



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

## COMMON COUNCIL MEETING AGENDA

SEPTEMBER 15, 2020

7:00 P.M.

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

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

### IMPORTANT NOTICE

This meeting will be held in person and by video conference. Persons wishing to participate in the meeting may attend in person or 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: 9/1/20.

### New Business

4. **Resolution:** Consider *Resolution* No. 12189-091520, a Resolution Amending and Supplementing Resolution No. 8283-101591; Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020; and Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto (by Committee of the Whole).
5. **Resolution:** Consider *Resolution* No. 12188-091520, a Resolution extending the Public Health Emergency in the City of Oak Creek in response to the COVID-19 Coronavirus (by Committee of the Whole).

6. **Motion:** Consider a *motion* to direct staff to draft an Ordinance, repealing and recreating Chapter 2 of the Municipal Code regarding Committees, Boards and Commissions, and to bring the matter back for consideration at a public hearing (by Committee of the Whole)

## **ENGINEERING**

7. **Resolution:** Consider *Resolution* No. 12190-091520, authorizing the CIP-recommended road improvement projects to be advertised for public bid for rehabilitation in 2021 (Various Districts).
8. **Motion;** Consider a *motion* to authorize the Engineering Department to enter into contract negotiations with Ayres Associates for the design services of W. Drexel Avenue from S. 13<sup>th</sup> Street to S. Howell Avenue (1<sup>st</sup> & 2<sup>nd</sup> Districts).

## **LICENSE COMMITTEE**

9. **Motion:** Consider a *motion* to grant the various license requests as listed on the 9/15/20 License Committee Report (by Committee of the Whole).

## **VENDOR SUMMARY**

10. **Motion:** Consider a *motion* to approve the September 9, 2020 Vendor Summary Report in the total amount of \$1,159,888.87 (by Committee of the Whole).

## ***Adjournment.***

### **Public Notice**

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may attend the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

## COMMON COUNCIL REPORT

**Item:** \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020F

**Recommendation:** Adopt Resolution No. 12189-091520, Amending And Supplementing Resolution No. 8283-101591; Authorizing the Issuance and Establishing Parameters for the sale of not to Exceed \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020F; and Providing for the Payment of said Bonds and Other Details and Covenants with Respect Thereto.

**Fiscal Impact:** The proposed refunding will have a gross savings of \$813,130 due to the lower interest rate. All debt service will be paid with revenues (through water rates) by the water utility.

**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


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**Background:** This resolution provides for the refinancing of \$7,053,525 outstanding water revenue bonds to take advantage of lower interest rates. The refinancing will result in a gross savings of \$813,130 (estimated) and a net present value savings of \$715,728 (estimated). The refunding bonds will be payable over the next 11 years, the same as the original debt service. The payment schedule will not be extended due to the refinancing.

**Options/Alternatives:** Continue to pay the debt service with a higher interest rate.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Michael J. Sullivan  
General Manager

Fiscal Review:



Jamie Strobl  
Assistant Comptroller

RESOLUTION NO. 12189-091520

RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 8283-101591; AUTHORIZING THE ISSUANCE AND ESTABLISHING PARAMETERS FOR THE SALE OF NOT TO EXCEED \$4,750,000 TAXABLE WATERWORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2020F; AND PROVIDING FOR THE PAYMENT OF SAID BONDS AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO

WHEREAS, the City of Oak Creek, Milwaukee County, Wisconsin (the "Municipality") owns and operates a waterworks system (the "System") which is operated for a public purpose as a public utility by the Municipality;

WHEREAS, under the provisions of Section 66.0621, Wisconsin Statutes (the "Act"), any municipality may, by action of its governing body, provide funds for the purpose of purchasing, acquiring, constructing, extending, adding to, improving, conducting, controlling, operating and managing a public utility from the proceeds of bonds, and for refunding any outstanding municipal obligations issued for the above purposes, which bonds are to be payable only from the revenues received from any source by such utility, including all rentals and fees;

WHEREAS, the Municipality has heretofore issued and has outstanding (i) its Waterworks System Refunding Revenue Bonds, dated March 15, 2011 (the "2011 Bonds") pursuant to Resolution No. 11100-030111 adopted by the Governing Body on March 1, 2011 (the "2011 Resolution"), and (ii) its Waterworks System Refunding Revenue Bonds, Series 2015, dated November 17, 2015 (the "2015 Bonds") pursuant to Resolution No. 11658-110315 adopted by the Governing Body on November 3, 2015 (the "2015 Resolution") (the 2011 Resolution and 2015 Resolution shall be collectively referred to herein as the "Prior Resolutions"), which amended and supplemented Resolution No. 8283-101591 adopted by the Governing Body on October 15, 1991 (the "Bond Resolution"), which authorized bonds that are no longer outstanding;

WHEREAS, the Municipality has also heretofore issued to the State of Wisconsin Safe Drinking Water Loan Program and has outstanding its (a) Waterworks System Revenue Bonds, Series 2010, dated January 13, 2010 (the "2010 Bonds") pursuant to Resolution No. 11019-121509 adopted on December 15, 2009 (the "2010 Resolution"), (b) Waterworks System Revenue Bonds, Series 2011, dated November 23, 2011 (the "2011 Bonds") pursuant to Resolution No. 11168-111511 adopted on November 15, 2011 (the "2011 Resolution"), (c) Waterworks System Revenue Bonds, Series 2013, dated May 8, 2013 (the "2013 Bonds") pursuant to Resolution No. 11349-041613 adopted on April 16, 2013 (the "2013 Resolution") and (d) Waterworks System Revenue Bonds, Series 2014, dated May 28, 2014 (the "2014 Bonds"), pursuant to Resolution No. 11488-052014 adopted by the Governing Body on May 20, 2014 (the "2014 Resolution") (the 2010 Bonds, 2011 Bonds, 2013 Bonds and 2014 Bonds shall be collectively referred to herein as the "Junior Bonds" and the 2010 Resolution, 2011 Resolution, 2013 Resolution and 2014 Resolution shall be collectively referred to herein as the "Junior Resolutions"), payable solely from the income and revenues of the System on a basis junior and subordinate to the 2011 Bonds and 2015 Bonds;

WHEREAS, the Governing Body now deems it to be necessary, desirable and in the best interest of the Municipality to issue additional revenue bonds to pay the costs of refunding the 2022 through 2031 maturities of the 2011 Bonds (the "Refunded Obligations") for the purpose of achieving debt service cost savings (the "Refunding");

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

WHEREAS, such additional revenue bonds shall be issued pursuant to Section 66.0621, Wisconsin Statutes, on a parity with the remaining outstanding 2011 Bonds and 2015 Bonds (collectively, the "Prior Bonds") in accordance with the provisions of Section 9 of the Bond Resolution and senior to the Junior Bonds pursuant to the provisions of Section 11(a) of the Junior Resolutions;

WHEREAS, other than the outstanding Prior Bonds and the Junior Bonds, no bonds or notes payable from the revenues of the System are now outstanding;

WHEREAS, for the purpose of paying the cost of the Refunding (including paying legal, financing and other professional fees and issuance expenses in connection therewith and funding a deposit to the Reserve Account, if necessary), the Governing Body now deems it to be necessary, desirable and in the best interest of the Municipality to amend and supplement the Bond Resolution, as amended by the Prior Resolutions, to authorize the issuance and sale of taxable waterworks system revenue bonds on a parity with the Prior Bonds and senior to the Junior Bonds, payable solely from the revenues of the System, which bonds are to be authorized and issued pursuant to the provisions of Section 66.0621, Wisconsin Statutes, Section 9 of the Bond Resolution and Section 11 of the Junior Resolutions, and to award the sale of such bonds to Robert W. Baird & Co. Incorporated (the "Purchaser");

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

WHEREAS, in order to facilitate the sale of the Bonds to the Purchaser in a timely manner, the Governing Body hereby finds and determines that it is necessary, desirable and in the best interest of the Municipality to delegate to the City Administrator (the "Authorized Officer") of the Municipality the authority to accept the Proposal on behalf of the Municipality so long as the Proposal meets the terms and conditions set forth in this Resolution by executing a certificate in substantially the form attached hereto as Exhibit A and incorporated herein by reference (the "Approving Certificate"), including that the Municipality complies with the conditions precedent to the issuance of additional bonds on a parity with the Prior Bonds and senior to the Junior Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Municipality that:

Section 1(a). Definitions. The definitions in the Bond Resolution and the Prior Resolutions apply to and are incorporated into this Resolution except as expressly amended below or unless the context expressly or by necessary implication requires otherwise. References in the Bond

Resolution and Prior Resolutions to "Bonds", "Additional Bonds" and "Parity Bonds" shall apply to the Bonds being issued pursuant to this Resolution unless otherwise amended herein. All references to specific sections in the Bond Resolution and Prior Resolutions also apply to the Bonds being issued pursuant to this Resolution unless otherwise amended herein.

Section 1(b). Restated, Additional and/or Amended Definitions. In addition to and/or in amendment of the terms defined in Section 1(a) above, the following terms shall have the following meanings in this Resolution unless the text expressly or by implication requires otherwise:

"Annual Debt Service Requirement" means the total amount of principal and interest due on the Prior Bonds, the Bonds and any Parity Bonds in any Bond Year;

"Bonds" means the Waterworks System Revenue Refunding Bonds, Series 2020F of the Municipality, authorized to be issued by this Resolution;

"Bond Resolution" means Resolution No. 8283-101591 adopted by the Governing Body on October 15, 1991;

"Code" means the Internal Revenue Code of 1986, as amended;

"DTC" or "Depository" means The Depository Trust Company, New York, New York, or any successor securities depository for the Municipality with respect to the Bonds;

"Junior Bonds" means the 2010 Bonds, 2011 Bonds, 2013 Bonds and 2014 Bonds, collectively;

"Junior Resolutions" means the 2010 Resolution, 2011 Resolution, 2013 Resolution and 2014 Resolution, collectively;

"Original Purchaser" or "Purchaser" means Robert W. Baird & Co. Incorporated;

"Parity Bonds" means any additional bonds issued pursuant to the Act, other than the Prior Bonds and the Bonds, but issued on a parity and equality of rank with the Prior Bonds and the Bonds, pursuant to the restrictive provisions of Section 9 of the Bond Resolution;

"Prior Bonds" means the outstanding balance of the Municipality's 2011 Bonds and 2015 Bonds;

"Prior Resolutions" means Resolution No. 11100-030111 adopted on March 1, 2011 and Resolution No. 11658-110315 adopted on November 3, 2015 authorizing the issuance of the Prior Bonds;

"Refunded Obligations" means the 2022 through 2031 maturities of the Prior Issue;

"Refunding" means paying the cost of refinancing the Refunded Obligations;

"Record Date" means the close of business on the 15th day of the calendar month next preceding any principal or interest payment date;

