



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

COMMON COUNCIL MEETING AGENDA

JANUARY 19, 2021

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: 12/15/20

Recognition

4. **Resolution:** Consider Resolution No. 12212-011921, a Resolution of Commendation to Michael J. Wargolet, retiring Fire Fighter (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12213-011921, a Resolution of Commendation to David R. Wrecke, retiring Fire Fighter (by Committee of the Whole).
6. **Introduction:** Max Gagin, Assistant City Administrator / Comptroller.

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.

7. **Conditional Use:** Consider a request submitted by Samuel D. Dickman, The Dickman Company, Inc., for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities on the property at 10303 S. Oakview Parkway (5th District).
8. **Ordinance:** Consider Ordinance No. 2994, approving a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10303 S. Oakview Parkway (5th District).
9. **Rezone:** Consider a request by Theresa Wrecza to rezone the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District) (1st District).
10. **Ordinance:** Consider Ordinance No. 2995, approving a rezone of the property at 7140 S. 13th St., from Rs-3, Single Family Residential to B-4, Highway Business, (NO CHANGE to the FW, Floodway District) (1st District).
11. **PUD:** Consider a request submitted by John Schlueter, Frontline Commercial Real Estate, LLC, for an amendment to the existing Planned Unit Development to remove the property at 9141 S. 13th St. (6th District)
12. **Ordinance:** Consider Ordinance No. 2996, approving an amendment to remove the property at 9141 S. 13th St., from the existing Planned Unit Development (6th District).
13. **Rezone:** Consider a request by John Schlueter, Frontline Commercial Real Estate, LLC, to rezone the property at 9141 S. 13th St., from B-4, Highway Business district to M-1, Manufacturing district (6th District).
14. **Ordinance:** Consider Ordinance No. 2997, approving a rezone of the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing (6th District).

New Business

15. **Informational:** COVID-19 Update.
16. **Resolution:** Consider Resolution No. 12220-011921, approving the First Amendment to the Tax Incremental District No. 16 Finance Development Agreement, Partial Release of Development Agreement for Public Improvements, Partial Release of Memorandum of Agreement and Restrictive Covenant, and Partial Release of Storm Water Management Practices Maintenance Agreement (Ryan Business Park) (5th District).
17. **Resolution:** Consider Resolution No. 12221-011921, approving the First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement, the First Amendment to Memorandum of Agreement and Restrictive Covenant, the First Amendment to Storm Water Management Practices Maintenance Agreement and the First Amendment to Project Arrow Development Agreement (Commerce 94 Project, LLC) (5th District).

18. **Resolution:** Consider Resolution No. 12222-011921, approving the First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement and the First Amendment to Memorandum of Agreement and Restrictive Covenant (Amazon.com Services Inc.) (5th District).
19. Common Council President Aldermanic appointments.

Personnel and Finance Committee - 3

- Ald. Duchniak
- Ald. Toman
- Ald. Gehl

Board of Public Works and Capital Assets - 3

- Ald. Toman
- Ald. Gehl
- Ald. Guzikowski

20. **Motion:** Consider a motion to concur with the Mayor's appointments as follows:

Board of Public Works and Capital Assets – staggered 1 year terms

- Robert Cigale – expiring 4/2023
- Dale Richards – expiring 4/2024
- Fredrick Siepert (alternate) – expiring 4/2022

TREASURER

21. Summarized Treasurer's Report on investment and banking accounts for the month ending November 30, 2020.

UTILITY

22. **Resolution:** Consider Resolution No. 12215-011921, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek for installation of 12" water main in the right-of-way between 890 feet east of S. Clement Avenue and S. Rolling Meadows Court along E. Rawson Avenue, and to establish a public hearing date of February 15, 2021 (Project No. 20103) (1st District).
23. **Resolution:** Consider Resolution No. 12216-011921, approving a hold harmless agreement with Ryan Truck Lot, LLC at 9441 S. 13th St. (Tax Key No. 877-9003-001) (6th District).

DEPARTMENT OF PUBLIC WORKS

24. **Motion:** Consider a motion to approve the purchase of one (1) Cafco Self-Propelled Model 30 Router with dust control from Sherwin Industries in the amount of \$22,649 (by Committee of the Whole).
25. **Motion:** Consider a motion to approve the purchase of one (1) Graco Road Lazer from Sherwin Williams in the amount of \$46,031.00 (by Committee of the Whole).

ENGINEERING

26. **Resolution:** Consider Resolution No. 12217-011921, approving the State Municipal Agreement for the Safe Routes to School – Phase 1 Transportation Alternatives Program (TAP) Project (by Committee of the Whole).

COMMUNITY DEVELOPMENT

27. **Resolution:** Consider *Resolution* No. 11218-011921, approving a Minor Land Division (Certified Survey Map) submitted by Gonzalo Couto-Lain for the properties at 9005 and 9010 S. 11th St. (4th District).
28. **Resolution:** Consider *Resolution* No. 12219-011921, approving a Certified Survey Map submitted by David Wynn, Blain Supply, Inc., for the properties at 501 and 315 W. Rawson Ave. (1st District).

LICENSE COMMITTEE

29. **Motion:** Consider a *motion* to grant the various license requests as listed on the 1/19/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

30. **Motion:** Consider a *motion* to approve the December 29, 2020 Vendor Summary Report in the total amount of \$730,318.94. Of this total, \$362,684.01 will impact the 2020 fiscal year. The remaining amount, \$367,634.93 will impact the 2021 fiscal year (by Committee of the Whole).
31. **Motion:** Consider a *motion* to approve the January 13, 2021 Vendor Summary Report in the total amount of \$754,049.70. Of this total, \$473,548.65 will impact the 2020 fiscal year. The remaining amount, \$280,501.05 will impact the 2021 fiscal year (by Committee of the Whole).

MISCELLANEOUS

32. **Motion:** Consider a *motion* to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
- (a) Section 19.85(1)(e) to consider possible infrastructure support for development of the property at 7700 S. Ikea Way (Tax Key No. 784-9024-000).
 - (b) Section 19.85(1)(g) to discuss Robin Matchett-Schmidt et al vs. City of Oak Creek et al (Milwaukee County Case No. 2019CV004295).
 - (c) Section 19.85(1)(c) to discuss the performance evaluation for the City Administrator.
33. **Motion:** Consider a *motion* to reconvene into open session.
34. **Motion:** Consider a *motion* to take action, if required.

Adjournment.

Public Notice

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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

RESOLUTION 12212-011921

**RESOLUTION OF COMMENDATION
TO MICHAEL J. WARGOLET**

WHEREAS, Michael J. Wargolet was appointed a Fire Fighter on September 25, 1989 and;

WHEREAS, Michael J. Wargolet retired from his position as Fire Fighter effective December 31, 2020, after 31 years and 3 months of dedicated full-time service to the City of Oak Creek Fire Department; and

WHEREAS, during his years of service, Michael J. Wargolet has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, Michael J. Wargolet responded to many major alarms utilizing his skills in firefighting and rescue with dedication and without hesitation; and

WHEREAS, Michael J. Wargolet conducted many tours and participated in fire prevention activities for the children of Oak Creek during his career; and

WHEREAS, Michael J. Wargolet has been an Emergency Medical Technician in the State of Wisconsin, later becoming a Fire Fighter Paramedic and during his career has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, Michael J. Wargolet was a founding member of the Tactical Emergency Medical Service (TEMS) team and has led the team to provide medical support to police officers, citizens, victims, and/or suspects who are injured and are positioned in an area that hasn't been completely secured; and

WHEREAS, Michael J. Wargolet worked in the Inspection Bureau as Fire Inspector serving a total of two years where his dedicated work helped keep businesses, it's occupants, and other contacts safe from fire; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to Michael J. Wargolet and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Michael J. Wargolet.

Passed and adopted this 19th day of January 2021.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION 12213-011921

**RESOLUTION OF COMMENDATION
TO DAVID A. WRECKE**

WHEREAS, David A. Wrecke was appointed a Fire Fighter on August 23, 1999 and;

WHEREAS, David A. Wrecke retired from his position as Fire Fighter effective December 31, 2020, after 21 years and 4 months of dedicated full-time service to the City of Oak Creek Fire Department; and

WHEREAS, during his years of service, David A. Wrecke has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, David A. Wrecke responded to many major alarms utilizing his skills in firefighting and rescue with dedication and without hesitation; and

WHEREAS, David A. Wrecke has been an Emergency Medical Technician in the State of Wisconsin, later becoming a Fire Fighter Paramedic and during his career has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, David A. Wrecke conducted many tours and participated in fire prevention activities for the children of Oak Creek during his career; and

WHEREAS, David A. Wrecke had responsibility for the inventory and ordering of station supplies; and

NOW, THEREFORE, BE IT RESOLVED that the City's best wishes for good health and happiness be extended to David A. Wrecke and his family in his retirement years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to David A. Wrecke.

Passed and adopted this 19th day of January 2021.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

TO BE PUBLISHED DECEMBER 23 & 30, 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 Samuel D. Dickman, The Dickman Company, Inc., for a Conditional Use Permit to allow freight yard/freight terminal/trans-shipment depot facilities on the property at 10303 S. Oakview Parkway.

Hearing Date:

January 19, 2021

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):

Samuel D. Dickman, The Dickman Company, Inc.

Property Owner(s):

Wispark, LLC

Property Location(s):

10303 S. Oakview Parkway.

Tax Key(s):

955-1033-000

Legal Description:

CSM MAP 8927, NE & NW 1/4 SEC 32-5-22, LOT 1 (13.045ACS).

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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 – freight yard/freight terminal/trans-shipment depot facilities - Samuel Dickman, The Dickman Company, Inc.

Recommendation: That the Council adopts Ordinance 2994, an ordinance to approve a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10303 S. Oakview Parkway.

Fiscal Impact: Approval will allow for the use and occupancy of a proposed multitenant manufacturing building with tenants that may include freight yard/freight terminal/trans-shipment depot components as part or all of their operations. The project will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees (est. \$67,596). Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. Future uses similar to this proposal within OakView Business Park may require Traffic Impact Analyses to inform necessary infrastructure improvements to accommodate additional distribution traffic. Costs for said analyses and improvements will require agreements amongst the City, developer(s), and other involved parties. This property is part of TID 8.

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

Background: The Applicant is requesting a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities for the property at 10303 S. Oakview Parkway. Freight yard/freight terminal/trans-shipment depot facilities are Conditional Uses in the M-1, Manufacturing district. This property is located at the north entrance to OakView Business Park.

The proposal is for users to locate within the 157,200 square-foot multitenant industrial building reviewed and approved by the Plan Commission at their November 24, 2020 meeting. Although potential tenants have not been specified in the submitted narrative, the Applicant has indicated that the building could accommodate a single user or up to four (4) tenants for warehouse, light assembly, and distribution uses. Distribution uses, which are the subject of this Conditional Use Permit request, will be discussed in greater detail following the description of the proposal.

Proposed plans included a total of 28 depressed docks and four (4) at-grade 12' x 24' overhead dock doors on the west elevation, in addition to 28 trailer stalls on the west portion of the loading dock area. Employee and visitor parking (110 stalls) are provided on the east. It is anticipated that approximately 80 employees will be onsite at any given time over multiple shifts. Operations are expected to be between 6:00 AM and 7:00 PM; however, hours and days of operation will likely change based on tenant

operational needs. It will be the responsibility of the landowner and/or their management company to ensure that adequate parking is provided for all tenants. Outdoor storage would be limited to parking of trucks and trailers in the docks and stalls on the west.

Regarding distribution uses, there are several important items of which the Common Council should be cognizant in deliberation of the proposal. The design of infrastructure in and for OakView Business Park was based on a Traffic Impact Analysis (TIA) that considered, among other items, uses and estimated square footage for those uses anticipated for the park. Overall infrastructure capacity for truck traffic appears to be nearing, and with this Conditional Use Permit will reach, the limits established by that TIA. Therefore, should the Common Council approve of the proposed Conditional Use, it will be with the understanding that future requests for distribution/logistics-type businesses within the Park will exceed the design and capacity of the Park's infrastructure. Any future considerations for such uses will necessitate a new TIA prior to a discussion of infrastructure upgrades, and responsibilities and timing for required installation. The Conditions and Restrictions that have been recommended for Common Council adoption incorporate these considerations. Finally, it should be clear that issuance of a Conditional Use Permit does not preclude or relieve the applicant/landowner(s) from any other reviews that may be necessary to ensure the infrastructure needs of OakView Business Park. This may include, but may not be limited to, amendments to the PUD and Development Agreements

The Plan Commission reviewed the proposal at their November 24th and December 8th meetings, 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:



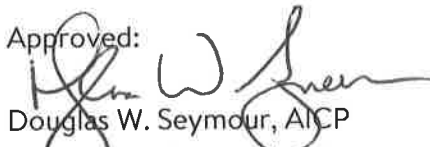
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2994

Location Map

Hearing Notice

Plan Commission meeting minutes

Narrative

Site Plan

Conditions and Restrictions

ORDINANCE NO. 2994

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
FREIGHT YARD / FREIGHT TERMINAL / TRANS-SHIPMENT DEPOT FACILITIES AT
10303 S. OAKVIEW PARKWAY

(5th Aldermanic District)

WHEREAS, SAMUEL DICKMAN, THE DICKMAN COMPANY, INC., has applied for a Conditional Use Permit that would allow for Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10303 S. Oakview Parkway; and

WHEREAS, the properties are more precisely described as follows:

CSM 8927, NE & NW 1/4 SEC 32-5-22, LOT 1 (13.045ACS).

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

WHEREAS, the Common Council held a public hearing on this matter on January 19, 2021, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10303 S. Oakview Parkway, which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for Freight Yard / Freight Terminal / Trans-shipment Depot Facilities on the property at 10303 S. Oakview Parkway.

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

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

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

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map
 10303 S Oakview PKWY



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



OAKCREEK
 — WISCONSIN —

Department of Community Development



Legend	
	10303 S Oakview PKWY
	DNR Wetlands Inventory
	Environmental Corridor

TO BE PUBLISHED DECEMBER 23 & 30, 2020

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**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 24, 2020**

Mayor Bukiewicz called the meeting to order at 6:02 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler. Commissioner Oldani joined during the reading of the meeting guidelines announcement. Commissioner Hanna joined the meeting during the presentation of item 5a. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**CONDITIONAL USE PERMIT
THE DICKMAN COMPANY, INC.
10303 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1033-000**

Planner Papelbon provided an overview of the request for a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities (see staff report for details).

Maggie Menard-Mueller, 320 W Oakwood Road:

"We live directly across from where the trucks would be coming and going and we also, on the northern part of our property is bordered by the FedEx truck terminal. So, what you're proposing here tonight is having truck terminals both to the south and to the north of our residences in a residential area. I take this as being quite unfair. If there's other space available in that park, I would think yet another truck terminal would be more appropriately placed someplace else than directly across to and next to properties that are clearly residential. We had a nice quiet neighborhood here for a long time and we've been promised earth berms and what not and we'll talk about that in the next point. I think overall that this is a really bad choice to have directly across from our residential area which has been eroded already with the increase in traffic, that's non-stop from the employees, illegal trucks, and trucks that are legal, but very fast and don't slow down on Oakwood Road enough. My husband would also like to talk about this."

Tom Mueller, 320 W. Oakwood Road:

"I'm wondering why this isn't on the corner across from where their neighbor would be Yaskawa and not be squashing houses."

Mayor Bukiewicz explained those questions will be answered as the meeting goes on.

Maggie Menard-Mueller, 320 W Oakwood Road:

"I just think it's unfair to have them both, you know, basically surrounding us now. It'll just lead to more violations on the road of the truck traffic and 5am somebody always is coming down the road, every morning, it wakes ya up. Our house is set off the road a little bit, but I know the Girmscheids down the road, they're actually they're leaving Oak Creek, they're planning to sell in the spring they've had it with, with the traffic basically. You can't walk on the road without just about getting hit. I'm a runner. I'm out there a lot, and I've seen a lot of near misses. It's just not right, this is supposed to be residential."

Tom Mueller, 320 W Oakwood Road:

"We had really hope that when something was proposed across from us, it would be more like that medical type building. That's in inside the park a bit you know something a little more general and attractive to look at. I saw the Kari's photos here in the agenda today that great big agenda and I called it a behemoth. That's the first word that came to my mind, behemoth.

Maggie Menard-Mueller, 320 W Oakwood Road:

"We've been here since 1978."

Sam Dickman, 626 East Wisconsin Avenue, Milwaukee, stated that he believes using the lot to the east of this proposal would not be acceptable to the City of Oak Creek because the City would like to save that for a corporate headquarters. This is the last lot in Park that can accommodate a building of this size. The Dickman Company owns four other properties within OakView. Mr. Dickman stated that he believes they have been good neighbors. Mr. Dickman explained this is not a truck terminal. The applicant is proposing a large industrial building that could have truck tenants, but it could be other tenants as well. The industrial building will have truck traffic regardless of the tenants. The applicants have tried to be very sensitive to the neighbors by proposing an extensive landscape plan with berms, distancing from neighbors, and screening. Mr. Dickman explained his company is making a bet on Oak Creek, and this deal is around \$12 million.

Commissioner Hanna stated that she thinks this will increase the percentage of the truck routes on that segment of Oakwood [Road], even though there are regulations for the percentage of the truck route it is not being followed, there is no accountability. Commissioner Hanna inquired what will happen if the truck route percentage exceeds the Traffic Impact Analysis (TIA).

Planner Papelbon explained the TIA states that if this Conditional Use Permit allows for a distribution, freight yard/freight terminal/trans-shipment depot facility, it would be reaching the limits that were established by the TIA. Anything beyond this or future consideration within the Park for a similar use would require a new TIA, and would require infrastructure upgrades based on that TIA. The City is aware of concerns regarding the truck traffic on Oakwood [Road], and requirements were established in other Conditional Use Permits that the City has issued for OakView Business Park for truck routes to be used. There is something in place for the FedEx facility, but that is not part of this application.

Commissioner Hanna asked to confirm that another TIA would be required due to the increase of percentage of trucks on Oakwood Road, which is not a truck route - it is a local-residential road.

Mayor Bukiewicz corrected that the TIA would not just be for Oakwood [Road], it would be the established route that includes all arterial stops and Howell Avenue to Ryan Road. Mayor Bukiewicz stated this development does not put the traffic over the limit of the TIA, but if something similar is proposed on the site to the east it would trigger the new TIA.

Planner Papelbon explained the business park, with this proposal, is reaching the limits of the TIA; any future considerations would trigger a new TIA and upgrades to the Park.

Director Seymour agreed that what Planner Papelbon stated is important to note. Director Seymour explained that when the original TIA was performed, the business park was thought to have a certain level of logistics companies occupying the spaces; however, logistic companies

have been coming in quicker than traditional manufacturing buildings. Developers have been responding to market demand for logistic type properties. Director Seymour continued by stating that regardless of the Conditional Use Permit being issued, manufacturing is allowed at this site and manufacturing businesses will have truck traffic. If a logistics-type user applies for a Conditional Use Permit in other parts of the Park, then staff and the Plan Commission would need to take a look at what a future TIA would require for infrastructure improvements both in the Park and adjacent roadways.

Commissioner Hanna reiterated her concerns about having so much truck traffic in a residential area.

Commissioner Sullivan stated that he believes the TIA was performed in 2013 or 2014, and covered the business park as a whole. Commissioner Sullivan explained if this proposed Conditional Use Permit gets approved, it would take the business park to the limit of warehousing calculated in the TIA. The Engineering Department recommends a new TIA be done to gain an understanding of how the Park will develop further, as well as infrastructure and requirements both internally and externally. Improvements may include ways to prevent trucks from moving to the west. Commissioner Sullivan explained the City has done a number of traffic studies, paid for video surveillance, and tried to work with police officers to understand the problems. Commissioner Sullivan stated this is a permitted use, and believes the Plan Commission needs to look at this proposal and look at the business park as a whole while making decisions.

Alderman Loreck asked if the existing road, next to this parcel that comes up to Oakwood [Road], is currently being used for truck traffic.

Mayor Bukiewicz confirmed it is.

Alderman Loreck inquired if there is a requirement that drivers turn right there, but they are ignoring it and going westbound.

Commissioner Sullivan stated there are signs posted there stating "no left turns" for trucks and weight limits. Truck traffic coming southbound out of Opus is not allowed to turn right. Commissioner Sullivan stated traffic is disregarding the signs, and that he believes the only way to address the situation is with a true infrastructure or hardscaped-type engineering or heavy police enforcement.

Alderman Loreck stated that he anticipates the new tenants would not follow the signs 100% of the time, and is concerned about this adding traffic to Oakwood [Road]. Alderman Loreck inquired who would be responsible for the upgrades if a new TIA suggests them.

Commissioner Sullivan explained there are multiple ways it could be handled. Commissioner Sullivan's recommendation out of the Engineering Department would be to put it on each developer or the business park as a whole because this is not caused by the City. The burden could be placed on each developer or the development as a whole. Commissioner Sullivan stated that he believes it would be handled through development agreements or could be added to some Conditional Uses moving forward.

Director Seymour stated this will continue to be an issue whether this Conditional Use Permit is granted or if a traditional manufacturing building goes on this site because manufacturing companies still have trucks. Director Seymour stated that he believes if there is a physical design solution to make it harder for trucks to turn left without compromising the safety of the intersection,

it can be started now. If that is something the Plan Commission would want the Engineering Department to explore in conjunction with the approval of the site plan, that is something the Plan Commission can require. If there are additional requests for Conditional Use Permits, it is something that would be looked at on the new TIA. Director Seymour stated that he believes it is legitimate to require improvements as part of a Conditional Use Permit if the Plan Commission can make the case that the impact of the Conditional Use Permit necessitated the improvement. Director Seymour stated that he also believes if there is another request, it is legitimate for the City to look to the developers of those lots to address the impact they are creating on the infrastructure.

Alderman Loreck stated his agreement, and would push for Engineering to look into it in conjunction with this Conditional Use Permit. Alderman Loreck stated TIAs performed in other parts of the City have identified issues and allowed for improvements.

Commissioner Oldani pointed out that the parcel is zoned Manufacturing, and any manufacturing building is going to create truck traffic. Commissioner Oldani agrees with any measures it would take to make sure trucks and traffic go to the east and not to the west in front of houses. Commissioner Oldani stated that he believes the tenants have intentions to be good neighbors; however, once the truck leaves their property, the tenant has little control of what happens. As it is manufacturing, it is hard not to approve this proposal with the conditions being met. Commissioner Oldani stated that he completely supports doing anything to ensure that traffic is limited going in front of the residential buildings on Oakwood [Road].

Commissioner Siepert stated that he agrees with the truck traffic problem, and believes the Plan Commission needs to concentrate on controlling the traffic going west.

Commissioner Chandler asked the applicant for recommendations on how to handle the flow of traffic so it does not impact the residents.

Mayor Bukiewicz stated that he does not know if the applicant will be able to answer that question. Mayor Bukiewicz reiterated Commissioner Oldani's comment that once the trucks leave the facility it becomes difficult for the tenants to control anything with the traffic. Mayor Bukiewicz agreed with Commissioner Sullivan that physical engineering could be used to try to deter traffic from going west.

Mr. Dickman explained that it may be easier to make the entrance a right-turn only from an exit to the Park so that cars and trucks have to turn towards Howell Avenue and no one can turn towards Oakwood Road. Mr. Dickman asks that the physical changes on that corner be addressed with the entire Park or work with the City on it because it is the whole development causing traffic, not just this development. Mr. Dickman stated it would be prohibitive for his company to pay for all the changes at the entrance just based on this one development.

Commissioner Chandler asked Planner Papelbon or Director Seymour what happens if the traffic is excessive or is not in compliance.

Director Seymour explained it will be a matter of enforcement. Director Seymour stated that the Plan Commission does have the authority to revoke a Conditional Use Permit if the property owner is not complying with the terms of the CUP, but it is a very tough hurdle to clear and the City hopes to never revoke these permits. In this particular case it would be more difficult to make a case for something that is not in the applicant's control. City staff would be happy to take a look at some design solutions to minimize or eliminate that turning movement.

Commissioner Chandler asked the applicant if they evaluated any other properties that have less residential area or residents in the area.

Mr. Dickman stated the applicants were looking for other areas, particularly in this Park; however, this was the only site large enough to accommodate the building size that is being proposed. Most of the lots in the business park have been sold. The site to the east is large enough; however, the City is holding out for a corporate headquarters.

Tom Mueller, 320 W Oakwood Road:

"I have sent in the last year and a half, three reports to the police department about the trucks I count. And these are just what I notice when I'm in a certain room of my house watching TV or out in my yard. So, the true number is a lot higher, but the most recent report said that in 13 weeks there were 51 illegal semis going past my house. Most of them actually come from the west. So, these people would have a hard time turning into the park, if the infrastructure improvements to restrict outgoing traffic happened or maybe they would just happen in one lane. There were 51 total trucks and eight of them were westbound. I would say maybe the true number is that is two or three times 51 if that were somehow monitored 24 hours a day. That would just be my guess."

Maggie Menard-Mueller, 320 W Oakwood Road:

"I have a question, though, too, since Mr. Dickman brought it up. Would the City consider releasing that land for something like this, rather have a corporate headquarters on this part, because that would certainly be a better neighbor to us than a than a truck deal."

Mayor Bukiewicz stated the parcel with the proposed Conditional Use Permit does not have the acreage to accommodate a corporate headquarters. The site to the east provides maximum exposure as well as acreage needed for a corporate headquarters.

Maggie Menard-Mueller, 320 W Oakwood Road:

"Yeah. One other question I have, is there a way to reconfigure this? I mean, obviously it's, it's, it's industrial it's allowed. Is there a way to reconfigure it so that only exposed toward the road toward Oakwood would be building and not parking lot or truck terminal kind of stuff?"

Mayor Bukiewicz explained he would not know how the building would sit and believes there are wetlands.

Maggie Menard-Mueller, 320 W Oakwood Road:

"No, it's not."

Director Seymour clarified that the area is not in wetlands, but the Plan Commission will see more of what was done to minimize the impact on Oakwood Road and the adjacent properties during the site plan review.

Mayor Bukiewicz referred back to Mr. Mueller's comment regarding enforcement, and stated that this has been discussed with Police Chief Anderson and Captain Stecker, but unfortunately there are not enough officers to enforce this at all times. Mayor Bukiewicz gave the suggestions that the traffic coming from the west may be trying to reach the business park, but are not leaving the

Park. Mayor Bukiewicz supports using the physical design of the intersection to deter traffic from heading west, but agrees with the applicant that it would be unfair to put the cost on this one development when others in the business park have trucking as well. Mayor Bukiewicz stated that he supports the Conditional Use Permit, but wants to work harder to protect the neighborhood. Mayor Bukiewicz stated that he agrees with Commissioner Sullivan that the City would put the onus on the next developer to help correct those issues.

Alderman Guzikowski inquired if there is anything the Plan Commission could put in now that would require the intersection to be reviewed before the development gets going so the neighbors know something is being done. Alderman Guzikowski stated that he believes the intersection development should not wait until the next developer comes in.

