



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

COMMON COUNCIL MEETING AGENDA

OCTOBER 20, 2020

7:00 P.M.

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

The City's Vision

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

IMPORTANT NOTICE

This meeting will be held 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: 10/6/20.

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

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

4. **Conditional Use Amend:** Consider a request submitted by Mega Marts, LLC dba Pick 'n Save #387, for an amendment to the existing Conditional Use Permit to allow outdoor display of retail merchandise (propane tank exchange) on the property at 2320 W. Ryan Rd. (6th District).
5. **Ordinance:** Consider *Ordinance* No. 2985, approving a Conditional Use Permit amendment to allow outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n Save store on the property at 2320 W. Ryan Rd. (6th District).

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

6. **Conditional Use Amend:** Consider a request submitted by Mega Marts, LLC dba Pick 'n Save #862, for an amendment to the existing Conditional Use Permit to allow outdoor display of retail merchandise (propane tank exchange) on the property at 8770 S. Howell Ave. (3rd District).
7. **Ordinance:** Consider Ordinance No. 2986, approving a Conditional Use Permit amendment to allow outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n Save store on the property at 8770 S. Howell Ave. (3rd District).
8. **PUD Amend:** Consider a request submitted by Walden OC, LLC, for amendments to the existing Planned Unit Development affecting the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750 and 1700 W. Drexel Ave. and 7700 S. Ikea Way (2nd District).
9. **Ordinance:** Consider Ordinance No. 2987, approving amendments to the Planned Unit Development on the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 E. Ikea Way (2nd District).
10. **Municipal Code:** Consider a Charter Ordinance relating to the government and administration of Standing Committees, Boards and Commissions of the City of Oak Creek to repeal and recreate Sections 2.23, 2.60(a), 2.60(c)(1), 2.60(d)(1), 2.60(e), 2.60(f), 2.60(h), 2.61(e), 2.62(a), 2.63(a), 2.66(a), 2.68(a), 2.68(b)(1), 2.68(c), 2.70(a), 2.71(a), 2.71(b), 2.72(a)(7), 2.77(a)a, 2.78(a), 2.79(d), and to repeal Sections 2.60(i), 2.67, 2.73, and 2.75 of the Municipal Code (by Committee of the Whole).
11. **Ordinance:** Consider Charter Ordinance No. 16, relating to the Government and Administration of Standing Committees, Boards and Commissions of the City of Oak Creek (by Committee of the Whole).

New Business

12. **Resolution:** Consider Resolution No. 12195-102020, authorizing the Rescission of the 2019 Personal Property Tax Bill, including any interest and penalties, for the property at 6720 S. 27th Street (2nd District).
13. **Motion:** Consider a motion to authorize the assignment of the current refuse and recycling contracts with Advanced Disposal to GFL Solid Midwest, LLC, with all terms and conditions to remain, and, further, authorizes the Mayor to sign the August 19, 2020 letter from Advanced Disposal consenting to the agreements' transfer, contingent upon closing (by Committee of the Whole).

ENGINEERING

14. **Motion:** Consider a motion to authorize the Engineering Department to enter into a Three Party Design contract, not to exceed \$181,906.44, between the Wisconsin Department of Transportation, City of Oak Creek, and Ayres Associates for the design services of W. Drexel Avenue from S. 13th Street to S. Howell Avenue (1st & 2nd Districts).
15. **Motion:** Consider a motion to concur with the Traffic and Safety Commission and approve the installation of:
 - a. a "No Parking Anytime" sign on the north side of E. American Avenue from S. 5th Avenue to 160-ft west of S. 5th Avenue (4th District) and
 - b. "Deaf Child Area" signs on W. Jonathan Drive (2nd District).

LICENSE COMMITTEE

16. **Motion:** Consider a *motion* to grant the various license requests as listed on the 10/20/20 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

17. **Motion:** Consider a *motion* to approve the October 14, 2020 Vendor Summary Report in the total amount of \$407,267.01 (by Committee of the Whole).

Adjournment.

Public Notice

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

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may 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

TO BE PUBLISHED SEPTEMBER 30 & OCTOBER 7, 2020

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OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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PURPOSE:

The purpose of this public hearing is to consider a request submitted by Mega Marts, LLC DBA Pick 'n' Save #387, for an amendment to the existing Conditional Use Permit to allow outdoor display of retail merchandise (propane tank exchange) on the property at 2320 W. Ryan Rd.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Mega Marts, LLC DBA Pick 'n' Save #387

Property Owner(s):

Atout Real Estate, LLC

Property Location(s):

2320 W. Ryan Rd.

Tax Key(s):

878-9037-001

Legal Description:

CSM NO 7866 LOT 1 SW 1/4 SEC 19-5-22 (11.1890 ACS) EXC S 20 FT CONV TO DOT IN DOC NO 10306419 FOR ST.

The Common Council has scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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

COMMON COUNCIL REPORT

Item: Conditional Use Permit Amendment - Outdoor Display of Retail Merchandise (propane tanks) - Mega Marts, LLC (dba Pick 'n' Save #387)

Recommendation: That the Council adopts Ordinance 2985, an ordinance to approve a Conditional Use Permit Amendment to allow outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n' Save store on the property at 2320 W. Ryan Rd.

Fiscal Impact: No direct fiscal impact is anticipated with this request. The tenant space is currently occupied by the Applicant. This property is part of TID 7.

Critical Success Factor(s):

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

Background: The Applicant, with authorization and support of the landowner, is requesting approval for a proposed amendment to the existing Conditional Use Permit (CUP) to allow outdoor display of retail merchandise for propane tanks on the property at 2320 W. Ryan Rd. Outdoor display of retail merchandise is a Conditional Use in the B-4, Highway Business district. The existing CUP was last updated in 2011 (Ord. 2632) for a non-related request.

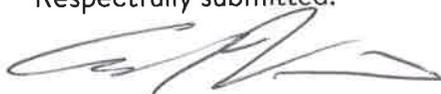
The request is for the permanent display of the propane exchange cage area at the entrance to the Pick 'n' Save store on the property. Per the submitted front entrance graphic, the 70" (h) x 44" (w) x 30" (d) cage area will be located at least 9 feet from the edge of the sidewalk. This appears to be outside of fire lane accesses. Additional compliance with Fire Codes for siting have been incorporated into the attached Conditions and Restrictions for Council consideration. Staff have no objection to the request with the location in conformance with Fire Department requirements.

No exterior or site modifications are being proposed as part of this request.

The Plan Commission reviewed this request during their September 22, 2020 meeting, and recommended approval subject to the attached Conditions and Restrictions.

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

Respectfully submitted:



Andrew J. Vickers, MPA

Prepared:

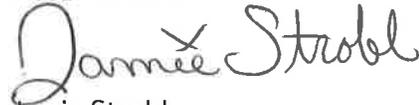


Kari Papelbon, CFM, AICP

City Administrator

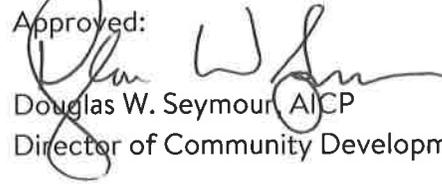
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2985

Location Map

Hearing Notice

Cover letter dated August 24, 2020 (1 page)

Aerial Map (1 page)

Entrance Elevation Photo (1 page)

Proposed Amended Conditions and Restrictions

ORDINANCE NO. 2985

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2632 TO ALLOW OUTDOOR DISPLAY OF RETAIL MERCHANDISE (PROPANE TANK CAGE AREA) AT THE ENTRANCE TO THE EXISTING PICK 'N' SAVE STORE ON THE PROPERTY AT 2320 W. RYAN RD.

(6th Aldermanic District)

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

WHEREAS, Ordinance No. 2632 (The "Ordinance"), which approved a Conditional Use Permit for an animal hospital and veterinary clinic within the multitenant building on the property at 2320 W. Ryan Rd., was approved on September 20, 2011; and

WHEREAS, the Ordinance affected the following legally described property;

Lot 1 of Certified Survey Map number 7866 located in the SW ¼ of the SW ¼ of Section 19, Township 5 North, Range 22 East in the City of Oak Creek, Milwaukee County, Wisconsin, exc S 20 feet conveyed to DOT in Document No 10306419.

WHEREAS, the Applicant, MEGA MARTS, LLC (DBA PICK 'N' SAVE #387), with support of the landowner, is requesting that the Ordinance be amended outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n' Save store on the property at 2320 W. Ryan Rd.; and

WHEREAS, a public hearing was held on this matter on October 20, 2020 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, Section 2 of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. The site and building containing this conditional use shall be constructed and maintained in accordance with the site, building, landscaping and lighting plans dated 09-13-2004 and approved by the City of Oak Creek Plan Commission on 10-26-2004, and the site, building, landscaping and lighting plans for the addition dated 8-30-2006 and approved by the Plan Commission on 9-26-2006.
- C. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1. **General Development Plan**
 - a. Detailed building/structure location(s) with setbacks
 - b. Square footage of all buildings/structures
 - c. Area(s) for future expansion
 - d. Area(s) to be paved
 - e. Access drive(s) (width and location)
 - f. Sidewalk location(s)
 - g. Parking layout and traffic circulation
 - i. Location(s) and future expansion
 - ii. Number of employees and/or patrons
 - iii. Number of parking spaces
 - iv. Dimensions
 - v. Setbacks
 - h. Location(s) of loading berth(s)
 - i. Sanitary sewer (existing & proposed)
 - j. Water (existing & proposed)
 - k. Storm sewer (existing & proposed)
 - l. Wetland boundaries (field verified)
 - m. Flood hazard area boundaries
 - n. Location(s) & details of sign(s)
 - o. Location(s) & details of proposed fences/gates/walls
2. **Landscape Plan**
 - a. Screening plan, including parking lot & utilities screening/berming
 - b. Planting number, sizes, types, & details
 - c. Percentage open/green space
3. **Building Plan**
 - a. Architectural elevations (w/dimensions)
 - b. Building floor plans
 - c. Construction materials, colors, percentages
4. **Lighting Plan**
 - a. Types & color of fixtures, shields
 - b. Mounting heights
 - c. Type, height, and color of poles
 - d. Photometrics of proposed fixtures
5. **Grading, Drainage, & Stormwater Management Plan**
 - a. Contours (existing & proposed)
 - b. Storm sewer (existing and proposed)
 - c. Stormwater management structures and basins/green infrastructure (if required)
6. **Fire Protection**
 - a. Locations of existing & proposed fire hydrants
 - b. Interior floor plan(s)
 - c. Materials of construction

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

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

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

SECTION 2: Section 3 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. One (1) animal hospital and veterinary clinic (approved by Ord. 2632) and one (1) area for the outdoor storage and display of retail merchandise limited to one (1) propane cage on the south elevation of the building are allowed in conformance

with these conditions and restrictions.

- B. The site and building containing this conditional use shall be constructed and maintained in accordance with the site, building, landscaping and lighting plans dated 09-13-2004 and approved by the City of Oak Creek Plan Commission on 10-26-2004, and the site, building, landscaping and lighting plans for the addition dated 8-30-2006 and approved by the Plan Commission on 9-26-2006.
- C. Animal Hospital and Veterinary Clinic
 - i. This facility is permitted to be open 24 hours per day, 7 days per week.
 - ii. There shall be no outdoor kennels, runs, or other outdoor operations. Attended animals kept on a leash may be walked outdoors.
 - iii. There shall be no onsite cremations.
 - iv. There shall be no "dog day care" or overnight boarding of animals other than those receiving care at the facility.
- D. Outdoor Storage and Display of Retail Merchandise
 - i. Limited to one (1) propane cage measuring 70" (h) x 44" (w) x 30" (d) in accordance with all fire protection requirements and Codes is allowed on the south elevation of the Pick 'n' Save storefront. No other outdoor storage or outdoor display of any retail merchandise is allowed
 - ii. The cage must be located at least 5 feet from any doorway or opening in a building frequented by the public where occupants have at least two means of egress OR at least 10 feet from any doorway or opening in a building or sections of a building that has only one means of egress as defined by NFPA 101, *Life and Safety Code*.
 - iii. On-site filling of liquid propane (LP) tanks is prohibited.
 - iv. Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.
- E. Solid waste collection and recycling shall be the responsibility of the owner.
- F. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).
- G. All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code (as amended) and the Master Sign Program for this property approved by the Plan Commission on 9-26-2006 (sign variances granted by the Plan Commission excepted).

SECTION 3: Section 4 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

PARKING AND ACCESS

- A. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended).
- B. Landscaping shall be provided for all parking areas in accordance with Sections 17.0403(g),(h) and 17.1010 (as amended), and all Plan Commission approvals

(plans dated 09-13-2004 approved 10-26-2004 & plans dated 8-30-2006 approved 9-26-2006).

SECTION 4: Section 5 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

LIGHTING

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

SECTION 5: Section 6 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

SETBACKS*

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	5 ft	5 ft
Parking	10 ft	20 ft	5 ft

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

SECTION 6: Section 7 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

SECTION 7: Section 8 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

OTHER REGULATIONS

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

SECTION 8: Section 9 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City Ordinances.

SECTION 9: Section 10 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is amended as follows:

REVOCAION

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

SECTION 10: Section 14 of the of the Conditions and Restrictions approved by the Ordinance affecting the Property is renumbered to Section 11.

SECTION 11: Except as herein modified the conditions and restrictions approved by the Ordinance shall remain in full force and effect.

SECTION 12: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 13: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 14: This Ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 20th day of October, 2020.

President, Common Council

Approved this 20th day of October, 2020.