"Reserve Requirement" means an amount which at no time exceeds an amount equal to the lesser of the maximum amount of principal and interest due on the Prior Bonds and the Bonds in any Bond Year or an amount not greater than 125% of average annual debt service on the Prior Bonds and the Bonds. If Parity Bonds are issued, the Reserve Requirement shall be an amount equal to the lesser of maximum amount of principal and interest due on the Prior Bonds, the Bonds and the Parity Bonds in any Bond Year or an amount not greater than 125% of average annual debt service on the Prior Bonds, the Bonds and the Parity Bonds;

"Resolution" means this resolution entitled: "Resolution Amending and Supplementing Resolution No. 8283-101591; Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020F; and Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto" adopted by the Governing Body on September 15, 2020;

"2010 Bonds" means the outstanding balance of the Municipality's Waterworks System Revenue Bonds, Series 2010, dated January 13, 2010;

"2010 Resolution" means Resolution No. 11019-121509 adopted by the Governing Body on December 15, 2009 authorizing the issuance of the 2010 Bonds;

"2011 Bonds" means the outstanding balance of the Municipality's Waterworks System Revenue Bonds, Series 2011, dated November 23, 2011;

"2011 Resolution" means Resolution No. 11168-111511 adopted on November 15, 2011 authorizing the issuance of the 2011 Bonds;

"2013 Bonds" means the outstanding balance of the Municipality's Waterworks System Revenue Bonds, Series 2013, dated May 8, 2013;

"2013 Resolution" means Resolution No. 11349-041613 adopted on April 16, 2013 authorizing the issuance of the 2013 Bonds;

"2014 Bonds" means the outstanding balance of the Municipality's Waterworks System Revenue Bonds, Series 2014, dated May 28, 2014;

"2014 Resolution" means Resolution No. 11488-052014 adopted on May 20, 2014 authorizing the issuance of the 2014 Bonds;

"2015 Bonds" means the outstanding balance of the Municipality's Waterworks System Refunding Revenue Bonds, Series 2015, dated November 17, 2015; and

"2015 Resolution" means Resolution No. 11658-110315 adopted on November 3, 2015 authorizing the issuance of the 2015 Bonds.

Section 2. Authorization of the Bonds; Parameters. For the purpose of paying the cost of the Refunding (including paying legal, financial and other issuance expenses and funding a deposit to the Reserve Account, if necessary), there shall be borrowed on the credit of the income and revenue of the System the sum of not to exceed FOUR MILLION SEVEN HUNDRED FIFTY

THOUSAND DOLLARS (\$4,750,000) from the Purchaser upon the terms and subject to the conditions set forth in this Resolution. Subject to satisfaction of the conditions set forth in Section 20 of this Resolution, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the Municipality, Bonds aggregating the principal amount of not to exceed FOUR MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$4,750,000). The purchase price to be paid to the Municipality for the Bonds shall not be less than 97.50% of the initial public offering price of the Bonds and the difference between the initial public offering price of the Bonds and the purchase price to be paid to the Municipality by the Purchaser shall not exceed 2.50% of the initial public offering price of the Bonds, with an amount not to exceed 1.25% of the initial public offering price of the Bonds representing the Purchaser's compensation and an amount not to exceed 1.25% of the initial public offering price of the Bonds representing costs of issuance, including bond insurance premium, payable by the Purchaser or the Municipality.

Section 3. Terms of the Bonds. The Bonds shall be designated "Taxable Waterworks System Revenue Refunding Bonds, Series 2020F"; shall be issued in the aggregate principal amount of up to \$4,750,000; shall be dated as of their date of issuance; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and mature or be subject to mandatory redemption on the dates and in the principal amounts set forth below, provided that the principal amount of each maturity or mandatory redemption amount may be increased or decreased by up to \$500,000 per maturity or mandatory redemption amount and that the aggregate principal amount of the Bonds shall not exceed \$4,750,000. The schedule below assumes the Bonds are issued in the aggregate principal amount of \$4,660,000.

<u>Date</u>	<u>Principal Amount</u>
12-01-2021	\$ 65,000
12-01-2022	415,000
12-01-2023	430,000
12-01-2024	445,000
12-01-2025	425,000
12-01-2026	435,000
12-01-2027	445,000
12-01-2028	455,000
12-01-2029	465,000
12-01-2030	525,000
12-01-2031	555,000

Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2021. The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) will not exceed 2.25%. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.



It is hereby determined and declared, assuming the parameters set forth in this Resolution are met, that:

(a) the schedule of maturities of the Bonds is such that the requirements each year to pay both the principal of and interest on the Bonds is reasonable in accordance with prudent municipal utility management practices (the Authorized Officer shall confirm this finding in the Approving Certificate);

(b) the Refunding is advantageous to the Municipality;

(c) the aggregate amount of Bonds, which shall encompass sums sufficient to provide for the costs hereinabove set out, is necessary; and

(d) the proceeds of the Bonds deposited in the Refunding Fund (referenced in Section 12(b) below), together with the interest earnings thereon and other funds of the Municipality available for that purpose, shall provide an amount sufficient to pay when due the principal and redemption price of and interest on the Refunded Obligations.

Section 4. Redemption Provisions. The Bonds shall not be subject to optional redemption or shall be callable as set forth on the Approving Certificate. If the Proposal specifies that certain of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment to the Approving Certificate labeled as Exhibit MRP. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the Municipality shall direct.

Section 5. Parity with Prior Bonds; Senior to Junior Bonds. The Bonds shall be additional bonds issued as Parity Bonds within the meaning of Section 9 of the Bond Resolution, as amended by the Prior Resolutions and this Resolution; shall be Additional Senior Bonds within the meaning of Section 11 of the Junior Resolutions; are issued on a parity with the Prior Bonds and senior to the Junior Bonds; and are payable from the revenues and properties of the System and the monies on deposit in the Special Redemption Fund on a basis equal to the Prior Bonds and senior to the Junior Bonds all as set forth in the Bond Resolution, as amended and supplemented by the Prior Resolutions and this Resolution, and the Junior Resolutions.

Section 6. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit B and incorporated herein by this reference.

Section 7. Security for the Bonds. The Bonds, together with interest thereon, shall not constitute an indebtedness of the Municipality nor a charge against its general credit or taxing power. The Bonds, together with interest thereon, shall be payable only out of the Special Redemption Fund created and established pursuant to the Bond Resolution, as supplemented by the Prior Resolutions and this Resolution, and shall be a valid claim of any holder thereof only against said Special Redemption Fund and the revenues of the System pledged to such Fund on a parity with the Prior Bonds and senior to the Junior Bonds. Sufficient revenues are hereby pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal of, premium, if any, and interest on the Prior Bonds, the Bonds and any Parity Bonds as the same

becomes due. It is the express intent and determination of the Governing Body that the amounts transferred from the Revenue Fund (defined in the Bond Resolution) and deposited in the Special Redemption Fund (defined in the Bond Resolution) shall be sufficient in any event to pay the principal of and interest on the Prior Bonds, the Bonds, any Parity Bonds, and the Junior Bonds as the same becomes due and to provide any amounts required to be paid monthly into the Reserve Account (defined in the Bond Resolution) to maintain the Reserve Requirement.

Section 8. Funds and Accounts. In accordance with the Act, for the purpose of the application and proper allocation of the revenues of the System, and to secure the payment of the principal of and interest on the Prior Bonds, the Bonds and any Parity Bonds, and the Junior Bonds, certain funds of the System which were established pursuant to Section 6 of the Bond Resolution, as amended by the Prior Resolutions, this Resolution and the Junior Resolutions are hereby continued and shall be used solely for the purposes set forth in the Bond Resolution, as amended by the Prior Resolutions and this Resolution, and the Junior Resolutions, as follows:

Subparagraphs (c)(i) and (c)(ii) of Section 6 of the Bond Resolution, are hereby amended and supplemented to read as follows:

"(i) There shall be deposited in the Interest and Principal Account from Bond and any Parity Bond proceeds all accrued interest. In addition, there shall be deposited in said account in the manner specified in Section 7 of the Bond Resolution, an amount sufficient (after giving effect to available amounts in said account from accrued interest, any premium, investment earnings and any other source) to pay the principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds as the same becomes due and second, the Junior Bonds, as the same become due. The Interest and Principal Account shall be used solely for the purposes of paying principal of and interest on, first, the Prior Bonds, the Bonds and any Parity Bonds in accordance with the provisions of the Bond Resolution, as amended and supplemented by the Prior Resolutions and this Resolution, and second, the Junior Bonds in accordance with the provisions of the Junior Resolutions.

The minimum amounts to be so deposited in the Interest and Principal Account for debt service on the Bonds shall be set forth in the Approving Certificate.

(ii) Upon the issuance of the Bonds, there shall be deposited into the Reserve Account an amount of proceeds of the Bonds, if any, necessary to make the amount on deposit therein equal to the Reserve Requirement, and any excess funds in the Reserve Account shall be transferred to the Special Redemption Fund and applied to the Refunding in accordance with the provisions of the Bond Resolution so that the amount on deposit in the Reserve Account is equal to the Reserve Requirement. The Reserve Account shall be used solely for the purpose of paying principal of or interest on the Prior Bonds, the

Bonds or any Parity Bonds at any time when there shall be insufficient money in the Interest and Principal Account. The Reserve Account shall be funded, replenished and maintained in the manner specified in Section 7 of the Bond Resolution, as amended by the Prior Resolutions and this Resolution, except Section 7 previously was amended to provide that the Reserve Account shall be refilled monthly with an amount sufficient to replenish it and restore it to the Reserve Requirement within twelve months if depleted. The Reserve Account is not pledged to the payment of the principal of or interest on the Junior Bonds and moneys on deposit therein shall under no circumstances be used to pay principal of or interest on the Junior Bonds."

The Reserve Account shall at all times constitute a "reasonably required reserve fund" under Section 148 of the Code and any applicable Regulations.

At the end of any Fiscal Year, if any surplus has been accumulated in any of the above funds, it may be disposed of in the order set forth in Section 66.0811(3) of the Wisconsin Statutes.

Section 9. Application of Revenues. After the delivery of the Bonds, the entire gross earnings of the System have been and will continue to be deposited as collected in the Revenue Fund and shall be retained in the Revenue Fund and transferred monthly to the funds listed in the Bond Resolution, as amended by the Prior Resolutions and this Resolution, and the Junior Resolutions, in the amounts, the order of priority and in the manner set forth in the Bond Resolution, as amended and supplemented by the Prior Resolutions and this Resolution, and the Junior Resolutions.

Section 10. Service to the Municipality. As stated in the Bond Resolution, the reasonable cost and value of services rendered to the Municipality by the System by furnishing water services for public purposes, shall be charged against the Municipality and shall be paid by it in quarterly installments as the service accrues, out of the current revenues of the Municipality collected or in the process of collection, exclusive of the revenues derived from the System, and out of the tax levy of the Municipality made by it to raise money to meet its necessary current expenses. The Bond Resolution has been previously amended to provide that the reasonable cost and value of such service to the Municipality in each year shall not exceed an amount as may be necessary in that year to pay the balance of an amount which, together with the other revenues of the System, will produce Net Revenues in each Bond Year equivalent to not less than one and one-quarter (1.25) times the Annual Debt Service Requirement. Such compensation for such service rendered to the Municipality shall be paid into the Revenue Fund created by Section 6 of the Bond Resolution. All other provisions of Section 8 of the Bond Resolution still apply and are incorporated into this Section 9.