Planner Papelbon explained that staff has discussed the need to incorporate a new TIA following this use in the Conditions and Restrictions. This would need to be carried over into other reviews and approvals. Planner Papelbon stated that she believes, after the discussion during this Plan Commission meeting, that the Conditions and Restrictions would likely include things to address the truck traffic issues.

Alderman Guzikowski stated that he is satisfied with Planner Papelbon's response.

Mayor Bukiewicz inquired if the TIA is tied to this property or to the business park.

Planner Papelbon stated the goal would be to put everyone on notice of this requirement. The requirement would be mentioned in the Conditional Use Permit and any other reviews and approvals throughout the Park. Planner Papelbon said many people are aware of the requirement, but it does not preclude those other agreements or approvals incorporating that same language.

Director Seymour stated this is a Conditional Use Permit, and the Plan Commission is allowed to attach items that impact the Park or the neighborhood.

Mayor Bukiewicz asked whose responsibility is it to do the study and come up with an answer.

Director Seymour clarified that something will be crafted in the Conditions and Restrictions for the December 8, 2020 Plan Commission meeting.

Mayor Bukiewicz asked Commissioner Sullivan if most of the traffic is coming from the west.

Commissioner Sullivan stated he would need to review the study. There was video detection for two or three days. Commissioner Sullivan stated that he believes Mr. Mueller would be 100% correct with his study. If trucks are exiting the interstate and heading towards the development, they would be coming from the west.

Mayor Bukiewicz suggested adding stronger signage at 13th Street, and acknowledged that signs do not always correct behavior.

Commissioner Oldani stated there are truck driver shortages right now, with a high turnover, which leads to a lot of inexperienced truck drivers using Google Maps for directions. Google Maps will give the shortest route, which leads 13th Street to Oakwood Road, making traffic come from the west. Commissioner Oldani suggested adding signs to make truck traffic come from a different

direction. Commissioner Oldani stated that he believes Mr. Mueller is correct in his estimates, and wants that kept in mind when looking for solutions.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities within the multitenant building on the property at 10303 S. Oakview Parkway, after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (December 8, 2020). Commissioner Siepert seconded. On roll call: all voted aye, except Commissioner Chandler who voted no. Motion carried.

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

ATTEST:



Douglas Seymour, Plan Commission Secretary

12-8-20

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 8, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siepert, and Commissioner Chandler. Commissioner Oldani was present during roll call, but was unable to unmute his microphone. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Andrew Vickers, City Administrator; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**CONDITIONS AND RESTRICTIONS
THE DICKMAN COMPANY, INC.
10303 S. OAKVIEW PARKWAY
TAX KEY NO. 955-1033-000**

Planner Papelbon provided an overview of the draft Conditions and Restrictions as part of a request for a Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities (see staff report for details).

Marie Sandin, 414 W Oakwood Rd:

"I wonder if a sidewalk or a bike pass could be built along West Oakwood Road, just north of the berm. That would increase the friendliness of the project for residents of the neighborhood because it would, obviously, there will be more traffic on West Oakwood Road because of the employees and that's fine, we recognize that, but it would be lovely if there were a safe path along the north of that project instead of a, let's see 15 to 18-inch gravel and rather uneven verge along the pavement. I walk there every day, so I'm very much aware of the difficulty of getting to the lovely sidewalk in the business park."

Commissioner Sullivan explained the Engineering Department would need to look at it closer.

Mayor Bukiewicz stated the City will look at adding the improvements; however, with this project that will not be a possibility.

Marie Sandin, 414 W Oakwood Rd:

"Would it be a possibility if the project were just turned, 90 degrees?"

Mayor Bukiewicz explained that is very difficult to do and sets off a chain reaction.

Marie Sandin, 414 W Oakwood Rd:

"Well I'm 81 hoping to live until I'm 95, but, so perhaps there will be a sidewalk sometime."

Mayor Bukiewicz stated it is a possibility, but cannot make promises.

Maggie Menard-Mueller, 320 W Oakwood Road:

"Marie, who I know as Joe Sandin lives just a couple doors down from me and if you, I kind of invite you guys to come down and watch her as she, you know, takes her daily walk, trying to get along Oakwood Road with her two walking sticks, so she can walk to the graveyard to go

see your husband's grave. He just passed away this fall. It just tears me up to watch her dodging these cars and trucks along that road because they come so fast and so frequently. It's only going to get worse. So, tonight I, I'm just restating, urging you to make that berm as high as possible. I realize that place has, you know, the right to be where it's going to be. If you make the berm at the height of the road and up four feet, that's not going to help us much, especially if the building is placed on some kind of raised ground as well. I know that the Aim Warehouse further down, they, they built it, they built it up quite high over the road area. So, if you're going to raise the building up, you need to raise the berm up and then put those trees up on top of that. I'm with Ms. Sandin with the idea of flipping that around. If you had the employee parking lot toward Oakwood it'd be much easier to control it with a berm than the trucks being toward Oakwood. So, I know you said it's set in stone already or something. It's a big piece of property, I just can't believe they couldn't shift that around somehow to make it more friendly to the Residential Zoning right across the road from them. Then I had another question about during construction. Will there be the hours of construction amenable to residents? When the FedEx went and behind our property they were building loud and proud, you know, first thing, early, early in the morning and beeping incessantly, you know, because of all the different machinery, they're using. There's got to be some kind of limits as to how long that goes on all day and into the night. So that's what I have. Tom?"

Tom Mueller, 320 W Oakwood Road:

"I have two questions. One is, how far off of Oakwood Road is the north edge of the building? And number two is, how does that restricted lighting, and it's good, you know, it has to be directed downward, it has to be real careful near us on the north side of Oakwood, but how does that lighting compare to a regular streetlight? The figure that you gave of Kelvin, that doesn't tell the regular guy anything. Those are the two.

Planner Papelbon stated it was discussed at the last Plan Commission meeting why the building could not be turned on the site.

Mayor Bukiewicz stated that construction typically starts at 7 am and goes to 5 pm.

Planner Papelbon explained the Noise Ordinance would come into play; however, there are limitations on what the City can do in terms of restricting construction. Construction will not be going 24/7. On the weekends the City is not allowed to restrict construction.

Mayor Bukiewicz recalled something in place at the Amazon site that restricted hours of construction.

Planner Papelbon does not recall anything from the Plan Commission review that restricted construction at the Amazon site.

Commissioner Sullivan stated the City Ordinance states 7am to 8pm as an allowed work time.

Mayor Bukiewicz asked staff what the setback is for the building on the north side of the lot.

Planner Papelbon clarified that per the Planned Unit Development (PUD) the building must be at least 40 feet, and this building exceeds that.

Mayor Bukiewicz explained the light is described in Kelvins because the light will be LEDs. It will be a whiter light. The Electrical Code goes by foot candles. Typically, parking lot lights throw a

spread of light into an area. This is described as foot candles per square foot. The lower the pole, the less impactful the light has to be. The cut-off shades and the lowering of the poles should make the lighting less impactful.

Dom Ferrante, Briohn Design Group, LLC, 3885 North Brookfield Road, Brookfield, stated the current layout gives a more favorable entry point for the trucks to enter. Turning the building would make it so most of the trucking would be more on the north side of the building closer to Oakwood Road. The access points flipping the building around on the site would cause the entrances to be too close to the intersection and too close to the entrance. Safety and visibility are the principal reasons the building cannot be rotated.

Mayor Bukiewicz asked Commissioner Sullivan to address the neighbors' concerns regarding the height of the berm.

Commissioner Sullivan stated the applicant has provided revised plans that shows the berm being four or five feet higher than the roadway. The grading will go right to the property line or right-of-way. Commissioner Sullivan stated that he believes, at this point, the applicant has maximized the berm heights without increasing cost or going outside of their property.

Mayor Bukiewicz inquired if staff is satisfied with the revised plans.

Commissioner Sullivan reiterated that the applicant did exceed the four-foot requirement around the entire area.

Tom Mueller, 320 W Oakwood Road:

"Did I understand Kari, right, that this is 40 feet off the edge of Oakwood Road? Little more than 15 yards?"

Planner Papelbon confirmed the building must be a minimum of 40 feet from Oakwood Road, and this proposal exceeds that.

Rob Mleczko, 431 W Oakwood Road:

"So, my property is directly west of the development, if you remember. So, I would just echo the sentiments of my neighbors in stressing the importance of the berms. What I would, what I would ask is that, well, I'm sure we'd all like to go back to the days of soybeans and corn, but we know that that that's not going to happen. So, we've got to make the best of you know the situation as we see it today. So, I would just say, you know, don't disappoint us by doing the minimum, but impress us by, you know, doing the maximum when it comes to the berms and the screening. I think we'd all walk away a little more impressed with the development. If that were the case, if, if we went a bit above and beyond the minimums. I've met with and talk to Sam Dickman and he, he genuinely seems like he has a concern for the neighbors. And I am, I'm not, I'm not disappointed by what has been proposed, but if we can rise above the minimum, I think it would be a great, a great thing for all the neighbors that are that are affected by the development. So, so my, my main point is, is go, go and do closer to the maximum when it comes to protecting the, the neighbors, rather than just meeting minimum requirements."

Mayor Bukiewicz explained this is a more ambitious landscape plan than most, and Mr. Dickman has been trying to work with the City.

Mr. Ferrante explained the designers did the maximum possible for the berms on the north. The berm on the west side, closer to Mr. Mleczko's house is closer to six or seven feet tall.

Mayor Bukiewicz read a chat message from Ms. Sandin asking if evergreens will be planted on top the berms.

Mr. Ferrante confirmed there would be. The quantity has been increased on the revised plans.

Sam Dickman Jr., The Dickman Company, 626 East Wisconsin Avenue, Suite 1020, Milwaukee, stated he is concerned about the ten-year limitation on the Conditions and Restrictions, and wants to be sure it is matching his other properties.

Planner Papelbon explained the last Conditional Use Permit (CUP) for a similar use would have the same type of term limit on it. If a tenant is leasing the space and will exceed the term limit of the CUP, the City would require an amendment be submitted prior to the expiration of this CUP.

Planner Papelbon asked the residents if they were satisfied with the comments they made, or if they would like their written comments read into the record. The residents stated that their written comments did not have to be read as they were verbalized.

Mr. Dickman stated that, compared to other developments completed by The Dickman Company, this development is proportionally the most expensive landscaping plan the company has ever done.

Maggie Menard-Mueller, 320 W Oakwood Road:

"You can you can just submit it as written, you don't have to read it. I basically said what I had to say. I did have one other question, and that was on the thing about the trucks not being allowed on Oakwood. Does that include those smaller delivery type trucks? Because I know that things improved when one of the tenants stopped having their guys go up and down the road, even with the smaller trucks that are permissible. But it'd be great to have whatever tenant is going in there to realize, please go out to Howell rather than down Oakwood even smaller and also come in through Howell rather than zip down Oakwood which is 25 miles an hour, anyway."

Mayor Bukiewicz stated the Police Department is aware of the problem and has stepped up some enforcement with tickets being issued.

Commissioner Hanna suggested the Police Department use the speed monitoring equipment so drivers can see their speed while going down the road.

Mayor Bukiewicz stated the City can request the speed trailer.

Commissioner Sullivan stated he found the building to be about 100 feet from the edge of the asphalt.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for freight yard/freight terminal/trans-shipment depot facilities within the multitenant building on the property at 10303 S. Oakview Parkway. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:44 pm.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1-12-21

Date

DESCRIPTION OF PROPOSAL FOR A NEW 157,000 SQUARE FEET SINGLE USER OR MULTI-TENANT BUILDING TO BE CONSTRUCTED FOR THE DICKMAN COMPANY AT SOUTH OAKVIEW DRIVE IN OAK CREEK

October 20, 2020

Domenico Ferrante of Briohn Design Group, LLC
Mike Byrne of Briohn Building Corporation
3885 N. Brookfield Road, Suite 200
Brookfield, Wisconsin 53045

SUBMITTED: On behalf of the current property owner and developer, Sam Dickman of The Dickman Company:

BRIOHN is submitting this "Description of Proposal" on behalf of THE DICKMAN COMPANY. Briohn Design Group LLC and Briohn Building Corp are acting as the representative applicant. The Dickman Company is the applicant. The City of Oak Creek Plan Commission Application is completed and included as part the Plan Commission application package as well as support drawings as required by Oak Creek, which includes site plan, building plan, lighting plan with fixture cut sheets, utility plan, site grading plan, storm water management plan (as required) and detailed landscaping plan.

The Description of the Proposal and the Plan of Operation:

- Description – The Dickman Company proposes to construct a 157,000 square foot multiple-user or single-user industrial building. The building will be constructed of painted concrete pre-cast insulated wall panels for all four sides of the proposed building. The principal façades east, north, and south elevations shall have insulated tinted glazing with clear anodized aluminum framing for all the fenestration. The façade painting scheme uses three tones with the two of the colors used as accents. The rear or west elevation contains a 28 – 9'X10' loading dock overhead doors with 4 -12'x14' grade overhead doors. We also include man doors as needed to accommodate code required exiting. The main focal point of the building is the north east and southeast corners which will have a 2-story look glazing for potential offices. This will be the first thing you see as you approach the building from Oakview Road. We have raised the parapet heights on the east, north and south elevations. This will help to screen any roof top units. Along the remainder of the north, east and west elevations we have used varying parapet heights, color scheme and windows to break up the façade. Please see attached building elevations.

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- Details of Proposal – We propose to construct an industrial building of approximately 157,000 square feet on a site of 13.04 acres at the northern end of Oakview Industrial Park in Oak Creek. The building will be constructed of precast construction with a clear height of 28'. Space for customer and employee parking as well as an outdoor 28 trailer parking area available for the building's occupants.

The use will be office, warehouse, light assembly, and trailer parking.

We hope to begin construction in Spring of 2020 with completion toward the end of the year.

- Plan and Hours of Operation – The work to be contained in the building includes warehouse, distribution for the tenant(s) as well as the office supporting the local operation. The building may house light industrial users as well.

The office space may compromise as much as 10 percent of the building floor area containing approximately a total of 15,700 square feet. The anticipated hours of operation are 6:00 a.m. to 7:00 p.m., five days a week.

The potential building occupant(s) may have a single or multiple shift operation.

- Frequency of Deliveries – On a daily basis there will be delivery and pick-up truck traffic of approximately 40 trucks.

- Number of Employees – Approximately 80 people.

- Outside Storage – Limited to trash and recycling enclosures for dumpster required by the tenants.

- Number of Parking Stalls – 100 total stalls provided for both employees and customers. We indicate a potential future 28 car parking stalls in the rear if required for future building users.

We respectfully ask the City of Oak Creek, Plan Commission, Engineering, Fire Department and Building Inspection to review and evaluate our proposal including the submitted drawings and other support materials. We believe that the proposed new development will not only meet our potential tenant's needs and expectations but the City of Oak Creek as well. We look forward to your approval and our continued mutual success and appreciate the assistance provided and afforded by the City of Oak Creek in the approval process.

Please contact us if you have any questions or need additional information.

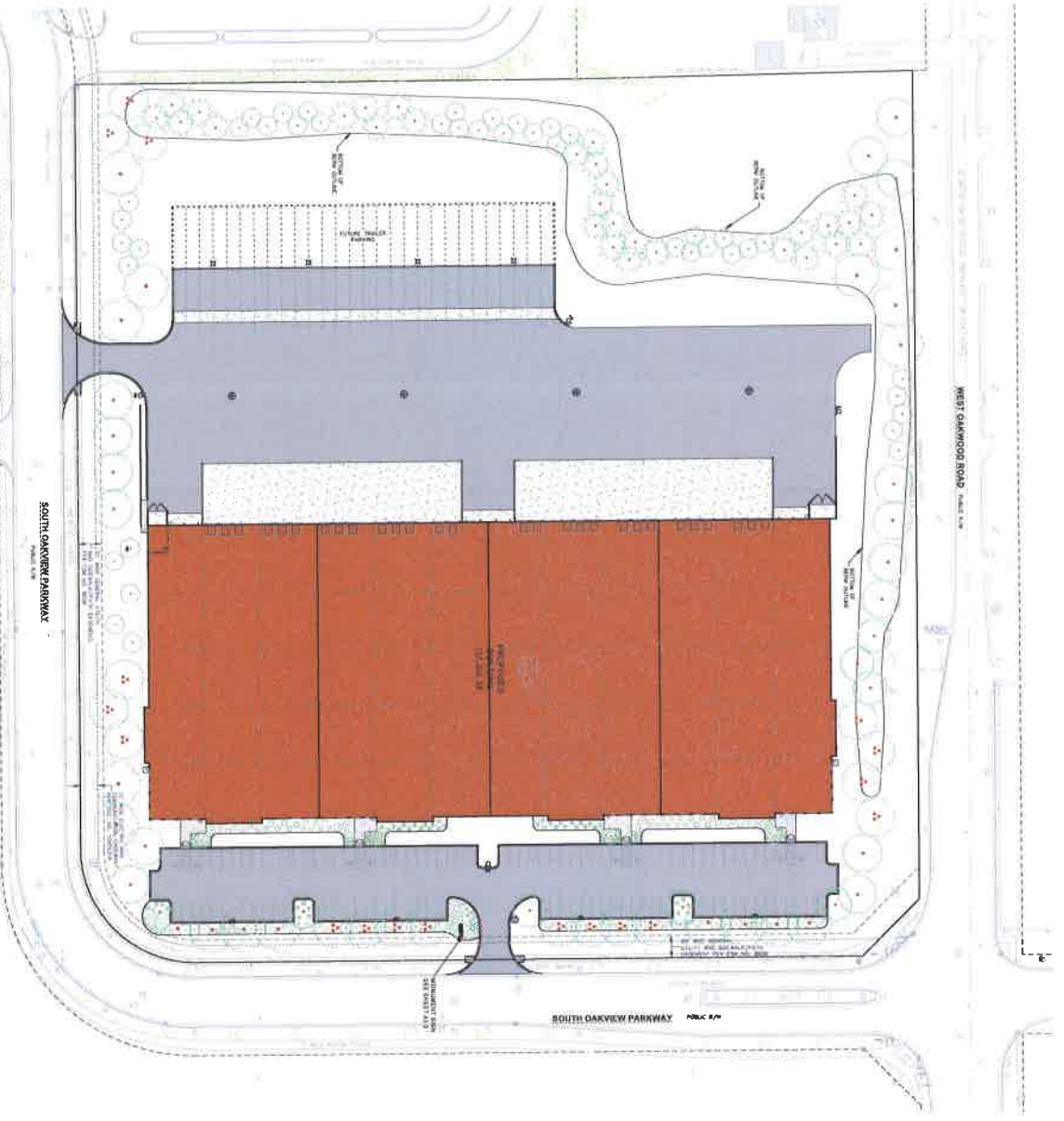
Sincerely,

Domenico M. Ferrante AIA
Principal in Charge, Briohn Design Group LLC

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- LEGEND**
- | | | | | | |
|---|-------------------|---|-------------|---|----------|
| ① | EXISTING DRIVEWAY | — | 5/8" = 1' | — | SHEDDING |
| ② | EXISTING DRIVEWAY | — | 1" = 1' | — | SHEDDING |
| ③ | EXISTING DRIVEWAY | — | 1 1/2" = 1' | — | SHEDDING |
| ④ | EXISTING DRIVEWAY | — | 2" = 1' | — | SHEDDING |
| ⑤ | EXISTING DRIVEWAY | — | 3" = 1' | — | SHEDDING |
| ⑥ | EXISTING DRIVEWAY | — | 4" = 1' | — | SHEDDING |
| ⑦ | EXISTING DRIVEWAY | — | 6" = 1' | — | SHEDDING |
| ⑧ | EXISTING DRIVEWAY | — | 8" = 1' | — | SHEDDING |
| ⑨ | EXISTING DRIVEWAY | — | 12" = 1' | — | SHEDDING |
| ⑩ | EXISTING DRIVEWAY | — | 18" = 1' | — | SHEDDING |
| ⑪ | EXISTING DRIVEWAY | — | 24" = 1' | — | SHEDDING |
| ⑫ | EXISTING DRIVEWAY | — | 36" = 1' | — | SHEDDING |
| ⑬ | EXISTING DRIVEWAY | — | 48" = 1' | — | SHEDDING |
| ⑭ | EXISTING DRIVEWAY | — | 72" = 1' | — | SHEDDING |
| ⑮ | EXISTING DRIVEWAY | — | 108" = 1' | — | SHEDDING |
| ⑯ | EXISTING DRIVEWAY | — | 144" = 1' | — | SHEDDING |
| ⑰ | EXISTING DRIVEWAY | — | 180" = 1' | — | SHEDDING |
| ⑱ | EXISTING DRIVEWAY | — | 216" = 1' | — | SHEDDING |
| ⑲ | EXISTING DRIVEWAY | — | 252" = 1' | — | SHEDDING |
| ⑳ | EXISTING DRIVEWAY | — | 288" = 1' | — | SHEDDING |
| ㉑ | EXISTING DRIVEWAY | — | 324" = 1' | — | SHEDDING |
| ㉒ | EXISTING DRIVEWAY | — | 360" = 1' | — | SHEDDING |
| ㉓ | EXISTING DRIVEWAY | — | 432" = 1' | — | SHEDDING |
| ㉔ | EXISTING DRIVEWAY | — | 504" = 1' | — | SHEDDING |
| ㉕ | EXISTING DRIVEWAY | — | 576" = 1' | — | SHEDDING |
| ㉖ | EXISTING DRIVEWAY | — | 648" = 1' | — | SHEDDING |
| ㉗ | EXISTING DRIVEWAY | — | 720" = 1' | — | SHEDDING |
| ㉘ | EXISTING DRIVEWAY | — | 792" = 1' | — | SHEDDING |
| ㉙ | EXISTING DRIVEWAY | — | 864" = 1' | — | SHEDDING |
| ㉚ | EXISTING DRIVEWAY | — | 936" = 1' | — | SHEDDING |
| ㉛ | EXISTING DRIVEWAY | — | 1008" = 1' | — | SHEDDING |
| ㉜ | EXISTING DRIVEWAY | — | 1080" = 1' | — | SHEDDING |
| ㉝ | EXISTING DRIVEWAY | — | 1152" = 1' | — | SHEDDING |
| ㉞ | EXISTING DRIVEWAY | — | 1224" = 1' | — | SHEDDING |
| ㉟ | EXISTING DRIVEWAY | — | 1296" = 1' | — | SHEDDING |
| ㊱ | EXISTING DRIVEWAY | — | 1368" = 1' | — | SHEDDING |
| ㊲ | EXISTING DRIVEWAY | — | 1440" = 1' | — | SHEDDING |
| ㊳ | EXISTING DRIVEWAY | — | 1512" = 1' | — | SHEDDING |
| ㊴ | EXISTING DRIVEWAY | — | 1584" = 1' | — | SHEDDING |
| ㊵ | EXISTING DRIVEWAY | — | 1656" = 1' | — | SHEDDING |
| ㊶ | EXISTING DRIVEWAY | — | 1728" = 1' | — | SHEDDING |
| ㊷ | EXISTING DRIVEWAY | — | 1800" = 1' | — | SHEDDING |
| ㊸ | EXISTING DRIVEWAY | — | 1872" = 1' | — | SHEDDING |
| ㊹ | EXISTING DRIVEWAY | — | 1944" = 1' | — | SHEDDING |
| ㊺ | EXISTING DRIVEWAY | — | 2016" = 1' | — | SHEDDING |
| ㊻ | EXISTING DRIVEWAY | — | 2088" = 1' | — | SHEDDING |
| ㊼ | EXISTING DRIVEWAY | — | 2160" = 1' | — | SHEDDING |
| ㊽ | EXISTING DRIVEWAY | — | 2232" = 1' | — | SHEDDING |
| ㊾ | EXISTING DRIVEWAY | — | 2304" = 1' | — | SHEDDING |
| ㊿ | EXISTING DRIVEWAY | — | 2376" = 1' | — | SHEDDING |

CHERRY HILL
 CHERRY HILL ARCHITECTURE
 10303 S. OAKVIEW PARKWAY
 OAKVIEW BUSINESS PARK
 LOT 1 OF CSM NO. 8927
 OAK CREEK, WI 53151
 www.cherryhill.com

JSD
 JSD ARCHITECTURE
 10303 S. OAKVIEW PARKWAY
 OAKVIEW BUSINESS PARK
 LOT 1 OF CSM NO. 8927
 OAK CREEK, WI 53151
 www.jsd.com

A0.1	DATE	10/11/2011
	SCALE	AS SHOWN
A0.1	DATE	10/11/2011
	SCALE	AS SHOWN

OAKVIEW INDUSTRIAL FACILITY V
 10303 S. OAKVIEW PARKWAY
 OAKVIEW BUSINESS PARK
 LOT 1 OF CSM NO. 8927
 CITY OF OAK CREEK, WI

COLORED SITE PLAN

BRIGHN
 DESIGN GROUP
 10303 S. OAKVIEW PARKWAY
 OAKVIEW BUSINESS PARK
 LOT 1 OF CSM NO. 8927
 OAK CREEK, WI 53151
 www.brighn.com

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

Applicant:	Samuel Dickman, The Dickman Co.	Approved by Plan Commission: 12-8-20
Property Address:	10303 S. Oakview Parkway	Approved by Common Council: TBD
Tax Key Number(s):	955-1033-000	(Ord. 2994)
Conditional Use:	Freight yard/freight terminal/trans-shipment depot facilities	

1. LEGAL DESCRIPTION

CSM 8927, NE & NW 1/4 SEC 32-5-22, LOT 1 (13.045ACS).

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
 - 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 outdoor storage area(s)
- m) Location(s) of wetlands (field verified)
- n) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot / truck parking 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**

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

- E. A landscaping plan must be submitted for review and approval by the Plan Commission prior to the issuance of a building or occupancy permit. Landscaping shall be installed in accordance with plans approved by the Plan Commission November 24, 2020, and all applicable Codes and policies.
- F. A Development Agreement shall be completed between the owner(s) and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2(B) above, and/or as specified by these Conditions and Restrictions.
- G. 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. Uses allowed on this property shall be limited to those allowed by the M-1, Manufacturing zoning district, the OakView Business Park PUD, these Conditions and Restrictions, plans approved by the Plan Commission November 24, 2020, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no more than twenty-eight (28) depressed and four (4) at-grade docks as shown on plans approved by the Plan Commission November 24, 2020 utilized for freight yard/freight terminal/trans-shipment depot facilities. Any request for an increase to the number of docks utilized for freight yard/freight terminal/trans-shipment depot facilities may require a Traffic Impact Analysis (TIA). Completion of a TIA does not guarantee future approval of additional docks.
- C. There shall be no parking or storage of vehicles, equipment, merchandise, parts, or supplies within designated public and employee parking areas. Outdoor storage shall be limited to the parking of trucks and trailers associated with the business, and shall be located in designated loading dock areas & striped stalls on the west portion of the property. There shall be no storage of unlicensed, non-operational vehicles, equipment, merchandise, parts, supplies, or any other materials.
- D. All parking areas shall be striped and landscaped in accordance with approved site plans and applicable Codes.
- E. Landscaped screening berms shall be required on the north and west portions of the property. Berms shall be a minimum of 4 feet taller than street/adjacent residential grade with evergreens per the approved Landscape Plan maintained to ensure sufficient screening and buffering to the residential properties in the vicinity.
- F. No box/cabinet signs other than logos with accompanying channel letters in conformance with all applicable Code Sections shall be allowed on the building.
- G. Any change to the occupancy of the site or building shall conform to all Building, Fire, and Municipal Code requirements (as amended).
- H. Solid waste collection and recycling shall be the responsibility of the owner.
- I. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. 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), these Conditions and Restrictions (see Section 3 above), and plans approved by the Plan Commission November 24, 2020.
- B. Trucks utilizing this facility shall adhere to all posted traffic signs and regulations. Trucks entering and exiting this site from any direction shall not utilize West Oakwood Road west of its intersection with S. Oakview Parkway.

