Bar of Wisconsin

Approved as to form:

City of Oak Creek, Wisconsin

By: [Signature] for Paul M. Lawski
Paul M. Lawski
Director of Community Development

(1/ms:D11)BWC-A-C

Refer to Wisconsin Title # 1000
MC # 242965
(REV 1/8)

REEL 2560 IMAG 1712

Exhibit "A" 88

Parcel One (1) of CERTIFIED SURVEY MAP NO. 5537, being a part of the Northwest One-quarter (1/4) and the Southwest One-quarter (1/4) of the Northeast One-quarter (1/4) of Section Twenty (20), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, and recorded in the Register of Deed's Office for Milwaukee County on April 22, 1991, as Document No. 6474693.

REEL 2560 IMAG 1713

Exhibit "B"

That part of the Northeast One-quarter (1/4) of Section Twenty (20) and the Northwest One-quarter (1/4) of Section Twenty (20), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, bounded and described as follows: Commencing at the Northwest corner of the Northeast 1/4 of Section 20 aforesaid; thence South 00° 30' 08" West along the West line of the Northeast 1/4 of Section 20 aforesaid 1294.75 feet to the point of beginning of the land to be described; thence South 89° 37' 03" East 655.94 feet to a point; thence South 00° 27' 44" West 1357.14 feet to a point on the South line of the Northeast 1/4 of Section 20 aforesaid; thence North 89° 44' 56" West along the South line of the Northeast 1/4 of Section 20 aforesaid 656.88 feet to the 1/4 corner; thence North 89° 46' 40" West along the South line of the Northwest 1/4 of Section 20 aforesaid 305.30 feet to a point on the East line of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way; thence North 02° 09' 20" East along the East line of said right-of-way 786.06 feet to a point; thence South 89° 46' 40" East 281.20 feet to a point on the 1/4 Section line; thence North 00° 30' 08" East along the 1/4 Section line 576.56 feet to the point of beginning.

Excepting therefrom those lands described as Parcel One (1) in Certified Survey Map No. 5573, recorded on April 22, 1991, as Document No. 6474693.

Recording Requested by
and when recorded mail to:

Mallery & Zimmerman S.C.
731 North Jackson Street
Suite 900
Milwaukee, Wisconsin 53202
Attention: Jacqueline G. Hrovat

AGREEMENT FOR RELEASE OF EASEMENTS

THIS AGREEMENT FOR RELEASE OF EASEMENTS ("Agreement") is entered into as of the date set forth below by and between **LEGACY/RIVERWOOD, LLC**, a Wisconsin limited partnership ("Legacy"), and **BRANDYWOOD ESTATES LLC**, a Wisconsin limited liability company ("Brandywood").

RECITALS:

WHEREAS, Legacy owns the real property described on Exhibit A attached hereto.

WHEREAS, Brandywood owns the real property (the "Brandywood Property") described on Exhibit B attached hereto.

WHEREAS, Wood Creek Development Corp., predecessor in interest to Legacy, and Brandywood Limited Partnership, predecessor in interest to Brandywood, are parties to that certain (i) Agreement dated April 19, 1991 and recorded with the Milwaukee County Register of Deeds (the "Register") on April 29, 1991 as Document No. 6477072 ("Easement 1"), and (ii) Agreement dated February 12, 1991 and recorded with the Register on June 19, 1991 as Document No. 6492918 ("Easement 2", Easement 2, collectively, with Easement 1, is referred to herein as the "Easements").

WHEREAS, each of Legacy and Brandywood have agreed to forever release the Easements and the parties' rights and obligations as set forth therein.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the mutual covenants herein made, the parties agree as follows:

1. Release of Easements. For good and valuable consideration, the receipt and sufficiency is hereby acknowledged, each of Legacy and Brandywood agree to release the Easements.