Section 11. Sale of the Bonds. The Bonds shall be sold to the Purchaser for the sum set forth on the Proposal, plus accrued interest to the date of delivery, as set forth in the Approving Certificate.

Section 12. Application of Bond Proceeds. The proceeds of the sale of the Bonds (including any premium and accrued interest from their date to the date of delivery) shall be deposited and applied as follows:

(a) to the Interest and Principal Account of the Special Redemption Fund, the amount of any accrued interest received from the sale of the Bonds; and

(b) to the Refunding Fund, a special fund hereby created and established, a portion of the proceeds of the Bonds in an amount sufficient, when combined with other funds available therefore, to refund the Refunded Obligations. Said Refunding Fund shall be adequately secured and shall be used solely for the purpose of paying the cost of refunding the Refunded Obligations, as more fully described in the preamble hereof (including paying legal, financing, and other professional fees and funding any deposit to the Reserve Account). Any balance remaining in said Refunding Fund after paying the cost of the Refunding shall be transferred to the Special Redemption Fund for use in payment of principal of or interest on the Prior Bonds, the Bonds, any Parity Bonds, and the Junior Bonds.

Section 13. Investments. Monies accumulated in any of the funds and accounts referred to in Section 11 hereof which are not immediately needed for the respective purposes thereof, may be invested in legal investments subject to the provisions of Sec. 66.0603(1m), Wisconsin Statutes, until needed. All income derived from such investments shall be credited to the fund or account from which the investment was made; provided, however, that at any time that the Reserve Requirement is on deposit in the Reserve Account, any income derived from investment of the Reserve Account shall be deposited into the Special Redemption Fund and used to pay principal and interest on the Prior Bonds, Bonds and Parity Bonds. A separate banking account is not required for each of the funds and accounts established under this Resolution; however, the monies in each fund or account shall be accounted for separately by the Municipality and used only for the respective purposes thereof. The proceeds of the Bonds shall be used solely for the purposes for which they are issued but may be temporarily invested until needed in legal investments.

Section 14. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Municipality by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the Municipality of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the Municipality has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Municipality hereby authorizes the officers and agents of the Municipality to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, mandatory redemption agency, disclosure and continuing disclosure, and rebate

calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 15. Resolution a Contract. The provisions of this Resolution, together with the Bond Resolution and the Prior Resolutions, shall constitute a contract between the Municipality and the holder or holders of the Prior Bonds, Bonds and any Parity Bonds, and after issuance of any Bonds or any Parity Bonds no change or alteration of any kind in the provisions of this Resolution may be made except as provided in Section 14 of the Bond Resolution, until all of the Prior Bonds, the Bonds and any Parity Bonds have been paid in full as to both principal and interest. The holder or holders of any Bond or any Parity Bonds shall have the right in addition to all other rights, by mandamus or other suit or action in any court of competent jurisdiction, to enforce his or their rights against the Municipality, the Governing Body thereof, and any and all officers and agents thereof, including, but without limitation, the right to require the Municipality, its Governing Body and other authorized body, to fix and collect rates and charges fully adequate to carry out all of the provisions and agreements contained in this Resolution and the Bond Resolution and the Prior Resolutions.

Section 16. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Municipality agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the Municipality is authorized and directed to execute and deliver to DTC on behalf of the Municipality to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 16A. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the Municipality's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Municipality hereby authorizes the Mayor and City Clerk or other appropriate officers of the Municipality to enter a Fiscal Agency Agreement between the Municipality and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 17. Ratification of Bond Resolution and Prior Resolutions. Except as expressly amended and supplemented by the provisions of this Resolution, the provisions of the Bond Resolution and Prior Resolutions shall remain in full force and effect.

Section 18. Persons Treated as Owners; Transfer of Bonds. The Municipality shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

Section 19. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Municipality at the close of business on the Record Date.

Section 20. Conditions on Issuance and Sale of the Bonds. The issuance of the Bonds and the sale of the Bonds to the Purchaser are subject to satisfaction of the following conditions:

- (a) approval by the Authorized Officer of the principal amount, definitive maturities, redemption provisions, interest rates and purchase price for the Bonds, which approval shall be evidenced by execution by the Authorized Officer of the Approving Certificate; and
- (b) realization by the Municipality of the Savings in an amount equal to at least 10.0% of the principal amount refunded.

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

Section 21. Official Statement. The Governing Body hereby directs the Authorized Officer to approve the Preliminary Official Statement with respect to the Bonds and deem the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by the Authorized Officer or other officers of the Municipality in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate Municipality official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 22. Undertaking to Provide Continuing Disclosure. The Municipality hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the

Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Municipality to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 23. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the Municipality, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Mayor and City Clerk, or other appropriate officers of the Municipality, are hereby authorized and directed to execute an escrow agreement (the "Escrow Agreement") with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded Obligations shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Section 24. SLGS Subscriptions. The Escrow Agent and appropriate officers and agents of the Municipality are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the Municipality in such amount as is necessary in order to carry out the Refunding.

Section 25. Redemption of the Refunded Obligations. Subject to issuance of the Bonds, the Refunded Obligations are hereby called for prior payment and redemption on December 1, 2021 at a price of par plus accrued interest to the date of redemption, subject to final approval by the Authorized Officer as evidenced by the execution of the Approving Certificate.

The Municipality hereby directs the Escrow Agent appointed above to cause timely notice of redemption of the Refunded Obligations, in substantially the form to be attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 26. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 27. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Municipality are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 28. Conflicting Ordinances or Resolutions. All prior ordinances, resolutions (other than the Bond Resolution and the Prior Resolutions), rules, or orders, or parts thereof heretofore enacted, adopted or entered, in conflict with the provisions of this Resolution, are hereby repealed and this Resolution shall be in effect from and after its passage. In case of any conflict between this Resolution and the Bond Resolution or the Prior Resolutions, the Bond Resolution and Prior Resolutions shall control so long as any Prior Bonds are outstanding.

Adopted, approved and recorded September 15, 2020.

\_\_\_\_\_  
Daniel Bukiewicz  
Mayor

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske  
City Clerk

(SEAL)



EXHIBIT A  
APPROVING CERTIFICATE

(See Attached)

CERTIFICATE APPROVING THE PRELIMINARY OFFICIAL STATEMENT  
AND DETAILS OF  
TAXABLE WATERWORKS SYSTEM REVENUE REFUNDING BONDS, SERIES 2020F

The undersigned City Administrator of the City of Oak Creek, Milwaukee County, Wisconsin (the "Municipality"), hereby certifies that:

1. Resolution. On September 15, 2020, the Common Council of the Municipality adopted a resolution (the "Resolution") authorizing the issuance and establishing parameters for the sale of not to exceed \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020F of the Municipality (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser") and delegating to me the authority to approve the Preliminary Official Statement, to approve the purchase proposal for the Bonds, and to determine the details for the Bonds within the parameters established by the Resolution.

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

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

The Bonds shall be issued in the aggregate principal amount of \$ \_\_\_\_\_, which is not more than the \$4,750,000 approved by the Resolution, and shall mature on December 1 of each of the years and in the amounts and shall bear interest at the rates per annum as set forth in the Pricing Summary attached hereto as Schedule II and incorporated herein by this reference. The amount of each annual principal or mandatory redemption payment due on the Bonds is not more than \$500,000 more or less per maturity or mandatory redemption amount than the schedule included in the Resolution as set forth below:

<u>Date</u>	<u>Resolution Schedule</u>	<u>Actual Amount</u>
12-01-2021	\$ 65,000	\$ _____
12-01-2022	415,000	_____
12-01-2023	430,000	_____
12-01-2024	445,000	_____
12-01-2025	425,000	_____
12-01-2026	435,000	_____
12-01-2027	445,000	_____
12-01-2028	455,000	_____
12-01-2029	465,000	_____
12-01-2030	525,000	_____
12-01-2031	555,000	_____

The true interest cost on the Bonds (computed taking the Purchaser's compensation into account) is \_\_\_\_\_%, which is not in excess of 2.25%, as required by the Resolution. The present value debt service savings achieved by the Refunding is \$ \_\_\_\_\_ or \_\_\_\_\_% of the principal amount refunded, which is at least 10.0% of the principal amount refunded.

4. Purchase Price of the Bonds. The Bonds shall be sold to the Purchaser in accordance with the terms of the Proposal at a price of \$ \_\_\_\_\_, plus accrued interest, if any, to the date of delivery of the Bonds, which is not less than 97.5% of the initial public offering price of the Bonds as required by the Resolution.

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

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

6. Additional Bonds Certificate. Based on the above final principal amounts, interest rates and payment dates for the Bonds, and in reliance upon the Additional Bonds Certificate, attached hereto as Schedule IV and incorporated herein by this reference, the Municipality complies with the conditions precedent to the issuance of additional bonds on a parity with the Prior Bonds (as defined in the Resolution) and senior to the Junior Bonds (as defined in the Resolution).

7. Approval; Finding. This Certificate constitutes my approval of the Proposal, and the principal amount, definitive maturities, interest rates, purchase price and redemption provisions for the Bonds, in satisfaction of the parameters set forth in the Resolution. The debt service schedule attached hereto as Schedule III is found to be such that the amount of annual debt service payments is reasonable in accordance with prudent municipal utility practices.

IN WITNESS WHEREOF, I have executed this Certificate on \_\_\_\_\_, 2020  
pursuant to the authority delegated to me in the Resolution.

---

Andrew J. Vickers  
City Administrator

COPY

SCHEDULE I TO APPROVING CERTIFICATE

Proposal

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

(See Attached)

COPY

SCHEDULE II TO APPROVING CERTIFICATE

Pricing Summary

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

(See Attached)

COPY

SCHEDULE III TO APPROVING CERTIFICATE

Debt Service Schedule

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

(See Attached)

COPY

SCHEDULE IV TO APPROVING CERTIFICATE

Additional Bonds Certificate

(See Attached)

COPY



## ADDITIONAL BONDS CERTIFICATE

The undersigned, Jamie Strobl, Assistant Comptroller of the City of Oak Creek, Wisconsin (the "Municipality") and Michael J. Sullivan, General Manager of the Water Utility of the Municipality, hereby certify the following in connection with the issuance by the Municipality of its Waterworks System Revenue Refunding Bonds, Series 2020F, dated \_\_\_\_\_, 2020 (the "2020 Bonds"):

1. We have reviewed and are familiar with the provisions of the resolution entitled: "Resolution Amending and Supplementing Resolution No. 8283-101591; Authorizing the Issuance and Establishing Parameters for the Sale of Not to Exceed \$4,750,000 Taxable Waterworks System Revenue Refunding Bonds, Series 2020F; and Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto" (the "2020 Resolution"), which authorized the issuance of the 2020 Bonds.