5. LIGHTING

- A. 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), these Conditions and Restrictions, and plans approved by the Plan Commission November 24, 2020.
- B. All light sources shall be shielded and directed downward, and light sources adjacent to single-family residential areas shall be shielded on the side of the fixture adjacent to the residential area.
- C. The color temperature of the fixtures shall be limited to a maximum of 3,500 Kelvins.

6. BUILDING AND PARKING SETBACKS*

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure(s)	40 ft	20 ft	20 ft
Accessory Structure(s)*	40 ft	20 ft	20 ft
Off-street Parking	30 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards. See plans approved by the Plan Commission November 24, 2020.*

7. TIME OF COMPLIANCE

The operator of the Conditional Use shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use approval shall expire within twelve (12) months after the date of adoption of the ordinance if building or occupancy permits have not been issued for this use.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. 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.

10. 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 Permit is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 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.

11. REVOCAION

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 Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

12. 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)

Publish December 23 & 30, 2020

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

IMPORTANT NOTICE

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

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (January 19, 2021) to obtain a meeting call-in number.

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

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

PURPOSE: The purpose of this public hearing is to consider a request by Theresa Wrecza to rezone the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District).

Hearing Date:	January 19, 2021
Time:	7:00 PM
Place:	Oak Creek City Hall Common Council Chambers 8040 S. 6 th St. Oak Creek, WI 53154 AND via online video conference (see box above)
Applicant:	Theresa Wrecza
Property Owner(s):	Theresa Wrecza
Property Location(s):	7140 S. 13 th St.
Tax Key(s):	764-9994-001

Legal Description:
COM 306 FT S OF NW COR OF NW 1/4 SEC 8-5-22 TH S 91.32 FT E 427.06 FT, N TO A PT 306 FT S OF N 1/4 SEC LI TH W 427.06 FT TO BEG EXC PARTS CONVEYED FOR S 13TH STR IN DOC# 09881215 (0.764 AC).

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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.

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



COMMON COUNCIL REPORT

Item: Rezone - 7140 S. 13th St. - Wreza

Recommendation: That the Council adopts Ordinance 2995, an ordinance to approve a rezone of the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District).

Fiscal Impact: Approval will allow for the redevelopment of a former single-family residence in a commercial area with a proposed 4-unit office within the existing structure. Renovations and site modifications for the project will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. This property is not part of a TID.

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

Background: The Applicant is requesting recommendation of approval to rezone the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District).

Surrounding parcels are similarly zoned B-4, B-4 (CU), or B-4 (PUD). Parcels in the extended area are zoned B-3 and B-2 to the north, M-1 to the east, B-3 and I-1 to the south/southwest. The Land Use Plan in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) identifies this area for Commercial development outside of FW, Floodway areas.

Currently, a vacant single-family residence exists on the property. Although the request for Council consideration is limited to rezoning the property, some general information has been provided for the future use of the property. The Applicant’s representative has indicated their intention to repurpose the existing home into a 4-unit office space, modify the façade with/for a commercial appearance, eliminate the existing garage structure, and add eight (8) parking stalls. At the time the application was submitted, the office operation contained two (2) employees with hours of operation anticipated between 7:00 AM and 7:00 PM.

Council should be aware that rezoning the property does not eliminate any future review requirements that may be necessary for conversion of the property to a commercial/office use. Future reviews may include, but not be limited to, site and building plan review for changes to the parking and façade, sign permits (if applicable), stormwater and/or green infrastructure. Staff will continue to work with the Applicant and/or their representative on subsequent plans for the property should the rezoning be approved.

The Plan Commission recommended Common Council approval at their meeting on December 8, 2020. Should the Council agree that rezoning the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District) is appropriate, a motion recommending approval is provided above.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. Disapproval of the rezone would affect the anticipated sale and redevelopment of the property.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papellbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Doug Seymour, AICP
Director of Community Development

Attachments:

Ord. 2995

Location Map

Hearing Notice

Plan Commission Meeting Minutes

Comprehensive Plan Land Use (area)

ORDINANCE NO. 2995

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 7140 S. 13th ST. FROM RS-3, SINGLE FAMILY RESIDENTIAL TO B-4, HIGHWAY BUSINESS (NO CHANGE TO THE FW, FLOODWAY DISTRICT)

(1st Aldermanic District)

WHEREAS, THERESA WRECZA, has proposed a rezoning of the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District).

WHEREAS, the property to be rezoned is more precisely described as follows:

COM 306 FT S OF NW COR OF NW 1/4 SEC 8-5-22 TH S 91.32 FT E 427.06 FT, N TO A PT 306 FT S OF N 1/4 SEC LI TH W 427.06 FT TO BEG EXC PARTS CONVEYED FOR S 13TH STR IN DOC# 09881215 (0.764 AC).

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

WHEREAS, the Common Council held a public hearing on said application on January 19, 2021, at which time all interested parties appeared and were heard; and

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described at 7140 S. 13th St. are hereby rezoned from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

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

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

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

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

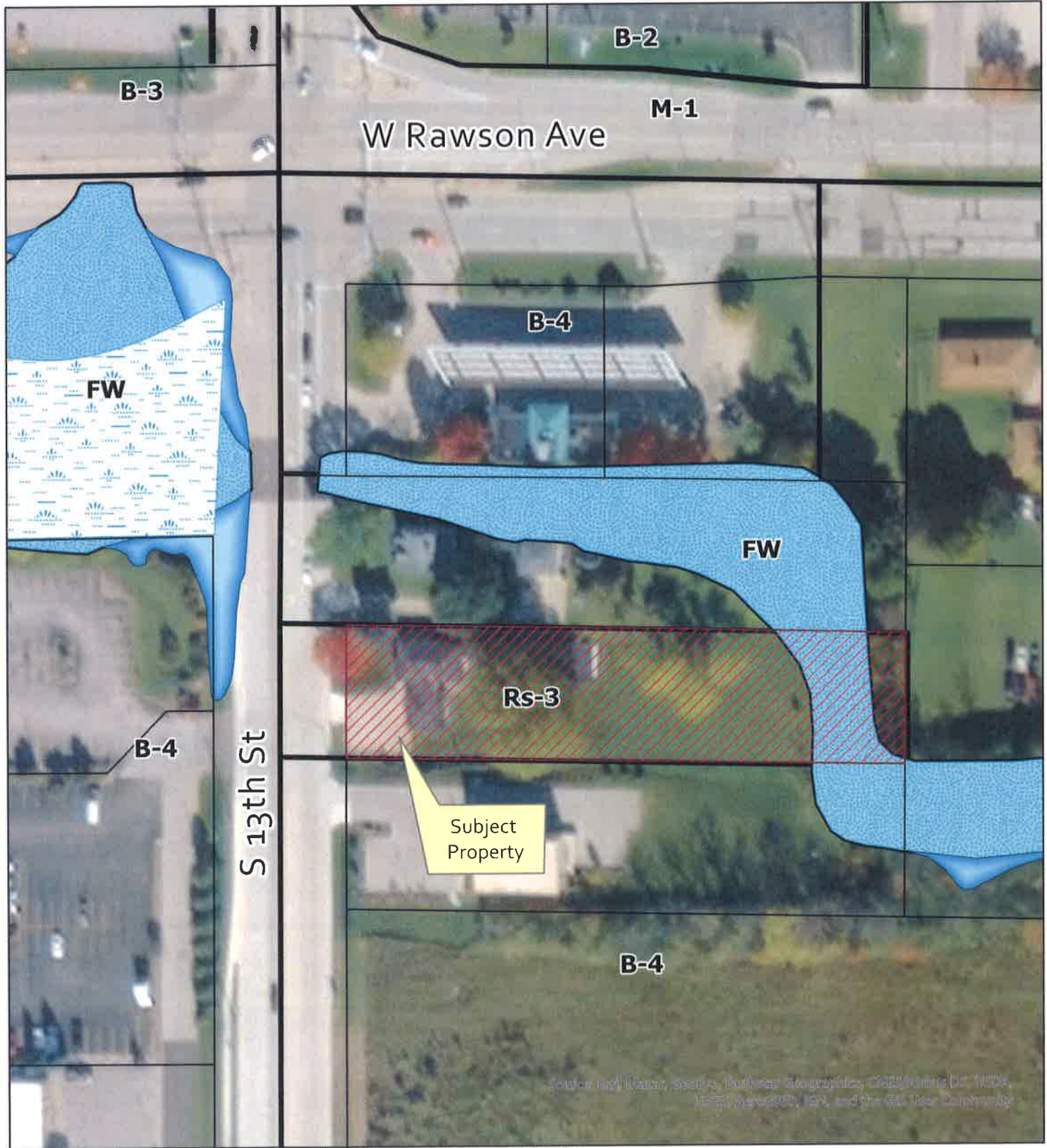
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map
7140 S. 13th St



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



Legend	
	7140 S. 13th St
	Flood Plain (2008)
	DNR Wetlands Inventory
	Floodway (2008)

Publish December 23 & 30, 2020

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

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PURPOSE: The purpose of this public hearing is to consider a request by Theresa Wrecza to rezone the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District).

Hearing Date:	January 19, 2021
Time:	7:00 PM
Place:	Oak Creek City Hall Common Council Chambers 8040 S. 6 th St. Oak Creek, WI 53154 AND via online video conference (see box above)
Applicant:	Theresa Wrecza
Property Owner(s):	Theresa Wrecza
Property Location(s):	7140 S. 13 th St.
Tax Key(s):	764-9994-001

Legal Description:
COM 306 FT S OF NW COR OF NW 1/4 SEC 8-5-22 TH S 91.32 FT E 427.06 FT, N TO A PT 306 FT S OF N 1/4 SEC LI TH W 427.06 FT TO BEG EXC PARTS CONVEYED FOR S 13TH STR IN DOC# 09881215 (0.764 AC).

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 2020
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By: Daniel J. Bukiewicz, Mayor

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**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 8, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siepert, and Commissioner Chandler. Commissioner Oldani was present during roll call, but was unable to unmute his microphone. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Andrew Vickers, City Administrator; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**REZONE
THERESA WRECZA
7140 S. 13TH ST.
TAX KEY NO. 764-9994-001**

Planner Papelbon provided an overview of the request to rezone the property at 7140 S. 13th St. from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District) (see staff report for details).

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that the property at 7140 S. 13th St. be rezoned from Rs-3, Single Family Residential to B-4, Highway Business (NO CHANGE to the FW, Floodway District) after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:44 pm.

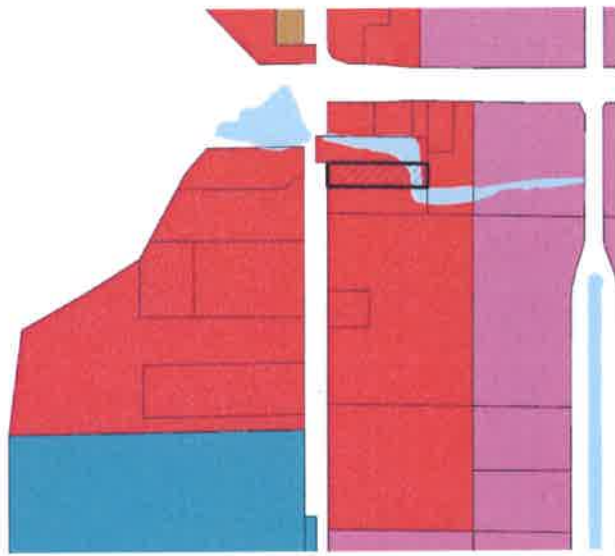
ATTEST:

















Douglas Seymour, Plan Commission Secretary

1-12-21

Date



Land Use Plan

- | | |
|--|--|
|  Agriculture |  Industrial |
|  Single-Family Detached |  Public/Semi-Public |
|  Single-Family Attached |  Parks and Open Space |
|  Multifamily |  Utility and Railroad |
|  Mixed Use |  Airport |
|  Commercial |  Flex Overlay |
|  Business Park |  Floodway |

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 request submitted by John Schlueter, Frontline Commercial Real Estate, LLC, for an amendment to the existing Planned Unit Development to remove the property at 9141 S. 13th St.

Hearing Date:

January 19, 2021

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):

John Schlueter, Frontline Commercial Real Estate, LLC

Property Owner(s):

APA 9141, LLC

Property Location(s):

Removing the property at 9141 S. 13th St.

Tax Key(s):

Removing 877-9010-000

Legal Description:

CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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 - John Schlueter, Frontline Commercial Real Estate, LLC
- Recommendation:** That the Council adopts Ordinance 2996, an ordinance to approve an Amendment to to remove the property at 9141 S. 13th St. from the existing Planned Unit Development.
- Fiscal Impact:** Approval will allow for the proposed rezone of the property to proceed, ultimately allowing for the development of the vacant parcel. Future development will yield positive fiscal impacts in terms of assessed value and review/permit/impact fees. The properties within the existing PUD are not part of a TID.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant is requesting approval to amend the existing Planned Unit Development (PUD) for the property at 9141 S. 13th St. Ordinance 805, establishing a PUD for 9241 (now 9141 and 9191) and 9315 S. 13th St. was approved June 5, 1979. The PUD was further amended in January of this year to more closely align with existing Code, and to allow a hotel and restaurant on the property at 9315 S. 13th St. On November 17, 2020, the Common Council approved of an amendment to the Land Use Plan in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) to Business Park for this property.

A request to rezone the property in anticipation of developing the property with Business Park uses is next on the agenda for Council consideration. Amending the existing PUD to remove the property will allow the rezoning to proceed.

The Plan Commission reviewed this request during their December 8, 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:



Andrew J. Vickers, MPA
City Administrator

Prepared:



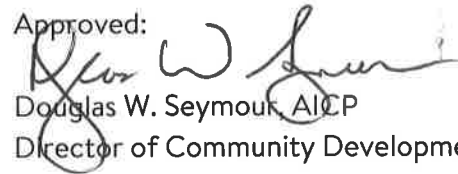
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2996

Location Map

Hearing Notice

Plan Commission Meeting Minutes

Proposed Amended Conditions and Restrictions

ORDINANCE NO. 2996

By: _____

AN ORDINANCE TO AMEND THE CONDITIONS AND RESTRICTIONS IN ORDINANCE NO. 2961 FOR THE PLANNED UNIT DEVELOPMENT (PUD) REMOVING THE PROPERTY AT 9141 S. 13TH ST.

(6th Aldermanic District)

WHEREAS, on June 5, 1979, the Oak Creek Common Council adopted Ordinance No. 805, approving the rezone of the properties at 9241 (now 9141 and 9191) and 9315 S. 13th St. to IPD, Industrial Planned Development (now B-4, Planned Unit Development);

WHEREAS, on January 7, 2020, the Oak Creek Common Council adopted Ordinance No. 2961, amending the Planned Unit Development (PUD); and

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

9141 S. 13th St., Tax Key # 877-9010-000 - CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

9191 S. 13th St., Tax Key # 877-9009-001 - CSM NO 4759 LOT 1 SE 1/4 SEC 19-5-22 EXC PTS CONVEYED HWY IN DOC# 10142497 (14.745 ACS).

9315 S. 13th St., Tax Key # 877-9995-005 - COM 1307.41 FT S OF NE COR SE 1/4 SEC 19-5-22 TH W 1135.22 FT TO E LI I-94, TH SELY 389.90 FT SELY 122.01 FT NELY 110.46 FT NELY 358.04 FT E 625 FT TH N TO POC EXC PTS CONVEYED FOR HWY I-94 IN DOC# 10203681 (5.465 ACS).

WHEREAS, the Applicant, JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE, LLC, is now requesting that the Conditions and Restrictions adopted pursuant to Ordinance No. 2961 be amended to remove the property at 9141 S. 13th St. from the PUD; and

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendment be approved;

WHEREAS, the Common Council held a public hearing on said application on January 19, 2021 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. 2961 affecting the lands hereinabove described, are amended to remove the property at 9141 S. 13th St. from the existing PUD.

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 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

9141 S 13th St



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



Department of Community Development

Legend

- | | |
|--------------------|-------------------------|
| 9141 S. 13th St | DNR Wetlands Inventory |
| Flood Plain (2008) | Environmental Corridor |
| Floodway (2008) | Official Street Pattern |

TO BE PUBLISHED DECEMBER 23 & 30, 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 John Schlueter, Frontline Commercial Real Estate, LLC, for an amendment to the existing Planned Unit Development to remove the property at 9141 S. 13th St.

Hearing Date:

January 19, 2021

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):

John Schlueter, Frontline Commercial Real Estate, LLC

Property Owner(s):

APA 9141, LLC

Property Location(s):

Removing the property at 9141 S. 13th St.

Tax Key(s):

Removing 877-9010-000

Legal Description:

CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 12, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siepert, and Commissioner Chandler. Commissioner Oldani was present during roll call, but was unable to unmute his microphone. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Andrew Vickers, City Administrator; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**PLANNED UNIT DEVELOPMENT AMENDMENT
FRONTLINE COMMERCIAL REAL ESTATE, LLC
9141 S. 13TH ST.
TAX KEY NO. 877-9010-000**

Planner Papelbon provided an overview of the request for a Planned Unit Development (PUD) Amendment to remove the property at 9141 S. 13th St. from the existing PUD (see staff report for details).

Commissioner Hanna asked Planner Papelbon if this property will be industrial or commercial.

Planner Papelbon clarified that this request is to remove this property from the PUD that requires commercial development.

Alderman Guzikowski moved that the Plan Commission recommends that the Common Council approve the Planned Unit Development Amendment removing the property at 9141 S. 13th St., after a public hearing. Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:44 pm.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1-12-21

Date

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

Applicant: John Schleuter, Frontline
Commercial Real Estate
Property Address(es): ~~REMOVING 9141 S. 13th St.~~
9191 & 9315 S. 13th St.
Tax Key Number(s): ~~REMOVING 877-9010-000~~
877-9009-001, 877-9995-005

Approved by Plan Commission: 12-8-20

Approved by Common Council: TBD
(Ord. 2996, Amending Ords. 2961 & 805)

1. LEGAL DESCRIPTION

- ~~9141 S. 13th St., Tax Key # 877-9010-000~~

~~CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.~~

- 9191 S. 13th St., Tax Key # 877-9009-001

C/S/M NO 4759 LOT 1 SE 1/4 SEC 19-5-22 EXC PTS CONVEYED HWY IN DOC# 10142497 (14.745 ACS).

- 9315 S. 13th St., Tax Key # 877-9995-005

COM 1307.41 FT S OF NE COR SE 1/4 SEC 19-5-22 TH W 1135.22 FT TO E LI I-94, TH SELY 389.90 FT SELY 122.01 FT NELY 110.46 FT NELY 358.04 FT E 625 FT TH N TO POC EXC PTS CONVEYED FOR HWY I-94 IN DOC# 10203681 (5.465 ACS).

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. All requirements of the Conditions and Restrictions approved as part of Ord. 805 are in effect except as specifically amended herein.
- C. A precise detailed site plan for each developable parcel within 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 locations with setbacks
- b) Square footage of buildings
- c) Areas for future expansion
- d) Area to be paved
- e) Access drives (width and location)
- f) Sidewalk locations
- g) Parking layout and traffic circulation
 - i) Number of employees
 - ii) Number of spaces
 - iii) Dimensions
 - iv) Setbacks
- h) Location(s) of loading berths
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)

2) Landscape Plan

- a) Screening
- b) Number, initial size, and types of plantings
- c) Parking lot screening/berming

3) Building Plan

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

4) Lighting Plan

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

5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location of storm sewer (existing and

- k) Location of storm sewer (existing & proposed) including detention/retention basins if needed
- l) Location of wetlands (field verified)
- m) Location, square footage and height of signs
- c) Location(s) of stormwater management structures and basins (if required)
- 6) Fire Protection**
 - a) Location of existing & proposed fire hydrants
 - b) Interior floor plan
 - c) Materials of construction

- E. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- F. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits. The owner/developer shall be responsible for the long-term maintenance of the detention basins and other common areas.
- G. A Development Agreement shall be completed between the owner and the City, if deemed necessary by the City Engineer, so as to ensure the construction or installation of public or other improvements required in 2(C) above, and/or as specified by these Conditions and Restrictions.
- H. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- I. 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).
 - 1. Specific requirements for division of the property at 9315 S. 13th St., Tax Key # 877-9995-005.
 - a. Internal access via a shared private road/driveway, subject to recorded shared access easements and depicted on any proposed subdivision plat and/or certified survey map, may be allowed to substitute for street frontage requirements with recommendation by the Plan Commission and approval of a modification by the Common Council.
 - b. Shared access in (a) above is limited to the creation of one (1) new lot via subdivision plat and/or certified survey map.
- J. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- K. 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 Plan Commission approval, shall be installed for each phase prior to the issuance of occupancy permits for that phase.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed within this planned unit development shall be limited to those permitted by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended) except that the following additional uses shall specifically be allowed:
 - 1. Hotels as Conditional Uses.
 - 2. Restaurants with no drive-in or drive-through facilities.
 - 3. Restaurants with drive-in or drive-through facilities as Conditional Uses.
- B. All structures shall be constructed in conformance with Section 17.1009 (as amended).
- C. Buffer areas as required shall be in conformance with Section 17.0205 (as amended).
- D. Setbacks and dimensional requirements shall be in conformance with Section 17.0315 (as amended).
- E. Signage for the development shall be in conformance with Sections 17.0701-17.0715 and all other applicable Sections of the Municipal Code.
- F. A Master Sign Plan for all development signs and Master Sign Plans for any 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.
- G. 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.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).
- I. There shall be no outdoor storage of any materials, equipment, vehicles (other than vehicles directly associated with the use), or merchandise for sale.
- J. No new pole signs, pennant flags, light pole flags, permanent banners, or flashing/blinking signs shall be permitted as part of the development.

4. PARKING AND ACCESS

- A. Cross-access easements shall be provided for the development per plans approved by the Plan Commission, with a copy of such executed agreement provided to the City prior to the issuance of any permits for any phase of this development.
- B. Parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended) and these Conditions and Restrictions.
- C. Access to South 13th Street (CTH V) in accordance with executed agreements and access management plans is subject to the review and approval of Milwaukee County. Such approval shall be provided to the City prior to the issuance of any building permits.

5. LIGHTING

- A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and

Electrical Inspector in accordance with Section 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.

6. BUILDING AND PARKING SETBACKS*

	Front and Street/ROW Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	See Sec. 17.0501	See Sec. 17.0501
Off-street Parking	10 ft	5 ft	5 ft

**No accessory structures shall be permitted in the front yard nor shall any structures be permitted in required buffer yards.*

7. 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.

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 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.

10. REVOCAION

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).

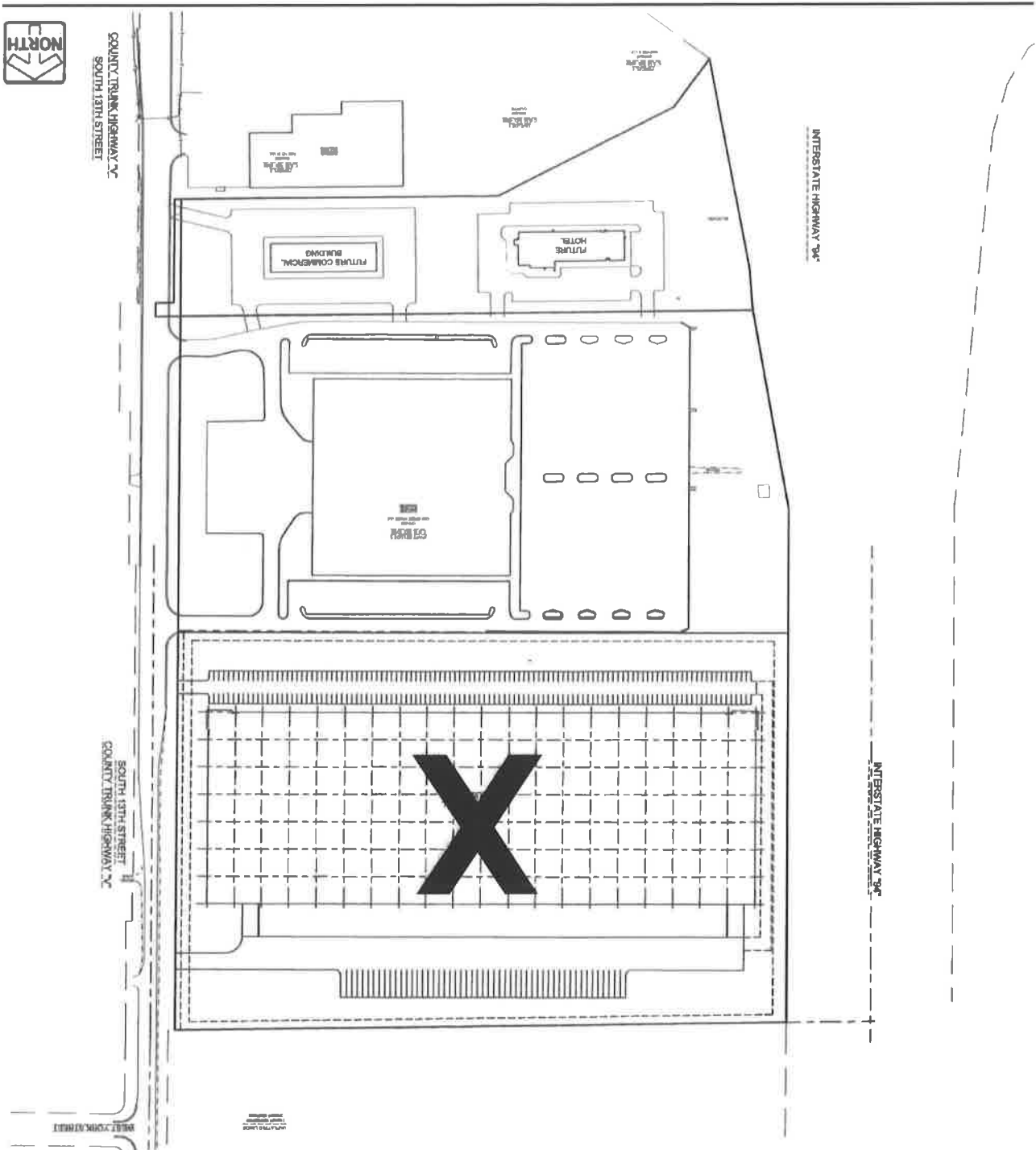
11. ACKNOWLEDGEMENT

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)



Publish December 23 & 30, 2020

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

IMPORTANT NOTICE

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

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (January 19, 2021) to obtain a meeting call-in number.

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

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

PURPOSE: The purpose of this public hearing is to consider a request by John Schlueter, Frontline Commercial Real Estate, LLC, to rezone the property at 9141 S. 13th St. from B-4, Highway Business district to M-1, Manufacturing district.