EACH OF THE PARTIES TO THIS AGREEMENT HEREBY AGREES TO RELEASE THE OTHER PARTY, ITS AFFILIATES, THEIR EMPLOYEES, AGENTS, OFFICERS,

MEMBERS, PARTNERS, SUCCESSORS AND ASSIGNS, FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, CAUSES OF ACTION, LEGAL OR ADMINISTRATIVE PROCEEDINGS, CLAIMS, DEMANDS, FINES, PUNITIVE DAMAGES, LOSSES, COSTS, LIABILITIES AND EXPENSES IN ANY WAY ARISING OUT OF OR CONNECTED WITH THE KNOWN OR UNKNOWN CONDITION OF THE EASEMENTS AND THE AREA SURROUNDING THE EASEMENTS (THE "EASEMENT AREA"), INCLUDING, WITHOUT LIMITATION, THE ENVIRONMENTAL CONDITION OF THE EASEMENT AREA OR ANY FEDERAL, STATE OR LOCAL LAW, ORDINANCE, RULE OR REGULATION APPLICABLE THERETO.

2. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

3. Costs. Brandywood shall pay to Legacy the amount of Three Thousand and 00/100 Dollars as consideration for entering into this Agreement.

EXHIBIT A

LEGAL DESCRIPTION—LEGACY PROPERTY

Parcel 1 of Certified Survey Map No. 6711 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on September 16, 1999 in Reel 4649, Images 188 to 193 inclusive, as Document No. 7803557, being part of the Southeast 1/4 of the Northwest 1/4 and part of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 22 East. Said land being in the City of Oak Creek, Milwaukee County, Wisconsin.

Parcel 2 of Certified Survey Map No. 6711 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on September 16, 1999 in Reel 4649, Images 188 to 193 inclusive, as Document No. 7803557, being part of the Southeast 1/4 of the Northwest 1/4 and part of the Southwest 1/4 of the Northeast 1/4 of Section 20, Township 5 North, Range 22 East. Said land being in the City of Oak Creek, Milwaukee County, Wisconsin.

EXHIBIT B

LEGAL DESCRIPTION—BRANDYWOOD PROPERTY

Parcel One (1), Certified Survey Map No 5537, recorded in the Register of Deeds Office for Milwaukee County on April 22, 1991 on Reel 2558, Images 803 to 805, inclusive, as Document No. 6474693, said map being a part of the Northwest Quarter (NW 1/4) and the Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼), Section Twenty (20), Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, Milwaukee County, Wisconsin.

CONSENT TO RELEASE OF EASEMENTS

THIS CONSENT TO RELEASE OF EASEMENTS, is hereby made on this __ date of August, 2020, by the City of Oak Creek, Wisconsin (the "City").

RECITALS:

A. Legacy/Riverwood LLC ("Legacy") and Brandywood Estates LLC ("Brandywood") are parties to that certain (i) Agreement dated April 19, 1991 and recorded with the Milwaukee County Register of Deeds (the "Register") on April 29, 1991 as Document No. 6477072 ("Easement 1"), and (ii) Agreement dated February 12, 1991 and recorded with the Register on June 19, 1991 as Document No. 6492918 ("Easement 2", Easement 2, collectively, with Easement 1, is referred to herein as the "Easements").

B. Legacy and Brandywood desire to terminate and release such releasement pursuant to the instrument attached hereto as Exhibit A (the "Release").

C. The City desires to memorialize its consent to the Release.

ACCORDINGLY, the City hereby consents to the Release.

CITY OF OAK CREEK

By: _____

Print: _____

Title: _____



COMMON COUNCIL REPORT

Item: AVID Hotel Storm Water Maintenance Agreement

Recommendation: That the Common Council adopts Resolution No. 12180-081820, a resolution approving a storm water management practices maintenance agreement with Oak Creek Hotel Associates, LLC, for their AVID Hotel development located at 9315 S. 13th Street. (Tax Key No. 877-9995-005) (6th Aldermanic District)

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

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

Background: The proposed AVID Hotel development requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

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

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

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

Fiscal Review:

Bridget M. Souffrant
Assistant City Administrator/Comptroller

Approved:

Michael C. Simmons, P.E.
City Engineer

Attachments: Resolution No. 12180-081820, Storm Water Management Maintenance Agreement

RESOLUTION NO. 12180-081820

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH OAK CREEK HOTEL ASSOCIATES, LLC FOR THEIR AVID HOTEL DEVELOPMENT LOCATED AT 9315 S. 13TH STREET

(TAX KEY NO. 877-9995-005)

(6TH ALDERMANIC DISTRICT)

WHEREAS, Oak Creek Hotel Associates, LLC (Owner), requires onsite storm water management practices for their proposed AVID Hotel development located at 9315 S. 13th Street, and,

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 18th day of August, 2020.