2. We have also reviewed and are familiar with the provisions of the Bond Resolution and the Prior Resolutions (as those terms are defined in the 2020 Resolution).

3. To the best of our knowledge, information and belief, the Municipality meets the conditions set forth in Section 9 of the Bond Resolution necessary to issue the 2020 Bonds as additional bonds on a parity and equality of rank with the Prior Bonds (as that term is defined in the 2020 Resolution), to wit:

(i) Net Revenues. The Net Revenues (as defined in the Bond Resolution) for Fiscal Year 2019 were \$ \_\_\_\_\_, which is at least equal to the highest combined annual interest and principal requirements on the Prior Bonds and the 2020 Bonds for any succeeding fiscal year in which there shall be a principal maturity on such bonds (\$ \_\_\_\_\_), times 1.25.

(ii) No Default. The payments required to be made into the various funds and accounts provided in the Bond Resolution, as amended, are current and the Municipality is not in default under any of the terms of the Bond Resolution, as amended.

(iii) Payment Dates. The 2020 Bonds will be payable as to principal on December 1 of each year in which principal falls due, and payable as to interest semi-annually on June 1 and December 1.

(iv) Reserve Account. The amount on deposit in the Reserve Account created by the Bond Resolution currently is \$763,961. At the time the 2020 Bonds are issued, the Reserve Account shall be reduced to \$ \_\_\_\_\_ so that the amount on deposit in the Reserve Account is equal to the lesser of the maximum annual principal and interest requirement of the Prior Bonds and the 2020 Bonds or an amount not greater than 125% of the average annual debt service of the Prior Bonds and the 2020 Bonds.

4. We have also reviewed and are familiar with the provisions of the Junior Resolutions (as that term is defined in the 2020 Resolution) authorizing the issuance of the Junior Bonds (as that term is defined in the 2020 Resolution).

5. To the best of our knowledge, information and belief, the Municipality meets the conditions set forth in Section 11(a) of the Junior Resolutions necessary to issue the 2020 Bonds as Additional Senior Bonds on a basis senior to the Junior Bonds, to wit:

(i) Net Revenues. The Net Revenues (as defined in the Junior Resolutions) for Fiscal Year 2019 were \$ \_\_\_\_\_, which is at least equal to the maximum annual interest and principal requirements on all obligations outstanding payable from the revenues of the System and on the 2020 Bonds (\$ \_\_\_\_\_), times 1.25. 1.25 is the highest debt service coverage ratio to be required with respect to the 2020 Bonds or any other obligations payable from the revenues of the System now outstanding.

(ii) Rating. The rating classification of the 2020 Bonds has been confirmed by a publicly released municipal rating of the "A" quality investment group, or better, as assigned by Moody's Investors Service, or Standard & Poor's Corporation or by a similar nationally recognized rating agency, without regard to any credit enhancement provided for the 2020 Bonds.

(iii) No Default. The payments required to be made into the various funds and accounts provided in Section 6 of the Junior Resolutions are current.

(iv) Payment Dates. The 2020 Bonds will be payable as to principal as of December 1 of each year and payable as to interest semi-annually on June 1 and December 1 of each year.

(v) Purpose. The 2020 Bonds are being issued for the purpose of refunding obligations issued to provide extensions or improvements to the Waterworks System.

Dated \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jamie Strobl  
Assistant Comptroller

\_\_\_\_\_  
Michael J. Sullivan  
General Manager of the Water Utility

[SCHEDULE MRP TO APPROVING CERTIFICATE

Mandatory Redemption Provision

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

For the Term Bonds Maturing on December 1, 20\_\_\_\_\_

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

For the Term Bonds Maturing on December 1, 20\_\_\_\_\_

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

For the Term Bonds Maturing on December 1, 20\_\_\_\_\_

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

For the Term Bonds Maturing on December 1, 20\_\_\_\_\_

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

EXHIBIT B

(Form of Bond)

REGISTERED	UNITED STATES OF AMERICA	DOLLARS
	STATE OF WISCONSIN	
	MILWAUKEE COUNTY	
NO. R-___	CITY OF OAK CREEK	\$_____
	TAXABLE WATERWORKS SYSTEM	
	REVENUE REFUNDING BOND, SERIES 2020F	

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
December 1, _____	_____, 2020	_____%	_____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$\_\_\_\_\_)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2021 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

**[The Bonds are not subject to optional redemption.] [The Bonds maturing on December 1, 20\_\_ and thereafter are subject to redemption prior to maturity, at the option of the City, on December 1, 20\_\_ or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.]**

【The Bonds maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the 2020 Resolution defined below, at the redemption price of par plus accrued interest to the date of redemption and without premium.】

This Bond is one of an issue of Bonds aggregating the principal amount of \$ \_\_\_\_\_, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 66.0621, Wisconsin Statutes, Resolution No. 8283-101591 adopted by the Common Council of the City on October 15, 1991, as previously amended and supplemented (the "Bond Resolution"), and as further amended and supplemented by a resolution adopted by the Common Council on September 15, 2020, as supplemented by a Certificate Approving the Preliminary Official Statement and Details of Taxable Waterworks System Revenue Refunding Bonds, Series 2020F, dated \_\_\_\_\_, 2020 (collectively, the "2020 Resolution") (hereinafter the Bond Resolution and the 2020 Resolution shall be referred to collectively as the "Resolutions"). The City has heretofore issued and has outstanding certain obligations defined in the 2020 Resolution as the Prior Bonds and the Junior Bonds. The Bonds are issued on a parity with the Prior Bonds and are secured by an equal lien and claim to the revenues and properties of the Waterworks System and the monies on deposit in the Special Redemption Fund (referenced below). The Bonds are issued on a basis senior to the Junior Bonds as to the lien and claim to the revenues and properties of the Waterworks System and the moneys on deposit in the Special Redemption Fund.

THIS BOND DOES NOT CONSTITUTE AN INDEBTEDNESS OF THE CITY WITHIN THE MEANING OF ANY STATE OF WISCONSIN CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION. THIS BOND SHALL NOT BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE CITY. This Bond, together with interest thereon, shall be payable only out of the Special Redemption Fund created by the Bond Resolution, and shall be a valid claim of the holder thereof only against said Special Redemption Fund and the revenues pledged to such Fund on a parity with the Prior Bonds and does not constitute an indebtedness of the City within the meaning of any State constitutional provision or statutory limitation. The City hereby certifies that sufficient revenues have been pledged to said Special Redemption Fund, and shall be used for no other purpose than to pay the principal and interest of the Bonds of this issue on a parity with the Prior Bonds as the same falls due.

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately

available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time, and that the issuance of this Bond has been duly authorized by the City and does not exceed or violate any constitutional or statutory limitation.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

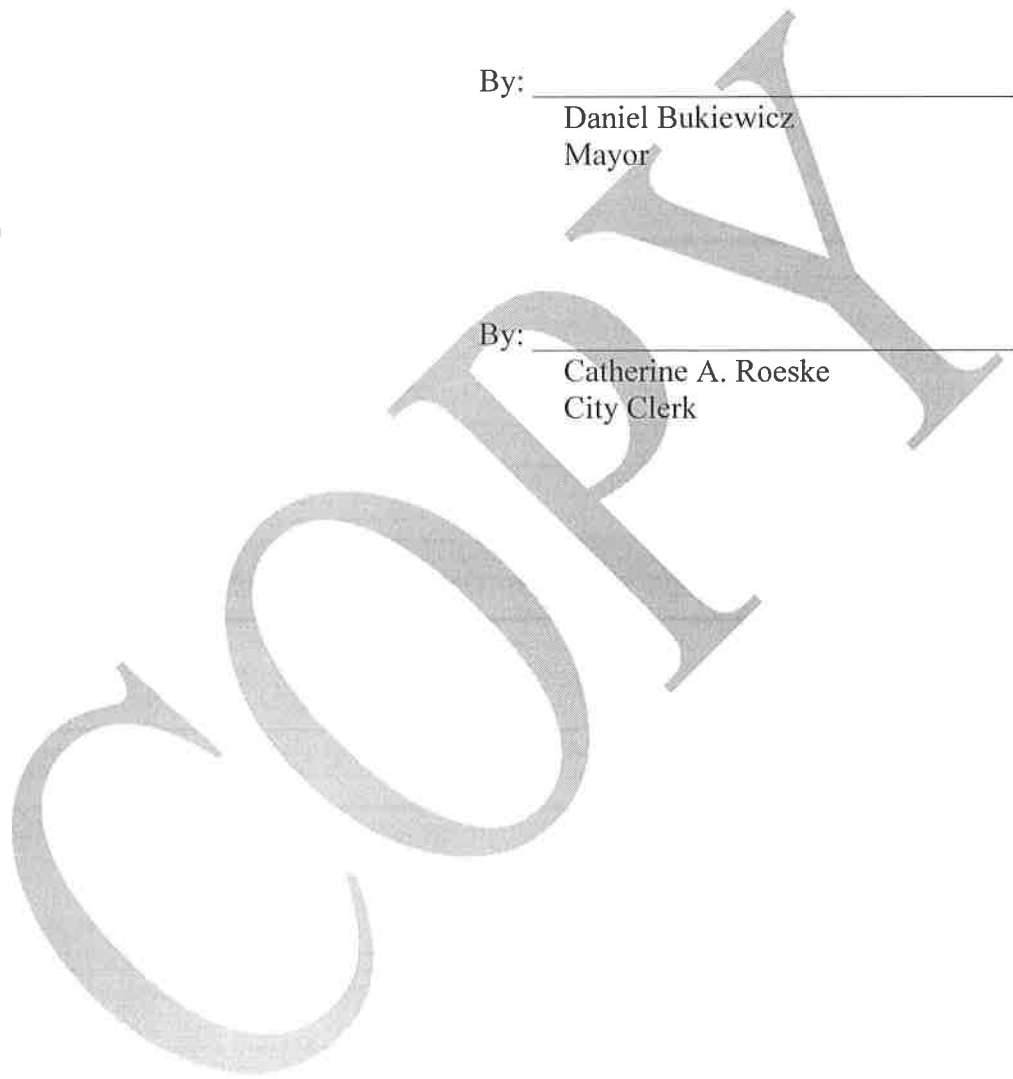
IN WITNESS WHEREOF, the City of Oak Creek, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all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

CITY OF OAK CREEK  
MILWAUKEE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Daniel Bukiewicz  
Mayor

(SEAL)

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk



Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

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

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

COPY



ASSIGNMENT

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

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

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

Dated: \_\_\_\_\_

Signature Guaranteed:

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

\_\_\_\_\_  
(Depository or Nominee Name)

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

\_\_\_\_\_  
(Authorized Officer)