Hearing Date:	January 19, 2021
Time:	7:00 PM
Place:	Oak Creek City Hall Common Council Chambers 8040 S. 6 th St. Oak Creek, WI 53154 AND via online video conference (see box above)
Applicant:	John Schlueter, Frontline Commercial Real Estate, LLC
Property Owner(s):	APA 9141, LLC
Property Location(s):	9141 S. 13 th St.
Tax Key(s):	877-9010-000

Legal Description:
CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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.

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



COMMON COUNCIL REPORT

Item: Rezone - 9141 S. 13th St. - John Schlueter, Frontline Commercial Real Estate, LLC

Recommendation: That the Council adopts Ordinance 2997, an ordinance to approve a rezone of the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing.

Fiscal Impact: Approval will allow for the development of a currently vacant property in a commercial zoning district with a proposed multitenant manufacturing building. Tenants in conformance with those found in business parks would occupy the building, and may include a fabric goods manufacturer and food distributors. Development with the proposed building will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees (est. \$151,016). Tenant buildouts will continue to yield positive fiscal impacts with permits and/or licenses. This property is not part of a TID.

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

Background: The Applicant is requesting approval to rezone the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing in anticipation of a future speculative multitenant industrial development.

Parcels in the immediate area are zoned B-4 (PUD and/or CU) to the south, B-3 and Rs-3 to the north, Rd-1 and Rs-2 to the northeast, Rs-3 and M-1 (PUD) to the east and southeast. Parcels in the extended area are similarly zoned, with Rm-1 (PUD) and Rd-1 (PUD) across I-94 to the west. The Land Use Plan in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) was recently amended for this parcel to Business Park.

As was mentioned in the staff report for the review of that Amendment, Business Parks, as a land use category, are described in the Comprehensive Plan as consisting of “groups of buildings planned and constructed as business parks for professional firms with a mix of office, training, research, production, and other ancillary uses. Business Park uses in Oak Creek should continue to be concentrated in the vicinity of Interstate 94-41.” Although the request for Council consideration is limited to rezoning the property, the proposed future uses within the multitenant industrial development would include permitted uses such as a fabric manufacturer and food distributor. Primary operating hours anticipated for these uses are 7:00 AM – 5:30 PM during the week, with limited hours weekends and outside of primary hours. There will be a small retail or wholesale component to the fabric manufacturing portion of the facility. Food distributors at the location would likely see approximately 80 truck trips per day operating on a 24/7 schedule. Up to

65 employees for the fabric manufacturing and food distribution uses are expected during the peak shift (1st), with approximately 15 employees expected onsite during all other shifts.

Council should be aware that rezoning the property does not eliminate any future review requirements that may be necessary for development of the property. Future reviews may include, but not be limited to, site and building plan review incorporating requirements related to buffers, landscaping, reduced and shielded lighting, and truck routes to reduce impact on the residential properties in the vicinity; a Master Sign Plan for the property; and requirements for stormwater and grading. Staff will continue to work with the Applicant on subsequent plans and required review processes for the property should the rezoning be approved.

The Plan Commission recommended Common Council approval at their meeting on December 8, 2020. Should the Council agree that rezoning the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing is appropriate, a motion recommending approval is provided above.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. Disapproval of the rezone would potentially result in incompatible district standard applications for a property identified for Business Park purposes in the Comprehensive Plan.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Doug Seymour, AICP
Director of Community Development

Attachments:

Ord. 2997

Location Map

Hearing Notice

Plan Commission Meeting Minutes

Concept Plan

ORDINANCE NO. 2997

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 9141 S. 13th ST. FROM B-4,
HIGHWAY BUSINESS TO M-1, MANUFACTURING

(6th Aldermanic District)

WHEREAS, JOHN SCHLUETER, FRONTLINE COMMERCIAL REAL ESTATE, LLC, has proposed a rezoning of the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing.

WHEREAS, the property to be rezoned is more precisely described as follows:

CSM NO. 4759 LOT 2 SE ¼ SEC 19-5-22 CONT. 18.3906 ACS.

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

WHEREAS, the Common Council held a public hearing on said application on January 19, 2021, at which time all interested parties appeared and were heard; and

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described at 9141 S. 13th St. are hereby rezoned from B-4, Highway Business to M-1, Manufacturing, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

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

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

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

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

9141 S 13th St



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



Department of Community Development

Legend	
	9141 S. 13th St
	Flood Plain (2008)
	Floodway (2008)
	Environmental Corridor
	Official Street Pattern
	DNR Wetlands Inventory

Publish December 23 & 30, 2020

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

IMPORTANT NOTICE

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

Attendees who wish to participate by phone may do so by calling the City Hall, (414) 766-7000, before 4:00 PM on the day of the meeting (January 19, 2021) to obtain a meeting call-in number.

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

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

PURPOSE: The purpose of this public hearing is to consider a request by John Schlueter, Frontline Commercial Real Estate, LLC, to rezone the property at 9141 S. 13th St. from B-4, Highway Business district to M-1, Manufacturing district.

Hearing Date:	January 19, 2021
Time:	7:00 PM
Place:	Oak Creek City Hall Common Council Chambers 8040 S. 6 th St. Oak Creek, WI 53154 AND via online video conference (see box above)
Applicant:	John Schlueter, Frontline Commercial Real Estate, LLC
Property Owner(s):	APA 9141, LLC
Property Location(s):	9141 S. 13 th St.
Tax Key(s):	877-9010-000

Legal Description:
CSM NO. 4759 LOT 2 SE 1/4 SEC 19-5-22 CONT. 18.3906 ACS.

The Common Council has scheduled other public hearings for January 19, 2021 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: December 14, 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.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at 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.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, DECEMBER 8, 2020**

Mayor Bukiewicz called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Siefert, and Commissioner Chandler. Commissioner Oldani was present during roll call, but was unable to unmute his microphone. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; Andrew Vickers, City Administrator; and Mike Havey, Assistant Fire Chief. Kevin Koenig, IT Manager, facilitated the video conference.

**REZONE
FRONTLINE COMMERCIAL REAL ESTATE, LLC
9141 S. 13TH ST.
TAX KEY NO. 877-9010-000**

Planner Papelbon provided an overview of the request to rezone the property at 9141 S. 13th St. from B-4, Highway Business to M-1, Manufacturing (see staff report for details).

Tom & Denise Abler, 1230 W York St:

"We have been following this since the first request for the rezoning and I guess I'm a little confused on what is really being proposed, and what's going to happen with that property. I know I have spoken not directly to John, but via email and I did contact our alderman on some concerns about traffic and that type of thing. It's hard to approve of this when you really don't know what's going to go into that property and what it's going to look like. So, could John help us out with what he's proposing or planning."

John Schlueter, Frontline Commercial Real Estate, 7265 S. 1st St., Oak Creek, explained the building will be masonry and glass construction. The corner of the building closest to Mr. and Mrs. Abler will be about 16 feet below grade, creating a natural berm. There will be significant vegetation screening, no outside storage, and truck traffic will be directed south. Mr. Schlueter inquired if Mrs. Abler's questions have been answered.

Denise Abler, 1230 W York St:

"When you say that the building is going to be lowered so that there's natural vegetation or whatever and we won't see much of the building. How tall is the building actually going to be at the base?"

Mr. Schlueter stated the building will be 32 feet.

Denise Abler, 1230 W York St:

"32. So, you're saying it's a low grade by 16 feet. So, we're still seeing 16 feet of the building?"

Mr. Schlueter confirmed.

Denise Abler, 1230 W York St:

"So, then it to me, I'm guessing. I'm finding it hard to understand how there's a lot of natural vegetation that's going to cover that extra 16 feet there. I mean, I could see a little bit from this"

graphic here and it looks like I'm assuming the green type of circle, things are, whether they're shrubs or whatever, but if you're putting trees there unless you're putting mature trees, they're not going to be 16 feet."

Mr. Schlueter explained 16 feet is lower than a two-story house. Conifer trees would be planted to cover a large portion of the building.

Denise Ablar, 1230 W York St:

"And yes, you and I both, I think talked about that with the trucks being actually routed so that they would be basically forced to go towards Ryan Road and not towards us, but is that something that the County has to approve of because it's a County road, correct?"

Mr. Schlueter confirmed it is a County road and the developers would be working with the County.

Denise Ablar, 1230 W York St:

"And then if I'm understanding, there's a possibility that you would have a certain number of traffic coming from employees and my guess would be that they would be using that road from either direction? Whether it's from Drexel or Ryan."

Mr. Schlueter would propose allowing employee vehicles, cars and SUVs, to enter from the north or south based on their convenience.

Denise Ablar, 1230 W York St:

"I understand that, but for those of us who live in this neighborhood, specifically Tom and I because we're going to be pretty close to this. There's already quite a bit of traffic, car traffic, small trucks, deliveries from Amazon, whatever it is. I can't see, well, I, I guess I'm having a hard time explaining myself here, but I just feel that there's going to be a lot more traffic here and Tom had once before mentioned that there's kind of a blind spot when you come out of our street on York and people are coming up 13th Street from Ryan, it kind of the road is a dip and sometimes you can't even see traffic coming up that road and I'm really concerned about not just the noise and the traffic, but accidents. Is there any way we can look at something I know that's not your whole part of your problem, but is there any way that the County can address that or the City?"

Mr. Schlueter stated he would work with the County and the City to make modifications that will best for the neighborhood.

Denise Ablar, 1230 W York St:

"Okay, what is the difference between the rezoning and the prior rezoning that was previously denied or approved, whatever, a month ago. So, exactly why are we doing this? I guess I'm still confused on this."

Planner Papelbon explained that what was previously-approved was an amendment to the Comprehensive Plan. The Comprehensive Plan showed this area to be all Commercial; however, the Plan Commission and the Common Council considered Business Park as appropriate for the parcel, and that was approved. This had to occur before the property could be rezoned. The previous agenda item amended a prior approval that required commercial uses. The PUD was incompatible with the projection of the future development for this property.

Denise Ablar, 1230 W York St:

"Yeah, I know, it seemed like it was talking about industrial and other things. Tom and I, at one point, we're talking with other neighbors, and we were told at one point that they thought an apartment complex was going in here. So, it was quite a surprise to us, that all of a sudden, there's an industrial building of manufacturing going in. Me personally, nothing against you John and, and I know that you want to make money. I kind of not still happy with what's being proposed here. I kind of concerned about noise, traffic, whether or not there's going to be extra trash along the roads, those type of things. And how that affects our property value when we want to sell our property because to me, if a prospective person is coming into our residential subdivision, which is a great subdivision. That I think might be a negative for us."

Mayor Bukiewicz agreed it could be perceived that way; however, in the community as a whole - the values have held strong regardless of developments. An apartment building or large retail store would have created traffic, too.

Denise Ablar, 1230 W York St:

"Right. And I agree with you if, if an apartment complex did go in there, there would still be that amount of traffic from cars coming and going. But with this possibility of a fabric manufacturing does that include any possibility of any chemicals or undo orders, smells, those type of things?"

Mr. Schlueter clarified that his company does not manufacture fabrics, but rather makes things out of fabric.

Tom Ablar, 1230 W York St:

"I just, like, just a quick comment just to make sure I got this straight. It's nice to have the layout that, that's, that's appreciate it and all. This is the first time I think I actually saw how this is going to lay out. So, if I if I see this correctly, the south end is where the trucks are going to be entering and leaving and unloading and the north end where those small, small hash marks. Those are the parking or employee parking. So, essentially the employee parking is going to be entering in the in the north and the trucks are going to be dumping out like you said to a right angle south to Ryan, is that correct?"

Mr. Schlueter confirmed.

Tom Ablar, 1230 W York St:

"Yeah, that, that, to me, that is somewhat comforting that, that, that at least the trucks are going to be further south and like you said that there you're going to direct them to the right where they wouldn't really have the possibility of going across traffic. Because that dip in the road..."

Alderman Guzikowski stated he is advocating for this to pass because the proposal that Mr. Schlueter is bringing forward is the best of both worlds. It will be positive for the City's tax base and have a minimal impact on the neighborhood. Alderman Guzikowski stated that he does not believe the neighbors will be impacted by this development. The building will also help block sound from the Interstate.

Denise Ablar, 1230 W York St:

"Thank you, Chris, I appreciate that and I'm not saying I'm totally against us, but it's just because Tom and I have been listening to some of these other planning meetings and listening to other

neighbors' issues with proposed properties being installed near their neighborhoods. It kind of makes us a little uneasy. If you understand where we're coming from."

Alderman Guzikowski agreed listening to other meetings can put people on edge.

Commissioner Chandler inquired if this should be a Light Manufacturing rezone verses a Manufacturing rezone.

Planner Papelbon explained the M-1 Manufacturing District allows for this type of use. Staff did look at the Lm-1 as a consideration, but it does not allow the range of uses that would be seen in this particular development.

Commissioner Chandler asked to confirm the applicant will be processing or manufacturing fabric.

Mr. Schlueter confirmed and explained that his company will convert fabric from rolls into Keder, a fabric retention device, which is used for tents and signage.

Alderman Guzikowski moved that the Plan Commission recommends to the Common Council that the property at 9141 S. 13th St. be rezoned from B-4, Highway Business to M-1, Manufacturing after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

Commissioner Carrillo moved to adjourn the meeting. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried. The meeting was adjourned at 8:44 pm.

ATTEST:



Douglas Seymour, Plan Commission Secretary

1-12-21

Date



194 350K INDUSTRIAL BUILDING

OAK CREEK, WI





COMMON COUNCIL REPORT

Item: First Amendment to Tax Incremental District No. 16 Finance Development Agreement ("First Amendment"), and Partial Release of Development Agreement for Public Improvements, Partial Release of Memorandum of Agreement and Restrictive Covenant, and Partial Release of Storm Water Management Practices Maintenance Agreement ("Partial Releases") (Ryan Business Park)

Recommendation: That the Common Council adopt Resolution No. 12220-011921 approving the First Amendment and Partial Releases with Ryan Business Park, LLC

Fiscal Impact: None - These documents update the current legal descriptions.

- 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 July 2020 a new certified survey map (CSM 9242) was recorded for the Ryan Business Park. This CSM resulted in the cul-de-sac at the end of Bartel Court to be added to the new Lot 5, which is the parcel that Commerce 94 Project, LLC leases to Amazon. Since that cul-de-sac was originally part of the property owned by the overall developer, Ryan Business Park, LLC ("RBP"), a number of documents need to be amended to clean up title to Lot 5 and include the current legal descriptions. Ultimately, RBP will re-convey to Commerce 94 Project, LLC the entirety of Lot 5 by Quit Claim Deed to ensure that title to all of Lot 5 (including the cul-de-sac) is held together in the name of the correct entity. As part of that transaction, the following documents are before the Council:

1. First Amendment to Tax Incremental District No. 16 Finance Development Agreement
2. Partial Release of Development Agreement for Public Improvements
3. Partial Release of Memorandum of Agreement and Restrictive Covenant
4. Partial Release of Storm Water Management Practices Maintenance Agreement

Options/Alternatives: The Council could choose not to approve this resolution authorizing the amendment of these documents, but that would result in the inclusion of incorrect legal descriptions for the property referenced in the City's various agreements with Ryan Business Park, LLC.

Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA
City Administrator

Melissa L. Karls
City Attorney

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments:

- Certified Survey Map No. 9085 Overview Sheet 1
- Certified Survey Map No. 9242 Overview Sheet 1
- First Amendment to Tax Incremental District No. 16 Finance Development Agreement
- Partial Release of Development Agreement for Public Improvements
- Partial Release of Memorandum of Agreement and Restrictive Covenant
- Partial Release of Storm Water Management Practices Maintenance Agreement
- Resolution No. 12220-011921

RESOLUTION NO. 12220-011921

RESOLUTION APPROVING THE FIRST AMENDMENT TO TAX INCREMENTAL DISTRICT NO. 16 FINANCE DEVELOPMENT AGREEMENT, PARTIAL RELEASE OF DEVELOPMENT AGREEMENT FOR PUBLIC IMPROVEMENTS, PARTIAL RELEASE OF MEMORANDUM OF AGREEMENT AND RESTRICTIVE COVENANT, AND PARTIAL RELEASE OF STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT
(Ryan Business Park)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the First Amendment to Tax Incremental District No. 16 Finance Development Agreement ("First Amendment"), as well as the Partial Release of Development Agreement for Public Improvements, Partial Release of Memorandum of Agreement and Restrictive Covenant, and Partial Release of Storm Water Management Practices Maintenance Agreement (the "Partial Releases") (collectively, the "First Amendment and Partial Releases") by and between the City of Oak Creek and Ryan Business Park, LLC are hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the First Amendment and Partial Releases in behalf of the City.

BE IT FURTHER RESOLVED that modifications to the First Amendment and Partial Releases as may be reasonably necessary in order to preserve and maintain the general intent thereof and that are approved by the City Administrator and the City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this _____ day of _____, 2021.

Common Council President Kenneth Gehl

Approved this _____ day of _____, 2021.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

**FIRST AMENDMENT TO
TAX INCREMENTAL DISTRICT NO. 16
FINANCE DEVELOPMENT AGREEMENT**

RYAN BUSINESS PARK

This **First Amendment to Tax Incremental District No. 16 Finance Development Agreement** (this “Amendment”) is made and entered into as of _____, 2021, by and between Ryan Business Park, LLC, a Wisconsin limited liability company (“Developer”), and the City of Oak Creek, a municipal corporation of the State of Wisconsin, located in Milwaukee County, Wisconsin (the “City”).

RECITALS:

A. City and Developer are parties to a certain Tax Incremental District No. 16 Finance Development Agreement dated as of November 5, 2018 (the “Agreement”), which is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated November 5, 2018, and recorded November 9, 2018 as Document No. 10826673 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, as amended by a First Amendment to Memorandum of Agreement and Restrictive Covenants dated as of the date hereof (the “Memorandum”);

B. On the date hereof, Developer will convey to Commerce 94 Project, LLC, a portion of the property subject to the Agreement and the Memorandum, which property will be added to the description of the Large User Parcel (as defined in the Agreement);

C. City and Developer desire to amend the Agreement to correct the legal description of the Property and the Large User Parcel as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property attached as Exhibit A to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. The legal description of the Large User Parcel attached as Exhibit A-1 to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A-1** attached hereto and incorporated herein.

3. All other terms and conditions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed.

4. This Amendment may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute one and the same instrument.

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CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
 .SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOTS 1 AND 3 OF CERTIFIED SURVEY MAP NO. 9085 RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY AS DOCUMENT NO. 10823469, BEING LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 9075, LOT 1 OF CERTIFIED SURVEY MAP NO. 9076, LOT 2 OF CERTIFIED SURVEY MAP NO. 9074 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

AND

LOTS 5, 6 AND 7 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Exhibit A-1

Legal Description of Large User Parcel

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Exhibit A-1

44630527
4847-9097-5441.3

**PARTIAL RELEASE OF
DEVELOPMENT AGREEMENT FOR
PUBLIC IMPROVEMENTS**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

DRAFT

**Partial Release of Development Agreement
for Public Improvements**

This **Partial Release of Development Agreement for Public Improvements** (this “**Release**”) is made and entered into as of _____, 2020, between Ryan Business Park, LLC, a Wisconsin limited liability company (“**Developer**”), and the City of Oak Creek, a municipal corporation of the State of Wisconsin (“**City**”).

RECITALS:

A. City and Developer are parties to a certain Tax Incremental District No. 16 Finance Development Agreement dated as of November 5, 2018, as amended by a First Amendment to Finance Development Agreement dated as of the date hereof and as the same was amended or extended by correspondence between the parties (the “**Agreement**”);

B. The Agreement is evidenced of record by a Development Agreement for Public Improvements dated April 22, 2019, and recorded May 8, 2019 as Document No. 10868555 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the “**Memorandum**”);

C. On the date hereof, Developer will convey to Commerce 94 Project, LLC, a portion of the property subject to the Agreement and the Memorandum, which is more particularly described on **Exhibit A** attached hereto (the “**Released Property**”); and

D. City and Developer desire to release the Released Property from the Memorandum.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The Released Property is hereby released from the Memorandum and the Agreement. For the avoidance of doubt, the Memorandum and the Agreement shall remain in full force as to the remaining portion of the Property (as defined in the Memorandum).

2. This Release may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute one and the same instrument.

[Balance of Page Intentionally Blank]

Exhibit A

Legal Description of Released Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

DRAFT

**PARTIAL RELEASE OF
MEMORANDUM OF AGREEMENT AND
RESTRICTIVE COVENANT
(Ryan Business Park)**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

DRAFT

**Partial Release of Memorandum of Agreement
and Restrictive Covenant**

This **Partial Release of Memorandum of Agreement and Restrictive Covenant** (this "Release") is made and entered into as of _____, 2020, between the City of Oak Creek, Wisconsin, a municipal corporation ("**City**"), and Ryan Business Park, LLC, a Wisconsin limited liability company ("**Obligor**").

RECITALS:

A. City and Obligor are parties to a certain Tax Incremental District No. 16 Finance Development Agreement dated as of November 5, 2018, as the same was amended by correspondence between the parties and as amended by a First Amendment to Finance Development Agreement dated as of the date hereof (the "**Agreement**");

B. The Agreement is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated November 5, 2018, and recorded November 9, 2018 as Document No. 10826673 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the "**Memorandum**");

C. On the date hereof, Obligor will convey to Commerce 94 Project, LLC, a portion of the property subject to the Agreement and the Memorandum, which is more particularly described on **Exhibit A** attached hereto (the "**Released Property**"); and

D. City and Obligor desire to release the Released Property from the Memorandum.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The Released Property is hereby released from the Memorandum and the Agreement. For the avoidance of doubt, the Memorandum and the Agreement shall remain in full force as to the remaining portion of the Property (as defined in the Memorandum).

2. This Release may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute one and the same instrument.

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IN WITNESS WHEREOF, the parties hereto, or their authorized agents or officers, have signed this Release as of the date first set forth above.

OBLIGOR:

RYAN BUSINESS PARK, LLC,
a Wisconsin limited liability company

By: Capstone Development Company,
a Wisconsin corporation
Its: Manager

By: _____
Michael Faber, Principal

STATE OF WISCONSIN)
).SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2020, by Michael Faber, the principal of Capstone Development Company, the manager of Ryan Business Park, LLC, on behalf of the limited liability company.

Printed Name:
Notary Public
My commission expires: _____

This instrument drafted by:
Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

CITY:

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
).SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Released Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

**PARTIAL RELEASE OF STORM
WATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

**Partial Release of Storm Water Management Practices
Maintenance Agreement**

This **Partial Release of Storm Water Management Practices Maintenance Agreement** (this “**Release**”) is made and entered into as of _____, 2020, between Ryan Business Park, LLC, a Wisconsin limited liability company (“**Owner**”), and the City of Oak Creek, a municipal corporation of the State of Wisconsin (“**City**”).

RECITALS:

A. City and Owner are parties to a Storm Water Management Practices Maintenance Agreement dated November 21, 2019, and recorded November 22, 2019 as Document No. 10929001 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the “**Agreement**”);

B. On the date hereof, Owner will convey to Commerce 94 Project, LLC, a portion of the property subject to the Agreement, which is more particularly described on **Exhibit A** attached hereto (the “**Released Property**”); and

C. City and Owner desire to release the Released Property from the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The Released Property is hereby released from the Agreement. For the avoidance of doubt, the Agreement shall remain in full force as to the remaining portion of the Properties (as defined in the Agreement).