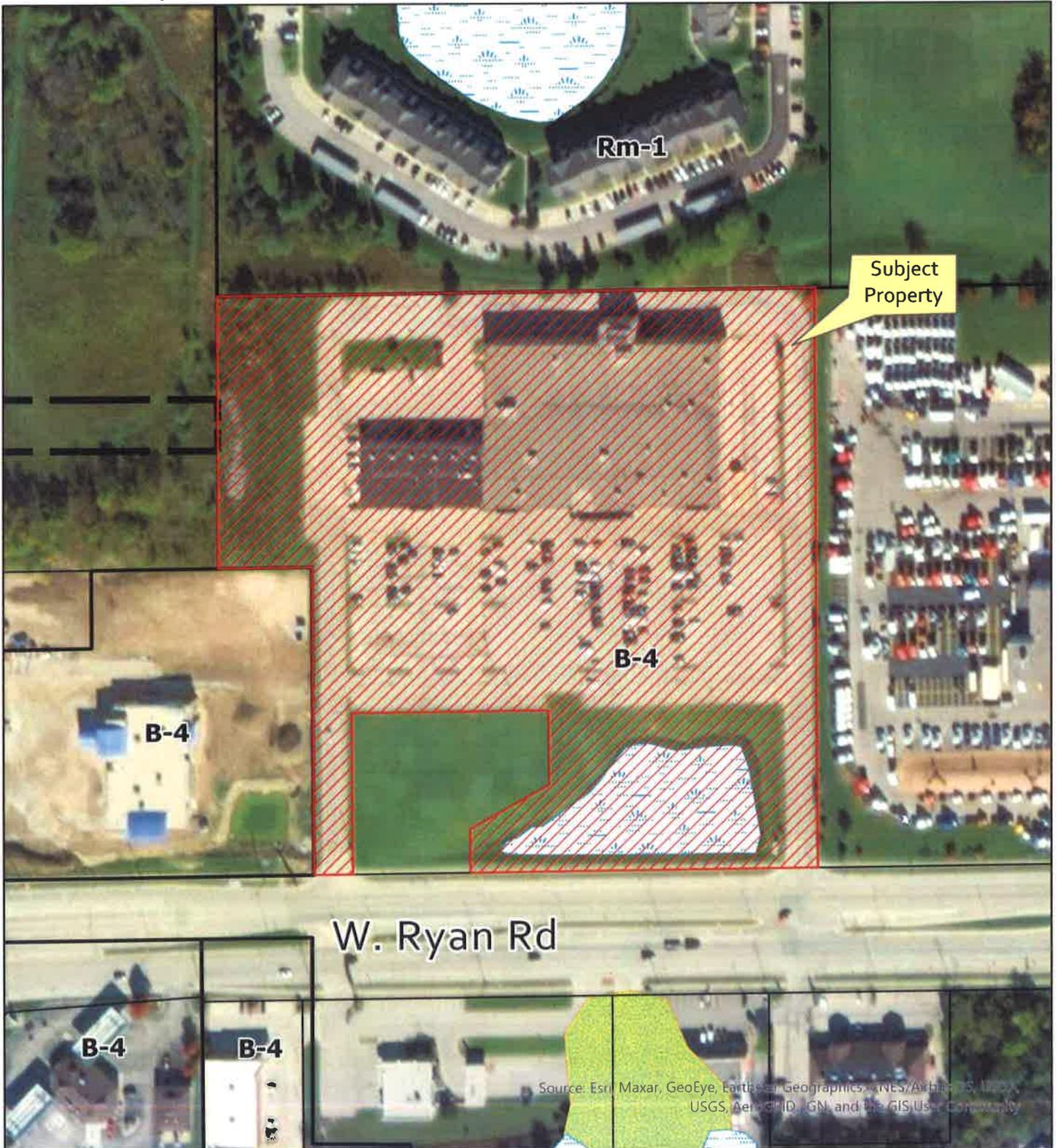
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map
2320 W. Ryan Rd



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



Legend

-  2320 W. Ryan Rd
-  Official Street Pattern
-  DNR Wetlands Inventory
-  Environmental Corridor

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PURPOSE:

The purpose of this public hearing is to consider a request submitted by Mega Marts, LLC DBA Pick 'n' Save #387, for an amendment to the existing Conditional Use Permit to allow outdoor display of retail merchandise (propane tank exchange) on the property at 2320 W. Ryan Rd.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Mega Marts, LLC DBA Pick 'n' Save #387

Property Owner(s):

Atout Real Estate, LLC

Property Location(s):

2320 W. Ryan Rd.

Tax Key(s):

878-9037-001

Legal Description:

CSM NO 7866 LOT 1 SW 1/4 SEC 19-5-22 (11.1890 ACS) EXC S 20 FT CONV TO DOT IN DOC NO 10306419 FOR ST.

The Common Council has scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

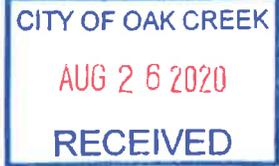
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ROUNDY'S SUPERMARKETS, INC.

PICK 'N SAVE · COPPS · METRO MARKET · MARIANO'S

PO Box 473
Milwaukee, WI 53201
414-231-5000



August 24, 2020

VIA GROUND COURIER

City of Oak Creek
Community Development; Attn: Kari Papelbon
8040 S 6th St
Oak Creek, WI 53154

Dear Ms. Papelbon:

Enclosed please find two plan commission applications, two conditional use permit applications and check for the fees. These are for the propane exchange programs at the Pick 'n Save stores located at 8770 S Howell Ave and 2320 W Ryan Rd.

Please contact me with any questions you may have at 414-231-5978 or tammy.koch@roundys.com.

Thank you for your assistance.

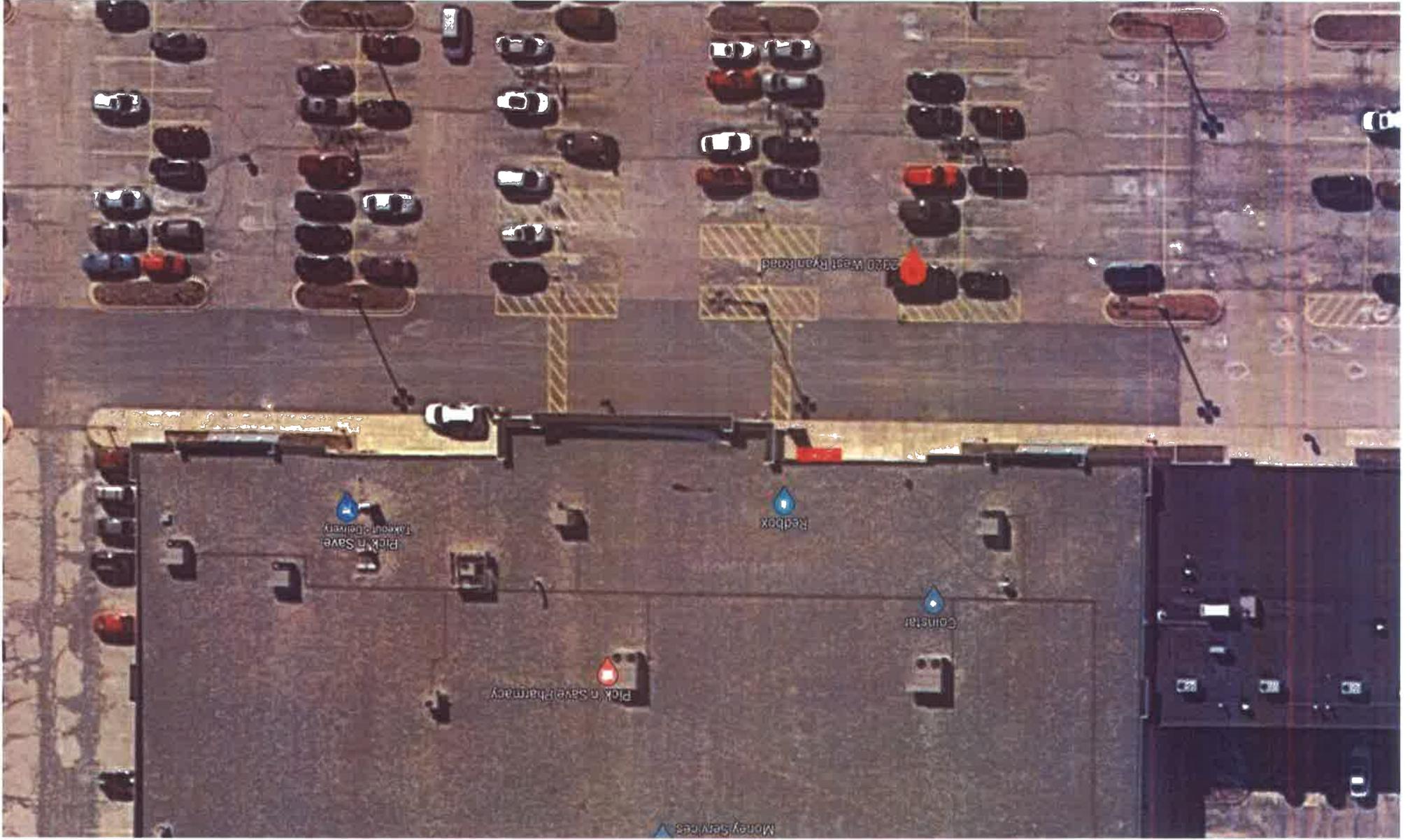
Very truly yours,

ROUNDY'S SUPERMARKETS, INC.

Tammy Koch
Administrative Assistant

Enclosure





2320 West Ryan Road

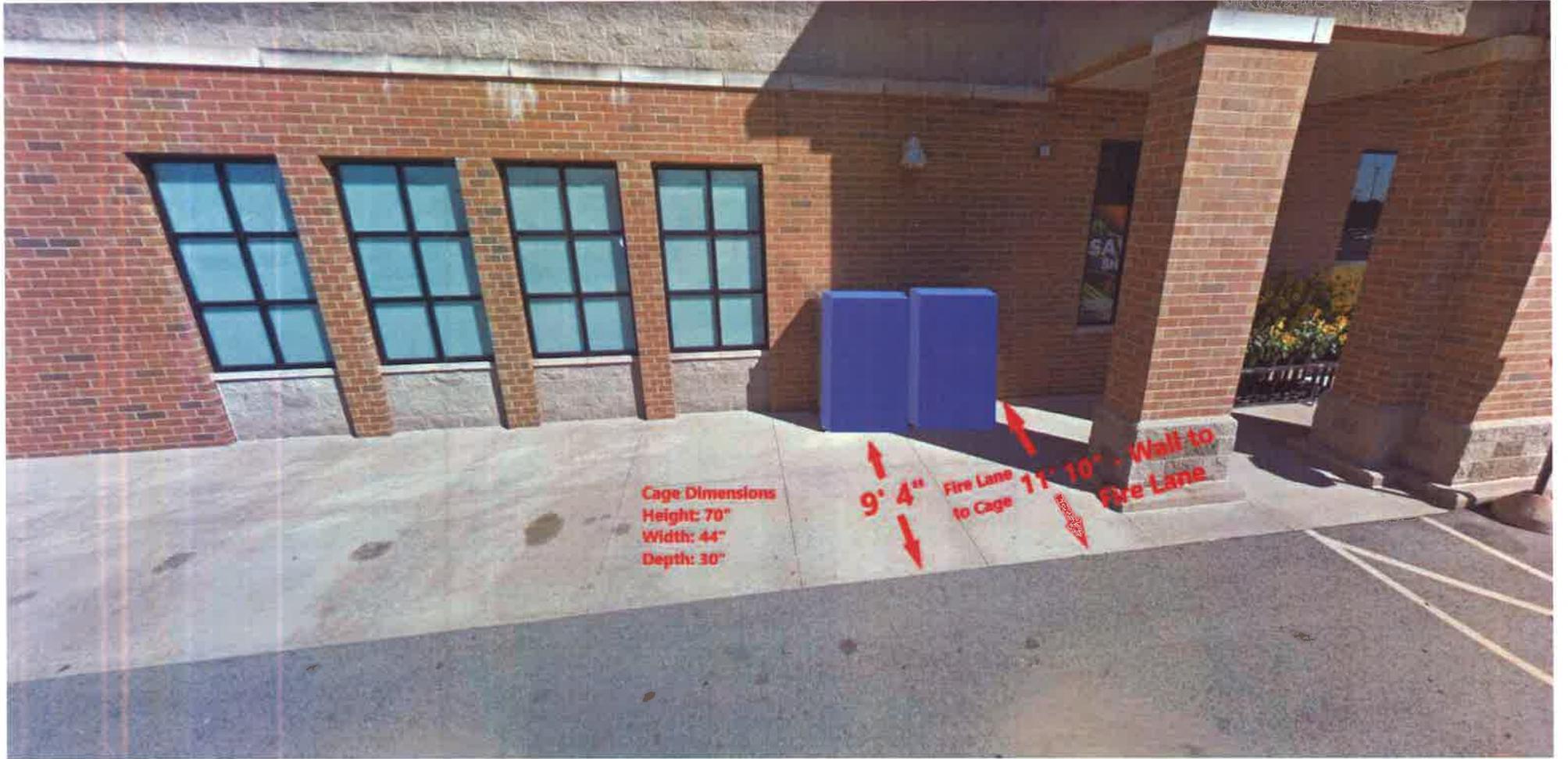
Pick n Save Taxout Delivery

Redbox

Coinstar

Pick n Save Pharmacy

Money Services



Cage Dimensions
Height: 70"
Width: 44"
Depth: 30"

9' 4"

Fire Lane
to Cage

11' 10" - Wall to
Fire Lane

11' 10"

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

Applicant: Mega Marts, LLC (dba Pick 'n' Save #862)

Property Address: 8770 S. Howell Ave.

Tax Key Number: 860-9041-000

Conditional Use: Drive-through bank and restaurant facilities; **Outdoor storage and display of propane retail merchandise**

Approved by Plan Commission: 9-22-20

Approved by Common Council: TBD
(Ord. 2986, Amending Ord. 1808)

1. LEGAL DESCRIPTION

CSM NO. 7756 LOT 3 NW 1/4 SEC 21-5-22 (10.2006 AC).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1. General Development Plan

- a. Detailed building/structure location(s) with setbacks
- b. Square footage of all buildings/structures
- c. Area(s) for future expansion
- d. Area(s) to be paved
- e. Access drive(s) (width and location)
- f. Sidewalk location(s)
- g. Parking layout and traffic circulation
 - i. Location(s) and future expansion
 - ii. Number of employees and/or patrons
 - iii. Number of parking spaces
 - iv. Dimensions, movements, queueing
 - v. Setbacks
- h. Location(s) of loading berth(s)
- i. Sanitary sewer (existing & proposed)
- j. Water (existing & proposed)
- k. Storm sewer (existing & proposed)
- l. Wetland boundaries (field verified)
- m. Flood hazard area boundaries
- n. Location(s) & details of sign(s)
- o. Location(s) & details of proposed fences/gates/walls

2. Landscape Plan

- a. Screening plan, including parking lot & utilities screening/berming
- b. Planting number, sizes, types, & details
- c. Percentage open/green space

3. Building Plan

- a. Architectural elevations (w/dimensions)
- b. Building floor plans
- c. Construction materials, colors, percentages

4. Lighting Plan

- a. Types & color of fixtures, shields
- b. Mounting heights
- c. Type, height, and color of poles
- d. Photometrics of proposed fixtures

5. Grading, Drainage, & Stormwater Management Plan

- a. Contours (existing & proposed)
- b. Storm sewer (existing and proposed)
- c. Stormwater management structures and basins/green infrastructure (if required)

6. Fire Protection

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

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

D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. **Drive-through restaurant facilities (approved by Ord. 1808), drive-through banking facilities (approved by Ord. 1808), and one (1) area for the outdoor storage and display of retail merchandise limited to one (1) propane exchange cage area on the south elevation of the building are allowed in conformance with these conditions and restrictions.**

B. Outdoor Storage and Display of Retail Merchandise

- i. **Limited to one (1) propane exchange cage area measuring 70" (h) x 88" (w) x 30" (d) in accordance with all fire protection requirements and Codes is allowed on the south elevation of the Pick 'n' Save storefront. No other outdoor storage or outdoor display of any retail merchandise is allowed**
- ii. **The cage must be located at least 5 feet from any doorway or opening in a building frequented by the public where occupants have at least two means of egress OR at least 10 feet from any doorway or opening in a building or sections of a building that has only one means of egress as defined by NFPA 101, *Life and Safety Code*.**
- iii. **On-site filling of liquid propane (LP) tanks is prohibited.**
- iv. **Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.**

- C. Solid waste collection and recycling shall be the responsibility of the owner.

- D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

- E. Signs for this development shall be in accordance with Sections 17.0701-17.0715 (as amended).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the following:

- A. Restaurant – 1 space per 150 square feet of floor area.
- B. Bank – 1 space per 300 square feet of floor area.
- C. Food store (retail) – 1 space per 250 square feet of floor area.