RESOLUTION NO. 12188-091520

A RESOLUTION EXTENDING THE PUBLIC HEALTH EMERGENCY IN THE CITY OF OAK CREEK IN RESPONSE TO THE COVID-19 CORONAVIRUS

WHEREAS, in response to the detection of the novel coronavirus COVID-19 (“COVID-19”) in December 2019 and its ensuing spread throughout countries including the United States, the United States Secretary of Health and Human Services declared a public health emergency, the Centers for Disease Control identified potential public health threats, and the World Health Organization characterized COVID-19 as a pandemic as the rates of infection continued to rise; and

WHEREAS, on March 17, 2020, in Resolution No. 12148-031720 the Common Council of the City of Oak Creek declared the existence of a public health emergency based upon the existence of COVID-19, and on May 19, 2020, in Resolution No. 12160-051920 the Common Council ratified Emergency Proclamation #1 extending the public health emergency, and on July 21, 2020, in Resolution No. 12174-072120 the Common Council further extended the public health emergency (collectively “Emergency Declaration”); and

WHEREAS, the Emergency Declaration is due to expire after September 21, 2020; and

WHEREAS, the conditions necessitating the Emergency Declaration continue to exist and are projected to exist for some time; and

WHEREAS, the City of Oak Creek (the “City”) continues to do what is in the good order of the City during this public health emergency for the health, safety, protection and welfare of the people and property in the City; and

WHEREAS, in order to protect the well-being of its citizens and visitors, the City must avail itself of all necessary resources to continue to respond to the pandemic, contain the spread of COVID-19, and prepare for its possible impacts; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that, based upon the above stated situation and pursuant to Wisconsin Statutes Section 323.14(4)(a) and Section 2.121(b) of the Municipal Code, we hereby declare that it is necessary and expedient for the health, safety, protection, and welfare of the citizens of Oak Creek that a state of public health emergency as defined in Wisconsin Statutes §323.02(16) continues to exist within the City of Oak Creek such that there is a threat of an illness or health condition that appears to be caused by a novel biological agent that poses a high probability of widespread exposure and that creates a significant risk of substantial future harm to a large number of people; and

IT IS HEREBY FURTHER REVOLVED that, pursuant to Wisconsin Statutes Section 323.11, the Emergency Declaration established by Resolution Nos. 12148-031720, 12160-051920 and 12174-072120 of the Common Council shall be extended through December 31, 2020 unless otherwise revoked or extended by Resolution.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

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

## COMMON COUNCIL REPORT

**Item:** Draft ordinance changes implementing Strategic Action Plan Initiative(s) related to examination of board, committee, and commission structure.

**Recommendation:** Direct staff to draft an Ordinance, repealing and recreating Chapter 2 of the Municipal Code regarding Committees, Boards and Commissions, and to bring the matter back for consideration at a public hearing.

**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

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**Background:** At the August 18 meeting, the Common Council discussed an analysis and proposal to reconfigure the City's boards, committees, and commissions. Common Council requested this review in the 2017-2020 Strategic Action Plan, which citations is as follows:

**GOAL:** Evaluate, Right-size, and Better Align the City Organization

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

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

Following the August 18th discussion and direction to move forward, staff prepared the attached, red-lined version of the proposed changes to Municipal Code, Ch. 2, Government and Administration. Staff provided this red-lined version to ensure the Council and the public could easily identify the proposed changes. Both the Mayor and staff felt having an additional public discussion on the proposed ordinance changes prior to the formal public hearing was also prudent.

The Mayor and Council can discuss numerous facets of the proposal, but staff suggests at minimum, the Council provide firm direction on the following:

1) The number of aldermanic and citizen reps on the proposed Personnel & Finance Committee and Board of Public Works & Capital Assets.

2) The term/length of appointment of the citizen members on the proposed new Committee & Board.

Based on the outcome of the conversation, and if it pleases the Council, the staff will then legally notice a formal public hearing regarding the proposed ordinance change.

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Note the staff has included the documents discussed at the August 18, 2020 meeting to ensure interested members of the public can study the previous analysis and public discussions via the Common Council packets and past meeting videos.

**Options/Alternatives:** The Council can choose to amend any portion of the draft ordinance submitted for discussion.

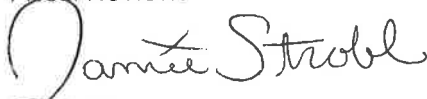
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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Jamie Strobl  
Assistant Comptroller

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**Attachments:** Draft Ordinance revisions; August 18, 2020 Common Council meeting materials including the memo entitled: Initial Thought Primer on Better Aligning the City with its Utility Department

## CHAPTER 2. GOVERNMENT AND ADMINISTRATION

### SEC. 2.23 STANDING COMMITTEES

(a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Common Council President shall appoint ~~Aldermen-Alderpers~~ to the following standing committees. Each committee shall have such duties and responsibilities as prescribed by this Code of Ordinances, or as otherwise directed by the Common Council, and shall make whatever recommendations to the Council as it deems appropriate or as may be directed by the Council:

(1) Personnel and Finance Committee. The Committee shall consist of a minimum of ~~two-three (23) Aldermen-Alderpers~~ annually appointed by the Common Council President, and two (2) citizen members annually appointed by the Mayor and approved by the Common Council. ~~The City Administrator, City Clerk, City Treasurer and Comptroller shall be ex-officio members of the Committee and shall not be entitled to vote on matters of the Committee.~~ The ~~Personnel~~ Committee shall have charge of all matters arising under Ch. 111, Wis. Stats. and shall perform such other duties and have certain authorities as assigned by the Common Council.

(2) Board of Public Works and Capital Assets. The Board shall consist of a minimum of ~~three (3) Alderpers~~ annually appointed by the Council President, and two (2) — citizen members annually appointed by the Mayor and approved by the Common Council. The City Administrator, City Engineer, and Utility Manager, or their designees, shall be ex-officio members of the Board and shall not be entitled to vote on matters of the Board. The Board shall have charge of all matters arising under Ch. 62.14 (6), Wis. Stats., including but not limited to the operation of the Water and Sewer Utility as authorized under Ch. 66.0805(6), Wis. Stats. The Board shall perform such other duties and have certain authorities as assigned by the Common Council.

(32) License Committee. The License Committee shall consist of three (3) ~~Aldermen-Alderpers~~ annually appointed by the Council President. The License Committee shall review licensing matters and perform such other duties and have certain authorities as assigned by the Council.

(3) ~~Capital Improvements Committee.~~ The ~~Capital Improvements Committee~~ shall

~~consist of three (3) Aldermen annually appointed by the Council President. The Capital Improvements Committee shall perform such duties as assigned by the Council.~~

(4) Small Claims Committee. The Small Claims Committee shall consist of the Mayor, the City Clerk, and an Alderman-Alderpers representative appointed by the Mayor for a one-year term. In addition, the City Administrator shall be an ex-officio member of the Small Claims Committee and shall not be entitled to vote on matters before the Committee. The Committee shall be authorized to settle general non-injury claims up to \$5,000, to issue final decisions on cases brought before the Committee, and to issue legally required formal notices of disallowances when necessary.

~~(5) The Finance Committee shall consist of (3) three aldermen appointed annually by the Common 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 the Finance Director/Comptroller. The term of the Citizen Representative shall be for one (1) year commencing on May 1<sup>st</sup>. The Mayor, City Administrator, City Clerk and City Treasurer shall be ex-officio members of the Committee and shall not be entitled to vote on matters before the Committee. The Finance Committee shall perform such duties as assigned by the Council, including making recommendations to the Council on policy revisions, tax incremental financing, capital funding of vehicles, equipment and buildings, investments, revenue analysis, cash flow analysis and other financial related issues.~~

(b) **Committee of the Whole.**

(1) The Mayor shall be the presiding officer of the Committee. The Committee of the Whole shall consist of the Mayor and all ~~AldermenAlderpers~~. The Committee of the Whole shall meet ~~on the Monday preceding the Council meeting and~~ at such ~~other~~ times as the Common Council shall direct.

(2) The Mayor shall ~~may~~ refer new business coming before the Common Council to the Committee of the Whole, or appropriate officer or appropriate committee, unless otherwise referred or disposed of by motion of the Council. Unless otherwise provided in the reference, the Committee or officer shall report thereon to the Council at its next regular meeting. The ~~chairmanchairperson~~ of the Committee shall report verbally to the Council at the meeting at which the report of the Committee is to be made.

Adoption of the Committee report shall comprise final Council action on any ordinance, resolution or other matter recommended for adoption by the Committee report.

(c) **Committee Appointments.**

(1) The ~~e~~Chairperson of each committee shall be designated by the Council President. Each member shall serve as appointed unless excused by a majority of the members of the Council. All ~~Aldermen~~Alderpersons shall serve on at least one (1) standing committee.

(2) The Mayor may declare the entire Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall serve as ~~chairman~~Chairperson.

(d) **Special Committees.** The Mayor may, from time to time, appoint such special committee or committees as may be deemed advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them. Residency shall not be a requirement for appointment to said special committees.

(e) **Cooperation of City Officers.** All City officers shall, upon request of the ~~chairman~~Chairperson of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

*Ordinance #2268 A 9/16/03 Sec. 2.23(a)(4)*

*Ordinance #2620 A 3/15/11 Sec. 2.23(a)(5)*

*Ordinance #2722 A 5/6/14, Section 2.23(a)(5)*

**SEC. 2.60 BOARDS AND COMMISSIONS, AND COMMITTEES GENERALLY.**

- (a) **Officers.** Unless otherwise specified, City boards, commissions, and committees established by this Chapter shall annually elect from their membership a eChairperson and sSecretary.
- (b) **Compensation.** Members of boards, commissions, and committees established by this Chapter shall receive such compensation as established by the Common Council.
- (c) **Meetings.**
  - (1) Unless otherwise specified, City boards, commissions, and committees established by this Chapter shall meet upon the call of their respective eChairpersons.
  - (2) Every board, committee and commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (d) **Notice of Meetings.**
  - (1) Every meeting of any board or commission of the City of Oak Creek and/or any committee appointed or created by the Mayor or Common Council of the City of Oak Creek shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter IV, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
  - (2) Such notice shall be given in writing to the official newspaper and to those news media who have filed a written request for such notice, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
  - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
  - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, which may be authorized by law.
- (e) **Notice to Members.** Every member of any board, commission or committee of the City of Oak Creek shall be notified by the sSecretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice or a reasonable attempt to give proper notice to such member.
- (f) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its sSecretary with the City Clerk within two (2) weeks of the meeting date.

All such minutes shall be public records. For all boards, commissions and citizen committees, the City Clerk shall serve as legal custodian of their records.

- (g) **Terms.** Except as otherwise provided, the terms of members of boards, commissions and citizen committees shall commence on May 1st.
- ~~(h) **Budgets.** All boards shall, on or before September 1, file detailed estimates of the financial requirements for the ensuing year.~~
- (+)(h) **Oath of Office.** Each member of boards, commissions and citizen committees shall take and file the official oath within 10 days of receipt of written notice of appointment.