2. This Release may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute one and the same instrument.

[Balance of Page Intentionally Blank]

Exhibit A

Legal Description of Released Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

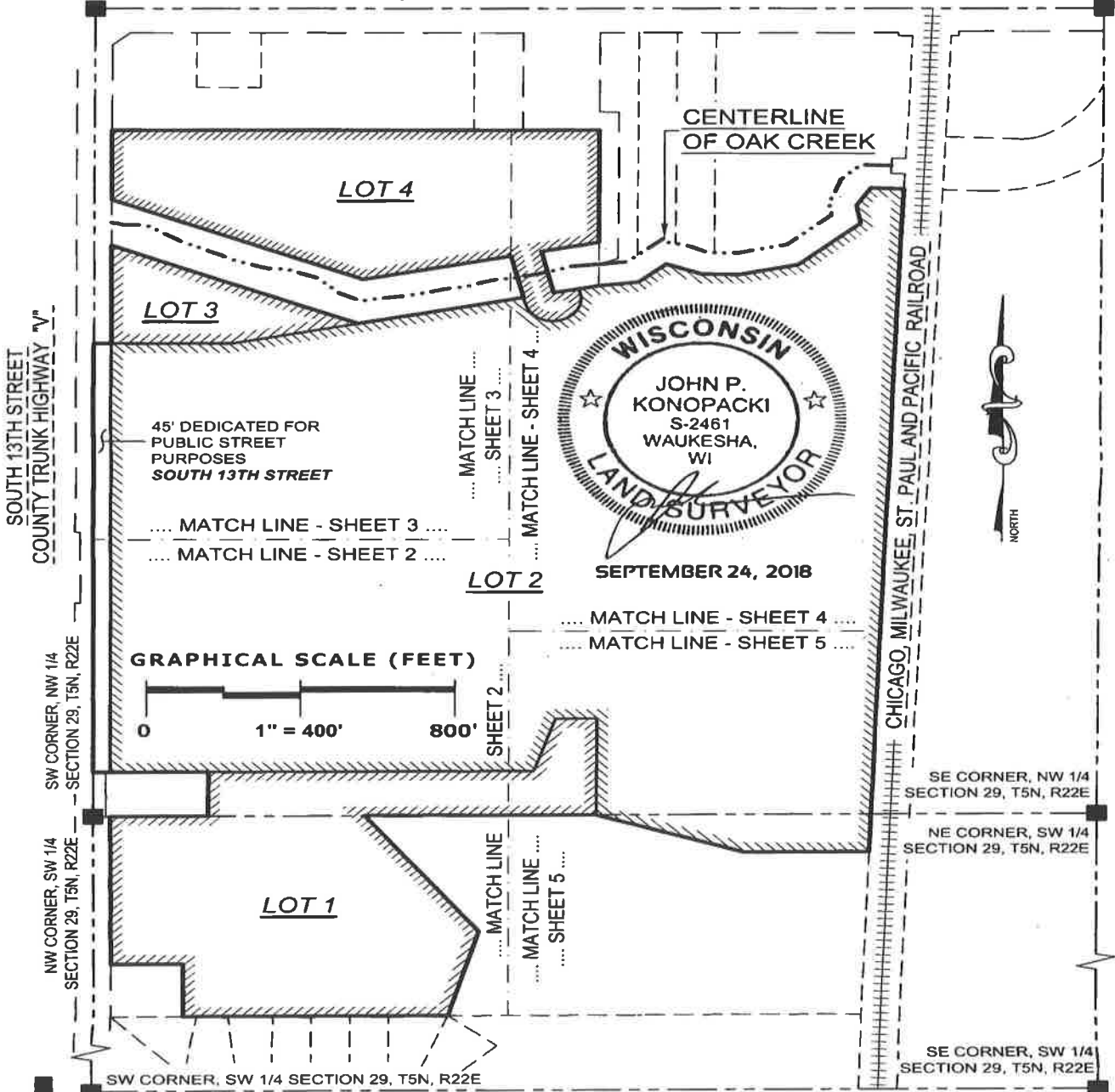
DRAFT

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

.... OVERVIEW

NW CORNER, NW 1/4 SECTION 29, T5N, R22E **WEST RYAN ROAD** NE CORNER, NW 1/4 SECTION 29, T5N, R22E
STATE TRUNK HIGHWAY "100"



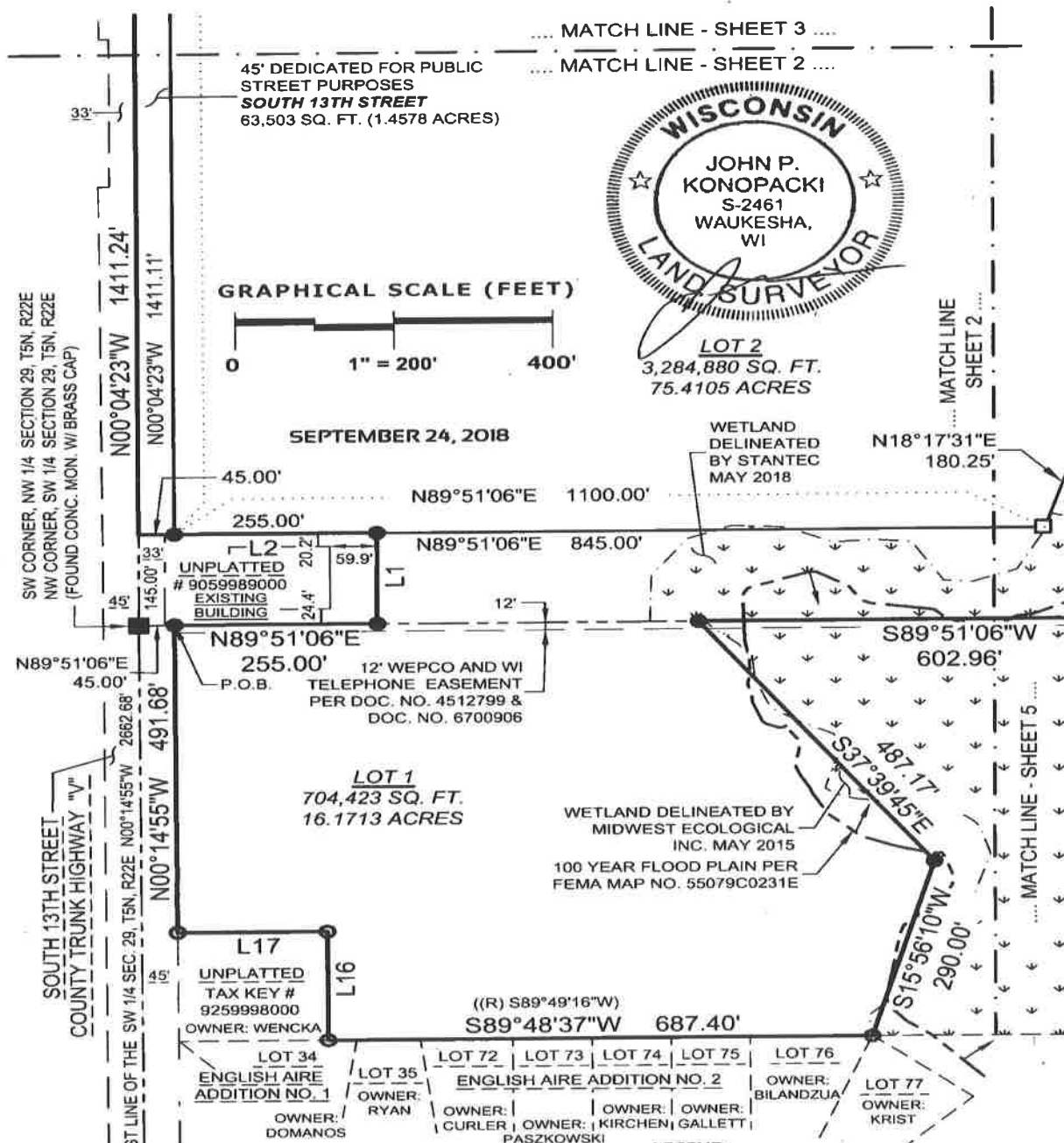
Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. 5-2461

PEG JOB#146.00
SHEET 1 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



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

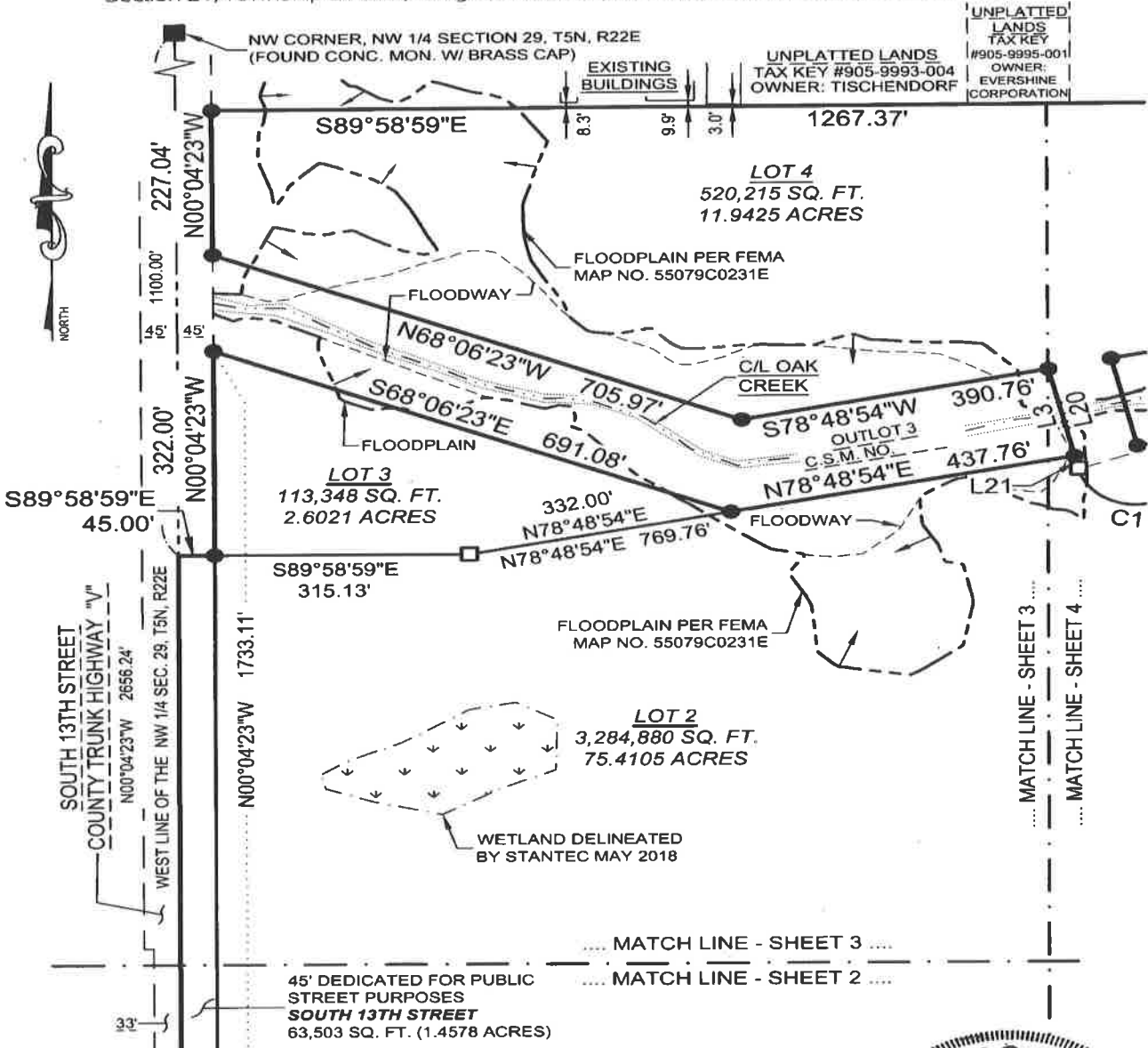
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15850 BLUEMOUND ROAD | SUITE 210
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OFFICE: (262) 754-8888

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

PEG JOB#146.00
SHEET 2 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



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

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

SEPTEMBER 24, 2018

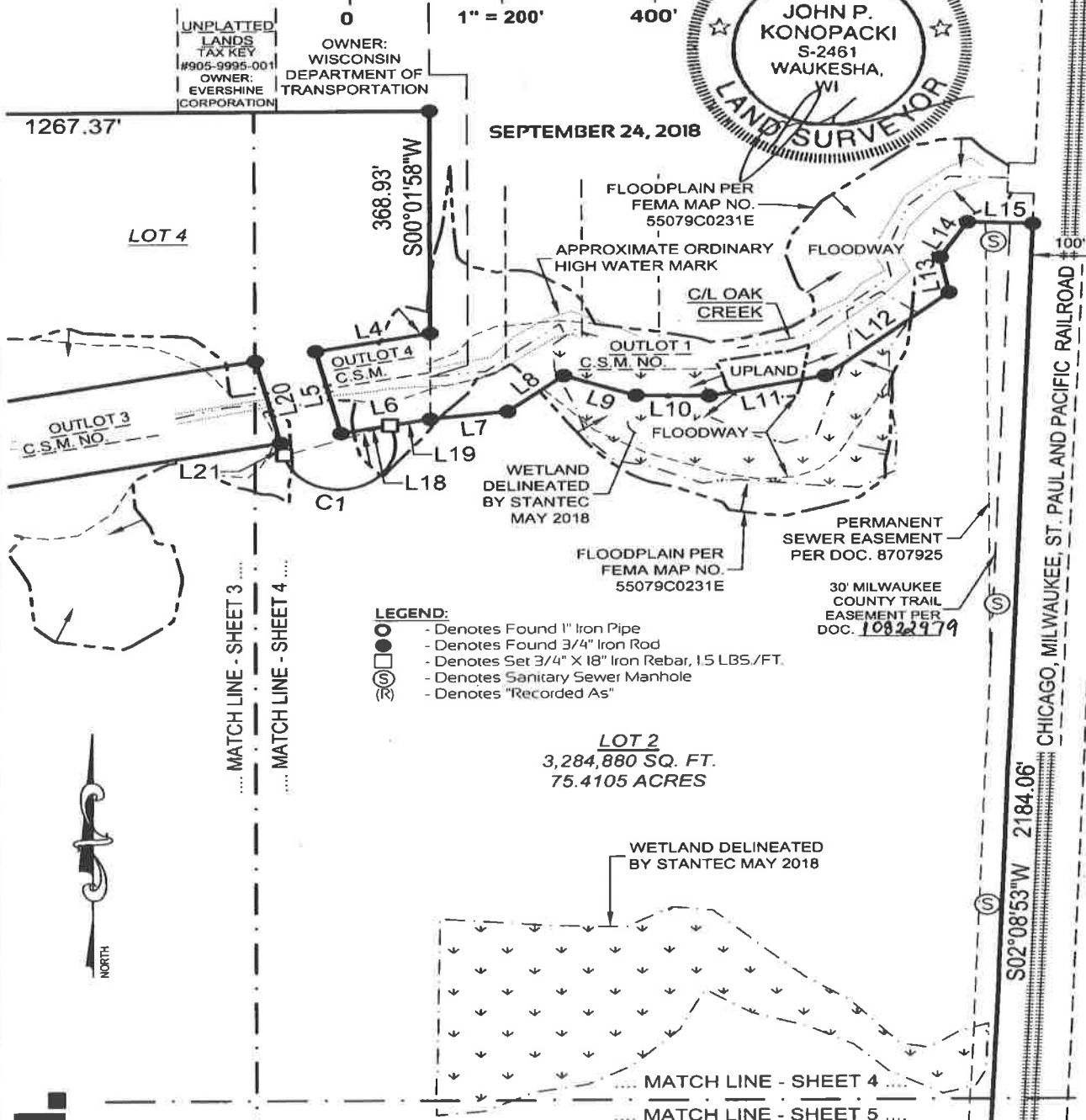
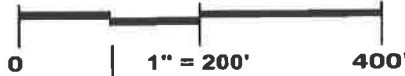
PEG JOB#146.00
SHEET 3 OF 10

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

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

GRAPHICAL SCALE (FEET)



LEGEND:

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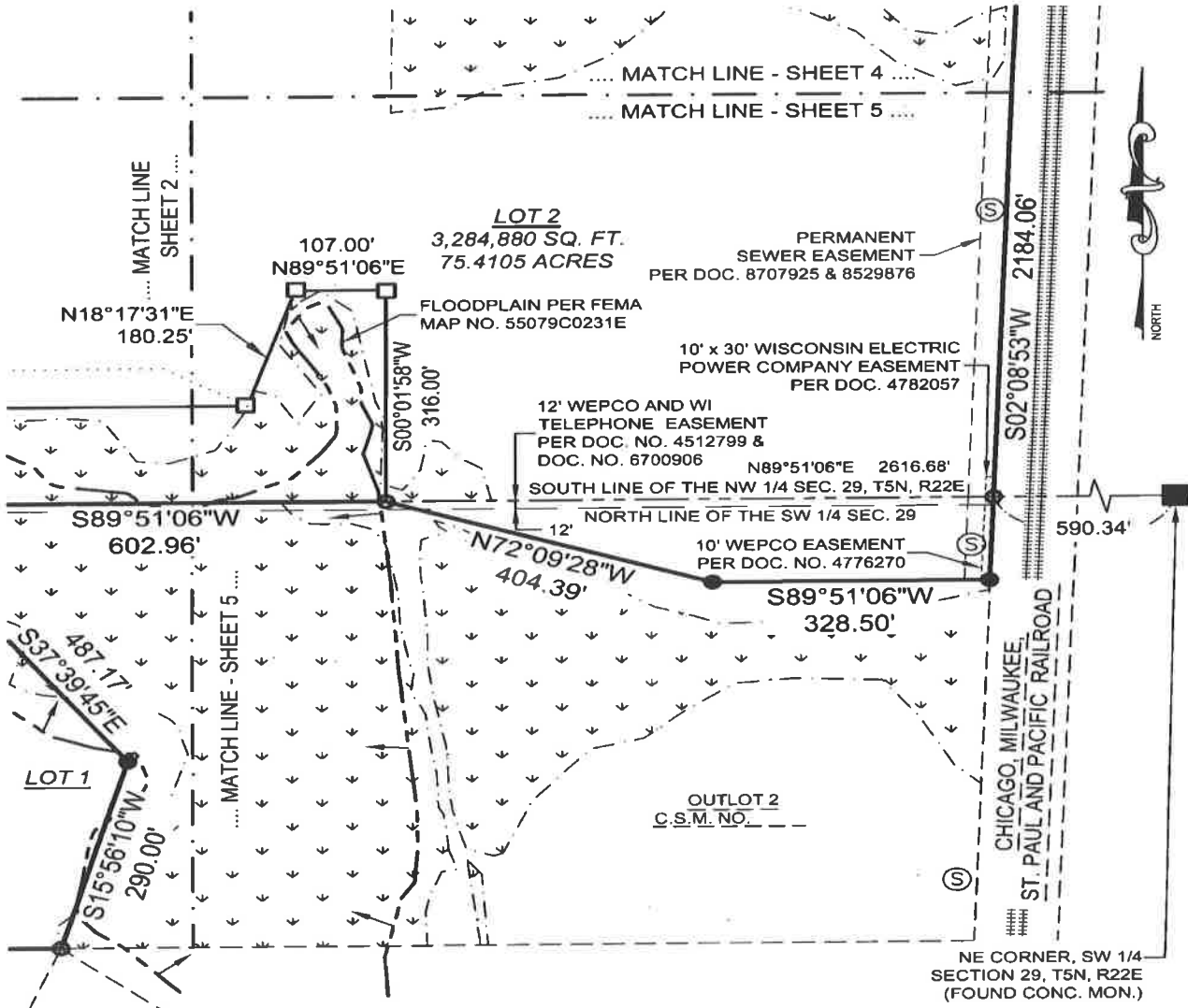
Prepared By:
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 15850 BLUEMOUND ROAD 1 SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

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

PEG JOB#146.00
 SHEET 4 OF 10

CERTIFIED SURVEY MAP NO. 9085

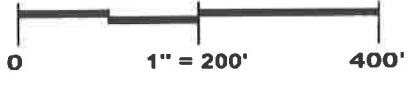
Being Lot 1 and Lot 2 of Certified Survey Map No. 9075 Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074 and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.



SEPTEMBER 24, 2018

- LEGEND:**
- Denotes Found 1" Iron Pipe
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 - ⊕ Denotes Sanitary Sewer Manhole
 - (R) Denotes "Recorded As"

GRAPHICAL SCALE (FEET)



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 15850 BLUEMOUND ROAD | SUITE 210
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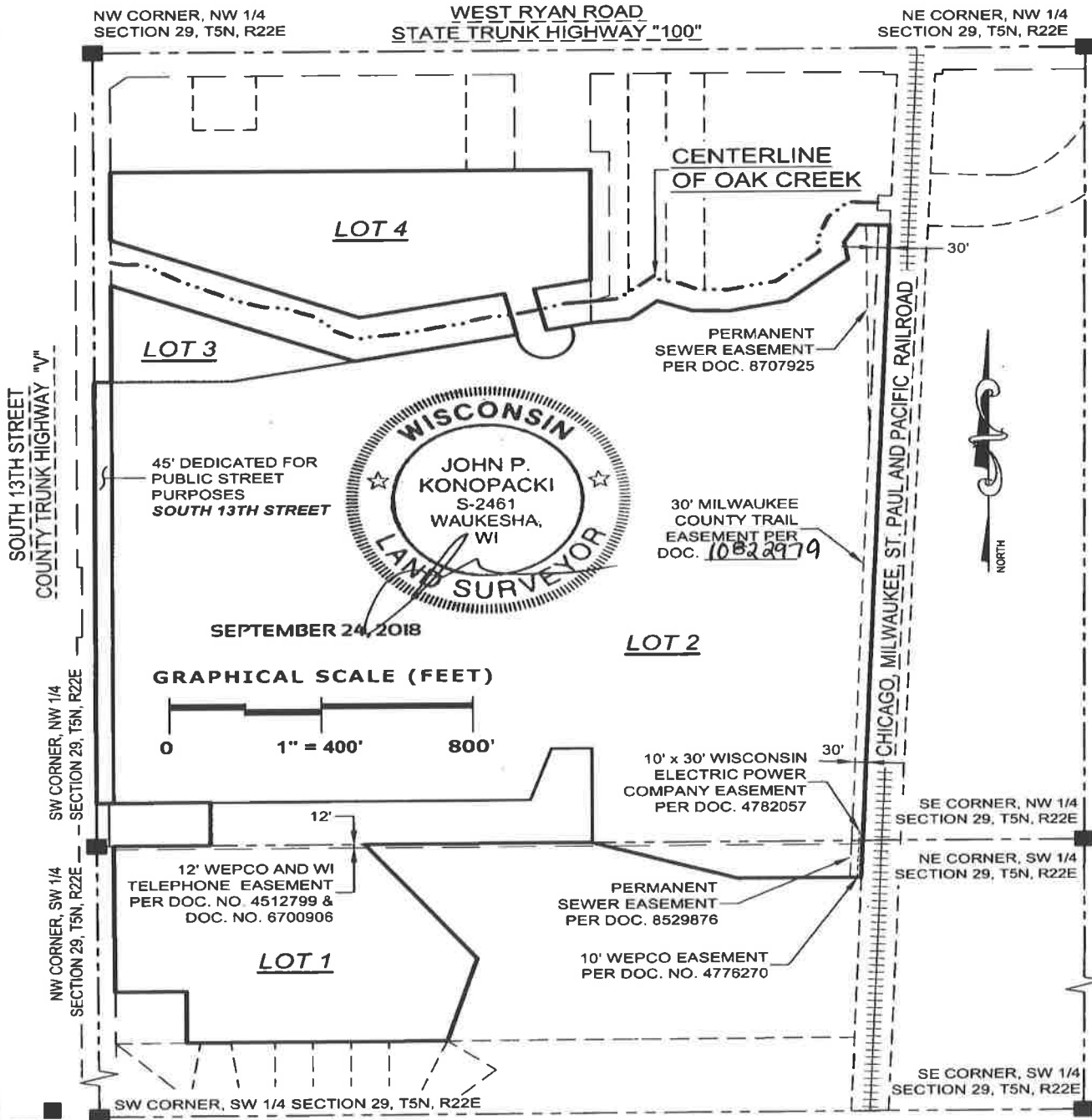
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
 SHEET 5 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075 Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

.... EASEMENT DETAIL



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

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

PEG JOB#146.00
 SHEET 6 OF 10

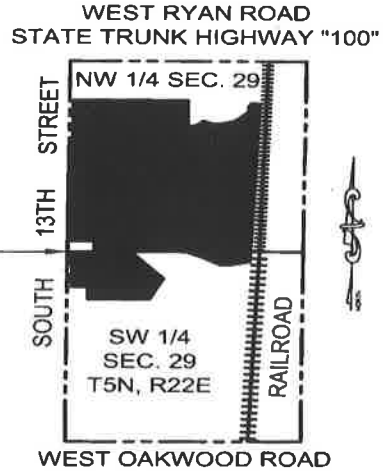
CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N00° 04' 23"W	145.00'
L2	S89° 51' 06"W	300.00'
L3	N13° 24' 20"W	140.11'
L4	S78° 48' 54"W	152.84'
L5	S13° 24' 20"E	140.11'
L6	N78° 48' 54"E	119.65'
L7	N83° 15' 55"E	102.90'
L8	N51° 03' 50"E	94.29'
L9	S70° 33' 49"E	100.64'
L10	S89° 14' 30"E	96.01'
L11	N78° 00' 53"E	157.11'
L12	N50° 01' 25"E	212.65'
L13	N11° 02' 26"W	59.30'
L14	N32° 20' 21"E	68.51'
L15	S87° 51' 11"E	86.00'
L16	N00° 14' 55"W	173.89'
L17	S89° 51' 06"W	188.00'
L18	N78° 48' 54"E	65.23'
L19	N78° 48' 54"E	54.42'
L20	N13° 24' 20"W	161.86'
L21	S13° 24' 20"E	21.75'

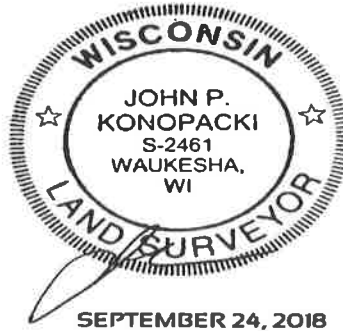
**VICINITY SKETCH
SCALE 1"=2000'**

SW CORNER, NW 1/4, SEC. 29, T5N, R22E
(FOUND CONC. MON. W/ BRASS CAP)
N=322,185.58; E=2,554,251.37
(WISCONSIN STATE PLANE CO-
ORDINATE SYSTEM, SOUTH ZONE)
REFERENCE BENCHMARK:
EL.=711.26 (NGVD29)
EL.=130.70 (CITY)



NOTES:

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



CURVE DATA							
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	TANGENT
C1	247.41'	73.50'	192°51'49"	S70°15'20"W	146.07'	S26°10'34"E	N13°18'45"W

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

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

PEG JOB#146.00
SHEET 7 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

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

That I have surveyed, mapped and divided Lot 1 and Lot 2 of Certified Survey Map No. 9075, recorded in the Register of Deeds office for Milwaukee County as Document No. 10819754, Lot 1 of Certified Survey Map No. 9076, recorded in the Register of Deeds office for Milwaukee County as Document No. 10819755, Lot 2 of Certified Survey Map No. 9074, recorded in the Register of Deeds office for Milwaukee County as Document No. 10819753, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 29;

Thence North 89°51'06" East along the south line of said Northwest 1/4, 45.00 feet to the east right of way line of South 13th Street - County Trunk Highway "V" and the Point of Beginning;

Thence continue North 89°51'06" East along said south line, 255.00 feet;
Thence North 00°04'23" West, 145.00 feet;
Thence South 89°51'06" West, 300.00 feet to the west line of said Northwest 1/4;
Thence North 00°04'23" West along said west line, 1411.24 feet;
Thence South 89°58'59" East, 45.00 feet to the aforesaid east right of way line of South 13th Street -County Trunk Highway "V";
Thence North 00°04'23" West along said east right of way line, 322.00 feet;
Thence South 68°06'23" East, 691.08 feet;
Thence North 78°48'54" East, 437.76 feet;
Thence North 13°24'20" West, 140.11 feet;
Thence South 78°48'54" West, 390.76 feet;
Thence North 68°06'23" West, 705.97 feet to the aforesaid east right of way line;
Thence North 00°04'23" West along said east right of way line, 227.04 feet;
Thence South 89°58'59" East, 1267.37 feet;
Thence South 00°01'58" West, 368.93 feet;
Thence South 78°48'54" West, 152.84 feet;
Thence South 13°24'20" East, 140.11 feet;
Thence North 78°48'54" East, 119.65 feet;
Thence North 83°15'55" East, 102.90 feet;
Thence North 51°03'50" East, 94.29 feet;
Thence South 70°33'49" East, 100.64 feet;
Thence South 89°14'30" East, 96.01 feet;
Thence North 78°00'53" East, 157.11 feet;
Thence North 50°01'25" East, 212.65 feet;
Thence North 11°02'26" East, 59.30 feet;
Thence North 32°20'21" East, 68.51 feet;
Thence South 87°51'11" East, 86.00 feet to the west right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad;
Thence South 02°08'53" West along said west right of way line, 2184.06 feet;
Thence South 89°51'06" West, 328.50 feet;
Thence North 72°09'28" West, 404.39 feet to the south line of said Northwest 1/4;
Thence South 89°51'06" West along said south line, 602.96 feet;
Thence South 37°39'45" East, 487.17 feet;
Thence South 15°56'10" West, 290.00 feet to the north line of English Aire Addition No. 2, a recorded subdivision;
Thence South 89°48'37" West along said north line and then along the north line of English Aire Addition No. 1, a recorded subdivision, 687.40 feet;
Thence North 00°14'55" West, 173.89 feet;
Thence South 89°51'06" West, 188.00 feet to the aforesaid east right of way line of South 13th Street - County Trunk Highway "V";
Thence North 00°14'55" West, 491.68 feet to the Point of Beginning.



Dedicating the Westerly 45 feet of subject property as graphically shown for public right of way purposes.

Containing 4,686,369 square feet (107.5842 acres) Gross and 4,622,866 square feet (106.1264 acres) Net more or less.

That I have made such survey, land division and map by the direction of Ryan Business Park LLC, owner of said land.

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

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

Date: SEPTEMBER 24, 2018

Prepared By:

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


John P. Konopacki
Professional Land Surveyor S-2461

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

PEG JOB#146.00
SHEET 8 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION

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

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

- 1. City of Oak Creek

IN WITNESS WHEREOF, the said Ryan Business Park LLC has caused these presents to be signed by Michael Faber, Principal, at CAPSTONE DEVELOPMENT, WAUKESHA County, Wisconsin, on this 24th day of September, 2018.