5. LIGHTING

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

6. SETBACKS*

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	25 ft	20 ft	10 ft
Accessory Structure*	25 ft	20 ft	10 ft
Off-Street Parking	25 ft	10 ft	10 ft

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

7. TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

8. OTHER REGULATIONS

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

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City Ordinances.

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

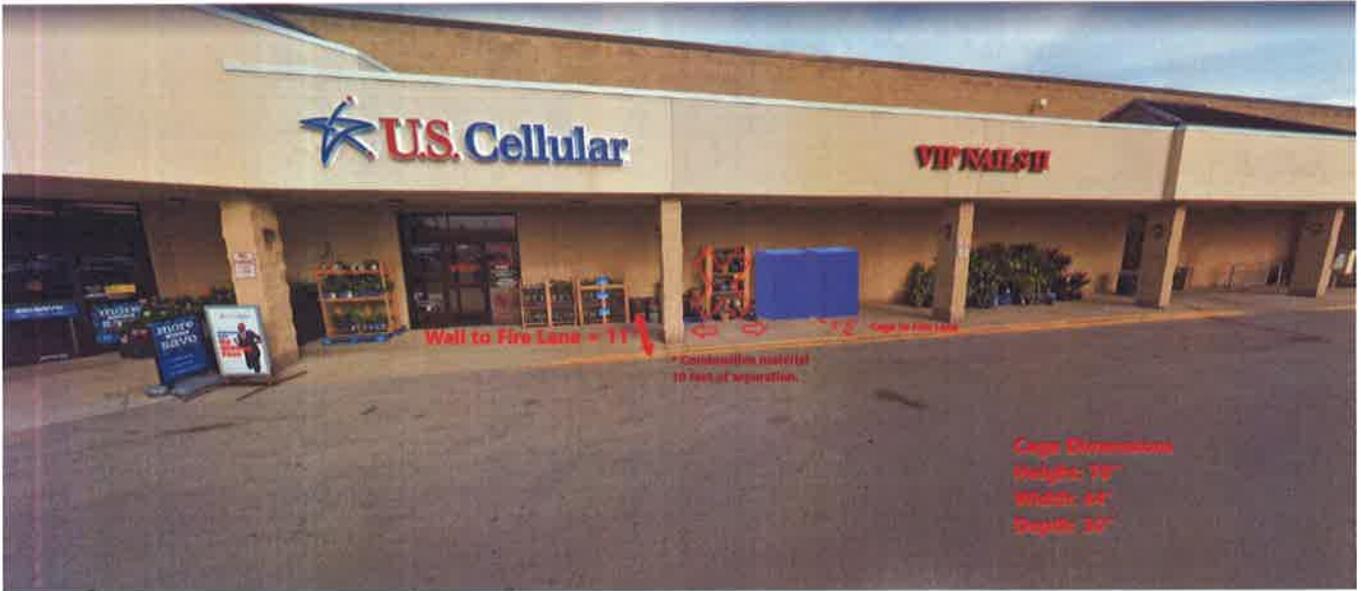
Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

EXHIBIT A: PROPANE CAGE SITE PLAN



DRAFT

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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PURPOSE:

The purpose of this public hearing is to consider a request submitted by Mega Marts, LLC DBA Pick 'n' Save #862, for an amendment to the existing Conditional Use Permit to allow outdoor display of retail merchandise (propane tank exchange) on the property at 8770 S. Howell Ave.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Mega Marts, LLC DBA Pick 'n' Save #862

Property Owner(s):

NDC, LLC

Property Location(s):

8770 S. Howell Ave.

Tax Key(s):

860-9041-000

Legal Description:

CSM NO 7756 LOT 3 NW ¼ SEC 21-5-22 (10.2006 AC).

The Common Council has scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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Item No.

COMMON COUNCIL REPORT

Item: Conditional Use Permit Amendment - Outdoor Display of Retail Merchandise (propane tanks) - Mega Marts, LLC (dba Pick 'n' Save #862)

Recommendation: That the Council adopts Ordinance 2986, an ordinance to approve a Conditional Use Permit Amendment to allow outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n' Save store on the property at 8770 S. Howell Ave.

Fiscal Impact: No direct fiscal impact is anticipated with this request. The tenant space is currently occupied by the Applicant. This property is not currently part of a TID.

Critical Success Factor(s):

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

Background: The Applicant, with authorization and support of the landowner, is requesting approval for a proposed amendment to the existing Conditional Use Permit (CUP) to allow outdoor display of retail merchandise for propane tanks on the property at 8770 S. Howell Ave. Outdoor display of retail merchandise is a Conditional Use in the B-4, Highway Business district. A CUP was issued to the property in 1995 (Ord. 1808) for a non-related request.

The request is for the permanent display of the propane exchange cage area at the entrance to the Pick 'n' Save store on the property (same as the request at the Ryan Rd. store). Per the submitted front entrance graphic, the 70" (h) x 44" (w) x 30" (d) cage area will be located at least 8 feet from the edge of the sidewalk. This appears to be outside of fire lane accesses. Additional compliance with Fire Codes for siting have been incorporated into the attached Conditions and Restrictions for Plan Commission consideration. Staff have no objection to the request with the location in conformance with Fire Department requirements.

No exterior or site modifications are being proposed as part of this request..

The Plan Commission reviewed this request during their September 22, 2020 meeting, and recommended approval subject to the attached Conditions and Restrictions.

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

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2986

Location Map

Hearing Notice

Cover letter dated August 24, 2020 (1 page)

Aerial Map (1 page)

Entrance Elevation Photo (1 page)

Proposed Amended Conditions and Restrictions

ORDINANCE NO. 2986

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 1808 TO ALLOW OUTDOOR DISPLAY OF RETAIL MERCHANDISE (PROPANE TANK CAGE AREA) AT THE ENTRANCE TO THE EXISTING PICK 'N' SAVE STORE ON THE PROPERTY AT 8770 S. HOWELL AVE.

(3rd Aldermanic District)

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

WHEREAS, Ordinance No. 1808 (The "Ordinance"), which approved a Conditional Use Permit for drive-through bank and restaurant facilities on the property at 8770 S. Howell Ave., was approved on July 5, 1995; and

WHEREAS, the Ordinance affected the following legally described property;

CSM NO. 7756 LOT 3 NW 1/4 SEC 21-5-22 (10.2006 AC).

WHEREAS, the Applicant, MEGA MARTS, LLC (DBA PICK 'N' SAVE #862), with support of the landowner, is requesting that the Ordinance be amended outdoor display of retail merchandise (propane tank cage area) at the entrance to the existing Pick 'n' Save store on the property at 8770 S. Howell Ave.; and

WHEREAS, a public hearing was held on this matter on October 20, 2020 to hear comments from all who were interested.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, all Sections of the Conditions and Restrictions approved by the Ordinance affecting the Property are amended as follows:

1. LEGAL DESCRIPTION

CSM NO. 7756 LOT 3 NW 1/4 SEC 21-5-22 (10.2006 AC).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1. **General Development Plan**

2. **Landscape Plan**

- a. Detailed building/structure location(s) with setbacks
 - b. Square footage of all buildings/structures
 - c. Area(s) for future expansion
 - d. Area(s) to be paved
 - e. Access drive(s) (width and location)
 - f. Sidewalk location(s)
 - g. Parking layout and traffic circulation
 - i. Location(s) and future expansion
 - ii. Number of employees and/or patrons
 - iii. Number of parking spaces
 - iv. Dimensions, movements, queueing
 - v. Setbacks
 - h. Location(s) of loading berth(s)
 - i. Sanitary sewer (existing & proposed)
 - j. Water (existing & proposed)
 - k. Storm sewer (existing & proposed)
 - l. Wetland boundaries (field verified)
 - m. Flood hazard area boundaries
 - n. Location(s) & details of sign(s)
 - o. Location(s) & details of proposed fences/gates/walls
- a. Screening plan, including parking lot & utilities screening/berming
 - b. Planting number, sizes, types, & details
 - c. Percentage open/green space
- 3. Building Plan**
- a. Architectural elevations (w/dimensions)
 - b. Building floor plans
 - c. Construction materials, colors, percentages
- 4. Lighting Plan**
- a. Types & color of fixtures, shields
 - b. Mounting heights
 - c. Type, height, and color of poles
 - d. Photometrics of proposed fixtures
- 5. Grading, Drainage, & Stormwater Management Plan**
- a. Contours (existing & proposed)
 - b. Storm sewer (existing and proposed)
 - c. Stormwater management structures and basins/green infrastructure (if required)
- 6. Fire Protection**
- a. Locations of existing & proposed fire hydrants
 - b. Interior floor plan(s)
 - c. Materials of construction

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

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

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

A. Drive-through restaurant facilities (approved by Ord. 1808), drive-through banking facilities (approved by Ord. 1808), and one (1) area for the outdoor storage and display of retail merchandise limited to one (1) propane exchange cage area on the south elevation of the building are allowed in conformance with these conditions and restrictions.

B. Outdoor Storage and Display of Retail Merchandise

- i. Limited to one (1) propane exchange cage area measuring 70" (h) x 88" (w) x 30" (d) in accordance with all fire protection requirements and Codes is allowed on the south elevation of the Pick 'n' Save storefront. No other outdoor storage or outdoor display of any retail merchandise is allowed
- ii. The cage must be located at least 5 feet from any doorway or opening in a building frequented by the public where occupants have at least two means of egress OR at least 10 feet from any doorway or opening in a building or sections of a building that has only one means of egress as defined by NFPA 101, *Life and Safety Code*.
- iii. On-site filling of liquid propane (LP) tanks is prohibited.
- iv. Fire department connections on the building shall not be blocked with any fencing, signage, or landscaping.

C. Solid waste collection and recycling shall be the responsibility of the owner.

D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

E. Signs for this development shall be in accordance with Sections 17.0701-17.0715 (as amended).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the following:

- A. Restaurant – 1 space per 150 square feet of floor area.
- B. Bank – 1 space per 300 square feet of floor area.
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5. LIGHTING

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

6. SETBACKS*

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	25 ft	20 ft	10 ft
Accessory Structure*	25 ft	20 ft	10 ft
Off-Street Parking	25 ft	10 ft	10 ft

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

7. TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

8. OTHER REGULATIONS

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

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City Ordinances.

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

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

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

SECTION 4: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

Passed and adopted this 20th day of October, 2020.

President, Common Council

Approved this 20th day of October, 2020.

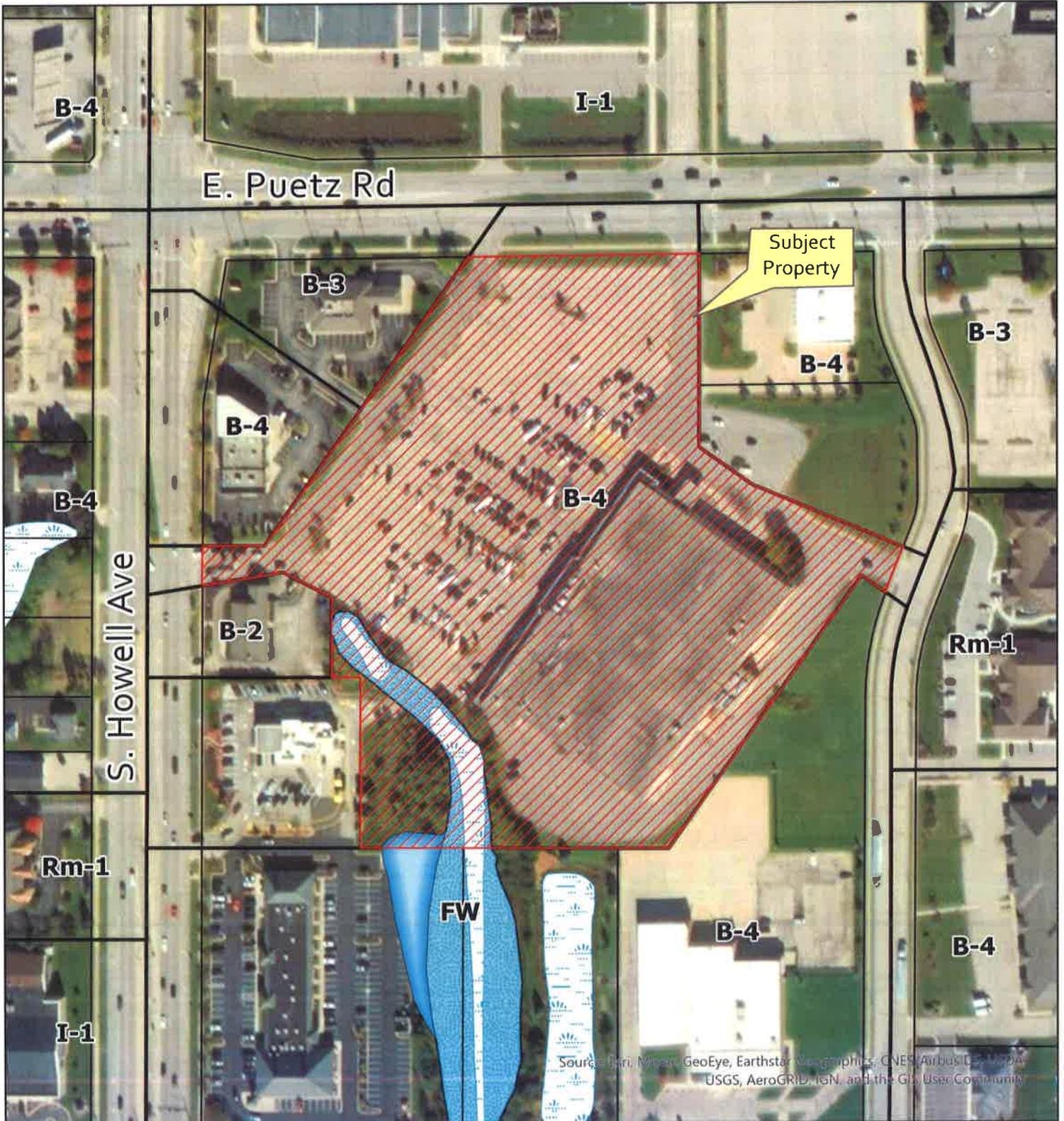
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map
8770 S. Howell Ave



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



Legend

-  8770 S. Howell Ave
-  DNR Wetlands Inventory
-  Flood Plain (2008)
-  Floodway (2008)

TO BE PUBLISHED SEPTEMBER 30 & OCTOBER 7, 2020

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Mega Marts, LLC DBA Pick 'n' Save #862

Property Owner(s):

NDC, LLC

Property Location(s):

8770 S. Howell Ave.

Tax Key(s):

860-9041-000

Legal Description:

CSM NO 7756 LOT 3 NW ¼ SEC 21-5-22 (10.2006 AC).

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Date of Notice: September 23, 2020
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By: Daniel J. Bukiewicz, Mayor

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ROUNDY'S SUPERMARKETS, INC.

PICK 'N SAVE · COPPS · METRO MARKET · MARIANO'S

PO Box 473
Milwaukee, WI 53201
414-231-5000



August 24, 2020

VIA GROUND COURIER

City of Oak Creek
Community Development; Attn: Kari Papelbon
8040 S 6th St
Oak Creek, WI 53154

Dear Ms. Papelbon:

Enclosed please find two plan commission applications, two conditional use permit applications and check for the fees. These are for the propane exchange programs at the Pick 'n Save stores located at 8770 S Howell Ave and 2320 W Ryan Rd.