**SEC. 2.61 BOARD OF REVIEW.**

- (a) **Composition.** The Board of Review shall be composed of five (5) regular members and two (2) alternate members who shall be residents of the City, none of whom shall occupy any public office. Members shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of five (5) years, and shall hold office until their successors are appointed and qualified. The term of office shall commence on June 1st.
- (b) **Clerk to Keep Records.** The City Clerk shall act as the Clerk of the Board and shall keep an accurate record of all proceedings as required by law.
- (c) **Meetings.**
  - (1) The Board of Review shall meet annually during the seven (7) day period beginning on the second Monday of May. The Common Council, on or before its second meeting in April each year, shall establish the specific date and times for the first meeting for that year, provided that it shall be for not fewer than two (2) hours on the first meeting day between 8:00 a.m. and 12:00 midnight. In the event that the Common Council fails to adopt a resolution establishing the date and time of the first meeting of the Board of Review by its second meeting in May, the first meeting of the Board of Review shall be on the first Monday in May between 8:00 a.m. and 12:00 noon. The purpose of the first meeting is for the Board to receive the assessment roll and sworn statements from the Clerk, for taxpayers to appear and examine the assessment roll and other assessment data, and to schedule for hearing each written objection that it receives during the first two hours of the meeting or that it received prior to the first meeting. A majority of the Board shall constitute a quorum.
  - (2) If the assessment roll is not completed, the Board may, at its first meeting, adjourn after a roll call for such time as is necessary to complete the roll and shall put written notice on the outer door of the Common



Council chambers stating to what time the meeting is adjourned.

- (d) **Powers and Duties.** The powers and duties of the Board of Review shall be as those set forth in Secs. 70.46 and 70.47, Wis. Stats.
- (e) **Confidentiality of Information.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Section 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Section 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Section 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Section 19.35(1), Wis. Stats.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

*Ordinance #2038 A 10/19/99 Sec. 2.61(e)*

*Ordinance #2073 A 6/6/00 Sec. 2.61(a) and (c)(1)*

#### SEC. 2.62 POLICE AND FIRE COMMISSION.

- (a) **Composition.** The Police and Fire Commission shall consist of five (5) citizens of recognized standing, character and integrity, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the ~~s~~Secretary of the Board, one (1) member for a term of five (5) years, subject to confirmation by the Common Council.
- (b) **Powers and Duties.** The Board of Police and Fire Commissioners shall perform such duties as are imposed by Sec. 62.13, Wis. Stats., except sub. (6) therein.

State Law Reference: Sec. 62.13, Wis. Stats.

#### SEC. 2.63 PLAN COMMISSION.

- (a) **Composition.** The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, the ~~City Engineer/Building Commissioner/Public Works Director~~ or ~~his/her~~their designee, two (2) ~~Aldermen/Alderpersons~~ who shall be chosen by the Common Council President at the second meeting in April of each year, ~~and~~ five (5) citizens of recognized experience and qualifications. In addition, ~~the Building Commissioner or his/her designee and~~ a representative of the Planning Department shall be ~~an~~ ex-officio mem-

bers of the Plan Commission, and shall not be entitled to vote on matters before the Plan Commission. The citizen members of the Plan Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years commencing on May 1st of each year.

- (b) **Powers and Duties.** The Plan Commission shall perform such duties as are prescribed by Sec. 62.23, Wis. Stats., and has such further powers as may be delegated to it by the Wisconsin Statutes and City ordinances.

State Law Reference: Sec. 62.23, Wis. Stats.

*Ordinance #2062 A 4/18/00 Sec. 2.63(a)*

*Ordinance # 2245 A 5/6/03 Sec. 2.63(a)*

#### SEC. 2.64 ZONING BOARD OF APPEALS.

- (a) **Composition.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years, commencing on May 1st of each year.
- (b) **Powers and Duties.** The Zoning Board of Appeals shall have those powers and duties prescribed by City ordinance and Sec. 62.23(7), Wis. Stats.

State Law Reference: Sec. 62.23(7), Wis. Stats.

Cross Reference: Section 2.69 and 17.1101-17.1110.

#### SEC. 2.65 CIVIL SERVICE COMMISSION.

*This section repealed by the adoption of Ordinance #2764 on 6/16/15; which recreated sections 2.44 and 2.46.*

#### SEC. 2.66 LIBRARY BOARD.

- (a) **Composition.** The Library Board shall consist of seven (7) members, five (5) citizen members, one (1) school district administrator or ~~his/her~~their representative to represent the public school district, and one (1) ~~alderman/Alderpersone~~. The five citizen members shall be appointed for three (3) year terms to begin July 1, by the Mayor and confirmed by the Common Council. The school district administrator or ~~his/her~~their representative shall be appointed by the Mayor for a three-year term to begin July 1. All three-year terms shall be staggered so that no more than two (2) citizen appointments are appointed annually. The ~~Alder-~~manieAlderpersone member shall be appointed annually by the Mayor on the third Tuesday in April. The Library Board shall annually in June elect from its membership a ~~p~~President, a ~~v~~Vice-~~p~~President and a ~~s~~Secretary. A majority of the membership of the Library Board shall constitute a quorum.

- (b) **Compensation.** No compensation shall be paid to any Library Board member for their service as such, but they may be reimbursed for their actual and necessary expenses incurred in performing their duties outside the City if so authorized by the Library Board.
- (c) **Power and Duties.** The Library Board shall have the powers and duties as prescribed under Sec. 43.58, Wis. Stats.

State Law Reference: Sec. 43.58, Wis. Stats.

**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.

(b) (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.

(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.

(h) ~~(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 1<sup>st</sup> 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.

(i) ~~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.

~~Ordinance #2119, A 4/2/2001, Sec. 2.67~~

~~Ordinance # 2473, A 9/4/2007, Sec. 2.67(b) & (c)~~

## SEC. 2.68 PARKS AND RECREATION COMMISSION.

(a) **Composition.** The Oak Creek Parks and Recreation Commission shall consist of eight (8) members: six (6) citizen members, the Superintendent of Schools or ~~his/her~~<sup>their</sup> designated representative, and one (1) ~~Alderman~~<sup>Aldersperson</sup>. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall serve as members of the Commission for three (3) years and until their successors are appointed. Terms shall be staggered so that no more than two (2) citizen members are appointed annually. The ~~alderman~~<sup>alderperson</sup> member of the Commission shall be appointed by the Common Council President and shall serve for one (1) year. All appointments, except vacancies, shall be made on the third Tuesday in April in each year. Members appointed as vacancies occur shall serve only for the unexpired term of the vacated members. Vacancies shall be filled in the same manner as appointments. Members of the Commission shall receive no compensation for their services.

(b) **Powers and Duties.** The Parks and Recreation Commission shall:

- (1) Advise the Director of Parks and Recreation in the execution of ~~his~~<sup>their</sup> responsibilities.
- (2) Suggest administrative regulations for the operation of park and recreation facilities.
- (3) Plan a program of capital improvements.
- (4) Make whatever recommendations they may see fit to the Mayor and Council towards the improvement of the operation of park and recreational activities and facilities.
- (5) Coordinate the various social segments of the community into a unified pattern of activity.
- (6) Adopt policies for its own guidance and for the administration of recreation activities.
- (7) Advise the Common Council on other matters relating to parks and recreation.
- (8) Review the annual department budget as prepared by the Director of Parks and Recreation.
- (9) Assist the Director of Parks and Recreation in keeping the general public informed as to the development of activities in the department.

(c) **Meetings.** The Parks and Recreation Commission shall meet annually in June of each year and shall further meet monthly at such times and places as they shall determine. At the annual meeting, a ~~Chairman~~<sup>Chairperson</sup> and Secretary shall be elected. In the absence of the ~~Chairman~~<sup>Chairperson</sup>, the members of the Commission shall elect one of its members to preside and

exercise the functions of the ~~Chairman~~Chairperson.

State Law Reference: Sec. 27.08, Wis. Stats.

#### SEC. 2.69 HOUSING BOARD OF APPEALS.

- (a) **Composition.** The members of the Zoning Board of Appeals shall also serve as the Housing Board of Appeals. Terms of office shall coincide with terms on the Zoning Board of Appeals.
- (b) **Powers and Duties.** The Board shall conduct hearings requested by any person affected by any notice, which is issued in connection with the enforcement of any provision of the City's Minimum Housing Codes. The concurring vote of four (4) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under such Code, or to effect any variation in such Code. The grounds of every such determination shall be stated. The Board may transcribe the testimony given at such hearing and payment therefor shall be made by the City.
- (c) **Quorum.** The quorum for meetings or hearings of the Board shall consist of four (4) members.

Cross-Reference: Section 2.64 and Section 16.01-16.14.

#### SEC. 2.70 BOARD OF HEALTH.

- (a) **Composition.** There is hereby created the City of Oak Creek Board of Health. It shall consist of eight (8) members: the Community Public Health Administrator, Sanitarian, Medical Advisor, an ~~Alderman~~Aldersperson and four (4) citizen members. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall hold office as members of the Board for three (3) years and until their successors are appointed and qualified, the first appointments to be for three (3), two (2) and one (1) years respectively. The terms of office of the citizen members shall commence on October 1. The ~~Alderman~~Aldersperson member of the Board of Health shall be appointed by the Common Council President at its regular meeting held on the third Tuesday of April and shall serve for one (1) year. The Board of Health shall appoint a licensed physician who shall be a member of such Board. If a vacancy in the position of medical advisor occurs, the Board of Health shall immediately fill the same.
- (b) **Powers and Duties.**
- (1) The members of the Board shall meet at a place on any day as the Board, by its own rules, shall prescribe.
  - (2) The Board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations

shall be published in the official newspaper of the City and they shall have the force and effect of ordinances, including penalty for violation.

State Law Reference: Chapter 251, Wis. Stats.

#### SEC. 2.71 CELEBRATIONS COMMISSION.

- (a) **Composition.** There is hereby created a Celebrations Commission consisting of ten (10) ~~citizens, all of whom shall be City residents~~members. The members of the Celebrations Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, and vacancies shall be filled in the same manner. Members appointed as vacancies appear shall serve only for the unexpired term of the vacated members. All appointments, except in vacancies, shall be for three (3) years and shall be made on the third Tuesday in April in each year. Terms shall be staggered so that no more than four (4) members are appointed annually.
- (b) **Powers and Duties.** The Celebrations Commission shall supervise the annual Fourth of July celebration ~~in the City of Oak Creek~~ and any other celebration, which may be authorized and/or directed by the Common Council. The Commission is authorized to expend funds allocated to it by the annual budget of the Common Council for celebrations and shall have the power to appoint any number of persons to committees and/or subcommittees to aid in carrying out its duties.