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

Michael Faber
(signature) Michael Faber

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

Personally came before me this 24th day of SEPTEMBER, 2018, Michael Faber, Principal, of the above named limited liability company, to me known to be the persons who executed the foregoing instrument, and to me known to be such Principal of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability company, by its authority.

Paul Quick II
Notary Public
Name: PAUL QUICK II
State of Wisconsin
My Commission Expires: 1-19-19



CONSENT OF CORPORATE MORTGAGEE

~~_____ a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described in the foregoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.~~

~~IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its President, and its corporate seal to be hereunto affixed this _____ day of _____, 2018.~~

~~Date _____ President _____~~

~~STATE OF WISCONSIN)
_____ COUNTY) SS~~

~~Personally came before me this _____ day of _____, 2018, _____, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.~~

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



SEPTEMBER 24, 2018

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

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

PEG JOB#146.00
SHEET 9 OF 10

CERTIFIED SURVEY MAP NO. 9085

Being Lot 1 and Lot 2 of Certified Survey Map No. 9075, Lot 1 of Certified Survey Map No. 9076, Lot 2 of Certified Survey Map No. 9074, and additional lands in the Northeast 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek, on this 24th day of JUN, 2018.

9-25-18
Date

Daniel J. Bukiewicz
Daniel Bukiewicz, Chairman

9-26-18
Date

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

COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

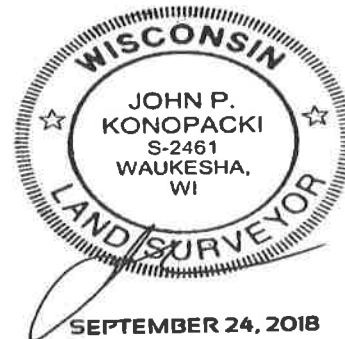
Approval and acceptance of dedication of land as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this 6th day of August, 2018 by Resolution No. 11918-080618.

9-25-18
Date

Daniel J. Bukiewicz
Daniel Bukiewicz, Mayor

9-26-18
Date

Catherine A. Roeske
Catherine A. Roeske, City Clerk



DOC. # 10823469

RECORDED:
10/29/2018 08:52 AM
JOHN LA FAVE
REGISTER OF DEEDS
MILWAUKEE COUNTY, WI
AMOUNT: 30.00

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

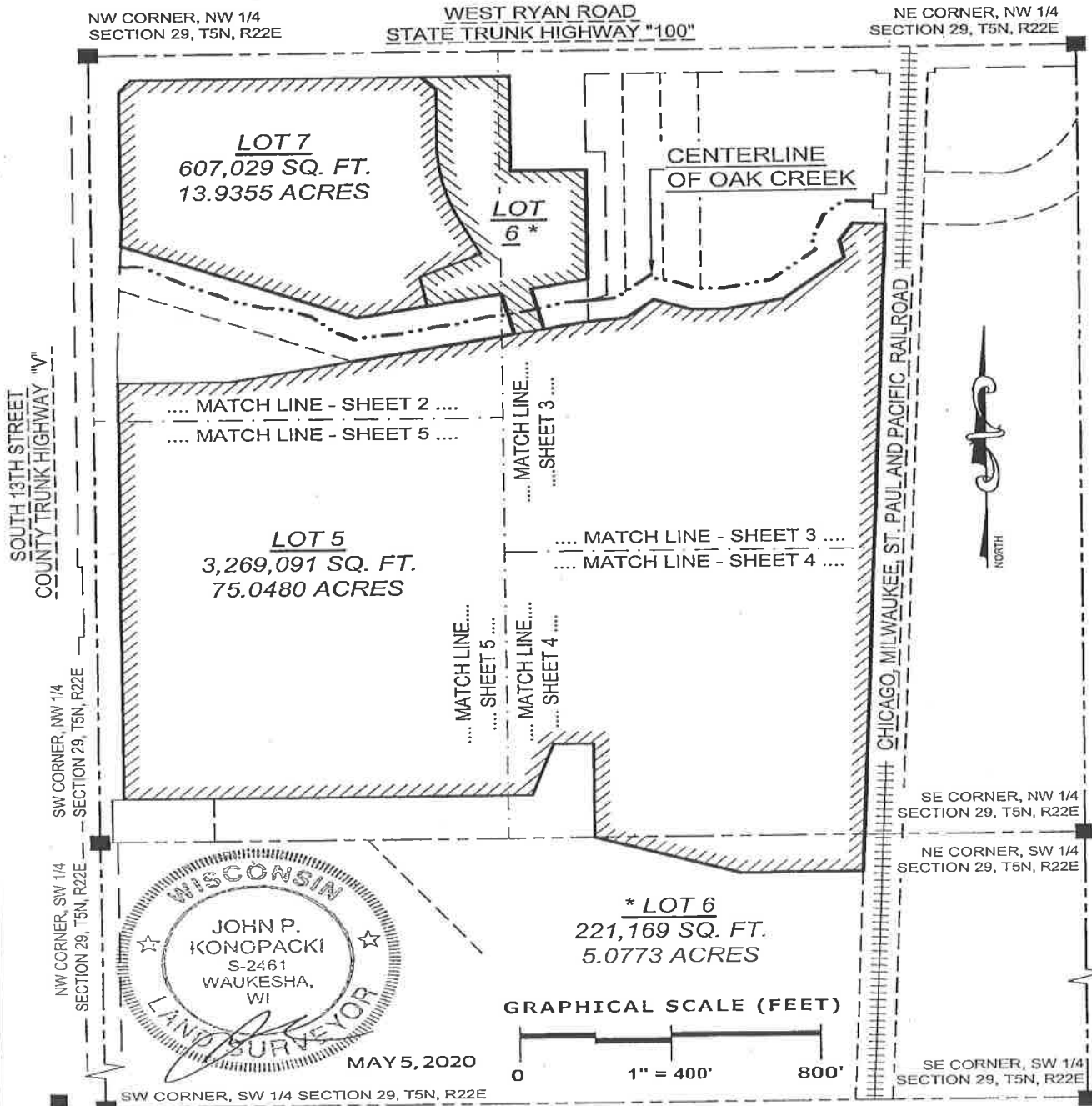
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 10 OF 10

CERTIFIED SURVEY MAP NO. 9242

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

.... OVERVIEW



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

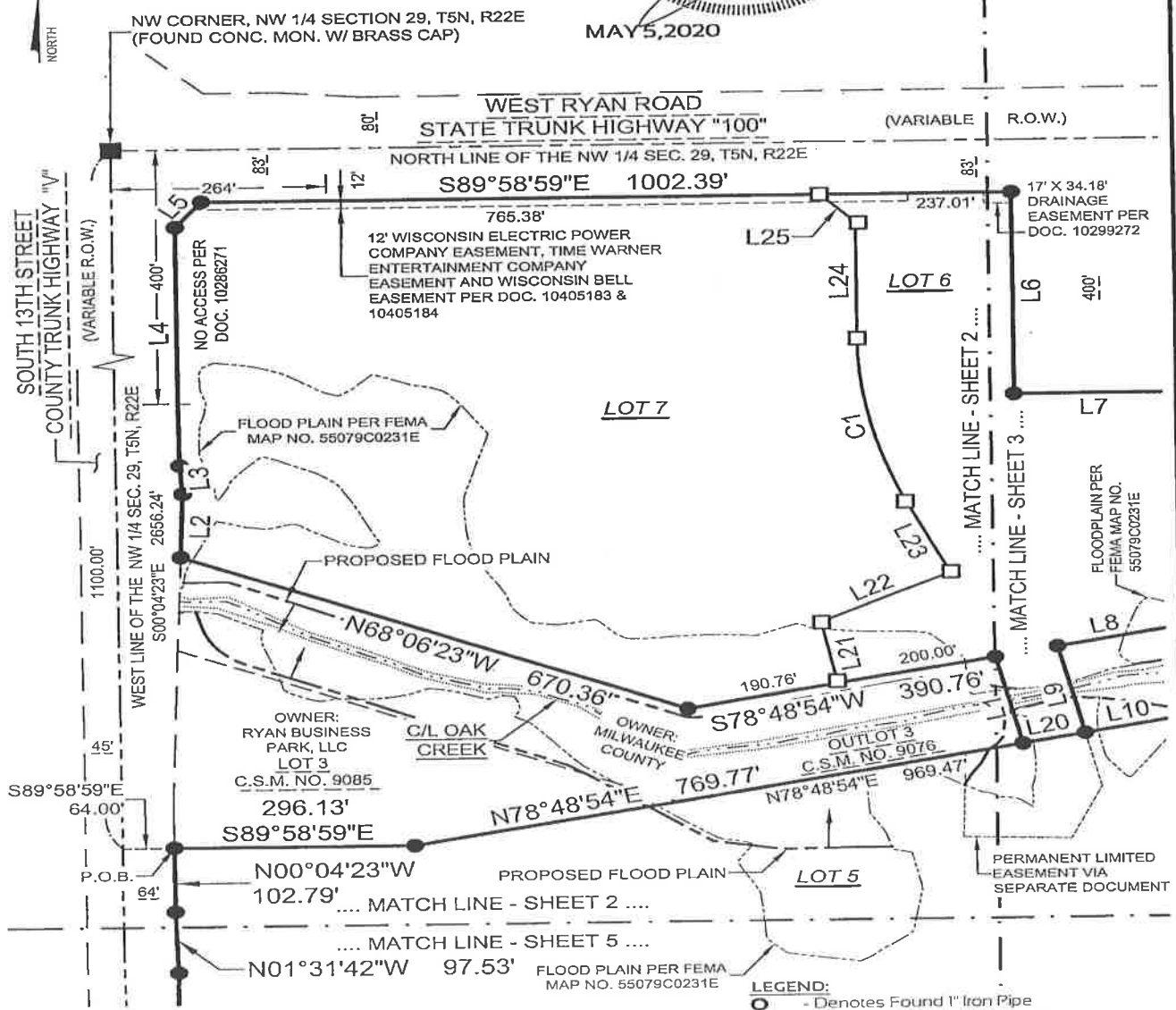
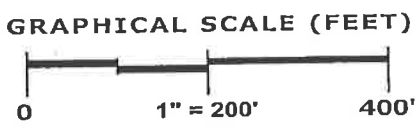
Prepared for:
 Capstone Development Company - c/o Mire Faber
 N17 W24222 Riverwood Drive, Suite 160
 Waukesha, WI 53188

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

PEG JOB#146.00
 SHEET 1 OF 10

CERTIFIED SURVEY MAP NO. 9242

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



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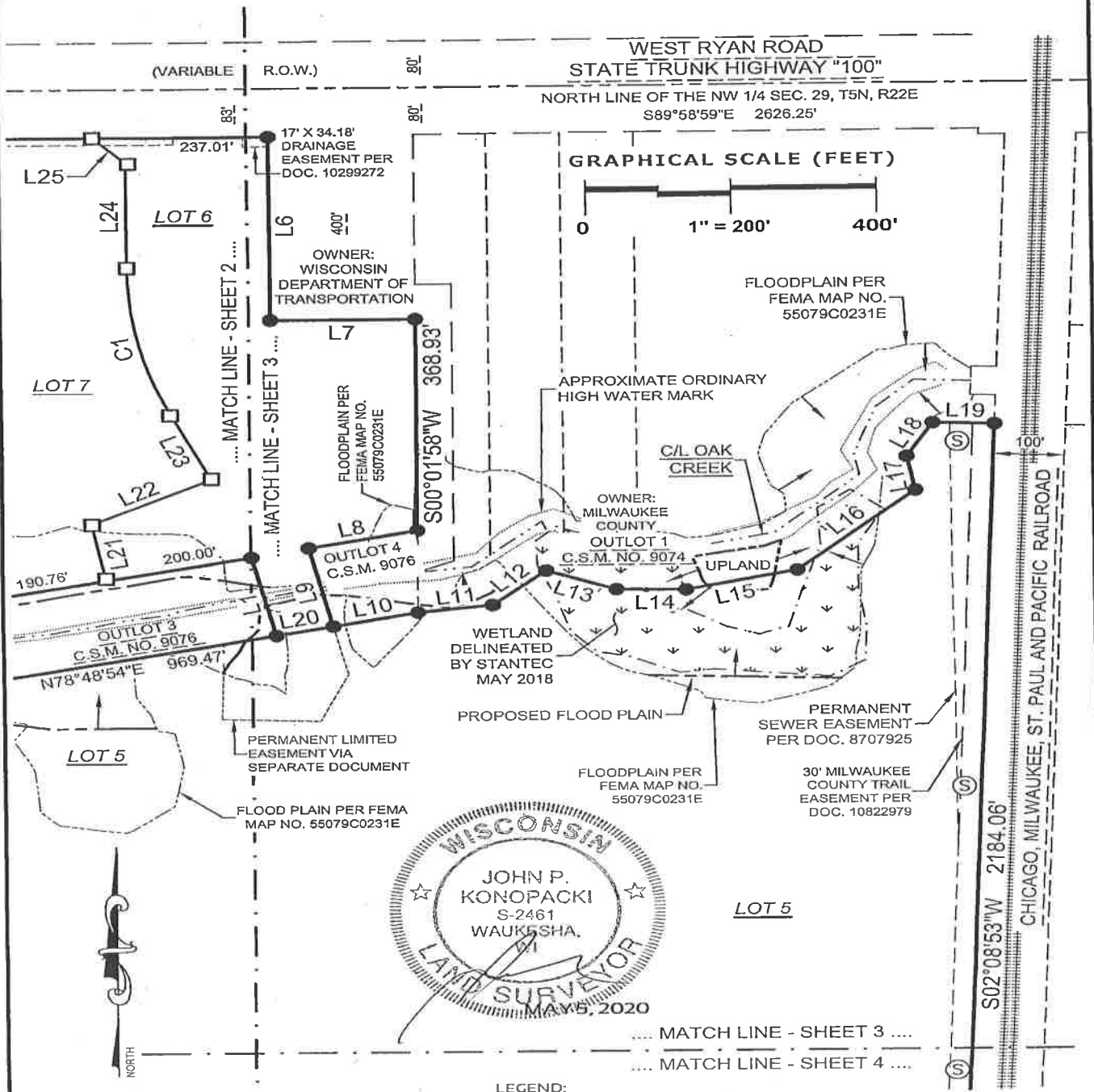
- LEGEND:**
- - Denotes Found 1" Iron Pipe
 - - Denotes Found 3/4" Iron Rod
 - ⊠ - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
 - ⊙ - Denotes Sanitary Sewer Manhole
 - (R) - Denotes "Recorded As"
 - ||||| - Denotes No Access

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

PEG JOB#146.00
 SHEET 2 OF 10

CERTIFIED SURVEY MAP NO. 9242

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



- LEGEND:**
- - Denotes Found 1" Iron Pipe
 - - Denotes Found 3/4" Iron Rod
 - ⊠ - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
 - ⊙ - Denotes Sanitary Sewer Manhole
 - (R) - Denotes "Recorded As"

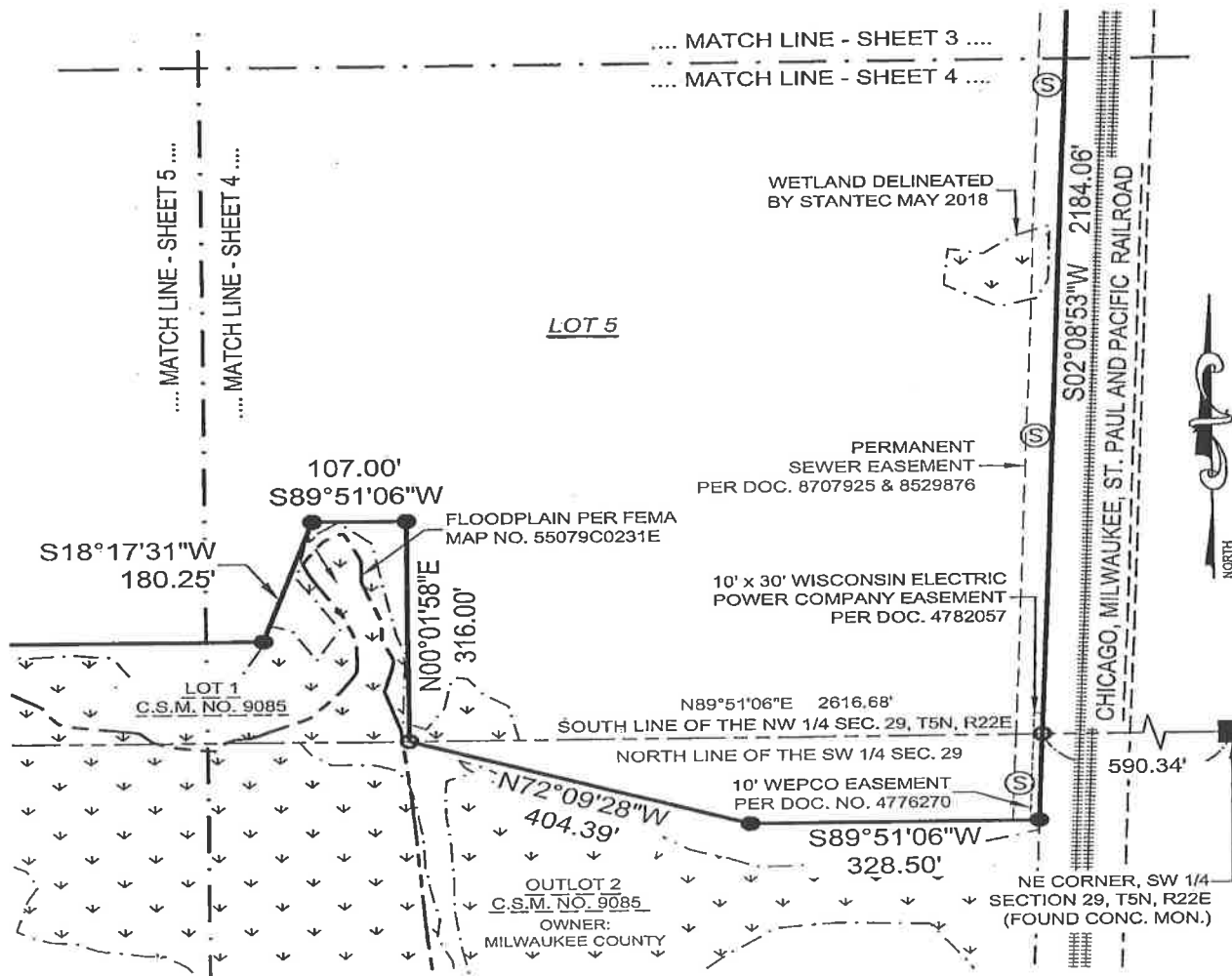
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 SHEET 3 OF 10

CERTIFIED SURVEY MAP NO. 9242

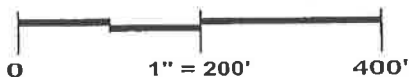
Being a part of Lot 2 and a part of Lot 4 of Certified Survey Map No. 9085 and additional lands
 Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4,
 Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range
 22 East, City of Oak Creek,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



LEGEND:

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

GRAPHICAL SCALE (FEET)



MAY 5, 2020

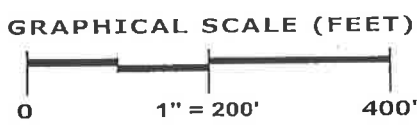
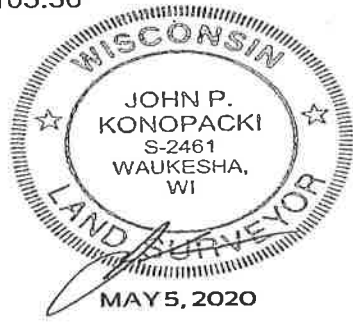
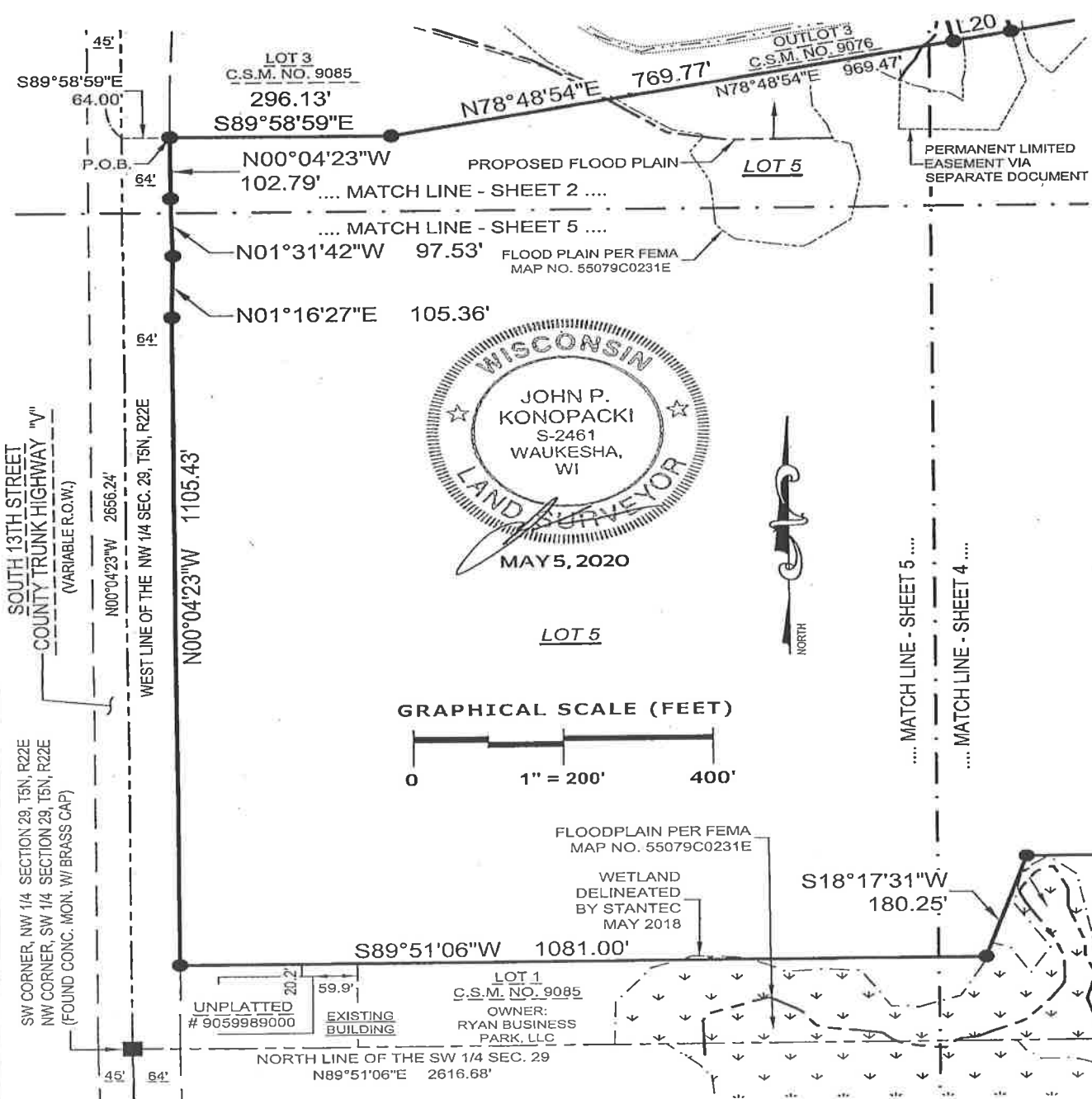
Prepared By:
PINNACLE ENGINEERING GROUP
 15850 BLUEMOUND ROAD | SUITE 210
 BROOKFIELD, WI 53005
 OFFICE: (262) 754-8888

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

PEG JOB#146.00
 SHEET 4 OF 10

CERTIFIED SURVEY MAP NO. 9242

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



- LEGEND:**
- - Denotes Found 1" Iron Pipe
 - - Denotes Found 3/4" Iron Rod
 - ⊕ - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
 - ⊗ - Denotes Sanitary Sewer Manhole
 - (R) - Denotes "Recorded As"

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

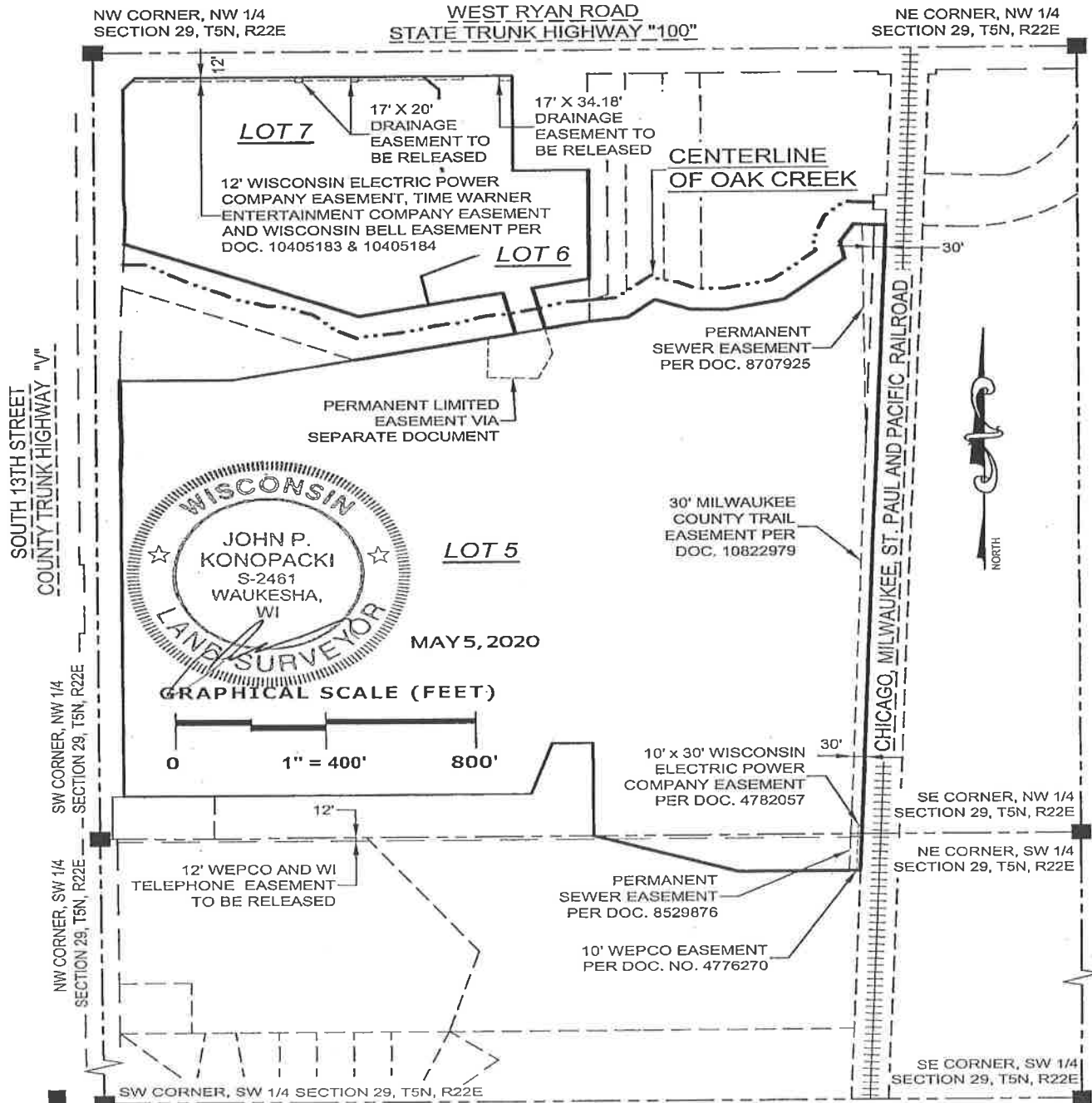
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#146.00
SHEET 5 OF 10