Please contact me with any questions you may have at 414-231-5978 or tammy.koch@roundys.com.

Thank you for your assistance.

Very truly yours,

ROUNDY'S SUPERMARKETS, INC.

Tammy Koch
Administrative Assistant

Enclosure





Tri City National Bank

Pick 'n Save
Taxcut Delivery

9770 South
Howell Avenue

Great Clips

Constar

Redbox

Daily Queen
Taxcut Delivery

Google

 U.S. Cellular

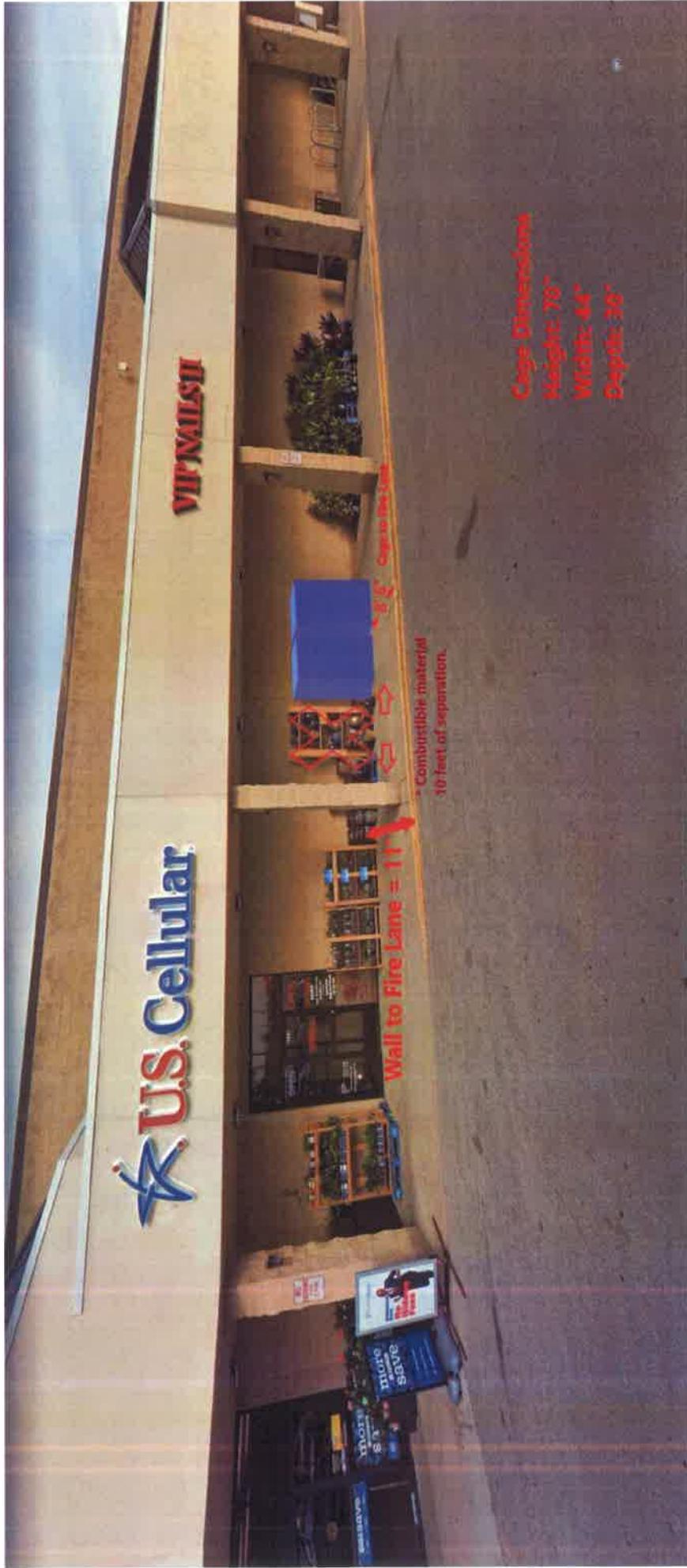
VIP MAILSH

Wall to Fire Lane = 11'

Combustible material
10 feet of separation.

Cage to Fire Lane

Cage Dimensions
Height: 70"
Width: 44"
Depth: 36"



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

Applicant: Mega Marts, LLC (dba Pick 'n' Save #862)

Property Address: 8770 S. Howell Ave.

Tax Key Number: 860-9041-000

Conditional Use: Drive-through bank and restaurant facilities; **Outdoor storage and display of propane retail merchandise**

Approved by Plan Commission: 9-22-20

Approved by Common Council: TBD
(Ord. 2986, Amending Ord. 1808)

1. LEGAL DESCRIPTION

CSM NO. 7756 LOT 3 NW 1/4 SEC 21-5-22 (10.2006 AC).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

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- a. Detailed building/structure location(s) with setbacks
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- c. Area(s) for future expansion
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- a. Types & color of fixtures, shields
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- i. Limited to one (1) propane exchange cage area measuring 70" (h) x 88" (w) x 30" (d) in accordance with all fire protection requirements and Codes is allowed on the south elevation of the Pick 'n' Save storefront. No other outdoor storage or outdoor display of any retail merchandise is allowed
- ii. The cage must be located at least 5 feet from any doorway or opening in a building frequented by the public where occupants have at least two means of egress OR at least 10 feet from any doorway or opening in a building or sections of a building that has only one means of egress as defined by NFPA 101, *Life and Safety Code*.
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C. Solid waste collection and recycling shall be the responsibility of the owner.

D. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the landowner(s).

E. Signs for this development shall be in accordance with Sections 17.0701-17.0715 (as amended).

4. PARKING AND ACCESS

Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended), and the following:

- A. Restaurant – 1 space per 150 square feet of floor area.
- B. Bank – 1 space per 300 square feet of floor area.
- C. Food store (retail) – 1 space per 250 square feet of floor area.

5. LIGHTING

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

6. SETBACKS*

	Front and Street Setback	Rear (North) Setback	Side Setback
Principal Structure	25 ft	20 ft	10 ft
Accessory Structure*	25 ft	20 ft	10 ft
Off-Street Parking	25 ft	10 ft	10 ft

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

7. TIME OF COMPLIANCE

The operator(s) of the Conditional Use Permit shall commence work in accordance with these conditions and restrictions for the Conditional Use Permit within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a Conditional Use Permit. This Conditional Use Permit approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building, occupancy, or other required permit has not been issued for this use OR if the use has not been established prior to the expiration of this Conditional Use Permit. The applicant shall re-apply for a Conditional Use approval prior to recommencing work, construction, or establishing the use.

8. OTHER REGULATIONS

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

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City Ordinances.

10. REVOCAION

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

11. ACKNOWLEDGEMENT

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

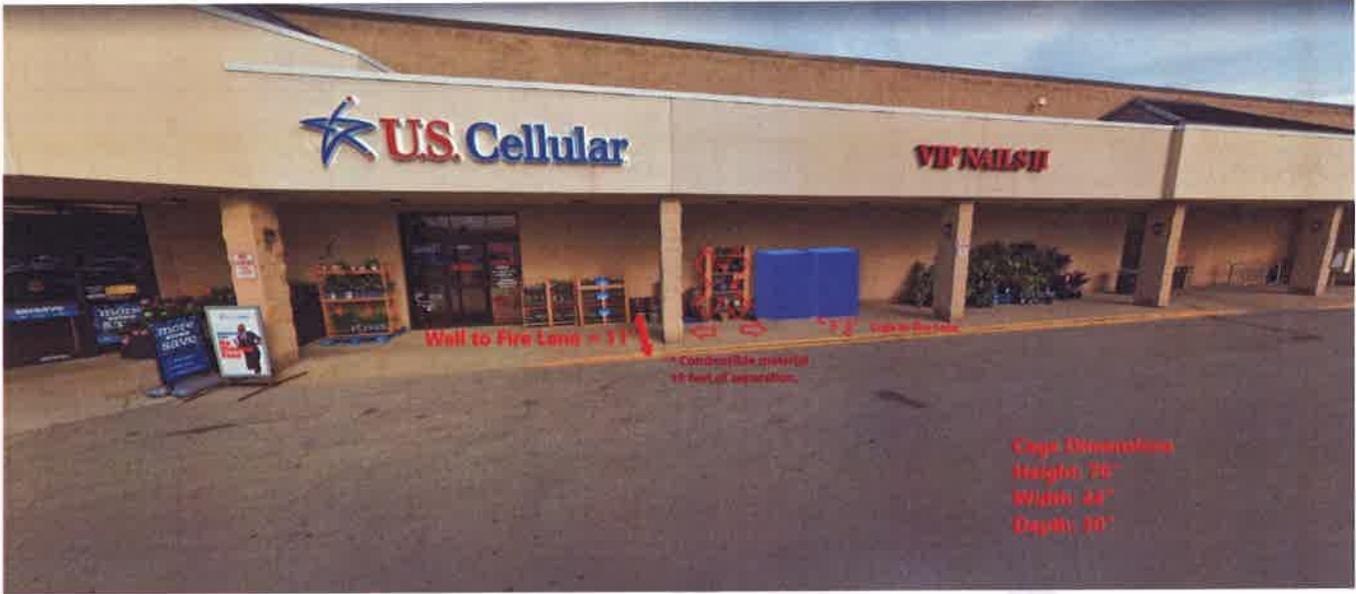
Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

EXHIBIT A: PROPANE CAGE SITE PLAN



DRAFT

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Walden OC, LLC, for amendments to the existing Planned Unit Development affecting the properties at the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Walden OC, LLC

Property Owner(s):

Walden OC, LLC

Property Location(s):

1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way

Tax Key(s):

784-9012-000, 784-9013-000, 784-9014-000, 784-9016-000, 784-9994-001, 784-9008-000, 784-9009-001, 7849010-001, 784-9024-000

Legal Description:

The Northeast ¼ of the Southeast ¼ of Section 7, Town 5 North, Range 22 East, in the City of Oak Creek, Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, part of Parcel 1 of Certified Survey Map No. 7331 Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest ¼ and Southwest ¼ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said 1/4 Section; thence North 00° 10' 44" East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North 00° 10' 44" East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North 20° 40' 48" East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North 29° 45' 59" East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North 40° 32' 42" East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South 50° 47' 55" East along the South line of said Lot 67.20 feet to a point; thence North 46° 58' 30" East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel I of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point; thence Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres.

The Common Council has scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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



COMMON COUNCIL REPORT

Item: Planned Unit Development Amendment - Creekside Crossing Marketplace

Recommendation: That the Council adopts Ordinance 2987, an ordinance to approve Amendments to the Planned Unit Development on the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way.

Fiscal Impact: Approval will allow for the development of vacant parcels within the existing Planned Unit Development (PUD), including an anticipated multifamily residential project. Future developments will yield positive fiscal impacts in terms of assessed value and review/permit/impact fees. The properties within the existing PUD are part of TID 12.

Critical Success Factor(s):

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

Background: In January of 2020, the Common Council adopted Ord. 2964 approving a rezone and Planned Unit Development for the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way as part of the development of the Creekside Crossing Marketplace. This development is being planned as a destination retail planned development that will consist of a mix of uses that are likely to include hospitality, destination retail, food and beverage, and multifamily residential in a mixed-use setting.

Since that approval, staff have been working with representatives from Walden OC, individual developers, and consultants on plans for the continued development of the PUD. It was during these discussions that several inconsistencies in the approved PUD narrative and Conditions and Restrictions were discovered. The attached amended Conditions and Restrictions have been updated to clarify the intent of the PUD narrative and correct inconsistencies, including

- Assigning owner responsibility for signs within public rights-of-way.
- Clarifying parking lot setback and landscaping requirements.
- Clarifying overall PUD setback requirements.
- Updating buffer requirements.
- Addressing future inconsistencies between the PUD narrative and the Conditions and Restrictions.

Plan Commission review of site, building, landscaping, and related plans for the individual development sites within the PUD will occur at a later date.

The Plan Commission reviewed this request during their September 22, 2020 meeting, and recommended approval subject to the attached Conditions and Restrictions.

Options/Alternatives: Council has the discretion to modify the proposed Conditions and Restrictions as part of the approval of the Planned Unit Development Amendment.

Respectfully submitted:

Prepared:



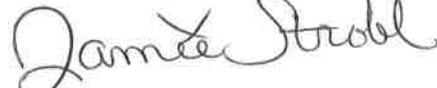
Andrew J. Vickers, MPA
City Administrator



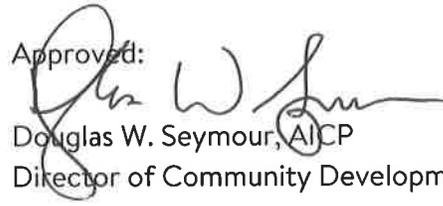
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:

Approved:



Jamie Strobl
Assistant Comptroller



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2987

Location Map

Hearing Notice

Proposed Amended Conditions and Restrictions

ORDINANCE NO. 2987

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2964 FOR THE PLANNED UNIT DEVELOPMENT (PUD) FOR 1920, 1900, 1850, 1848, 1816, 1800, 1750, AND 1700 W. DREXEL AVE. AND 7700 S. IKEA WAY

(2nd Aldermanic District)

WHEREAS, on February 17, 2020, the Oak Creek Common Council adopted Ordinance No. 2964, approving the rezone of the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way to B-6, Interchange Regional Retail District Planned Unit Development (PUD); and

WHEREAS, that ordinance affected the following legally described the properties:

Lot 1 of Certified Survey Map No. 9152, recorded on August 7, 2019 as Document No. 10895711, being a division of Parcel 1 and part of Parcels 2 and 3 of Certified Survey Map No. 5590, Parcels 2 and 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest ¼ and Southwest ¼ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

WHEREAS, the Applicant, WALDEN OC, LLC, is now requesting that the Conditions and Restrictions adopted pursuant to Ordinance No. 2964 be amended to clarify the intent of the PUD narrative and correct inconsistencies; and

WHEREAS, the Plan Commission reviewed the application and recommended that the following amendments in Attachment A be approved;

WHEREAS, the Common Council held a public hearing on said application on October 20, 2020 at which time all interested parties appeared and were heard.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Conditions and Restrictions adopted pursuant to Ordinance No. 2964 affecting the lands hereinabove described, are amended per Attachment A.

SECTION 2: The several sections of this ordinance are declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

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

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

Passed and adopted this 20th day of October, 2020.

President, Common Council

Approved this 20th day of October, 2020.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

ATTACHMENT A: CONDITIONS AND RESTRICTIONS

City of Oak Creek – Planned Unit Development (PUD) AMENDED Conditions and Restrictions	
Applicant: Walden OC, LLC Property Address(es): 1920, 1900, 1850, 1848, 1816, 1800, 1750, & 1700 W. Drexel Ave., and 7700 S. Ikea Way Tax Key Number(s): 784-9012-000, 784-9013-000, 784-9014-000, 784-9016-000, 784-9994-001, 784-9008-000, 784-9009-001, 7849010-001, 784-9024-000	Approved by Plan Commission: 9-22-20 Approved by Common Council: 10-20-20 (Ord. #2987, Amending Ord. #2964)

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 9152, recorded on August 7, 2019 as Document No. 10895711, being a division of Parcel 1 and part of Parcels 2 and 3 of Certified Survey Map No. 5590, Parcels 2 and 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest ¼ and Southwest ¼ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

2. PLANNED UNIT DEVELOPMENT NARRATIVE

The Planned Unit Development (PUD) narrative for the Creekside Crossing Marketplace PUD dated (insert date) as contained in Exhibit A is made part of these conditions and restrictions and shall establish site design standards, minimum lot area setbacks, parking standards, lighting standards, and permitted, accessory and conditional uses for the PUD.

3. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for each area affected by the Planned Unit Development shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

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

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) **Building Plan**

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

4) **Lighting Plan**

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

5) **Grading, Drainage and Stormwater Management Plan**

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

6) **Fire Protection**

- m) Location(s) and details of sign(s)
 - n) Location(s) and details of proposed fences/gates
 - a) Locations of existing & proposed fire hydrants
 - b) Interior floor plan(s)
 - c) Materials of construction
 - d) Materials to be stored (interior & exterior)
- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement has been completed between the owner(s) and the City as deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements (e.g., Creekside Crossing Circle, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- I. A Master Landscaping Plan for the overall development has been approved by the Plan Commission for the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

4. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed within this planned unit development shall be limited to those allowed by the B-6, Interchange Regional Retail zoning district, these Conditions and Restrictions, and all applicable Sections of the Municipal Code (as amended).
- B. A minimum of 30% of the entire land area included in this Planned Unit Development shall be set aside as open space (excluding all impervious areas).
- C. All structures shall be constructed in conformance with the Creekside Crossing Marketplace PUD in Exhibit A and the following:
 - 1. Use of spandrel glass shall require Plan Commission approval as part of reviews for architectural and building plans.

2. Secondary materials may be used as accents comprising no more than 25% of the visible perimeter of a building. The Plan Commission may approve of the use of secondary materials up to a maximum of 30% of any elevation of any building as part of reviews for architectural and building plans.
- D. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
 - E. A Master Sign Plan for all development signs and Master Sign Plans for each multitenant building (3 or more tenant spaces) shall be submitted for review and approval by the Plan Commission prior to submission of sign permit applications. The design, construction, operation and maintenance of any development signs or streetscaping to be placed within the public right of way shall be the responsibility of the adjacent property owner, their successors and assigns.
 - F. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
 - G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
 - H. The owner and operator of the Planned Unit Development shall enter into an agreement with the City for the design, construction, and maintenance of a public trail as depicted on the General Development Plan and included in the development agreement referred to in Item 2E of these conditions and restrictions prior to the issuance of occupancy permits for any phase of the development.

5. PARKING AND ACCESS

- A. Required roadway improvements and modifications identified in the existing Traffic Impact Analysis (TIA) shall be the responsibility of the property owner, unless otherwise provided for by other executed agreements.
- B. Parking for this development shall be provided in accordance with all applicable Sections of the Municipal Code, the Creekside Crossing Marketplace PUD in Exhibit A, and the following:
 1. The Plan Commission may approve a reduction in parking stall dimensions for compact vehicles (9' x 15') as part of site plan review, up to a maximum of 15% of the total required parking for the parcel and/or proposal.
 2. Any portions of parking lots that directly abut other parking lots may include no minimum side/rear setback space in order to provide seamless (shared) parking fields between lots. Parking lots shall have a minimum 5-foot setback from all public rights-of-way, and shall include landscaping and screening approved by the Plan Commission. The Plan Commission may modify the minimum parking setback on a site-specific basis by a ¾ majority vote of those Commissioners present at a meeting, but only if deemed consistent with an approved-Master Landscaping Plan.
 3. Perimeter landscaping areas, where required as part of the Master Landscape Plan and individual site landscaping plans shall be a minimum of 5 feet wide, unless otherwise modified by the Plan Commission by a ¾ majority vote of those Commissioners present at a meeting, but only if deemed consistent with an approved-Master Landscaping Plan. Perimeter

landscaping areas are not required at the common interface of shared parking fields.

- C. There shall be no direct vehicular access to S. Ikea Way or W. Drexel Avenue where prohibited. One additional access point onto Ikea Way may be permitted north of its intersection with Creekside Crossing Circle provided that its location and design receive approval by the Plan Commission and City Engineer.

6. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0316 and 17.0808 of the Municipal Code (as amended).
- B. Pole heights shall be limited to 25 feet within 100 feet of a residential zoning district line, and shall not be located within any buffer yard.
- C. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- D. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback on Exterior of Perimeter of Land Area Included in PUD***	Front and Public ROW Setback Interior to PUD***	Rear Setback	Side Setback
Principal Detached Structure	20 ft	10-20 ft	10 ft	5 ft
Principal Attached Structure	20 ft	10-20 ft	10 ft	0 ft
Accessory Structure*	20 ft	20 ft	10 ft	5 ft
Off-street Parking**	5 ft	5 ft	5 ft	0 ft

*No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. Trash enclosures shall be sited in conformance with Sec. 17.1010(e) as amended.

**The Plan Commission may modify the parking setback per Section 4(B)(2) above.

***There shall be a minimum front setback of 20 feet from any right-of-way on the exterior of the perimeter of the land area included in the Planned Unit Development, but setbacks from rights-of-way on the interior of the land area included in the Planned Unit Development may be reduced below 20 feet (but not less than 10 feet) as approved by the Plan Commission.

8. BUFFER YARDS

A buffer yard shall be created and maintained in accordance with Municipal Code Section 17.0301(6)(l)(1)(m) (as amended) where the Creekside Crossing Marketplace PUD abuts Park Districts. No buffer yard shall be required where the Creekside Crossing Marketplace PUD abuts residential districts.

9. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

10. OTHER REGULATIONS: INCONSISTENCY

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

However, in the event of any inconsistency between these Conditions and Restrictions and the Planned Unit Development Narrative for Creekside Crossing Marketplace, these Conditions and Restrictions shall control. These Conditions and Restrictions shall be deemed to be additional conditions and restrictions imposed by the Common Council in accordance with Subsections 17.0325(d)(3) and (f) of the City of Oak Creek Code of Ordinances (as amended).

11. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

12. REVOCATION

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

13. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

**EXHIBIT A:
CREEKSIDE CROSSING MARKETPLACE PUD
NARRATIVE AND GENERAL DEVELOPMENT PLAN
(INSERT DATE)**

(The general development plan contained herein is for illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

Location Map

1700-1900 W. Drexel Ave. & 7700 S. Ikea Way



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



Legend

 7700 S Ikea Way

TO BE PUBLISHED SEPTEMBER 30 & OCTOBER 7, 2020

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Walden OC, LLC, for amendments to the existing Planned Unit Development affecting the properties at the properties at 1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

Applicant(s):

Walden OC, LLC

Property Owner(s):

Walden OC, LLC

Property Location(s):

1920, 1900, 1850, 1848, 1816, 1800, 1750, and 1700 W. Drexel Ave. and 7700 S. Ikea Way

Tax Key(s):

784-9012-000, 784-9013-000, 784-9014-000, 784-9016-000, 784-9994-001, 784-9008-000, 784-9009-001, 7849010-001, 784-9024-000

Legal Description:

The Northeast ¼ of the Southeast ¼ of Section 7, Town 5 North, Range 22 East, in the City of Oak Creek Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, part of Parcel 1 of Certified Survey Map No. 7331 Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest ¼ and Southwest ¼ of the Southeast ¼ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

COMMENCING at the Southwest corner of said 1/4 Section; thence North 00° 10' 44" East 415.00 feet to a point in the East line of South Ikea Way and the point of beginning of lands to be described; thence continuing North 00° 10' 44" East along said East line 478.61 feet to a point; thence Northeasterly 259.54 feet along said East line and an arc of a curve whose center lies to the Southeast, whose radius is 545.50 feet, and whose chord bears North 20° 40' 48" East 257.10 feet to a point; thence Northeasterly 52.60 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 331.66 feet and whose chord bears North 29° 45' 59" East 52.55 feet to a point; thence Northeasterly 7.48 feet along said East line and an arc of a curve whose center lies to the Northwest, whose radius is 159.48 feet, and whose chord bears North 40° 32' 42" East 7.48 feet to the Southwest corner of Lot 1 of Certified Survey Map No. 8851; thence South 50° 47' 55" East along the South line of said Lot 67.20 feet to a point; thence North 46° 58' 30" East along said South line 72.50 feet to a point; hence North 51° 44' 32" East along said South line 70.43 feet to a point; thence North 72° 59' 23" East along said South line 88.02 feet to a point; thence North 79° 13' 30" East along said South line 111.26 feet to a point; thence North 85° 23' 38" East along said South line 86.90 feet to a point; thence North 82° 11' 13" East along said South line 44.43 feet to a point; thence South 87° 35' 31" East along said South line 30.93 feet to a point; thence South 27° 19' 30" East along said South line 23.77 feet to a point; thence South 57° 38' 45" East along said South line 35.90 feet to a point; thence South 72° 20' 25" East along said South line 41.69 feet to a point; hence North 88° 10' 25" East along said South line 35.47 feet to a point; thence North 62° 58' 12" East along said South line 35.49 feet to a point; thence North 43° 51' 41" East along said South line 49.17 feet to a point; thence North 41° 56' 30" East along said South line 66.78 feet to a point; thence North 55° 55' 26" East along said South line 61.54 feet to a point; thence North 73° 37' 33" East along said South line 67.23 feet to a point; thence South 72° 03' 08" East along said South line 47.46 feet to a point; thence South 82° 18' 23" East along said South line 139.86 feet to a point in the West line of Interstate Highway 94; thence South 07° 41' 37" West along said West line 944.62 feet to a point; thence South 89° 18' 02" West along said West line 40.44 feet to a point; thence South 00° 09' 35" West along said West line 332.60 feet to a point in the North line of West Drexel Avenue; thence South 80° 12' 18" West along said North line 101.52 feet to a point; thence South 83° 47' 38" West along said North line 66.06 feet to a point; thence South 89° 18' 02" West along said North line 271.34 feet to the Southeast corner of Parcel 3 in Certified Survey Map No. 7375; thence North 00° 09' 35" East along the East line of said Map 354.99 feet to the Northeast corner of said Map; thence South 89° 18' 02" West along the North line of said Map 172.00 feet to the Northwest corner of Parcel 2 of said Certified Survey No. 7375; thence South 00° 09' 35" West along the West line of said Parcel 354.99 feet to a point in the North line of West Drexel Avenue; thence South 89° 18' 02" West along said North line 288.89 feet the Southeast corner of Parcel 1 of Certified Survey Map No. 7331; thence North 00° 10' 44" East 24.00 feet to a point; thence North 65° 30' 21" West 21.17 feet to a point; thence North 38° 43' 50" West 31.80 feet to a point; thence Northwesterly 90.45 feet along an arc of a curve whose center lies to the Southwest, whose radius is 645.00 feet and whose chord bears North 10° 00' 09" West 90.38 feet to a point; thence North 14° 01' 11" West 92.42 feet to a point; thence North 00° 10' 44" East 117.78 feet to a point; thence South 89° 18' 02" West 22.08 feet to the point of beginning.

Said land contains 1,198,892 square feet or 27.5228 acres.

The Common Council has scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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

**City of Oak Creek – Planned Unit Development (PUD)
AMENDED Conditions and Restrictions**

Applicant: Walden OC, LLC

Property Address(es): 1920, 1900, 1850, 1848, 1816,

1800, 1750, & 1700 W. Drexel Ave.,
and 7700 S. Ikea Way

Tax Key Number(s):

784-9012-000, 784-9013-000, 784-9014-000, 784-9016-000, 784-9994-001,
784-9008-000, 784-9009-001, 7849010-001, 784-9024-000

Approved by Plan Commission: 9-22-20

Approved by Common Council: 10-20-20

(Ord. #2987, Amending Ord. #2964)

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map No. 9152, recorded on August 7, 2019 as Document No. 10895711, being a division of Parcel 1 and part of Parcels 2 and 3 of Certified Survey Map No. 5590, Parcels 2 and 3 of Certified Survey Map No. 7331, part of Parcel 1 of Certified Survey Map No. 7331, Parcel 1 of Certified Survey Map No. 7375, Lot 2 of Certified Survey Map No. 8851 and lands, all being a part of the Northwest $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 7, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

2. PLANNED UNIT DEVELOPMENT NARRATIVE

The Planned Unit Development (PUD) narrative for the Creekside Crossing Marketplace PUD dated (insert date) as contained in Exhibit A is made part of these conditions and restrictions and shall establish site design standards, minimum lot area setbacks, parking standards, lighting standards, and permitted, accessory and conditional uses for the PUD.

3. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

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

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

1) General Development Plan

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

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming
- b) Number, initial & mature sizes, and types of plantings
- c) Percentage open/green space

3) Building Plan

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

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

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

6) Fire Protection

- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates
- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. A Development Agreement has been completed between the owner(s) and the City as deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements (e.g., Creekside Crossing Circle, etc.) required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. All future land divisions shall follow subdivision plat and/or certified survey map procedures. If required by the Common Council, a development agreement shall be completed between the owner and the City prior to approval of said land division document to ensure the construction/installation of public improvements required in these Conditions and Restrictions, Chapter 14 (as amended), and all other applicable Sections of the Municipal Code (as amended).
- H. Prior to the issuance of any permits for any portion of the development, the Applicant/landowner shall submit all City-approved Certified Survey Maps for recording.
- I. A Master Landscaping Plan for the overall development has been approved by the Plan Commission for the Planned Unit Development. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit. Landscaping, in accordance with the approved plan, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

4. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed within this planned unit development shall be limited to those allowed by the B-6, Interchange Regional Retail zoning district, these Conditions and Restrictions, and all applicable Sections of the Municipal Code (as amended).
- B. A minimum of 30% of the entire land area included in this Planned Unit Development shall be set aside as open space (excluding all impervious areas).
- C. All structures shall be constructed in conformance with the Creekside Crossing Marketplace PUD in Exhibit A and the following:
 - 1. Use of spandrel glass shall require Plan Commission approval as part of reviews for architectural and building plans.

2. Secondary materials may be used as accents comprising no more than 25% of the visible perimeter of a building. The Plan Commission may approve of the use of secondary materials up to a maximum of 30% of any elevation of any building as part of reviews for architectural and building plans.
- D. Signage for the development shall be in conformance with Sections 17.0316 and all other applicable Sections of the Municipal Code.
- E. A Master Sign Plan for all development signs and Master Sign Plans for each multitenant building (3 or more tenant spaces) shall be submitted for review and approval by the Plan Commission prior to submission of sign permit applications. The design, construction, operation and maintenance of any development signs or streetscaping to be placed within the public right of way shall be the responsibility of the adjacent property owner, their successors and assigns.
- F. Solid waste collection and recycling shall be the responsibility of the owner. All solid waste and recycling collection units shall be screened and sited in conformance with Municipal Code requirements.
- G. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- H. The owner and operator of the Planned Unit Development shall enter into an agreement with the City for the design, construction, and maintenance of a public trail as depicted on the General Development Plan and included in the development agreement referred to in Item 2E of these conditions and restrictions prior to the issuance of occupancy permits for any phase of the development.