*Ordinance #1120 A 5/21/85 Sec. 1.08(14) creation*

*Ordinance #1249 A 10/6/87*

*Ordinance #1393 A 8/15/89*

#### SEC. 2.72 EMERGENCY MANAGEMENT ADVISORY COMMITTEE.

- (a) **Composition.** There is hereby created an Emergency Management Advisory Committee consisting of the following:
- (1) Fire Chief (as Director of Emergency Management Services).
  - (2) Chief of Police (as Deputy Emergency Management Director).
  - (3) Director of Public Works.
  - (4) Community Public Health Administrator.
  - (5) City Administrator.
  - (6) Utility Manager.
  - (7) One (1) ~~Alderman~~Aldersperson, annually appointed by the Council President.
- (b) **Powers and Duties.** The Emergency Management Advisory Committee shall act in an advisory capacity on matters pertaining to City government's response to emergency situations.

#### ~~SEC. 2.73 TRAFFIC AND SAFETY COMMISSION.~~

- ~~(a) **Composition.** There is hereby established a Traffic and Safety Commission. The Commission shall consist of eight (8) voting members, including one (1) Alderman appointed by the Council President. All terms of office shall commence on~~

October 1 of each year. The voting members of the Commission shall be as follows:

- ~~(1) Three (3) citizen members who shall be appointed by the Mayor, subject to confirmation by the Common Council. All appointments, except vacancies, shall be for three (3) years. Terms shall be staggered so that no more than one (1) member is appointed annually.~~
- ~~(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) Powers and Duties. The Traffic and Safety Commission shall:~~

- ~~(1) Annually select two (2) of its members to attend meetings of the Milwaukee County Safety Commission.~~
- ~~(2) Coordinate traffic and safety activities.~~
- ~~(3) Carry on educational activities in traffic and safety matters.~~
- ~~(4) Supervise the preparation and publication of traffic reports.~~
- ~~(5) Receive complaints having to do with traffic and safety matters.~~
- ~~(6) Recommend to the Common Council and other City officials ways and means for improving traffic and safety conditions, and the administration and enforcement of traffic regulations and safety conditions.~~

#### **SEC. 2.74 THIS SECTION INTENTIONALLY LEFT BLANK.**

*Ordinance #2125 A 4/17/01 Sec. 2.74*

#### **SEC. 2.75 LANDSCAPE AND BEAUTIFICATION COMMITTEE.**

~~(a) Composition.~~

~~(1) There shall be five (5) voting members of the Landscape and Beautification Committee, consisting of five (5) citizen members, one (1) elected official, and one (1) Parks, Recreation and Forestry Commission member. The City Forester and an employee of the Streets, Parks and Forestry Department shall act as advisory to the Committee. The Mayor shall be an ex officio member of the committee without the authority to vote.~~

~~(2) The members of the Committee shall be appointed by the Mayor, subject to confirmation by the Common Council at the second meeting in April for terms lasting two (2) years, commencing on May 1.~~

~~(b) Powers and Duties.~~

~~The committee shall promote, conduct, and award the annual City of Oak Creek Landscaping Awards. The Committee will create and review the criteria for eligibility, promote the competition, select the finalists, and award the winners for residences and businesses within the City. In addition, the Committee will work with~~

~~the Streets, Parks, and Forestry Department to promote and enhance the natural areas of the City. The Committee may attend other meetings as approved by the Common Council, and should report to the Council following their regular meetings.~~

*Ord #2706 Repealed A 2/4/14 Sec 2.75 & 2.76*

*Ordinance #2712 A 2/17/14 Sec 2.75*

*Ordinance #2732 A 8/4/14 Sec. 2.75*

#### **SEC. 2.77 TOURISM COMMISSION**

(a) **Composition.** The Tourism Commission shall consist of five (5) voting members who shall be appointed for a one year term commencing May 1 by the Mayor subject to confirmation by the Common Council, including

- a. one (1) ~~Alderman~~ Aldersperson
- b. At least one of the commission members shall represent the Wisconsin hotel and motel industry.

(b) **Ex-Officio Members.** The Mayor, City Administrator and Director of Community Development shall serve as ex-officio members and shall not be entitled to vote on matters before the Commission.

(c) **Powers and Duties.** The Tourism Commission shall have those powers or duties as prescribed by State statute.

*Ordinance # 2190 A 5/22/02 Sec 2.77*

*Ordinance #2620 A 3/15/11 Sec. 2.77*

*Ordinance #2741 A 11/05/14 Sec. 2.77*

*Ordinance #2826 A 10/04/16 Sec. 2.77*

#### **SEC. 2.78 COMMUNITY DEVELOPMENT AUTHORITY**

(a) **Composition.** There shall be seven (7) voting members of the Community Development Authority, consisting of five (5) citizens and two (2) ~~Aldermen~~ persons appointed by the Mayor, subject to confirmation by the Common Council.

(b) **Ex-Officio Members.** The Mayor, City Attorney, City Administrator, and Director of Community Development shall serve as ex-officio members and shall not be entitled to vote on matters before the Committee

(c) **Powers and Duties.** The Community Development Authority shall have those powers or duties as prescribed by State statute.

*Ordinance #2060 A 4/3/00 Sec. 2.78(a)*

*Ordinance # 2084 A 9/19/00 Sec. 2.78(a)*

*Ordinance #2190 A 5/22/02 Sec. 2.78*

*Ordinance #2275, A 10/7/03, Sec.2.78(b)*

*Ordinance #2721, A 5/6/14, Section 2.78(b)*

#### **SEC. 2.79 BOARD OF ABSENTEE BALLOT CANVASSERS**

(a) **Purpose.** Pursuant to Secs. 7.52 and 7.53(2m), Wis. Stats., there is created a Board of Absentee Ballot Canvassers.

(b) **Composition.** The Board of Absentee Ballot Canvassers shall be composed of the City Clerk, or a qualified elector of the City designated by the City Clerk, and two (2) other qualified electors of the

city appointed by the City Clerk for a term of two (2) years commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.

- (c) **Canvassing of Absentee Ballots.** In lieu of canvassing absentee ballots at polling places under Sec. 6.88, Wis. Stats., the Board of Absentee Ballot Canvassers shall, at each election held in the City, canvass all absentee ballots received by the City Clerk by 8:00 p.m. on election day.
- (d) **Counting of Absentee Ballots.** At every election held in the City, the Board of Absentee Ballot Canvassers shall, any time after the opening of polls and before 10:00 p.m. on Election Day, publicly convene to count the absentee ballots for the City. The City Clerk shall give at least 48 hours' notice of any meeting under this subsection.

*Ordinance #2784 A 12/15/15 Sec. 2.79*

## **SEC. 2.80 STANDING JOINT REVIEW BOARD**

### **(a) Composition.**

- (1) There shall be five (5) voting members of the Standing Joint Review Board, consisting of one (1) representative of the City, one (1) representative chosen by the Oak-Creek Franklin School District, (1) one representative chosen by the Milwaukee Area Technical College District, (1) one representative chosen by Milwaukee County, and (1) one public member that shall be selected by a majority of the other board members before the public hearing.
- (2) The City Administrator, Finance Director and Director of Community Development shall act as advisory to the Standing Joint Review Board without the authority to vote.
- (3) The City's representative to the Standing Joint Review Board shall be appointed by the Mayor, subject to confirmation by the Common Council at the second meeting in April for a term lasting two (2) years, commencing on May 1.

### **(b) Purpose**

Members of the Standing Joint Review Board are designated to represent a taxing jurisdiction (municipal, county, school, technical college) having the responsibility to approve, deny or amend a Tax Incremental District (TID).

### **(c) Powers and Duties**

- (1) The Standing Joint Review Board shall have all of the powers and duties as prescribed by Wisconsin Statutes 66.1105(4m).
- (2) The Standing Joint Review Board shall remain in existence for the entire time that any tax incremental district exists in the City.

*Ordinance #2806 A 5/17/16 Sec. 2.80*

## 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

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**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.

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Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:

Approved:

n/a

Bridget M. Souffrant  
Assistant City Administrator/Comptroller

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**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 2<sup>nd</sup> and 4<sup>th</sup> 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



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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.*



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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



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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



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- 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





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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 1<sup>st</sup> 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: <i>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.</i> 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 <b>RETAIL WATER</b> 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> <i>Control of Water Utility. 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>
Neenah	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

<b>Comparison A: Population-Based Comparison</b>				
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 SS.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" (SS.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 citizen, 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
Oshkosh	\$ 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

<b>Item:</b>	2021 CIP Road Recommendations
<b>Recommendation:</b>	That the Common Council considers adoption of Resolution No. 12190-091520, a resolution authorizing the CIP-recommended road improvement projects to be advertised for public bid for rehabilitation in 2021. (Various Aldermanic Districts)
<b>Fiscal Impact:</b>	There is \$671,625 remaining in the 2020 budget and \$653,672 slated for approval in the 2021 budget. This brings the total available funding to \$1,325,297 for the proposed road projects.
<b>Critical Success Factor(s):</b>	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input type="checkbox"/> Thoughtful Development and Prosperous Economy <input type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input checked="" type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

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**Background:** The Engineering Department has conducted its annual city-wide inspection, rating, and rehabilitation cost analysis of all city streets. On August 18, 2020, the CIP Committee evaluated the potential 2021 road improvement candidates, and recommended the following streets for rehabilitation under public contract.

Road Segment #11 (County Line Road), #12 (10<sup>th</sup> Avenue) and #13 (Groveland Drive) are maintenance sections where the goal is to apply a seal coating-type surface treatment as a way to preserve the road, in effect pushing the need for a larger rehabilitation project further into the future. The same treatment was completed in 2019 on Pennsylvania Avenue from Ryan Road to Puetz Road and is consistent with one of the main recommendations in the CIP Funding Alternatives white paper that was developed under the Financial Stability SAP initiative.

Puetz Road from 27<sup>th</sup> Street to 13<sup>th</sup> Street was discussed with the CIP Committee and is a highly recommended road to be rehabilitated. It was discussed that Puetz Road from 27<sup>th</sup> Street to 13<sup>th</sup> Street would be recommended for rehabilitation and advertised with the 2021 road improvement candidates but would potentially be funded by the TIF (instead of PASER funding) since it falls within the TID 7 boundary. This segment of Puetz Road is not included in the table below but will be discussed further at a future CIP meeting during the 2021 budget process.

Upon authorization under this resolution, the Engineering Department would prepare the plans, specifications and bid documents; and advertise the work for public bid.