CERTIFIED SURVEY MAP NO. 9242

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

.... EASEMENT DETAIL



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

This instrument drafted by John P. Konopacki, PLS-License No. 5-2461

PEG JOB#146.00
SHEET 6 OF 10

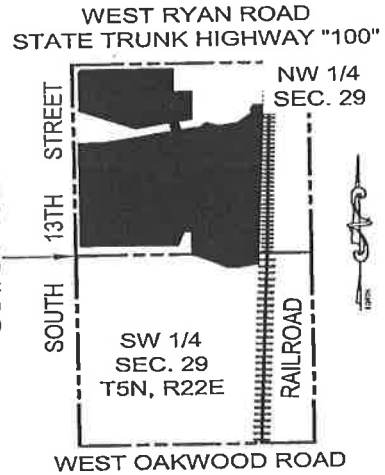
CERTIFIED SURVEY MAP NO. 9242

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

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

VICINITY SKETCH SCALE 1"=2000'

SW CORNER, NW 1/4, SEC. 29, T5N, R22E
 (FOUND CONC. MON. W/ BRASS CAP)
 N=322,185.58; E=2,554,251.37
 (WISCONSIN STATE PLANE CO-
 ORDINATE SYSTEM, SOUTH ZONE)
 REFERENCE BENCHMARK:
 EL.=711.26 (NGVD29)
 EL.=130.70 (CITY)



NOTES:

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



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

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

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

PEG JOB#146.00
 SHEET 7 OF 10

CERTIFIED SURVEY MAP NO. 9242

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

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) 55

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

That I have surveyed, mapped and divided part of Lot 2 and part of Lot 4 of Certified Survey Map No. 9085, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10823469, and additional lands all located in the Northeast 1/4 of the Southwest 1/4 of Section 29 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 29, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin described as follows:

Commencing at the northwest corner of the Northwest 1/4 of said Section 29;
Thence South 00°04'23" East along the west line of said Northwest 1/4, 1100.00 feet;
Thence South 89°58'59" East, 64.00 feet to the east right of way line of South 13th Street - County Trunk Highway "V" and the Point of Beginning;
Thence South 89°58'59" East along the south line of Lot 3 of Certified Survey Map No. 9085, 296.13 feet;
Thence North 78°48'54" East along said south line of Lot 3 and then along the south line of Outlot 3 of Certified Survey Map No. 9076, 769.77 feet to the east line of said Outlot 3;
Thence North 13°24'20" West along said east line, 140.11 feet to the north line of said Outlot 3;
Thence South 78°48'54" West along said north line, 390.76 feet;
Thence North 68°06'23" West along said north line, 670.36 feet to the aforesaid east right of way line of South 13th Street;
Thence North 02°00'01" East along said east right of way line, 99.07 feet;
Thence North 04°13'37" West along said east right of way line, 44.31 feet;
Thence North 00°06'45" West along said east right of way line, 374.36 feet;
Thence North 39°09'32" East along said east right of way line, 51.26 feet to the south right of way line of West Ryan Road - State Trunk Highway "100";
Thence South 89°58'59" East along said south right of way line, 1002.39 feet;
Thence South 00°01'58" West along said south right of way line, 317.00 feet;
Thence South 89°58'59" East along said south right of way line, 200.00 feet;
Thence South 00°01'58" West along said south right of way line, 368.93 feet to the north line of Outlot 4 of Certified Survey Map No. 9076;
Thence South 78°48'54" West along said north line, 152.84 feet to the west line of said Outlot 4;
Thence South 13°24'20" East along said west line, 140.11 feet to the south line of said Outlot 4;
Thence North 78°48'54" East along said south line, 119.65 feet to the south line of Outlot 1 of Certified Survey Map No. 9074;
Thence the following courses along said south line of Outlot 1:
North 83°15'55" East, 102.90 feet;
North 51°03'50" East, 94.29 feet;
South 70°33'49" East, 100.84 feet;
South 89°14'30" East, 96.01 feet;
North 78°00'53" East, 157.11 feet;
North 50°01'25" East, 212.65 feet;
North 11°02'28" East, 59.30 feet;
North 32°20'21" East, 68.51 feet;
South 87°51'11" East, 86.00 feet to the west right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad;
Thence South 02°08'53" West along said west right of way line, 2184.06 feet to the north line of Outlot 2 of Certified Survey Map No. 9075;
Thence South 89°51'06" West along said north line, 328.50 feet;
Thence North 72°09'28" West along said north line, 404.39 feet to the south line of said Northwest 1/4;
Thence North 00°01'58" East along the east line of Lot 1 of Certified Survey Map No. 9085, 316.00 feet to the north line of said Lot 1;
Thence South 89°51'06" West along said north line, 107.00 feet;
Thence South 18°17'31" West along said north line, 180.25 feet;
Thence South 89°51'06" West along said north line, 1081.00 feet to the aforesaid east right of way line of South 13th Street;
Thence North 00°04'23" West along said east right of way line, 1105.43 feet;
Thence North 01°16'27" East along said east right of way line, 105.36 feet;
Thence North 01°31'42" West along said east right of way line, 97.53 feet;
Thence North 00°04'23" West along said east right of way line, 102.79 feet to the Point of Beginning.

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

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

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

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

Date: MAY 5, 2020

Prepared By:

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


John P. Konopacki
Professional Land Surveyor S-2461



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

PEG JOB#146.00
SHEET 8 OF 10

CERTIFIED SURVEY MAP NO. 9242

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

OWNER'S CERTIFICATE

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

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

1. City of Oak Creek

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

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

(signature)

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

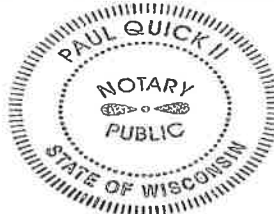
In the presence of: COMMERCE 94 PROJECT, LLC

(signature)

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

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

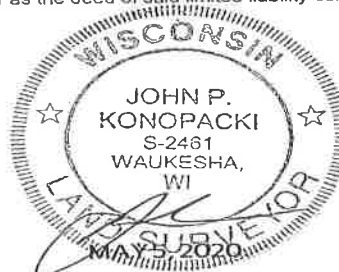
Notary Public
Name: PAUL QUICK II
State of Wisconsin
My Commission Expires: 1-2-23



STATE OF IL COUNTY) SS
Cook

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

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



BEVERLY J. MORRIS
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
January 20, 2024 JP
Prepared by:
PINNACLE ENGINEERING, LLC
15850 BLUEMOUND ROAD | SUITE 210
BROOKFIELD, WI 53005
OFFICE: (262) 754-8888

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

PEG JOB#146.00
SHEET 9 OF 10

CERTIFIED SURVEY MAP NO. 9242

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

PLAN COMMISSION APPROVAL

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

6-26-20
Date

Daniel Bukiewicz
Daniel Bukiewicz, Chairman

6-26-20
Date

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

COMMON COUNCIL APPROVAL AND ACCEPTANCE OF DEDICATION

Approval and acceptance of dedication of land as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this 19th day of MAY, 2020 by Resolution No. 12154-051920

6-26-20
Date

Daniel Bukiewicz
Daniel Bukiewicz, Mayor

6-26-20
Date

Catherine A. Roeske
Catherine A. Roeske, City Clerk



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

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

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

PEG JOB#146.00
SHEET 10 OF 10



COMMON COUNCIL REPORT

Item: First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement, First Amendment to Memorandum of Agreement and Restrictive Covenant, First Amendment to Storm Water Management Practices Maintenance Agreement, and First Amendment to Project Arrow Development Agreement ("First Amendments") (Project Arrow)

Recommendation: That the Common Council adopt Resolution No. 12221-011921 approving the First Amendments with Commerce 94 Project, LLC

Fiscal Impact: None - These documents update the current legal descriptions.

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 July 2020 a new certified survey map (CSM 9242) was recorded for the Ryan Business Park. This CSM resulted in the cul-de-sac at the end of Bartel Court to be added to the new Lot 5, which is the parcel that Commerce 94 Project, LLC leases to Amazon. Since that cul-de-sac was originally part of the property owned by the overall developer, Ryan Business Park, LLC ("RBP"), a number of documents need to be amended to clean up title to Lot 5 and include the current legal descriptions. Ultimately, RBP will re-convey to Commerce 94 Project, LLC the entirety of Lot 5 by Quit Claim Deed to ensure that title to all of Lot 5 (including the cul-de-sac) is held together in the name of the correct entity. As part of that transaction, the following documents are before the Council:

1. The First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement
2. The First Amendment to Memorandum of Agreement and Restrictive Covenant
3. The First Amendment to Storm Water Management Practices Maintenance Agreement
4. The First Amendment to Project Arrow Development Agreement

Options/Alternatives: The Council could choose not to approve this resolution authorizing the amendment of these documents, but that would result in the inclusion of incorrect legal descriptions for the property referenced in the City's various agreements with Commerce 94 Project, LLC.

Respectfully submitted:

Prepared:

Andrew J. Vickers, MPA
City Administrator

Melissa L. Karls
City Attorney

Fiscal Review:


Jamie Strobl

Assistant Comptroller

Attachments:

- First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement
- First Amendment to Memorandum of Agreement and Restrictive Covenant
- First Amendment to Storm Water Management Practices Maintenance Agreement
- First Amendment to Project Arrow Development Agreement
- Resolution No. 12221-011921

RESOLUTION NO. 12221-011921

RESOLUTION APPROVING THE FIRST AMENDMENT TO TAX INCREMENTAL DISTRICT NO. 16 CITY/LANDLORD DEVELOPMENT AGREEMENT, THE FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT AND RESTRICTIVE COVENANT, THE FIRST AMENDMENT TO STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT AND THE FIRST AMENDMENT TO PROJECT ARROW DEVELOPMENT AGREEMENT
(Commerce 94 Project, LLC)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement, the First Amendment to Memorandum of Agreement and Restrictive Covenant, the First Amendment to Storm Water Management Practices Maintenance Agreement and the First Amendment to Project Arrow Development Agreement by and between the City of Oak Creek and Commerce 94 Project, LLC (the "First Amendments") are hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the First Amendments in behalf of the City.

BE IT FURTHER RESOLVED that modifications to the First Amendments as may be reasonably necessary in order to preserve and maintain the general intent thereof and that are approved by the City Administrator and the City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this _____ day of _____, 2021.

Common Council President Kenneth Gehl

Approved this _____ day of _____, 2021.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

**FIRST AMENDMENT TO
TAX INCREMENTAL DISTRICT NO. 16
CITY/LANDLORD DEVELOPMENT AGREEMENT
(PROJECT ARROW)**

This **First Amendment to Tax Incremental District No. 16 City/Landlord Development Agreement** (this "Amendment") is made and entered into as of _____, 2021, by and between Commerce 94 Project, LLC, a Delaware limited liability company ("Landlord"), and the City of Oak Creek, a municipal corporation of the State of Wisconsin, located in Milwaukee County, Wisconsin (the "City").

RECITALS:

A. City and Landlord are parties to a certain Tax Incremental District No. 16 City/Landlord Development Agreement dated as of November 5, 2018 (the "Agreement"), which is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated November 5, 2018, and recorded November 9, 2018 as Document No. 10826674 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, as amended by a First Amendment to Memorandum of Agreement and Restrictive Covenants dated as of the date hereof (the "Memorandum");

B. On the date hereof, Landlord will acquire from Ryan Business Park, LLC, a portion of the property subject to the Agreement and the Memorandum, which property will be added to the description of the Large User Parcel (as defined in the Agreement);

C. City and Landlord desire to amend the Agreement to correct the legal description of the Property and the Large User Parcel as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property attached as Exhibit A to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. The legal description of the Large User Parcel attached as Exhibit A-1 to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A-1** attached hereto and incorporated herein.

3. All other terms and conditions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed.

4. This Amendment may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute on and the same instrument.

[Balance of Page Intentionally Blank]

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
).SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOTS 1 AND 3 OF CERTIFIED SURVEY MAP NO. 9085 RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY AS DOCUMENT NO. 10823469, BEING LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 9075, LOT 1 OF CERTIFIED SURVEY MAP NO. 9076, LOT 2 OF CERTIFIED SURVEY MAP NO. 9074 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

AND

LOTS 5, 6 AND 7 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Exhibit A-1

Legal Description of Large User Parcel

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT AND
RESTRICTIVE COVENANT
(Project Arrow)**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

DRAFT

**First Amendment to Memorandum of Agreement
and Restrictive Covenant**

This **First Amendment to Memorandum of Agreement and Restrictive Covenant** (this "**Amendment**") is made and entered into as of _____, 2021, between the City of Oak Creek, Wisconsin, a municipal corporation ("**City**"), and Commerce 94 Project, LLC, a Delaware limited liability company ("**Obligor**").

RECITALS:

A. City and Obligor are parties to a certain Tax Incremental District No. 16 City/Landlord Development Agreement dated as of November 5, 2018, as amended by a First Amendment to City/Landlord Development Agreement dated as of the date hereof (the "**Agreement**");

B. The Agreement is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated November 5, 2018, and recorded November 9, 2018 as Document No. 10826674 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the "**Memorandum**");

C. Pursuant to Certified Survey Map No. 9242, recorded as Document No. 10998655 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, the boundary of the Property (as defined in the Memorandum) was modified to include additional real property;

D. City and Obligor desire to amend the Memorandum to update the legal description of the Property in accordance with the terms of this Amendment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property described on Exhibit A to the Memorandum is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. All other terms and conditions of the Memorandum shall remain in full force and effect and are hereby ratified and confirmed.

[Balance of Page Intentionally Blank]

CITY:

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
).SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

DRAFT

**FIRST AMENDMENT TO STORM
WATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit C**

Parcel Identification Number (PIN)

DRAFT

**First Amendment to
Storm Water Management Practices Maintenance Agreement**

This **First Amendment to Storm Water Management Practices Maintenance Agreement** (this “**Amendment**”) is made and entered into as of _____, 2021, between the City of Oak Creek, Wisconsin, a municipal corporation (“**City**”), and Commerce 94 Project, LLC, a Delaware limited liability company (“**Landlord**”).

RECITALS:

A. City and Landlord are parties to a Storm Water Management Practices Maintenance Agreement dated November 21, 2018, and recorded December 4, 2018, as Document No. 10832049 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the “**Agreement**”);

B. Pursuant to Certified Survey Map No. 9242, recorded as Document No. 10998655 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, the boundary of the Property (as defined in the Agreement) was modified to include additional real property; and

C. City and Landlord desire to amend the Agreement to update the legal description of the Property in accordance with the terms of this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property described on pages 1 and 2 of the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit C** attached hereto and incorporated herein.

2. All other terms and conditions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed.

[Balance of Page Intentionally Blank]

CITY:

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
 .SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit C

Legal Description of Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

DRAFT

**FIRST AMENDMENT TO PROJECT
ARROW DEVELOPMENT AGREEMENT**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

**First Amendment to
Project Arrow Development Agreement**

This **First Amendment to Project Arrow Development Agreement** (this "**Amendment**") is made and entered into as of _____, 2021, between the City of Oak Creek, Wisconsin, a municipal corporation ("**City**"), and Commerce 94 Project, LLC, a Delaware limited liability company ("**Landlord**").

RECITALS:

A. City and Landlord are parties to a Development Agreement dated November 21, 2018, and recorded December 4, 2018, as Document No. 10832050 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the "**Agreement**");

B. Pursuant to Certified Survey Map No. 9242, recorded as Document No. 10998655 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, the boundary of the Property (as defined in the Agreement) was modified to include additional real property; and

C. City and Landlord desire to amend the Agreement to update the legal description of the Property in accordance with the terms of this Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property described on Exhibit A to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. All other terms and conditions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed.

[Balance of Page Intentionally Blank]

CITY:

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
 .SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

DRAFT

COMMON COUNCIL REPORT

- Item:** First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement and First Amendment to Memorandum of Agreement and Restrictive Covenant ("First Amendments") (Amazon.com Services, Inc.)
- Recommendation:** That the Common Council adopt Resolution No. 12222-011921 approving the First Amendments with Amazon.com Services, Inc.
- Fiscal Impact:** None - These documents update the current legal descriptions.
- 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 July 2020 a new certified survey map (CSM 9242) was recorded for the Ryan Business Park. This CSM resulted in the cul-de-sac at the end of Bartel Court to be added to the new Lot 5, which is the parcel that Commerce 94 Project, LLC leases to Amazon. Since that cul-de-sac was originally part of the property owned by the overall developer, Ryan Business Park, LLC ("RBP"), a number of documents need to be amended to clean up title to Lot 5 and include the current legal descriptions. Ultimately, RBP will re-convey to Commerce 94 Project, LLC the entirety of Lot 5 by Quit Claim Deed to ensure that title to all of Lot 5 (including the cul-de-sac) is held together in the name of the correct entity. As part of that transaction, the following documents are before the Council:

1. The First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement
2. The First Amendment to Memorandum of Agreement and Restrictive Covenant

Options/Alternatives: The Council could choose not to approve this resolution authorizing the amendment of these documents, but that would result in the inclusion of incorrect legal descriptions for the property referenced in the City's various agreements with Amazon.com Services, Inc.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Melissa L. Karls
City Attorney

Fiscal Review:


Jamie Strobl
Assistant Comptroller

Attachments:

- First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement
- First Amendment to Memorandum of Agreement and Restrictive Covenant
- Resolution No. 12222-011921

RESOLUTION NO. 12222-011921

RESOLUTION APPROVING THE FIRST AMENDMENT TO TAX INCREMENTAL DISTRICT
NO. 16 CITY/TENANT DEVELOPMENT AGREEMENT AND
THE FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT AND RESTRICTIVE
COVENANT
(Amazon.com Services, Inc.)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement and the First Amendment to Memorandum of Agreement and Restrictive Covenant by and between the City of Oak Creek and Amazon.com Services, Inc. (the "First Amendments") are hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the First Amendments in behalf of the City.

BE IT FURTHER RESOLVED that modifications to the First Amendments as may be reasonably necessary in order to preserve and maintain the general intent thereof and that are approved by the City Administrator and the City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this _____ day of _____, 2021.

Common Council President Kenneth Gehl

Approved this _____ day of _____, 2021.

Mayor Daniel J. Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

**FIRST AMENDMENT TO
TAX INCREMENTAL DISTRICT NO. 16
CITY/TENANT DEVELOPMENT AGREEMENT
(PROJECT ARROW)**

This **First Amendment to Tax Incremental District No. 16 City/Tenant Development Agreement** (this “Amendment”) is made and entered into as of _____, 2021, by and between Amazon.com Services, Inc., a Delaware domestic corporation registered to do business in Wisconsin (“Tenant”), and the City of Oak Creek, a municipal corporation of the State of Wisconsin, located in Milwaukee County, Wisconsin (the “City”).

RECITALS:

A. City and Tenant are parties to a certain Tax Incremental District No. 16 City/Tenant Development Agreement dated as of January 31, 2019 (the “Agreement”), which is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated March 7, 2019, and recorded June 26, 2019, as Document No. 10882922 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, as amended by a First Amendment to Memorandum of Agreement and Restrictive Covenant dated as of the date hereof (the “Memorandum”);

B. On the date hereof, Commerce 94 Project, LLC will acquire from Ryan Business Park, LLC, a portion of the property subject to the Agreement and the Memorandum, which property will be added to the property leased to Tenant;

C. City and Landlord desire to amend the Agreement to correct the legal description of the Property and the Large User Parcel as set forth below;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property attached as Exhibit A to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. The legal description of the Large User Parcel attached as Exhibit A-1 to the Agreement is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A-1** attached hereto and incorporated herein.

3. All other terms and conditions of the Agreement shall remain in full force and effect and are hereby ratified and confirmed.

4. This Amendment may be executed in any number of counterparts, each of which shall constitute an original but which altogether shall constitute one and the same instrument.

[Balance of Page Intentionally Blank]

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
).SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOTS 1 AND 3 OF CERTIFIED SURVEY MAP NO. 9085 RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY AS DOCUMENT NO. 10823469, BEING LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 9075, LOT 1 OF CERTIFIED SURVEY MAP NO. 9076, LOT 2 OF CERTIFIED SURVEY MAP NO. 9074 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

AND

LOTS 5, 6 AND 7 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Exhibit A-1

Legal Description of Large User Parcel

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

**FIRST AMENDMENT TO
MEMORANDUM OF AGREEMENT AND
RESTRICTIVE COVENANT
(City/Tenant Project Arrow)**

Document Number

Recording Area

Name and Return Address

Joshua P. Roling
Foley & Lardner LLP
777 E. Wisconsin Ave.
Milwaukee, WI 53202

See attached **Exhibit A**

Parcel Identification Number (PIN)

DRAFT

**First Amendment to Memorandum of Agreement
and Restrictive Covenant**

This **First Amendment to Memorandum of Agreement and Restrictive Covenant** (this "**Amendment**") is made and entered into as of _____, 2021, between the City of Oak Creek, Wisconsin, a municipal corporation ("**City**"), and Amazon.com Services, Inc., a Delaware corporation ("**Obligor**").

RECITALS:

A. City and Obligor are parties to a certain Tax Incremental District No. 16 City/Tenant Development Agreement dated as of January 31, 2019, as amended by a First Amendment to City/Landlord Development Agreement dated as of the date hereof (the "**Agreement**");

B. The Agreement is evidenced of record by a Memorandum of Agreement and Restrictive Covenant dated March 7, 2019, and recorded June 26, 2019, as Document No. 10882922 in the Office of the Register of Deeds for Milwaukee County, Wisconsin (the "**Memorandum**");

C. Pursuant to Certified Survey Map No. 9242, recorded as Document No. 10998655 in the Office of the Register of Deeds for Milwaukee County, Wisconsin, the boundary of the Property (as defined in the Memorandum) was modified to include additional real property;

D. City and Obligor desire to amend the Memorandum to update the legal description of the Property in accordance with the terms of this Amendment;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. The legal description of the Property described on Exhibit A to the Memorandum is hereby deleted in its entirety and replaced with the legal description set forth on **Exhibit A** attached hereto and incorporated herein.

2. All other terms and conditions of the Memorandum shall remain in full force and effect and are hereby ratified and confirmed.

[Balance of Page Intentionally Blank]

CITY:

CITY OF OAK CREEK, WISCONSIN

By _____
Daniel J. Bukiewicz, Mayor

By _____
Catherine A. Roeske, City Clerk

Approved as to form and execution:

By: _____
Melissa L. Karls, City Attorney

STATE OF WISCONSIN)
).SS.
COUNTY OF MILWAUKEE)

The foregoing instrument was acknowledged before me this ___ day of _____, 2021, by Daniel J. Bukiewicz, Catherine A. Roeske and Melissa L. Karls, the Mayor, City Clerk and City Attorney, respectively, of the City of Oak Creek, Wisconsin, on behalf of the City and by its authority.

Printed Name:
Notary Public
My commission expires: _____

Exhibit A

Legal Description of Property

LOT 5 OF CERTIFIED SURVEY MAP NO. 9242 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN ON JULY 15, 2020 AS DOCUMENT NO. 10998655, BEING A PART OF LOT 2 AND A PART OF LOT 4 OF CERTIFIED SURVEY MAP NO. 9085 AND ADDITIONAL LANDS NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

Parcel No. 905-9011-000

DRAFT

COMMON COUNCIL REPORT

- Informational:** Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending November 30, 2020.
- Fiscal Impact:** Presenting the monthly condition of the City treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Treasurer Report on Investment and Banking displays the City's month end balances, to provide the Common Council and the public with the current condition of the City's treasury. Please note that some funds are allocated for specific purposes such as debt service, Tax Incremental Districts, capital improvement projects and distribution of tax collection to other taxing districts and is not available for general purpose spending. This monthly report is prepared, along with a more comprehensive report for Finance Committee, to assist with investment decisions and financial strategies. Below is a brief summary:

Beginning Balance	Ending Balance	Interest Earned	Increase/(Decrease)
\$32,383,776.19	\$35,010,523.08	\$33,768.81	\$2,626,746.89

Activity: Shared Revenue \$4,982,698; Debt Service Payment (\$31,734.38)

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Barbara Guckenberger, CMTW
City Treasurer

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: Treasurer Report on Investment and Banking

City of Oak Creek
Treasurer Report on Investment and Banking

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
Tri City National Bank	8,048,892.54	2,871,179.76	(3,980,157.58)	6,939,914.72	218.84	0.09000%	19.82%
General Fund	7,616,192.71	2,372,563.75	(3,496,730.57)	6,492,025.89			
Title 125	59,417.54	22,741.30	(23,647.40)	58,511.44			
Police Credit Card	64,365.29	24,558.00	(34,604.75)	54,318.54			
Parks & Rec Counter Credit Card	1,433.49	1,801.12	(794.15)	2,440.46			
Tax Payment Account #2	39,333.50	-	-	39,333.50			
Parks & Rec Online Credit Card	10,262.27	258.00	(10,042.51)	477.76			
Health Insurance	60,086.40	371,801.42	(335,856.05)	96,031.77			
Tax Payment Account	18,375.73	-	-	18,375.73			
EMS	179,425.61	77,456.17	(78,482.15)	178,399.63			
DANA Investment Advisors	5,818,450.68	9,206.65	(5,506.69)	5,822,150.64	9,206.65	1.10%	16.63%
BMO Global Asset Management	4,784,985.03	9,251.69	(4,928.64)	4,789,308.08	9,251.69	2.15%	13.68%
American Deposit Management (ADM)	490,000.00	-	-	490,000.00	-	-	1.40%
*ADM General Account Balance	490,000.00	-	-	490,000.00	-	-	
Local Government Investment Pool (LGIP)	9,048,022.37	5,243,206.40	(1,259,417.80)	13,031,810.97	1,090.97	0.12%	37.22%
*LGIP General Account Balance	3,805,161.35	4,983,254.05	(1,259,417.80)	7,528,997.60	556.42		
**Ehlers Investment	4,193,425.57	14,000.67	(270,087.57)	3,937,338.67	14,000.66	1.5440%	11.25%
	4,193,425.57	14,000.67	(270,729.69)	3,936,696.55			
Total Balance	32,383,776.19	8,146,845.17	(5,520,098.28)	35,010,523.08	33,768.81		

**Ehlers balance is first shown gross of fees to balance to their monthly report; below that is shown net of fees for comparison purposes. Also, due to multiple CD's in the account, interest/dividends may not be earned monthly;

*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses

and may not be available for general purpose spending

Excludes Police Forfeiture Account;

Tri City Interest is an analyzed credit from previous month earnings;

Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals; rates may reflect weighted average yield

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



COMMON COUNCIL REPORT

Item: Cafco Self-Propelled Model 30 Crack Router with dust control

Recommendation: That the Common Council approve the recommendation of the Director of Public Works to purchase one (1) Cafco Self-Propelled Model 30 Router with dust control from Sherwin Industries in the amount of \$22,649.00

Fiscal Impact: The money for the crack router would come from the 2021 CEP budget. The total amount for this purchase would be \$22,649.00. A total of \$38,000 was allocated in the CEP budget for this purchase.