5. PARKING AND ACCESS

- A. Required roadway improvements and modifications identified in the existing Traffic Impact Analysis (TIA) shall be the responsibility of the property owner, unless otherwise provided for by other executed agreements.
- B. Parking for this development shall be provided in accordance with all applicable Sections of the Municipal Code, the Creekside Crossing Marketplace PUD in Exhibit A, and the following:
 1. The Plan Commission may approve a reduction in parking stall dimensions for compact vehicles (9' x 15') as part of site plan review, up to a maximum of 15% of the total required parking for the parcel and/or proposal.
 2. Any portions of parking lots that directly abut other parking lots may include no minimum side/rear setback space in order to provide seamless (shared) parking fields between lots. Parking lots shall have a minimum 5-foot setback from all public rights-of-way, and shall include landscaping and screening approved by the Plan Commission. The Plan Commission may modify the minimum parking setback on a site-specific basis by a $\frac{3}{4}$ majority vote of those Commissioners present at a meeting, but only if deemed consistent with an approved-Master Landscaping Plan.
 3. Perimeter landscaping areas, where required as part of the Master Landscape Plan and individual site landscaping plans shall be a minimum of 5 feet wide, unless otherwise modified by the Plan Commission by a $\frac{3}{4}$ majority vote of those Commissioners present at a meeting, but only if deemed consistent with an approved-Master Landscaping Plan. Perimeter

landscaping areas are not required at the common interface of shared parking fields.

- C. There shall be no direct vehicular access to S. Ikea Way or W. Drexel Avenue where prohibited. One additional access point onto Ikea Way may be permitted north of its intersection with Creekside Crossing Circle provided that its location and design receive approval by the Plan Commission and City Engineer.

6. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sections 17.0316 and 17.0808 of the Municipal Code (as amended).
- B. Pole heights shall be limited to 25 feet within 100 feet of a residential zoning district line, and shall not be located within any buffer yard.
- C. Pole type, color, height, and placement in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.
- D. Fixture type and color on light poles in public rights-of-way shall be in accordance with all applicable requirements of the Municipal Code.

7. BUILDING AND PARKING SETBACKS

	Front and Public ROW Setback on Exterior of Perimeter of Land Area Included in PUD***	Front and Public ROW Setback Interior to PUD***	Rear Setback	Side Setback
Principal Detached Structure	20 ft	10-20 ft	10 ft	5 ft
Principal Attached Structure	20 ft	10-20 ft	10 ft	0 ft
Accessory Structure*	20 ft	20 ft	10 ft	5 ft
Off-street Parking**	5 ft	5 ft	5 ft	0 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. Trash enclosures shall be sited in conformance with Sec. 17.1010(e) as amended.*

***The Plan Commission may modify the parking setback per Section 4(B)(2) above.*

****There shall be a minimum front setback of 20 feet from any right-of-way on the exterior of the perimeter of the land area included in the Planned Unit Development, but setbacks from rights-of-way on the interior of the land area included in the Planned Unit Development may be reduced below 20 feet (but not less than 10 feet) as approved by the Plan Commission.*

8. BUFFER YARDS

A buffer yard shall be created and maintained in accordance with Municipal Code Section 17.0301(6)(l)(1)(m) (as amended) where the Creekside Crossing Marketplace PUD abuts Park Districts. No buffer yard shall be required where the Creekside Crossing Marketplace PUD abuts residential districts.

9. TIME OF COMPLIANCE

The operator of the Planned Unit Development shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Planned Unit Development. This Planned Unit Development approval shall expire within twelve (12) months after the date of adoption of the ordinance if a building permit has not been issued for this use. The applicant shall re-apply for Planned Unit Development approval prior to recommencing work or construction.

10. OTHER REGULATIONS: INCONSISTENCY

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

However, in the event of any inconsistency between these Conditions and Restrictions and the Planned Unit Development Narrative for Creekside Crossing Marketplace, these Conditions and Restrictions shall control. These Conditions and Restrictions shall be deemed to be additional conditions and restrictions imposed by the Common Council in accordance with Subsections 17.0325(d)(3) and (f) of the City of Oak Creek Code of Ordinances (as amended).

11. VIOLATIONS & PENALTIES

Any violations of the terms of this Planned Unit Development shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Planned Unit Development is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Planned Unit Development, subject to the provisions of paragraph 10 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Planned Unit Development or to seek an injunction regarding any violation of this Planned Unit Development or any other City ordinances.

12. REVOCACTION

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

13. ACKNOWLEDGEMENT

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

Owner / Authorized Representative Signature

Date

(please print name)

**EXHIBIT A:
CREEKSIDE CROSSING MARKETPLACE PUD
NARRATIVE AND GENERAL DEVELOPMENT PLAN
(INSERT DATE)**

(The general development plan contained herein is for illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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PURPOSE:

The purpose of this public hearing is to consider a charter ordinance relating to the government and administration of Standing Committees, Boards and Commissions of the City of Oak Creek to repeal and recreate Sections 2.23, 2.60(a), 2.60(c)(1), 2.60(d)(1), 2.60(e), 2.60(f), 2.60(h), 2.61(e), 2.62(a), 2.63(a), 2.66(a), 2.68(a), 2.68(b)(1), 2.68(c), 2.70(a), 2.71(a), 2.71(b), 2.72(a)(7), 2.77(a)a., 2.78(a), 2.79(d) and to repeal Sections 2.60(i), 2.67, 2.73, and 2.75 of the Municipal Code.

Hearing Date:

October 20, 2020

Time:

7:00 PM

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers and Zoom (see above)

The Common Council may have scheduled other public hearings for October 20, 2020 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: September 23, 2020

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

Item: Charter Ordinance No. 16, A Charter Ordinance Relating to the Government and Administration of Standing Committees, Boards, and Commissions of the City of Oak Creek.

Recommendation: Following a public hearing, the staff recommends the Common Council adopt Charter Ordinance No. 16.

Fiscal Impact: n/a

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

Background: At the August 18, 2020 meeting, the Common Council discussed an analysis and proposal to reconfigure the City's committees, boards, and commissions. 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 18, 2020 discussion and direction to move forward, staff prepared a red-lined version of the proposed changes to Municipal Code, Ch. 2, Government and Administration. At the September 15, 2020 meeting, the Common Council discussed proposed ordinance revisions and requested staff to make certain changes.

As the Charter Ordinance No. 16 is a "repeal and recreate," it can be difficult to determine what is being changed without a side-by-side comparison. For ease of reference, staff included the updated, redlined version of the ordinance that captures the Council's desired changes from the September 15th, 2020 discussion. Further, this is the third time the Council has held a public discussion on the proposed board, committee, and commission framework, so the attached supplemental documents includes all information previously presented to ensure the record of policy discussion is intact.

Options/Alternatives: The Common Council has the discretion to make any amendments to Charter Ordinance No. 16 it deems appropriate, or choose to not act on the Ordinance at all.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: Charter Ordinance No. 16; redlined ordinance showing changes from September 15, 2020 Council discussion; supplemental documents from the September 15 and August 18, 2020 Common Council packets.

CHARTER ORDINANCE NO. 16

BY: _____

A CHARTER ORDINANCE RELATING TO THE GOVERNMENT AND ADMINISTRATION OF STANDING COMMITTEES, BOARDS AND COMMISSIONS OF THE CITY OF OAK CREEK, TO REPEAL AND RECREATE SECTIONS 2.60(a), 2.60(c)(1), 2.60(d)(1), 2.60(e), 2.60(f), 2.60(h), 2.61(e), 2.62(a), 2.63(a), 2.66(a), 2.68(a), 2.68(b)(1), 2.68(c), 2.70(a), 2.71(a), 2.71(b), 2.72(a)(7), 2.77(a)a., 2.78(a), 2.79(d) AND TO REPEAL SECTIONS 2.60(i), 2.67, 2.73, and 2.75 OF THE MUNICIPAL CODE.

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

SECTION 1: Section 2.23 of the Municipal Code is hereby repealed and recreated to read as follows:

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 Alderpersons to the following standing committees. Each committee shall have such duties and responsibilities as prescribed by this Code of Ordinances, 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 three (3) Alderpersons annually appointed by the Common Council President. 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 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 three (3) Alderpersons annually appointed by the Council President, and two (2) citizen members (and one (1) alternate to vote when either of the citizen members is not in attendance) appointed by the Mayor and approved by the Common Council. The initial term of appointment for the citizen members and alternate shall be staggered so that no more than one (1) member is appointed annually. 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 Sec. 62.14(6), Wis. Stats., including but not limited to the operation of the Water and Sewer Utility as authorized under Sec. 66.0805(6), Wis. Stats. The Board shall perform such other duties and have certain authorities as assigned by the Common Council.
 - (3) License Committee. The License Committee shall consist of three (3) Alderpersons 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.

- (4) **Small Claims Committee.** The Small Claims Committee shall consist of the Mayor, the City Clerk, and an Alderperson 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.
- (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 Alderpersons. The Committee of the Whole shall meet at such times as the Common Council shall direct.
 - (2) The Mayor 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 Chairperson 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 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 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 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 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.

SECTION 2: Section 2.60(a) of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.60 BOARDS, 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 Chairperson and Secretary.

SECTION 3: Section 2.60(c)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Meetings.**
- (1) Unless otherwise specified, City boards, commissions and committees established by this Chapter shall meet upon the call of their respective Chairpersons.

SECTION 4: Section 2.60(d)1 of the Municipal Code is hereby repealed and recreated to read as follows:

(c) **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 V, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.

SECTION 5: Section 2.60(e) of the Municipal Code is hereby repealed and recreated to read as follows:

- (d) **Notice to Members.** Every member of any board, commission or committee of the City of Oak Creek shall be notified by the Secretary 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.

SECTION 6: Section 2.60(f) of the Municipal Code is hereby repealed and recreated to read as follows:

- (e) **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 Secretary 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.

SECTION 7: Section 2.60(h) of the Municipal Code is hereby repealed and recreated to read as follows:

- (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.

SECTION 8: Section 2.61(e) of the Municipal Code is hereby repealed and recreated to read as follows:

- (e) **Confidentiality of Information.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 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 Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

SECTION 9: Section 2.62(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (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 secretary of the Board, one (1) member for a term of five (5) years, subject to confirmation by the Common Council.

SECTION 10: Section 2.63(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Composition.** The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, the Building Commission or their designee, two (2) 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, a representative of the Planning Department shall be an ex-officio member 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.

SECTION 11: Section 2.66(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Composition.** The Library Board shall consist of seven (7) members, five (5) citizen members, one (1) school district administrator or their representative to represent the public school district, and one (1) Alderperson. 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 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 Alderperson 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 President, a Vice-president and a Secretary. A majority of the membership of the Library Board shall constitute a quorum.

SECTION 12: Section 2.68(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Composition.** The Oak Creek Parks and Recreation Commission shall consist of eight (8) members: six (6) citizen members, the Superintendent of Schools or their designated representative, and one (1) Alderperson. 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 Alderperson 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.

SECTION 13: Section 2.68(b)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Powers and Duties.** The Parks and Recreation Commission shall:
- (1) Advise the Director of Parks and Recreation in the execution of their responsibilities.

SECTION 14: Section 2.68(c) of the Municipal Code is hereby repealed and recreated to read as follows:

- (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 Chairperson and Secretary shall be elected. In the absence of the Chairperson, the members of the Commission shall elect one of its members to preside and exercise the functions of the Chairperson.

SECTION 15: Section 2.70(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (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 Alderperson 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 Alderperson 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.

SECTION 16: Section 2.71(a) of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.71 CELEBRATIONS COMMISSION.

- (a) **Composition.** There is hereby created a Celebrations Commission consisting of ten (10) 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.

SECTION 17: Section 2.71(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Powers and Duties.** The Celebrations Commission shall supervise the annual Fourth of July celebration 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

SECTION 18: Section 2.72(a)(7) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Composition.** There is hereby created an Emergency Management Advisory Committee consisting of the following:
 - (1) One (1) Alderperson, annually appointed by the Council President.

SECTION 19: Section 2.77(a)a. of the Municipal Code is hereby repealed and recreated to read as follows:

- (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) Alderperson

SECTION 20: Section 2.78(a) of the Municipal Code is hereby repealed and recreated to read as follows:

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

SECTION 21: Section 2.79(d) of the Municipal Code is hereby repealed and recreated to read as follows:

- (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.

SECTION 22: Section 2.60(i) of the Municipal Code is hereby repealed.

SECTION 23: Section 2.67 of the Municipal Code is hereby repealed.

SECTION 24: Section 2.73 of the Municipal Code is hereby repealed.

SECTION 25: Section 2.75 of the Municipal Code is hereby repealed.

SECTION 26: All ordinances contravening the provisions of this Ordinance are hereby repealed.

SECTION 27: This Charter Ordinance shall take effect sixty (60) days after its passage and publication, unless within sixty (60) days of passage and publication a referendum petition shall be filed as provided in Section 66.0101(5) of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum vote and approved by a majority of the electors voting thereon.

Introduced this _____ day of _____, 2020.

Passed and adopted this _____ day of _____, 2020.

President, Common Council

Approved this _____ day of _____, 2020.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

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~~Alderpersons 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~~Alderpersons annually appointed by the Common Council President. 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 three~~ (3) ~~Aldermen~~Alderpersons annually appointed by the Council President, and ~~two~~ (2) ~~citizen members~~ (and one (1) alternate to vote when either of the citizen members are not in attendance) appointed by the Mayor and approved by the Common Council. The initial term of appointment for the citizen members and alternate shall be staggered so that no more than one (1) member is appointed annually. 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.
- (3~~2~~) License Committee. The License Committee shall consist of three (3) ~~Aldermen~~Alderpersons 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~~Alderson~~ 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 1st. 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 ~~Aldermen~~Alderpersons. 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 ~~chairman~~Chair-

person 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/Alderp~~ersons 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/Alder~~person. 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-~~man/Alderperson 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~~ice-~~p~~President and a ~~s~~ecretary. 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 1st of each year, a detailed report of all its doings for the preceding year, together with an itemized statement of all its expenditures, as well as a list of its employees, together with their salaries and a statement of the income, together with the inventory of the property of every character under its control and such other information as may be determined by it essential to inform the Common Council of the condition of the Utility financially otherwise.