Passed and adopted this 18th day of August, 2020.

President, Common Council

Approved this 18th day of August, 2020.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

Document Number

AVID Hotel
9315 S. 13th Street
Storm Water Management Practices
Maintenance Agreement
Document Title

Recording Area

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

877-9995-005

Parcel Identification Number (PIN)

STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ___ day of _____, 2020, by and between Oak Creek Hotel Associates, LLC hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

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

That part of the Southeast ¼ of Section 19, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southeast corner of the Southeast ¼ of said Section 19;
Thence North 00°08'56" East along the east line of said Southeast ¼ 1142.36 feet;
Thence South 89°27'32" West, 33.00 feet to the west right of way line of South 13th Street - County Trunk Highway "V" and the Point of Beginning;

Thence continuing South 89°27'32" West and then along the north line of Certified Survey Map No. 4656, 592.00 feet;
Thence South 62°58'55" West along said north line, 358.04 feet;
Thence South 36°30'12" West along said north line, 110.46 feet to the east right of way line of Interstate highway "94";
Thence North 10°54'41" West along said east right of way line, 390.79 feet;
Thence North 04°40'09" West along said east right of way line, 78.98 feet to the south line of Certified Survey Map No. 4759;
Thence North 89°27'33" East along said south line and then continuing 1090.66 feet to the aforesaid east line of the Southeast ¼ of said Section 19;
Thence South 00°08'56" West along said east line, 25.00 feet;
Thence South 89°27'33" West, 33.0 feet;
Thence South 00°08'56" West, 190.40 to the Point of Beginning.

hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as AVID Hotel located at 9315 S. 13th Street, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

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

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

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

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet

structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.

3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal amount of maintenance on the storm water management practices shall be in accordance with the Detention Basin Maintenance Standards (Exhibit B).
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall

reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.

WITNESS the following signatures and seals:

OAK CREEK HOTEL ASSOCIATES, LLC

Bruce Kinseth

Bruce Kinseth, Member

The foregoing Agreement was acknowledged before me this 9th day of July, 2020,
by the above named BRUCE KINSETH.

Kathi Elder

NOTARY PUBLIC



My Commission Expires: 8-30-22

CITY OF OAK CREEK, WISCONSIN

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this ____ day of _____, 2020,
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

NOTARY PUBLIC

My Commission Expires: _____

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

Approved as to Form:

City Attorney

Date



EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: _____ Tax Key No.: _____
 Inspection Date: _____ Location: _____
 Detention Basin Type: Wet Pond _____ Underground _____
 Extended Dry _____ Bioretention _____
 Artificial Wetland _____ Watershed _____

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

EXHIBIT B
DETENTION BASIN MAINTENANCE STANDARDS

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



COMMON COUNCIL REPORT

Item: PP/II Sanitary Lateral Replacement Contract

Recommendation: That the Common Council considers a motion to award the Private Property Infiltration & Inflow Reduction unit-price contract to Globe Contractors at the estimated cost of \$132.00. (Project No. 18035) (4th Aldermanic District)

Fiscal Impact: Funding for the project would come from CIP Project No. 18035, then there would be full reimbursement from MMSD.

- 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: Engineering has been working with MMSD and their consultant on a private property infiltration & inflow (PP/II) reduction project. The purpose of the project is to reduce the amount of clear water that makes its way into the sanitary sewer system to reduce treatment costs and to preserve sewer capacity during the most crucial times, generally during heavier precipitation events. Earlier this year the City had its contractor perform CCTV video inspections of sanitary laterals within the Oakview residential subdivision in the southeast part of the City. From that, PP/II reduction candidates were selected for lateral repair. This is the work that was designed, publicly advertised for bid, and is the subject of this contract award.

This is a City project, but comes from an MMSD PP/II reduction initiative. The City fronts the funding for the PP/II work, but then receives reimbursement of those costs from MMSD.

There were three bids submitted on the project:

| Contractor | Proposal |
|-------------------------------|--------------|
| Globe Contractors | \$229,260.10 |
| Mid-City Corp. | \$413,174.00 |
| Willkomm Excavating & Grading | \$430,117.00 |

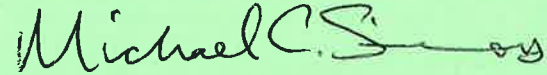
The recommendation is to award the contract to the low bidder, Globe Contractors, for their unit-price bid of \$229,260.10. This is a unit-price contract, thus bids have been evaluated based on estimated quantities. The contractor will be paid on actual quantities installed, measured and documented..