	Proposed Street	From	To	Length (Feet)	Treatment Type	Cost Estimate
1	Oakwood Rd	27th St	13th St	4545	Mill & Asphalt Surfacing	\$257,000
2	Elm Rd	10th Ave	S. Chicago Rd / STH 32	2904	Mill & Asphalt Surfacing	\$155,000
3	Meadowview Dr	160-ft East of Kelly Dr	Nicholson Rd	1340	Mill & Asphalt Surfacing	\$62,000
4	Ash St	Rawson Ave	Ash Ct	125	Pavement Replacement (7")	\$44,000
5	McGraw Dr	Fitzsimmons Rd	Oakwood Rd	2640	Mill & Asphalt Surfacing	\$103,000
6	Oak Ln	450-ft West of McGraw Dr	Nicholson Rd	1382	Mill & Asphalt Surfacing	\$52,000
7	Montana Ave	Cul-de-sac	Nicholson Ave / Pennsylvania Ave	1894	Repair & Asphalt Surfacing	\$197,000
8	Madison Dr	Montana Ave	Cul-de-sac	430	Repair & Asphalt Surfacing	\$35,000
9	Lynhaven Dr	Montana Ave	Cul-de-sac	514	Repair & Asphalt Surfacing	\$42,000
10	Chapel Dr	Montana Ave	Cul-de-sac	992	Repair & Asphalt Surfacing	\$104,000
11	County Line Rd	3200 E. County Line Rd (Bike Path)	S. Chicago Rd / STH 32	5913	Seal Treatment	\$128,000
12	10th Ave	County Line Rd	Elm Rd	2640	Seal Treatment	\$43,000
13	Groveland Dr	Howell Ave	Shepard Ave	2694	Seal Treatment	\$81,000
Estimate Total:						\$1,303,000

The CIP Committee selected Wood Avenue, from 21<sup>st</sup> Street to 20<sup>th</sup> Street, and Carrington Avenue, from 21<sup>st</sup> Street to 20<sup>th</sup> Street as alternates to be included with the 2021 Road Improvement project if the bids are favorable and funding is available.

**Options/Alternatives:** Reject CIP committee recommendations and do not repair infrastructure in 2021 or direct CIP committee to reconvene to choose other roadway segments for repair.

Respectfully submitted:



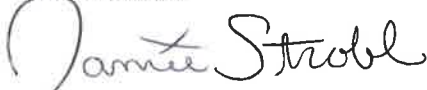
Andrew J. Vickers, MPA  
City Administrator

Prepared:



Ashley Kiepczynski, PE  
Design Engineer

Fiscal Review:



Jamie Strobl  
Assistant Comptroller

Approved:



Michael C. Simmons, PE  
City Engineer

**RESOLUTION NO. 12190-091520**

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

**RESOLUTION AUTHORIZING THE CIP-RECOMMENDED ROAD IMPROVEMENT PROJECTS TO BE ADVERTISED FOR PUBLIC BID FOR REHABILITATION IN 2021**

**(VARIOUS ALDERMANIC DISTRICTS)**

WHEREAS, in the judgment of the Common Council of the City of Oak Creek, it is deemed to be expedient and necessary and in the best interest of the city that it proceeds with the following road improvement projects:

	Proposed Street	From	To	Length (Feet)	Treatment Type	Cost Estimate
1	Oakwood Rd	27th St	13th St	4545	Mill & Asphalt Surfacing	\$257,000
2	Elm Rd	10th Ave	S. Chicago Rd / STH 32	2904	Mill & Asphalt Surfacing	\$155,000
3	Meadowview Dr	160-ft East of Kelly Dr	Nicholson Rd	1340	Mill & Asphalt Surfacing	\$62,000
4	Ash St	Rawson Ave	Ash Ct	125	Pavement Replacement (7")	\$44,000
5	McGraw Dr	Fitzsimmons Rd	Oakwood Rd	2640	Mill & Asphalt Surfacing	\$103,000
6	Oak Ln	450-ft West of McGraw Dr	Nicholson Rd	1382	Mill & Asphalt Surfacing	\$52,000
7	Montana Ave	Cul-de-sac	Nicholson Ave / Pennsylvania Ave	1894	Repair & Asphalt Surfacing	\$197,000
8	Madison Dr	Montana Ave	Cul-de-sac	430	Repair & Asphalt Surfacing	\$35,000
9	Lynhaven Dr	Montana Ave	Cul-de-sac	514	Repair & Asphalt Surfacing	\$42,000
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12	10th Ave	County Line Rd	Elm Rd	2640	Seal Treatment	\$43,000
13	Groveland Dr	Howell Ave	Shepard Ave	2694	Seal Treatment	\$81,000
Estimate Total:						\$1,303,000

and,

WHEREAS, the City Engineer has approved preliminary plans and specifications for said improvements.

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

1. That the above-listed CIP recommended road improvements are hereby approved to proceed.

2. That payment for said improvements shall be made from funds reserved under CIP funding provided in the 2020 and 2021 budgets.
3. That the City Engineer is hereby authorized to develop and approve final plans, specifications and bid documents.
4. That the City Clerk is hereby authorized to advertise for bids for said improvements and that she shall advertise for such bids in the city's Official Newspaper and QuestCDN website.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of September 2020.

Passed and adopted this 15<sup>th</sup> day of September 2020.

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

Approved this 15<sup>th</sup> day of September 2020.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

## COMMON COUNCIL REPORT

- Item:** W. Drexel Avenue Design Contract Negotiations
- Recommendation:** That the Common Council considers a motion to authorize the Engineering Department to enter into contract negotiations with Ayres Associates for the design services of W. Drexel Avenue from S. 13<sup>th</sup> Street to S. Howell Avenue. (1<sup>st</sup> & 2<sup>nd</sup> Aldermanic Districts)
- Fiscal Impact:** The city will be responsible for 20% of the total design costs, which is estimated to be \$56,300. The remaining 80% of the total design costs will be federally funded, up to a maximum of \$225,200.
- 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:** On July 21, 2020, the Common Council approved Resolution No. 12173-072120 entering into a State Municipal Agreement (SMA) with WisDOT for the rehabilitation of W. Drexel Avenue from S. 13<sup>th</sup> Street to S. Howell Avenue. The proposed improvements will include a dowel bar retrofit and diamond grinding to rehabilitate the pavement and restore the ride, segments of sidewalk and street lighting upgrades. Now that the SMA is in place, the next step is to select a design firm and begin the design of W. Drexel Avenue.

The Engineering Department advertised and requested that a technical proposal be submitted for the preliminary and final design of W. Drexel Avenue. We received five submittals for this project. The technical proposal provided consultant qualifications, references, project team, project understanding & approach, workload and schedule of tasks. In order to stay eligible for the Surface Transportation Program (STP) grant funding, the Quality Based Selection (QBS) process must be followed. The following are the top five firms based on Engineering's evaluations of the submittals:

Firm	Rank
Ayres Associates	1
raSmith	2
EMCS, Inc.	3
Kapur	4
Strand Associates	5

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The Engineering Department recommends Ayres Associates for the work based upon the firm's technical capabilities and experience with local roadway rehabilitation projects.

**Options/Alternatives:** The alternative is to select a lower ranked firm or not select a firm and risk losing federal funding for not complying with the requirements of WisDOT's STP grant funding.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Ashley Kiepczynski, PE  
Design Engineer

Fiscal Review:



Jamie Strobl  
Assistant Comptroller

Approved:



Michael C. Simmons, PE  
City Engineer

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Attachments:



## COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 9/15/2020 License Committee Report.

**Fiscal Impact:** License fees in the amount of 530.00 were collected.

**Critical Success Factor(s):**

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

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**Background:**

1. Grant an Operator's license to:
  - \* Austin R. McGuff (Gary's) \* Sarah U. Evans-Stieber (Sidetracked)
  - \* Isayah J. Turner (Kwik Trip) \* Rebecca D. Kamperath

The License Committee met on 9/10/2020 to review the below item. Attached are the minutes. Recommendation is as follows:

2. Grant an Operator's license to Diane M. Brown (Oak Creek Diner).

**Options/Alternatives:** None

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Respectfully submitted:



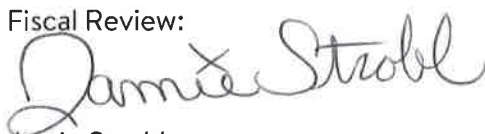
Andrew J. Vickers, MPA  
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC  
Deputy City Clerk

Fiscal Review:



Jamie Strobl  
Assistant Comptroller

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Attachments: 9/10/2020 License Committee Minutes

**MINUTES**  
**LICENSE COMMITTEE**  
**September 10, 2020 at 8:30 a.m.**

1. The meeting was called to order at 8:30 a.m.
2. On roll call, the following committee members were present: Ald. Kurkowski, Ald. Duchniak and Ald. Gehl. Also in attendance was Deputy City Clerk Christa Miller.
3. Ald. Duchniak, seconded by Ald. Gehl, moved to approve the minutes of 5/10/2020. On roll call, all voted aye.
4. The Committee reviewed an application submitted by Diane M. Brown, 317 E. Burdick Ave., Apt. A, Milwaukee, WI (Oak Creek Diner). Ms. Brown was in attendance (via video conference).

Ald. Duchniak, seconded by Ald. Gehl, moved to approve the application for an Operator's license submitted by Diane M. Brown, 317 E. Burdick Ave., Apt. A, Milwaukee, WI (Oak Creek Diner). On roll call, all voted aye.

Ald. Kurkowski, seconded by Ald. Duchniak, moved to adjourn the meeting at 8:35 a.m. On roll call, all voted aye.



## COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the September 9, 2020 Vendor Summary Report in the total of \$1,159,888.87.

**Fiscal Impact:** Total claims paid of \$1,159,888.87.

**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. \$98,865.14 to 2201 W Southbranch LLC (pg #1) for final TIF 7 payment per Development Agreement.
2. \$14,438.00 to Arlington Computer Products (pg #1) for laptops for COVID workers.
3. \$11,899.50 to Buelow Vetter (pg #2) for legal services.
4. \$6,280.00 to Election Systems & Software, LLC (pg #3) for election supplies.
5. \$10,477.60 to Enterprise FM Trust (pg #4) for DPW vehicle lease monthly payment, Project #19024.
6. \$5,167.00 to GOVHR, USA LLC (pg #5) for professional fees relating to recruitment of the Assistant City Administrator/Comptroller.
7. \$351,794.19 to Liberty Property Trust (pg #6) for TIF 7 payment per Development Agreement.
8. \$288,926.45 to Masterlock (pg #6) for TIF 10 payment per Development Agreement.
9. \$7,343.60 to Oak Creek Water & Sewer Utility (pgs #7-8) for digger's hotline and water/sewer quarterly fees.
10. \$175,000.00 to Oakview Industrial Property III, LLC (pg #8) for final payment per Developer Agreement for Arena Americas.
11. \$8,438.00 to ProPhoenix (pg #9) for DA Protect interface.
12. \$43,273.36 to US Bank (pgs #15-23) 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.
13. \$6,519.50 to WDATCP-DFRS (pg #11) for 2019-2020 licensing fees.
14. \$15,700.95 to WE Energies (pgs #11-12) for street lighting, electricity & natural gas.

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15. \$12,769.66 to WI Court Fines & Surcharges (pg #12) for August 2020 court fines.

16. \$5,000.00 to WISHIN (pg #12) for 8/2020 - 7/2021 subscription.

Options/Alternatives: None

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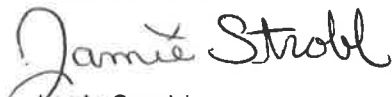
Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

  
Kristina Strmsek  
Staff Accountant

Fiscal Review:

  
Jamie Strobl  
Assistant Comptroller

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Attachments: 9/9/2020 Invoice GL Distribution Report