(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/their~~ designated representative, and one (1) ~~Alderman~~ Aldersperson. 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~~ Aldersperson 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/their~~ 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~~ Chairperson and Secretary shall be elected. In the absence of the ~~Chairman~~ Chairperson, 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) ~~a~~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 service 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

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-Alderp~~ersons 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-Alderp~~ersons 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) Alderpersons 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-Alderp~~ersons 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~~Alderp~~erson 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 1st. 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 ~~Aldermen~~Alderpersons. The Committee of the Whole shall meet ~~on the Monday~~ preceeding 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 ~~ehairman~~chair~~person~~ 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.~~
- (i)(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/Alders~~persons 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/Alder~~person. 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 ~~Alderman/Alder~~person 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~~ice-~~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.
- (g) **Receipts.** All utility receipts shall be paid to the Utility Accountant and be turned over by the Accountant to the City Treasurer, at least once a month. Utility funds shall be separately accounted for by the water and sewer utility and shall be subject to disposition as the Commission shall direct.
- (h) **Annual Report.** The Water & Sewer Utility Commission shall submit to the Common Council, on or before July 1st of each year, a detailed report of all its doings for the preceding year, together with an itemized statement of all its expenditures, as well as a list of its employees, together with their salaries and a statement of the income, together with the inventory of the property of every character under its control and such other information as may be determined by it essential to inform the Common Council of the condition of the Utility financially otherwise.
- (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.
- (j) **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~~their designated representative, and one (1) ~~Alderman~~Aldersperson. 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 ~~aldermanic~~Aldersperson 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~~their 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~~Chairperson and Secretary shall be elected. In the absence of the ~~Chairman~~Chairperson, 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~~ Alderman
- 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) ~~a~~ 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

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

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

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

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

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

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

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

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

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

Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA
City Administrator

Fiscal Review:

Approved:

n/a

Bridget M. Souffrant
Assistant City Administrator/Comptroller

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

CURRENT BOARD, COMMITTEE, COMMISSION CONFIGURATION

August 18, 2020

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

1) Personnel Committee

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

2) Finance Committee

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

3) Water & Sewer Utility Commission

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

4) Capital Improvements Committee (CIP)

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

5) Traffic & Safety Commission

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

6) Landscape and Beautification Committee

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

PROPOSED BOARD, COMMITTEE, COMMISSION RECONFIGURATION

August 18, 2020

1) Personnel Committee and Finance Committee:

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

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

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

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

4) Parks, Recreation, and Forestry Commission

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

5) Community Development Authority:

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

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



MEMO

To: Mayor Daniel J. Bukiewicz & Common Council

From: Andrew J. Vickers, City Administrator

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

Date: August 18, 2020

BACKGROUND:

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

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

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

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



MEMO

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

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

ASSESSING OTHER COMMUNITIES/UTILITIES

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

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

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

GENERAL ISSUE(S):

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

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

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

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

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



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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.



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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



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

IMPLEMENTATION:

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

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

Enclosures:

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

**EXCERPT OF CURRENT OAK CREEK
CHARTER ORDINANCE**

**SEC. 2.67 WATER & SEWER UTILITY
COMMISSION.**

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

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

66.0805 Management of municipal public utility by commission.

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

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

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

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

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

62.14 Board of public works.

- (1) **HOW CONSTITUTED; TERMS.** There shall be a department known as the "Board of Public Works" to consist of 3 commissioners. In cities of the 2nd class the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices, 1, 2 and 3 years, respectively, and thereafter for 3 years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer. The council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officer, officers or boards as the council designates. The words "board of public works" wherever used in this subchapter shall include such officer, officers, or boards as shall be designated to discharge its duties.
- (2) **ORGANIZATION.** The members of the board of public works shall, on the first Tuesday in May of each year, choose a president of the board from their number, and in cities of the first class a secretary; in other cities the city clerk shall be the secretary of the board.
- (3) **COMPENSATION.** The commissioners of public works in cities of the second class shall receive a salary, but in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.
- (4) **RULES FOR, BY COUNCIL.** The council may make such rules as the council deems proper, not contravening this subchapter, for the government of the board of public works and the manner in which the business of said board shall be conducted.
- (5) **QUORUM; RECORD; REPORT.** A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city, and shall make a report to the council on or before the first day of March in each year, and oftener if required.
- (6) **DUTIES AND POWERS.**

 - (a) *In general.* It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.
 - (b) *Unusual use of streets.* No building shall be moved through the streets without a written permit therefor granted by the board of public works, except in cities where the council shall, by ordinance authorize some other officer or officers to issue a permit therefor; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided, that its decision in this regard may be reviewed by the council.
 - (c) *Restoring streets.* In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the city clerk by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.
- (7) **RECORDS OF CITY ENGINEER.** The city engineer shall keep on file in the engineer's office, in the office of the city clerk, a record of all the engineer's official acts and doings and also a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors and of any buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and documents shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to the engineer's successor or to the board of public works. Whenever requested, the engineer shall make a report of all doings of the engineer's department to the board of public works.

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

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

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

Comparison A: Population-Based Comparison				
Municipality	2018 Population	Public Utility Oversight	Board/Commission Makeup	Additional Notes
Beloit	36,548	Common Council	n/a	City invokes SS. 66.0805(6): <i>the council or board may provide for the operation of a public utility or utilities by the board of public works or by another officer or officers, in lieu of the commission provided for in this section.</i> Beloit Ordinance reads: <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 RETAIL WATER customer of Milwaukee WaterWorks (city of Milwaukee).
Manitowoc	33,772	Modified/Limited Commission ("Public Utilities Commission")	5 total: all citizens with Mayor and 1 councilmember ex-officio	Manitowoc provide services to Village of Reedsville and also partners with the Central Brown County Water Authority to provide water to DePere, Allouez, Bellevue, and Howard. Commission manages only water and electric utility. Ordinance spells out specific powers entitled to the commission as well as Council limitations to commission authority. Control and Supervision of the Common Council for: Large construction projects (> \$5M), Assessment policy, extension of service outside City Limits, Eminent Domain, Municipal borrowing
Mequon	24,398	Common Council	9 total: Mayor and all 8 councilmembers	Do have noted a Water Commission and a Sewer Commission, but each of those entities is the full Mayor and Common Council. This could be classified as a hybrid board of public works and Common Council as commission, similar to West Bend. "The management and operation of the utility shall be the responsibility of the common council which shall serve as and perform the function of a utility commission, and which shall be responsible for the entire management of and shall supervise the operation of the utility, as well as exercise general control of the commission by enacting ordinances governing the commission's operation."
Middleton	20,713	Board of Public Works ("Public Works Committee")	7 total: 2 councilmembers, 5 citizens	Committee powers and duties are somewhat unclear in the ordinances, but from past agendas/minutes it looks as though this is a purely advisory board.
Muskego	24,999	hybrid of Common Council as Commission with a Board of Public Works ("Public Works and Safety Committee")	Public Works/Safety Committee = 3 total: 3 councilmembers	utility management is under Dept of Public Works. The oversight body is purely an advisory board to the Common Council for all things utility-related (incl. rate-setting, budgeting, expenditures). Ordinance reads: <i>The Public Works and Safety Committee shall have charge of the Water Utility owned and operated by the City in lieu of a Water Commission pursuant to § 66.0805, Wis. Stats., but said Committee shall only have the powers and duties as other committees of the Common Council have, and said Committee shall not have any other powers or duties as provided by § 66.0805, Wis. Stats. [1] 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>
Neeenah	26,436	Strong Commission ("Waterworks Commission")	5 total: Mayor, 1 Councilmember, 3 citizens	have a joint Neenah-Menasha Sewerage Commission on wastewater side. Dept of Public Works handles sewer-related functions. On the water side, as an observation, certain functions related to finances flow through other city staff (i.e. finance director, clerk)
New Berlin	40,596	Modified/Limited Commission ("Utility Committee")	5 total: 3 councilmembers, 2 citizens	only make recommendations on rate charges to Council. Several other "limitations of powers" that require the consent of the Council. Also, central functions of City Finance and Administration integrate/oversee utility functions
Sheboygan	48,697	Strong Commission ("Board of Waterworks Commissioners")	3 total: all citizens	do use a "Public Works Committee" (5 aldermen) for non-water related public works functions. Do not reference strong commission statute, but seems to operate with same independence.
South Milwaukee	20,725	Advisory Board ("Water/Wastewater Commission")	7 total: 7 citizens (1 councilmember serves as "liaison" - non-voting)	The city once had two separate commissions, a wastewater commission and a separate Strong Commission on the water side. The city put those two into one commission and went away from the strong commission. According to City Administrator, Council approves rate-setting, budgets, projects, etc., and the wastewater manager and water utility manager report to the City Administrator and follow all hiring, purchasing, and personnel policies of the city. This body, although named "commission" is purely an advisory board to the Council, similar to a board of public works.
Stevens Point	26,490	Common Council	do have an advisory (emphasis added) "board of water and sewerage commissioners." 5 total members: all citizens	"the Common Council of the City of Stevens Point shall exercise general control, and shall be responsible for the entire management and supervision and operation of the Water and Sewerage System. The governing body shall adopt such rules for the control and operation of the system as may be necessary".
Sun Prairie	34,926	Strong Commission ("Sun Prairie Utilities Commission")	7 total: Mayor, 1 councilmember, 5 citizens	do use strong commission statute (66.0805), but with all budgets developed jointly with commission and Council ultimately approved by the Council. Council also approves any property purchase and any debt issuance (both GO debts and revenue bonds). According to City Administrator, while Council has budget authority, they never change the budget as presented by the Commission.
Superior	27,217	for-profit utility (not public) "Superior Water, Light and Power Co."	n/a	do use a Public Works Committee consisting of 3 councilmembers that is advisory board to council on matters relating to sewer (among others), but water and electric utility is a private entity.

CONTINUED

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

Comparison B: Surface Water Utilities Comparison

Community	Public Utility Oversight	Board/Commission Makeup	Additional Notes
Appleton	Commission for Plant	Utilize a "Utilities Committee" made up of 5 Alderpersons	The City also provides water to Grand Chute- a large commercial base and 15,000 residential base. Water distribution is a function of the Dept of Public Works, treatment and wastewater are their own utility function through a Dir of Utilities
Cudahy	Commission	Utilize a "Water Commission" made up of 5 citizens	Common Council establishes the water rates (through PSC oversight). Capital projects requiring borrowing controlled by Council. Water Superintendent reports to the Dir of Public Works
Green Bay	Commission	Water Commission is 7 people with 1 being an Alderperson	In addition to City of GB service, Utility sells water to Scott, Hobart, Ashwaubenon, and Wrightstown. GB also has a "Improvement and services committee" which has the statutory authority in lieu of a "board of public works"
Kenosha	Commission	"Board of Water Commissioners". The board consists of 6 alderpersons	Kenosha also sells water to Pleasant Prairie, Somers, and Bristol for a total service area of 118,360 population
Manitowoc	Commission	5 total: all citizens with Mayor (1 councilmember ex-officio-non-voting)	Manitowoc provide services to Village of Reedsville and also partners with the Central Brown County Water Authority to provide water to DePere, Allouez, Bellevue, and Howard. Commission manages only water and electric utility. Ordinance spells out specific powers entitled to the commission as well as Council limitations to commission authority. Control and Supervision of the Common Council for: Large construction projects (> \$5M), Assessment policy, extension of service outside City Limits, Eminent Doman, Municipal borrowing
Menasha	Commission	5 total: Mayor and 4 citizens	Also provide water to village of fox crossing (formerly town of Menasha), pop. 19,000
Milwaukee	Council	Mayor and entire Common Council	The utility is owned by the City of Milwaukee. Policy is set by the Mayor and Common Council. We adhere to regulations of the Environmental Protection Agency (EPA) and the Wisconsin Department of Natural Resources (DNR) for facilities, operations, and water quality. The Public Service Commission of Wisconsin (PSC) sets water rates and service charges and monitors our accounting.
Neenah	Commission	5 total: Mayor, 1 Councilmember, 3 citizens	have a joint Neenah-Menasha Sewerage Commission on wastewater side. Dept of Public Works handles sewer-related functions. On the water side, as an observation, certain functions related to finances flow through other city staff (i.e. finance director, clerk)
North Shore (Fox Point, Glendale, Whitefish Bay)	Commission	7 members: mostly staff from each community with 1 citizen member	structure a bit unclear as they use staff as commissioner and 2 "alternate" members. Safe to say this is stand alone given the multiple community structure.
Oshkosh	Council	Mayor and entire Common Council	City Manager exercises the authority of a "board of public works" (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



Meeting Date: October 20, 2020

Item No. 12

COMMON COUNCIL REPORT

Item: Rescission of 2019 Personal Property Tax Bill for Property at 6720 South 27th Street

Recommendation: That the Common Council adopt Resolution No. 12195-102020, a Resolution Authorizing the Rescission of the 2019 Personal Property Tax Bill, including any interest and penalties, for the Property at 6720 South 27th Street

Fiscal Impact: None - no taxes were paid, and this account has been removed from the 2020 tax roll.

- 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: Wisconsin Granite & Tile LLC ("Owner") operated its business at 6720 South 27th Street and was in operation on January 1, 2018. As of January 1, 2019, however, the Owner no longer operated at that location. As a result, no personal property tax would have been due. This information was not known to the City at that time. As a result, a personal property tax bill in the amount of \$324.97 was sent to the Owner. The change in business was discovered in 2020.

Wisconsin Statute Sec. 74.33(1)(d) allows the City to rescind in whole or in part any general property tax shown in the tax roll if the property is not located in the taxation district for which the tax roll was prepared. That is the situation at hand. The resolution for Common Council consideration would rescind the 2019 personal property tax issued for the Owner, including any interest and penalties, such that the Owner no longer held any taxable personal property at that location under account no. 999-9449-450.

Options/Alternatives: None - this issue should be corrected to properly reflect the status of the account.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Melissa L. Karls
City Attorney

Fiscal Review:

Jamie Strobl
Assistant Comptroller

Reviewed:

Marty Kuehn
City Assessor

Reviewed:

Barbara Guckenberger
City Treasurer

Attachments: Resolution No. 12195-102020

RESOLUTION NO. 12195-102020

RESOLUTION AUTHORIZING THE RESCISSION OF THE 2019 PERSONAL PROPERTY
TAX BILL FOR THE PROPERTY AT 6720 SOUTH 27TH STREET
(Account No. 999-9449-450)

WHEREAS, in December 2019, the City of Oak Creek sent a personal property tax bill (“Tax Bill”) to Wisconsin Granite & Tile LLC (“Owner”) for its business located at 6720 South 27th Street; and

WHEREAS, it was subsequently determined that Owner no longer held any taxable personal property at that address as of January 1, 2019, so no personal property tax was due; and

WHEREAS, it would be appropriate to rescind the Tax Bill, including any interest and penalties, to the Owner due to a palpable error under Wisconsin Statute Sec. 74.33(1)(d);

NOW THEREFORE, BE IT RESOLVED by the Mayor and Common Council that it determines that it was a palpable error under Wisconsin Statute Sec. 74.33(1)(d) for the City of Oak Creek to issue the 2019 personal property tax bill to Owner because Owner no longer held any taxable personal property at 6720 South 27th Street (the “Property”) as of January 1, 2019.

BE IT FURTHER RESOLVED by the Mayor and Common Council that the City of Oak Creek shall rescind the personal property tax bill assessed to Wisconsin Granite & Tile LLC for the Property for the 2019 tax year, including any interest and penalties.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of October, 2020.

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:** Assignment of Refuse and Recycling Contracts with Advanced Disposal to GFL Solid Waste Midwest, LLC
- Recommendation:** That the Common Council moves to authorize the assignment of the current refuse and recycling contracts with Advanced Disposal to GFL Solid Midwest, LLC, with all terms and conditions to remain and, further, authorizes the Mayor to sign the August 19, 2020 letter from Advanced Disposal consenting to the agreements' transfer, contingent upon closing
- Fiscal Impact:** None - The City's refuse and garbage recycling contracts would remain intact as to services provided and payments due.
- 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: Since 2015 the City has been under contract with Advanced Disposal for refuse and recycling services. The initial term was from 2015 to 2019. The two-year extension terminates on December 31, 2021.