Options/Alternatives: The alternative is to not award this contract, but then the goal of reducing PP/II will not be achieved.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael C. Simmons, PE
City Engineer

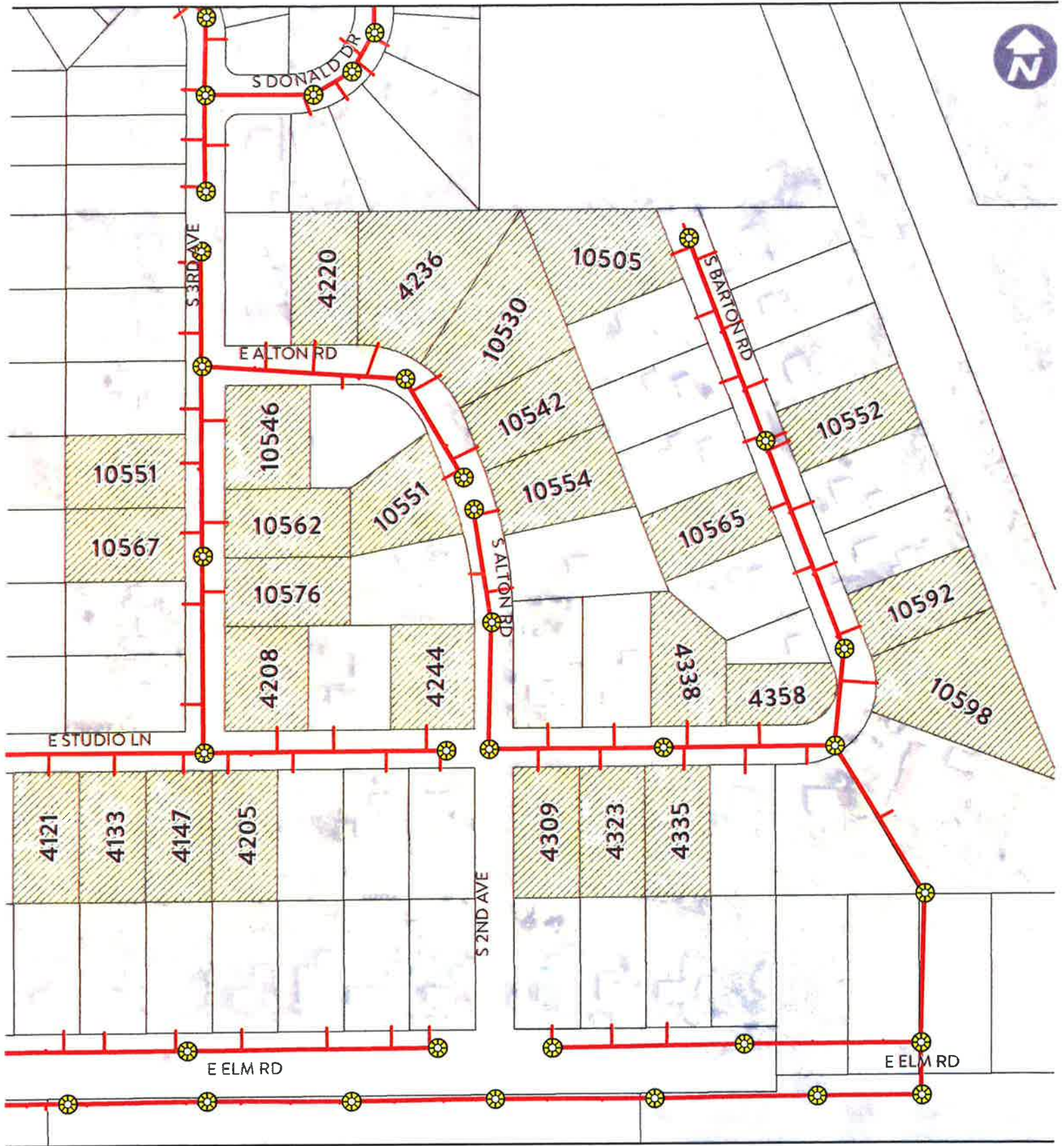
Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: Map of the affected properties.

Oak Creek's Private Property Infiltration & Inflow Reduction Program - Phase 2 - Lateral Replacements



July 8, 202

Consent to
Sanitary Lateral
Replacements

1 inch = 200 feet



OAK



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the July 29, 2020 Vendor Summary Report in the total of \$338,476.81.

Fiscal Impact: Total claims paid of \$338,476.81.

- 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. \$105,756.00 to Advanced Disposal (pg #1) for June trash and recycling pickup.
2. \$5,600.20 to American Dental Partners (pg #1) for Board of Review correction for 2019 taxes.
3. \$13,079.00 to Champ Software, Inc. (pg #2) for annual subscription for 6 Nightingale Notes licenses.
4. \$12,985.87 to E. H. Wolf & Sons, Inc. (pg #3) for fuel inventory.
5. \$34,780.00 to Hiller Ford, Inc. (pg #5) for a 2020 Ford Explorer.
6. \$7,514.90 to Ramboll (pg #8) for consulting related to former Peter Cooper site and Drexel Town Square case closure request.
7. \$9,400.00 to Trane (pg #10) for Station 3 temperature control system, Project #20006.
8. \$39,231.74 to US Bank National Association (pg #10) for Board of Review correction for 2019 taxes.
9. \$44,927.29 to WE Energies (pgs #10-11) for street lighting, electricity & natural gas.

Options/Alternatives: None

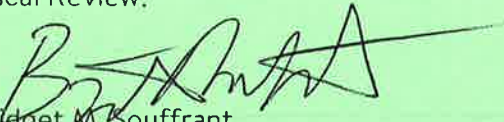
Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kristina Strmsek
Staff Accountant

Fiscal Review:



Bridget M. Souffrant

Assistant City Administrator/Comptroller

Attachments: 7/29/2020 Invoice GL Distribution Report



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the August 12, 2020 Vendor Summary Report in the total of \$591,139.21.

Fiscal Impact: Total claims paid of \$591,139.21.

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. \$9,720.00 to Arlington Computer Products (pg #1) for Barracuda annual renewals and 3 Health Department laptops and docks for contact tracing.
2. \$5,900.00 to CDW Government, Inc. (pg #3) for Fortinet FG-100F, Project #20003.
3. \$37,703.82 to Core BTS, Inc. (pg #3) for Cisco Meraki and Cisco annual renewal.
4. \$10,477.60 to Enterprise FM Trust (pg #4) for DPW vehicle lease monthly payment, Project #19024.
5. \$8,487.00 to Godfrey & Kahn S.C. (pg #5) for legal services regarding redevelopment of lakefront site.
6. \$12,598.95 to Granicus (pg #5) for website annual subscription.
7. \$12,769.46 to Kansas City Life Insurance Co. (pg #7) for September disability insurance.
8. \$6,000.00 to Metropolitan Milwaukee Association of Commerce (pg #9) for Milwaukee 7 regional economic development campaign contribution.
9. \$162,130.47 to Musson Bros., Inc. (pg #10) for culvert improvements on Nicholson Road, Project #14017.
10. \$35,347.50 to Oak Creek Water & Sewer Utility (pg #10) for Q2 project inspection costs, Project #08053, Project #18053, Project #18056, Project #19052, Project #19054, Project #20051, Project #20053, Project #20055.
11. \$7,087.22 to Securian Financial Group, Inc. (pgs #12-13) for September employee life insurance.
12. \$7,161.33 to Sherwin Industries, Inc. (pg #13) for router materials, tar & hot mix, detack, and roadsaver tar.
13. \$61,741.50 to St. John Properties, Inc. (pg #13) for landscape bond refund.
14. \$16,533.33 to Tyler Technologies, Inc. (pg #15) for consulting services.

15. \$52,544.28 to US Bank (pgs #19-25) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.

16. \$18,536.92 to WE Energies (pg #15) for street lighting, electricity & natural gas.

17. \$8,406.77 to WI Court Fines & Surcharges (pg #16) for July 2020 court fines.

18. \$16,537.88 to WI Dept. of Transportation (pg #16) for construction services relating to Ryan Business Park.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Bridget M. Souffrant
Assistant City Administrator/Comptroller

Attachments: 8/12/2020 Invoice GL Distribution Report