Waste Management is seeking to acquire Advanced Disposal. As a condition of this merger, those parties agreed to have GFL Environmental purchase certain of their assets. These regulatory divestitures are required by and subject to the approval of the United States Department of Justice given that this merger would result in the creation of one of the largest waste haulers in the country. Final approval and closing are anticipated to occur within days of regulatory approval, which is imminent.

Staff recommends that the Council approves the assignment of the refuse and recycling contracts from Advanced Disposal to GFL Solid Midwest, LLC, a subsidiary of GFL Environmental ("GFL"), contingent upon the transaction closing. Given discussion with their representative, the level of service, including employees and service manager, are expected to continue. The only change would be that GFL would assume these contracts.

Options/Alternatives: The Council could choose not to authorize the assignment of these contracts. In that case, the City would need to seek bids for refuse and recycling services in the near term.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Melissa L. Karls
City Attorney

Fiscal Review:

Jamie Strobl
Assistant Comptroller

Attachments: August 19, 2020 letter from Advanced Disposal



August 19, 2020

Via United States Mail

The City of Oak Creek
Attn: Ted Johnson, Director of Streets, Parks & Forestry
800 W. Puetz Road
PO Box 27
Oak Creek, WI 53154

Re: GFL Purchase of Certain Customer Contracts from Advanced Disposal

Dear Valued Customer:

We are writing to you in connection with your (A) Contract Specifications City of Oak Creek Refuse Collection Services, dated as of December 23, 2014, as amended, and (B) Contract Specifications City of Oak Creek Recyclables Collection Services, dated as of December 23, 2014, as amended, (items (A) and (B), collectively, the "Agreements"), with Advanced Disposal Services Solid Waste Midwest, LLC.

We are excited to announce that on June 24, 2020, Waste Management, Inc. (together with its affiliates and subsidiaries "WM") and Advanced Disposal Services, Inc. (together with its affiliates and subsidiaries "ADS") agreed to sell certain of their respective assets to affiliates of GFL Environmental Inc. (together with its affiliates and subsidiaries "GFL") (such sale, the "Transaction"), following the closing of WM's merger with ADS. In connection with and conditioned upon the closing of the Transaction, it is contemplated that GFL will acquire the Agreements by way of an assignment of the Agreements by ADS to GFL Solid Waste Midwest, LLC, a subsidiary of GFL (the "Agreement Transfer"). We anticipate that the Transaction will close and the Agreement Transfer will be effective in the third quarter of 2020, assuming all conditions to the Transaction closing are satisfied or waived by WM/ADS and GFL.

We are certain that GFL will continue to meet the high service standards you have come to expect from dealing with ADS.

We and GFL are coordinating the transition of the business to ensure there is no disruption in your service. There will be no changes to the terms of the Agreements, including, service levels, pricing or similar terms, as a result of the Transaction and the Agreement Transfer. Over the longer term, the ADS trucks and other equipment such as waste and recycling containers, dumpsters, and compactor units used to service your account will be rebranded to reflect the GFL name, logos, colors, and service marks. A change of this size will take time to complete, but you should start to see these changes during calendar year 2020. We expect that GFL will be in touch with you directly following the Transaction closing to provide you with additional information including where to remit payments under the Agreements following the Closing.

We would ask that you please return a countersigned copy of this letter to me by mail or email at your earliest convenience. By signing this letter, you consent to the Agreement Transfer and agree that the Agreement Transfer

will not result in a breach of, or default under, the Agreements and, notwithstanding the Agreement Transfer and the Transaction closing, the Agreements will survive and continue in full force and effect without any further action by you or the ADS Entity. Your consent will be effective as of the date of this letter, but will be contingent upon the Transaction closing, such that if the Transaction does not close or if the Agreements is terminated per its terms, this letter will not have any effect and will be void.

Please reach out to me personally or your usual contact at ADS with any questions you may have regarding the Agreement Transfer. On behalf of all of us at ADS, thank you for your business.

Very truly yours,



Melissa Bachhuber,
Vice President – Associate General Counsel
Melissa.Bachhuber@Advanceddisposal.com

CC: The City of Oak Creek
8040 S. 6th Street
Oak Creek, WI 53154

ADS Account Representative

City of Oak Creek

By: _____

Name: _____

Title: _____

COMMON COUNCIL REPORT

- Item:** W. Drexel Avenue Three Party Design Contract
- Recommendation:** That the Common Council considers a motion to authorize the Engineering Department to enter into a Three Party Design Contract, not to exceed \$181,906.44, between the Wisconsin Department of Transportation, City of Oak Creek and Ayres Associates for the design services of W. Drexel Avenue from S. 13th Street to S. Howell Avenue. (1st & 2nd Aldermanic Districts)
- Fiscal Impact:** The city will be responsible for 20% of the total design costs, which is estimated to be \$36,382. The remaining 80% of the total design costs will be federally funded, which is estimated to be \$145,525.
- 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. 13th Street to S. Howell Avenue. On September 15, 2020, the Common Council authorized the Engineering Department to enter into contract negotiations with Ayres Associates for the design services of W. Drexel 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 and negotiations with Ayres Associates is complete, the next step is to sign the Three Party Design Contract between the Wisconsin Department of Transportation, City of Oak Creek and Ayres Associates to begin the design of W. Drexel Avenue.

Through negotiations Engineering staff, WisDOT and Ayres agreed upon a scope of services and contract amount to not exceed \$181,906.44 for the project design. The city will be responsible for 20% of the contract amount.

The consultant delivery cost is at 10.1% of the estimated construction costs, which is under the curve for a rehabilitation project.

Options/Alternatives: The alternative is to renegotiate the scope of services and contract amount, jeopardize the project schedule and risk losing federal funding for not complying with the requirements of WisDOT's STP grant funding.

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

Attachments: Three Party Design Engineering Services Contract Signature Pages

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

ENGINEERING SERVICES CONTRACT

BETWEEN THE WISCONSIN DEPARTMENT OF TRANSPORTATION,

CITY OF OAK CREEK (MUNICIPALITY)

AND AYRES ASSOCIATES INC (CONSULTANT) FOR

2345-07-01

W. Drexel Avenue Rehabilitation
S. 13th Street to S. Howell Avenue
Local Street, Milwaukee County

WisDOT PeopleSoft Account Number 8705121

This CONTRACT made and entered into by and between the DEPARTMENT ,MUNICIPALITY and the CONSULTANT provides for those SERVICES described in the Scope of Services and Special Provisions and is generally for the purpose of providing the SERVICES solicited by the MUNICIPALITY in the Request for Proposal dated 08/05/2020 and includes the rehabilitation of W. Drexel Avenue between S. 13th Street and S. Howell Avenue. This Qualification Based Selection was made based on the CONSULTANT'S Notice of Interest response and any interviews conducted.

The DEPARTMENT and MUNICIPALITY deem it advisable to engage the CONSULTANT to provide certain engineering SERVICES and has authority to contract for these SERVICES under sec. 84.01(13), Wis. Stats.

The DEPARTMENT REPRESENTATIVE is: *Kathleen Kramer, P.E.; SE Region Local Program Design Project Manager; 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187; Kathleen1.kramer@dot.wi.gov; and 262-548-8772.*

The MUNICIPALITY REPRESENTATIVE is: *Ashley Kiepczynski, P.E.; City of Oak Creek Design Engineer; 8040 South 6th Street, Oak Creek, WI 53154; akiepczynski@oakcreekwi.org; and 414-766-7038.*

The CONSULTANT REPRESENTATIVE is: *Philip Bain Jr., P.E.; Project Manager; N17 W24222 Riverwood Drive, Suite 310, Waukesha, WI 53188; bainp@ayresassociates.com; and 262-522-4940.*

The CONSULTANT SERVICES will be performed for the DEPARTMENT's SE Region office located in Waukesha, WI and will be completed by 05/01/2022. Deliver PROJECT DOCUMENTS to 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187, unless other directions are given by the DEPARTMENT.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT will be from the:

DEPARTMENT MUNICIPALITY

- (a) For design services for the rehabilitation of W. Drexel Avenue, including design reports, environmental documents, agency/utility coordination, preliminary design, final design, and

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

PS&E submittal, actual costs to the CONSULTANT up to \$163,178.41, plus a fixed fee of \$10,708.28, not to exceed \$173,886.69.

- (b) For lighting design subcontracted to Powrtek Engineering, Inc., the CONSULTANT’S actual cost to Powrtek Engineering, Inc. as compensation for direct labor hours and non-labor direct costs not to exceed \$4,588.96 based on rates in the tables below.

Specific hourly rates to be paid for hours in which Powrtek Engineering, Inc.’s employees are directly engaged in performing the services required by this CONTRACT:

Employee name (if applicable)	Employee Classification	Hourly Rate
Greg Sadowski	Engineer	\$140.48
Brian Fuller	Technician	\$81.94

Classifications or employees not listed above cannot be invoiced unless added to the contract through an amendment.

The following non-labor direct costs will be reimbursed based on Powrtek Engineering, Inc.’s actual cost:

Item Description	Unit Type (“\$” for Pass-Through)	Unit Rate (Leave blank for Pass-Through)
None	N/A	N/A

Non-labor direct costs not listed above cannot be invoiced unless added to the contract through an amendment.

- (c) For archaeological and architecture/historical investigations subcontracted to the University of Wisconsin – Milwaukee Cultural Resource Management, the CONSULTANT’S actual cost to the University of Wisconsin – Milwaukee Cultural Resource Management based on the University of Wisconsin – Milwaukee Cultural Resource Management’s actual cost up to \$3,430.79 plus fixed fee of \$0.00 not to exceed \$3,430.79.

Compensation for all SERVICES provided by the CONSULTANT under the terms of the CONTRACT shall be for an amount not to exceed \$ 181,906.44.

The CONSULTANT does and will comply with the laws and regulations relating to the profession of engineering and will provide the desired engineering SERVICES.

THREE PARTY DESIGN ENGINEERING SERVICES CONTRACT
SIGNATURE PAGES

If the prime CONSULTANT is a certified Disadvantaged Business Enterprise, SERVICES performed by the CONSULTANT can be considered in meeting this requirement.

This CONTRACT incorporates and the parties agree to all of the standard provisions of the Three Party Design Engineering Services Contract, dated July 1, 2015 and referenced in Procedure 8-15-1 of the State of Wisconsin Department of Transportation Facilities Development Manual. CONSULTANT acknowledges receipt of a copy of these standard provisions.

This CONTRACT incorporates all of the MANUALS defined in the CONTRACT.

The parties also agree to all of the Special Provisions which are annexed and made a part of this CONTRACT, consisting of 13 pages.

Nothing in this CONTRACT accords any third part beneficiary rights whatsoever on any non-party that may be enforced by any non-party to this contract.

For the CONSULTANT

For the DEPARTMENT

By: _____

By: _____

Title: _____

Contract Manager, WisDOT

Date: _____

Date: _____

For the MUNICIPALITY

By: _____

Title: _____

Date: _____



COMMON COUNCIL REPORT

Item: Traffic & Safety

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installation of "No Parking Anytime" sign on the north side of E. American Avenue from S. 5th Avenue to 160-ft west of S. 5th Avenue and the installation of "Deaf Child Area" signs on W. Jonathan Drive.

Fiscal Impact: Street Department would construct and install signs.

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

Background: E. American Avenue at S. 5th Avenue - There was one resident that called into the meeting for this item. The resident expressed safety concerns with vehicles parking within the westbound lane and/or within the lane and partially onto the terrace behind the curb & gutter. Sidewalk does not exist along E. American Avenue and there are several people that walk their dogs in the area. The commission discussed, prior to the addition of Lake Vista Parkway, E. American Avenue did not have any pavement marking, providing enough room for two-way traffic and parking. Upon the addition of Lake Vista Parkway, E. American Avenue approaching S. 5th Avenue was striped to delineate an 11-ft lane westbound, 11-ft left turn lane for eastbound traffic and an 11-ft thru/right turn lane for eastbound traffic. The commission agreed that restricting parking along the north side of E. American Avenue, approaching S. 5th Avenue will increase safety, therefore the commission did support the proposed installation of the "No Parking Anytime" sign.

W. Jonathan Drive - There was one resident that called into the meeting for this item. The resident explained that his son has been deaf since birth and cannot hear cars when they are approaching him unless they are in a clear line of sight. Although his son cannot hear, he speaks fluently, therefore many people do not recognize his hearing impairment. He is concerned with excessive speeds and vehicles getting close to his son while he's riding his bike. The commission discussed the location of the signs, verifying they will be visible to traffic. The commission also discussed options to evaluate warning signs of this nature to verify they are left in place while still valid and removed when appropriate. The commission did support the proposed installation of the "Deaf Child Area" signs.

Options/Alternatives: Do nothing and leave existing conditions.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Ashley Kiepczynski, PE
Design Engineer

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: Maps





COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 10/6/2020 License Committee Report.

Fiscal Impact: License fees in the amount of 806.16 were collected.

Critical Success Factor(s):

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

Background:

1. Grant an Operator's license to:
 - * Fernando Murillo Cano (no employer) * Nelson A. Aceros Lizarazo (BelAir)
2. Grant a Class A Combination license to Karan Chohan, Chohan Brothers II, Inc., dba Ryan Road Mobil, 9444 S. Chicago Rd., with issuance of license subject to final inspection approvals and issuance of occupancy permit.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Christa J. Miller, CMC/WCMC
Deputy City Clerk

Fiscal Review:

Jamie Strobl
Assistant Comptroller

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the October 14, 2020 Vendor Summary Report in the total of \$407,267.01.

Fiscal Impact: Total claims paid of \$407,267.01.

- 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. \$6,220.00 to Ascension Wisconsin at Work (pg #1) for wellness physicals and drug screenings.
2. \$14,362.50 to Buelow Vetter (pgs #2-3) for legal services.
3. \$12,678.53 to E. H. Wolf & Sons, Inc. (pg #3) for fuel inventory.
4. \$11,564.52 to Enterprise FM Trust (pg #4) for DPW vehicle lease monthly payment, Project #19024.
5. \$55,100.00 to Gerber Leisure Products, Inc. (pg #5) for Otjen, Riverton Meadows, and Manor Marquette Parks playground equipment, Projects #20015 and #20016.
6. \$12,255.69 to Kansas City Life Insurance Co. (pgs #6-7) for November disability insurance.
7. \$5,916.00 to Mariani Plants (pg #8) for trees, Project #20018.
8. \$6,221.65 to Ramboll (pg #10) for environmental consulting services related to the Peter Cooper land.
9. \$7,173.28 to Securian Financial Group, Inc. (pgs #11-12) for November employee life insurance.
10. \$14,500.00 to Traditions Lighting (pg #13) for downpayment for holiday Light the Square event.
11. \$16,533.34 to Tyler Technologies, Inc. (pg #14) for consulting services.
12. \$68,924.30 to US Bank (pgs #19-26) 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. \$30,708.66 to Viking Electric Supply, Inc. (pg #14) for street lighting and signal maintenance supplies, Project #17024.
14. \$19,531.90 to WE Energies (pgs #14-15) for street lighting, electricity & natural gas.

15. \$11,225.01 to WI Court Fines & Surcharges (pg #15) for September 2020 court fines.

16. \$8,697.91 to WI Dept. of Transportation (pg #15) for construction services relating to Ryan Business Park.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: 10/14/2020 Invoice GL Distribution Report