Critical Success Factor(s):

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

Background: This will replace the current router, which is a 1988 Crafcro 200 that has outlived its useful life and will be sold at public auction.

VENDOR	AMOUNT
Sherwin Industries	\$22,649.00
Sourcewell Pricing	\$22,670.00

Options/Alternatives: Possible rental units, but these are in short supply and generally not available when you need them.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Ted Johnson
Director of Public Works

Fiscal Review:

Jamie Strobl
Assistant Comptroller

Attachments: Quote from Sherwin Industries, Bid Pricing from Sourcewell

SOURCEWELL PRICING WORKSHEET Contract #052417-CFC

DATE: 5-Jan-21

BUYING AGENCY

CONTRACTOR

AUTHORIZED REPRESENTATIVE

City of Oak Creek

Crafco, Inc.

Sherwin Industries, Inc.

Mr. Ted Johnson

Angie Hoaglin

Randy S. Jackson

414-570-5580

602-276-0406

414-281-6400

FAX:

480-961-0513

414-281-6404

tejohnson@oakcreekwi.org

angie.hoaglin@crafco.com

riackson@sherwinindustries.com

2129 West Morgan Avenue Milwaukee, WI 53221

EQUIPMENT PART #/DESCRIPTION:		Discounted Contract Price
Part Number	Description	Price
21360-AZ03	Model 30 Self Propelled Router With Dust Control	\$22,320.00

EQUIPMENT OPTIONS: (Listed in Contract)

Price for options requiring multiple units please list the total price not the each price.

QTY/Part #/Description	Price	QTY/Part #/Description	Price
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
		Subtotal:	\$ -

UNPUBLISHED OPTIONS: (Items not shown in the Contract Price List)

Price for options requiring multiple units please list the total price not the each price.

QTY/Part #/Description	Price	QTY/Part #/Description	Price
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
		Subtotal:	\$ -
		Equipment Total:	\$ 22,320.00

MATERIALS: (Listed in Contract Price List)

Part #/Description	Units	Price/unit	TOTAL
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		Material Total:	\$ -

TRADE-INS/DISC./FREIGHT/TAX

Description	Price	Description	Price
Freight	\$ 350.0000		\$ -
	\$ -		\$ -
	\$ -		\$ -
		Subtotal	\$ 350.0000
		TOTAL:	\$ 22,670.0000

Crafco Approval By:

Date:

Not Valid Without Approval



COMMON COUNCIL REPORT

Item: Graco Road Lazer

Recommendation: That the Common Council approve the recommendation of the Director of Public Works to purchase one (1) Graco Road Lazer from Sherwin Williams in the amount of \$46,031.00.

Fiscal Impact: The money for this Graco road striper would come from the 2021 CEP budget. The total amount for the purchase of this striper would be \$46,031.00. \$48,000 was allocated in the CEP budget for this purchase.

Critical Success Factor(s):

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

Background: This will replace the current roadway striper, which is a 1986 MB Model 220 that we are no longer able to find parts for. The current striper has outlived its useful life and will be sold at public auction.

VENDOR	AMOUNT
Sherwin Williams	\$46,031.00
Sherwin Industries	\$47,380.00
Sourcewell Pricing	\$53,032.00

Options/Alternatives: Possible rental units, but these are in short supply and generally not available when you need them. City could contract striping to a vendor, but it was estimated that just painting the white lines in the city would cost approximately \$75,000 per occurrence.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Ted Johnson
Director of Public Works

Fiscal Review:

Jamie Strobl
Assistant Comptroller

Attachments: Quotes from Sherwin Williams and Sherwin Industries, Bid Pricing from Sourcewell



ACCOUNT # 6682-2176-5
2021 road Pump
QUOTE # 5509994

VALID FROM: JAN 12, 2021 - MAR 12, 2021

Dear Ralph Kneusel:

Thank you for considering Sherwin-Williams products for the 2021 road Pump project. Included is the Sherwin-Williams price quote.

Should you require assistance or have any questions or concerns, please contact me at (414) 975-6147 or e-mail me at christopher.m.forseth@sherwin.com.

Christopher Forseth
Sales Representative

1-414-975-6147
christopher.m.forseth@sherwin.com

SHERWIN-WILLIAMS
8999 S HOWELL AVE, OAK CREEK, WI 53154 3803



ACCOUNT # 6682-2176-5
 2021 road Pump
 QUOTE # 5509994

VALID FROM: JAN 12, 2021 - MAR 12, 2021

PROJECT: 2021 road Pump

Purchase Type: Single Purchase

Description	Sales #	Rex #	Qty	Price	Extended Price
ROADPAK OPTION 2	101581668	101581668-EACH	1	\$41,076.00	\$41,076.00
Comments: 25d269-includes one pump rd pak, 450lb bead tank, slide in mount frame ,one pump/2 gun rd Pak Gun arm, advanced controller, hd camera, fimple guide system					
ROADPAK GUN WINCHKIT	101581494	101581494-EACH	1	\$1,825.00	\$1,825.00
Comments: Gun lift winch kit					
ROADLAZER 515 TRAN K	9812736	.09812736-EACH	1	\$1,905.00	\$1,905.00
Comments: Husky 715 transfer kit					
PAINT TANK	8705873	.08705873-EACH	1	\$1,225.00	\$1,225.00
Comments: 33 gallon paint tank kit					

Total Price: \$46,031.00

We thank you for consideration of Sherwin-Williams products and look forward to supplying these products to you.

NOTICE: Please take notice that the quotation set forth above is not a contract and is subject to and conditioned upon approval by Sherwin-Williams. In the event such approval is not obtained, you will be provided with a revised quotation and the quotation set forth above shall be null, void and of no force or effect. The pricing and recommendations detailed in this proposal represent confidential information provided by Sherwin-Williams. We request that it not to be copied or shared with others outside your firm. Please refer to product data pages for surface prep, mixing and application instructions.

Square footage amounts were estimated or given. Coverage of materials are estimated and actual coverages may differ. These guidelines should not be used as absolutes. Sherwin-Williams cannot assume responsibility for job site conditions.

The purchase of the products set forth in this price quote is subject to The Sherwin-Williams Company Terms and Conditions of Sale, which are incorporated in full by this reference and are available at <https://www.sherwin-williams.com/terms-and-conditions>. Sherwin-Williams limits acceptance of the price quote to these Terms and Conditions of Sale, and objects to any different terms in any purchase order, issuance of which indicates purchaser's acceptance of such Terms and Conditions of Sale.

SOURCEWELL PRICING WORKSHEET Contract #052417-CFC

DATE: 5-Jan-21

PURCHASING AGENCY	CONTRACTOR	AUTHORIZED DISTRIBUTOR
City of Oak Creek Mr. Ted Johnson 414-570-5680 FAX: tejohnson@oakcreekwi.org	Crafco, Inc. Angie Hoaglin 602-276-0406 480-961-0513 angie.hoaglin@crafco.com	Sherwin Industries, Inc. Randy S. Jackson 414-281-6900 414-281-6904 rjackson@sherwinindustries.com

2129 West Morgan Avenue Milwaukee, WI 53221

EQUIPMENT PART #/DESCRIPTION	Description	Discounted Contract Price
Part Number		Price
25D269	Graco RoadPak	\$46,886.00

EQUIPMENT OPTIONS: (Listed In Contract)			
Price for options requiring multiple units please list the total price not the each price.			
QTY/Part #/Description	Price	QTY/Part #/Description	Price
One Pump Road Pak	\$ -	25M713: Gun Lift Winch Kit	\$ 2,261.00
One 450 Bead Tank	\$ -	239934: Huskey 715 Transfer Kit	\$ 2,365.50
Slide in Mound Frame	\$ -	24G769: 33 Gallon Paint Tank	\$ 1,520.00
1 Pump / 2 Gun RoadPak Gun Arm	\$ -		\$ -
RoadPak Advanced Controller	\$ -		\$ -
RoadPak HD Camera System	\$ -		\$ -
Simple Gulde System	\$ -		\$ -
	\$ -		\$ -
		Subtotal:	\$ 6,146.50

UNPUBLISHED OPTIONS: (Items not shown in the Contract Price List)			
Price for options requiring multiple units please list the total price not the each price.			
QTY/Part #/Description	Price	QTY/Part #/Description	Price
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
	\$ -		\$ -
		Subtotal:	\$ -

	QUANTITY	1	Equipment Total:	\$ 53,032.50
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MATERIALS: (Listed In Contract Price List)				
Part #/Description	Units	Price/unit	TOTAL	
		\$ -	\$ -	
		\$ -	\$ -	
		\$ -	\$ -	
			Material Total:	\$ -

TRADE-INS/DISC./FREIGHT/TAX			
Description	Price	Description	Price
			\$ -
	\$ -		\$ -
	\$ -		\$ -
		Subtotal	\$ -
		TOTAL:	\$ 53,032.5000

Crafco Approval By: **Angie Hoaglin** Date: 1/7/2021
 Not Valid Without Approval

COMMON COUNCIL REPORT

Item: Special Assessment, E. Rawson Avenue, Project No. 20103

Recommendation: That the Common Council adopt Resolution 12215-011921, a preliminary resolution declaring intent to exercise special assessment powers under Section 3.200 of the Municipal Code of the City of Oak Creek for installation of 12" water main in the right-of-way between 890 feet east of S. Clement Avenue and S. Rolling Meadows Court along E. Rawson Avenue. Also to set a public hearing date of February 15, 2021. (Project 20103) (1st Aldermanic District).

Fiscal Impact: The Oak Creek Water and Sewer Utility will initially fund the entire cost of the project, and shall be reimbursed as special assessments are received. The estimated cost of the project is \$552,000.

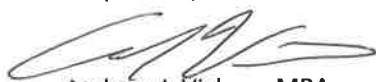
Critical Success Factor(s):

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

Background: This project was initiated by the Oak Creek Water and Sewer Utility Commission and completes a 12" water main loop along the north side of E. Rawson Avenue to remove two dead ends. The proposed line will run along E. Rawson Avenue from 890 feet east of S. Clement Avenue to S. Rolling Meadow Court. It includes directional drilling 1,385 LF of 12" water main pipe with appurtenances and associated restoration. This will improve water quality and fire flow to this area based on the model created for the Water Master Plan. The fire flow on the west end of the project is estimated to more than double and a 63% increase on the east end. This is over 5,000 gpm of fire flow available.

Options/Alternatives: Do Nothing

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Brian L. Johnston, PE
Utility Engineer

Fiscal Review:



Jamie Strobel
Assistant Comptroller

Attachments: 12215-011921 Preliminary Assessment Resolution, map

RESOLUTION NO. 12215-011921

BY: _____

**PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE
SPECIAL ASSESSMENT POWERS UNDER SECTION 3.200
OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK
(RAWSON AVENUE WATER RELAY)**

(PROJECT NO. 20103)

(1ST ALDERMANIC DISTRICT)

RESOLVED, by the Common Council of the City of Oak Creek, Wisconsin:

1. The Common Council hereby declares its intentions to exercise its power under Section 3.200 of the Municipal Code of the City of Oak Creek, to levy special assessments upon property within the following described district for benefits conferred upon such property by the following improvements in the following location:

PROJECT NO. 20103 RAWSON AVENUE WATER RELAY

All property along E. Rawson Avenue listed below:

1610, 1800, and 1828 E. Rawson Avenue

From: 890 feet east of S. Clement Avenue

To: S. Rolling Meadow Court

2. Said public improvements shall include the installation of water main and appurtenances.
3. The total amount assessed against such district shall not exceed the portion of the total cost of the improvements to be paid by the City of Oak Creek. The Common Council determines that such improvements shall be made under the police power. Each of the abutting property owners shall be assessed for the improvements in the manner set forth in Section 3.200 of the Municipal Code of the City of Oak Creek and the assessment rates as set forth in Common Council Resolution No. 12205-121520.
4. The Common Council further declares that the assessments may be paid in cash, in five/ten annual installments in accordance with Section 3.210 of the Municipal Code of the City of Oak Creek; if paid in installments, the same shall bear interest at the rate of 4% per annum on the unpaid balance.

For those properties which are vacant or have one residential dwelling unit, that are two and one half (2 ½) acres or more in area, or have three hundred thirty (330) feet or more of assessed frontage, payment shall be made within twenty (20) years of the date of levy in equal annual installments on the property tax bill with interest at the rate of 4% per annum on the unpaid balance.

5. The Utility Engineer is directed to prepare a report consisting of:

- A. Preliminary plans and specifications for said improvements.
 - B. An estimate of the entire cost of the proposed improvements.
 - C. A schedule of the proposed assessments to be levied against such parcel of property within the assessment district.
 - D. Upon completing such report, the Utility Engineer is directed to file a copy thereof in the City Clerk's office for public inspection.
6. Upon receiving the notice of the Utility Engineer, the Clerk is directed to give notice of a public hearing on such report as specified in Section 3.203 of the Municipal Code of the City of Oak Creek.

The hearing shall be held at the Council Chambers in the City Hall at a time set by the Clerk in accordance with Section 3.203 of said code.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held on the 19th day of January, 2021.

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

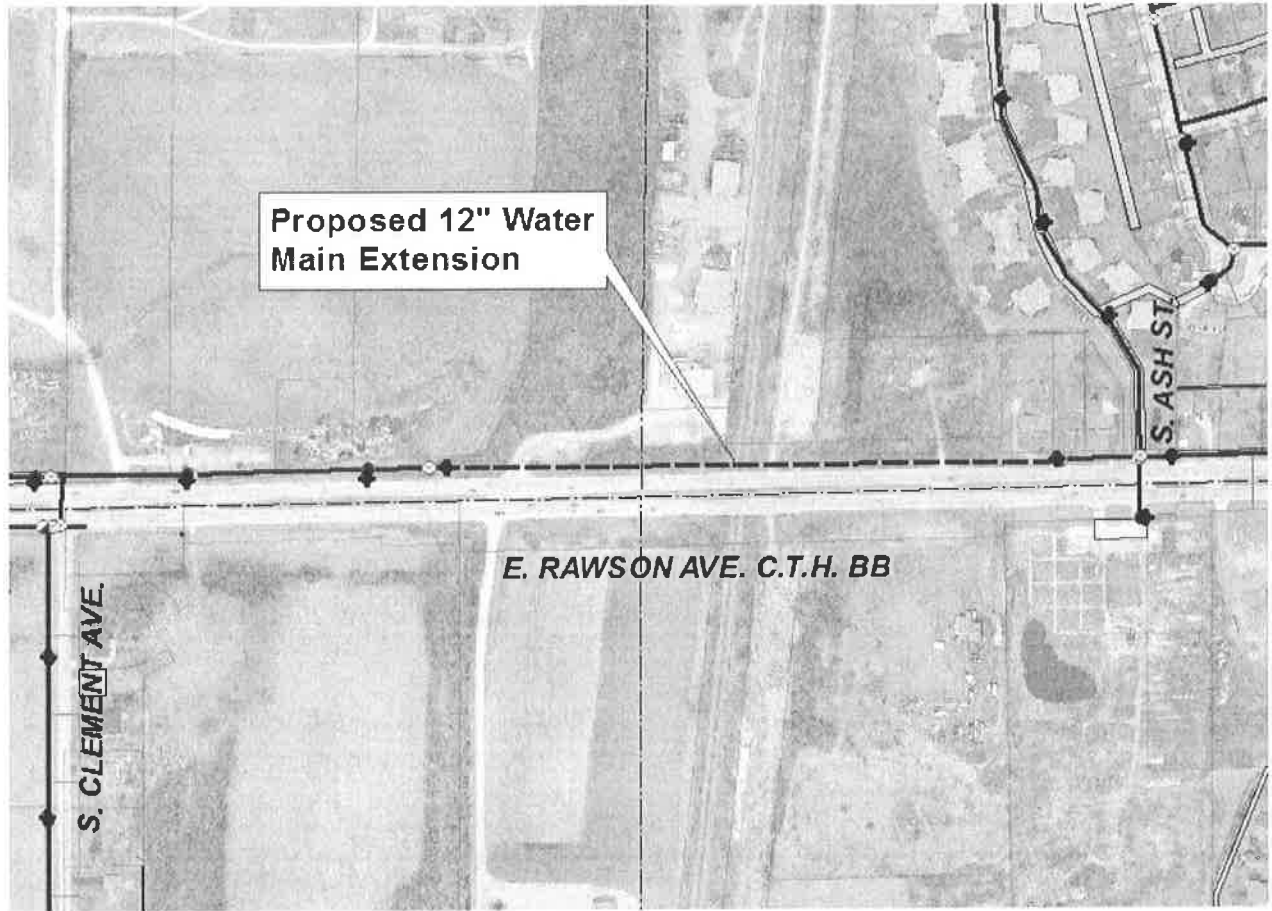
Mayor

ATTEST:

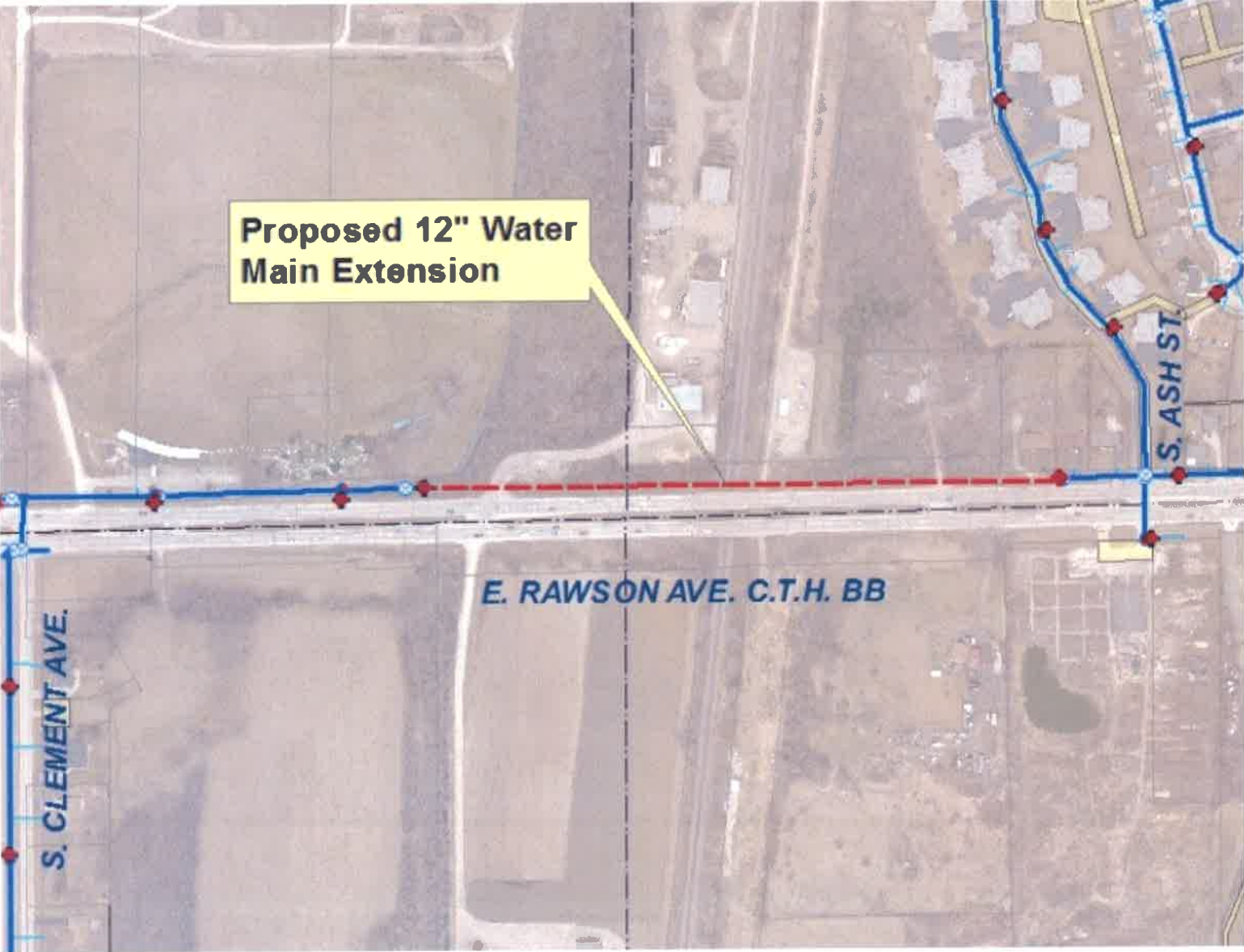
City Clerk

VOTE: Ayes _____ Noes _____

**PROPOSED WATER MAIN
EAST RAWSON AVENUE**



Proposed 12" Water Main Extension



S. CLEMENT AVE.

E. RAWSON AVE. C.T.H. BB

S. ASH ST.

COMMON COUNCIL REPORT

- Item:** Hold Harmless Agreement with Ryan Truck Lot, LLC at 9441 S 13th Street.
- Recommendation:** The Common Council adopts Resolution No. 12216-011921, a resolution approving a hold harmless agreement with Ryan Truck Lot, LLC at 9441 S 13th Street. (Tax Key No. 877-9003-001)(6th Aldermanic District)
- Fiscal Impact:** None
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Ryan Business Park project required the relocation of the existing driveway to the McDonald's located on the SW corner of W. Ryan Road and S. 13th Street. This meant that the entrance signs for McDonald's and the driveway needed to be relocated. In doing this change three sign bases and one light base were located in the existing water main easement. The contractor and developer worked with staff to determine a suitable location in the easement. The Hold Harmless Agreement permits the installation of the sign bases and light base in the easement and places the financial responsibility of the light base on the Owner. If work is required on the water main the Owner will be responsible for the cost to remove and reinstall the light base. The Owner of the property has an agreement with the operation of the McDonald's facility.

Options/Alternatives: The alternative would be to not allow the installation of the bases in the easement. This would change the signage request for the McDonald's facility.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Approved:



Brian L. Johnston, PE
Utility Engineer

Fiscal Review:



Jamie Strobel
Assistant Comptroller

Attachments: Resolution No. 12216-011921, Hold Harmless Agreement

RESOLUTION NO. 12216-012119

BY: _____

RESOLUTION FOR HOLD HARMLESS AGREEMENT AT 9441 S 13TH STREET

(TAX KEY NO. 877-9003-001)

(6TH ALDERMANIC DISTRICT)

WHEREAS, the construction of the Ryan Business Park road improvements required the driveway relocation for the McDonald's at 9471 and 9441 S. 13th Street, and;

WHEREAS, three sign bases and one light base were installed in the existing public water easement, and;

WHEREAS, a Hold Harmless Agreement was prepared to permit the installation of the sign bases and light base in the easement, and;

WHEREAS, the Owner of the property, Ryan Truck Lot, LLC, has an agreement with McDonald's and will assume all financial responsibility of the sign bases and light base being installed in the easement;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the Hold Harmless Agreement be approved and the Mayor and City Clerk are hereby authorized to execute the same.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to record the document in the office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Document Number	Hold Harmless Agreement Document Title
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Recording Area

Brian L. Johnston, Utility Engineer
Oak Creek Water & Sewer Utility
170 W. Drexel Avenue
Oak Creek, WI 53154

827-9028-000
Parcel Identification Number (PIN)

HOLD HARMLESS AGREEMENT

Water main easement

THIS INDENTURE, made this 8th day of January 2021, by and between the City of Oak Creek, 8040 South 6th Street, Oak Creek, WI 53154, a municipal corporation of the State of Wisconsin, hereinafter called the "City" and Jeffrey M. Steren, Ryan Truck Lot, LLC, hereinafter called the "Owner",

WITNESSETH:

WHEREAS, the Owner proposes to install three sign bases, one light base and wiring within the 30-foot Water Easement located at 9441 S. 13th Street, which is more particularly described as Parcel 2 of Certified Survey Map No. 3818 in the Southeast ¼ of Section 19, Range 5 North, Township 22 East, in Milwaukee County, Wisconsin; and

WHEREAS, the Owner desires to install within the Easement the three sign bases, one light base and wiring in the existing water main easement at the northeast corner of the property; and

WHEREAS, the Owner shall install the wiring perpendicular when crossing the Easement; and

WHEREAS, the Owner requests that the three sign bases and light base be located in the easement to assist with the parking lot lighting, traffic control and franchise site signage; and

NOW, THEREFORE, in consideration of the sum of \$1.00 to each in hand paid, in receipt and sufficiency whereof is hereby acknowledged, and in further consideration of the mutual covenants and promises hereinafter set forth, the parties hereto agree as follows:

THE CITY AGREES:

To grant permission to the Owner to install the three sign bases, light base and wiring in the easement with any wiring installed perpendicular when crossing the Easement, all for the purpose of providing proper lighting coverage and direction for the site.

THE OWNER AGREES:

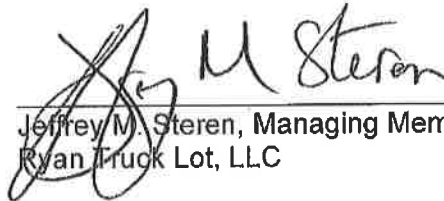
- 1) To pay for all costs of installing the proposed three sign bases, light base and wiring, including the cost of inspection by the City.
- 2) To obtain a permit from the City for the installation of the light base and wiring, all in compliance with the City and State electrical codes.
- 3) That the City has the right, without notice to the Owner, to remove any and all physical impediments in order to install, maintain, and/or repair any utility infrastructure within the easement area.
- 4) That the City is not financially or physically responsible for any damages caused or its replacement within this easement and the zone of influence.
- 5) To indemnify, defend and hold harmless the City, its elected and appointed officials, officers, employees, and agents, from and against any actions, claims and expenses directly or indirectly caused, by reason of the Owner or its agent installing the proposed sign bases, light base and wiring in the easement, even if liability is also sought to be imposed on the City of Oak Creek, its elected and appointed officials, officers, employees, and agents.
- 6) To reimburse the City for any legal expenses and costs incurred by it in connection with enforcing the indemnity provided herein.

BOTH PARTIES AGREE:

- 1) This agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
- 2) This agreement shall be recorded by the City with the Register of Deeds of Milwaukee County after it has been executed by the Owner and the City.

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

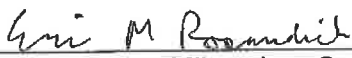
Ryan Truck Lot, LLC



Jeffrey M. Steren, Managing Member
Ryan Truck Lot, LLC

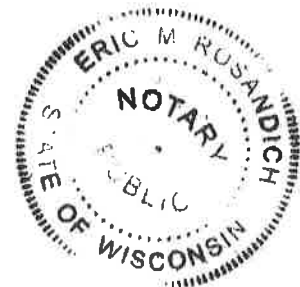
STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally came before me this 8th day of January, 2021, the above-named Jeffrey M. Steren, Managing Member of Ryan Truck Lot, LLC known to be the person who executed the foregoing instrument and acknowledged the same.

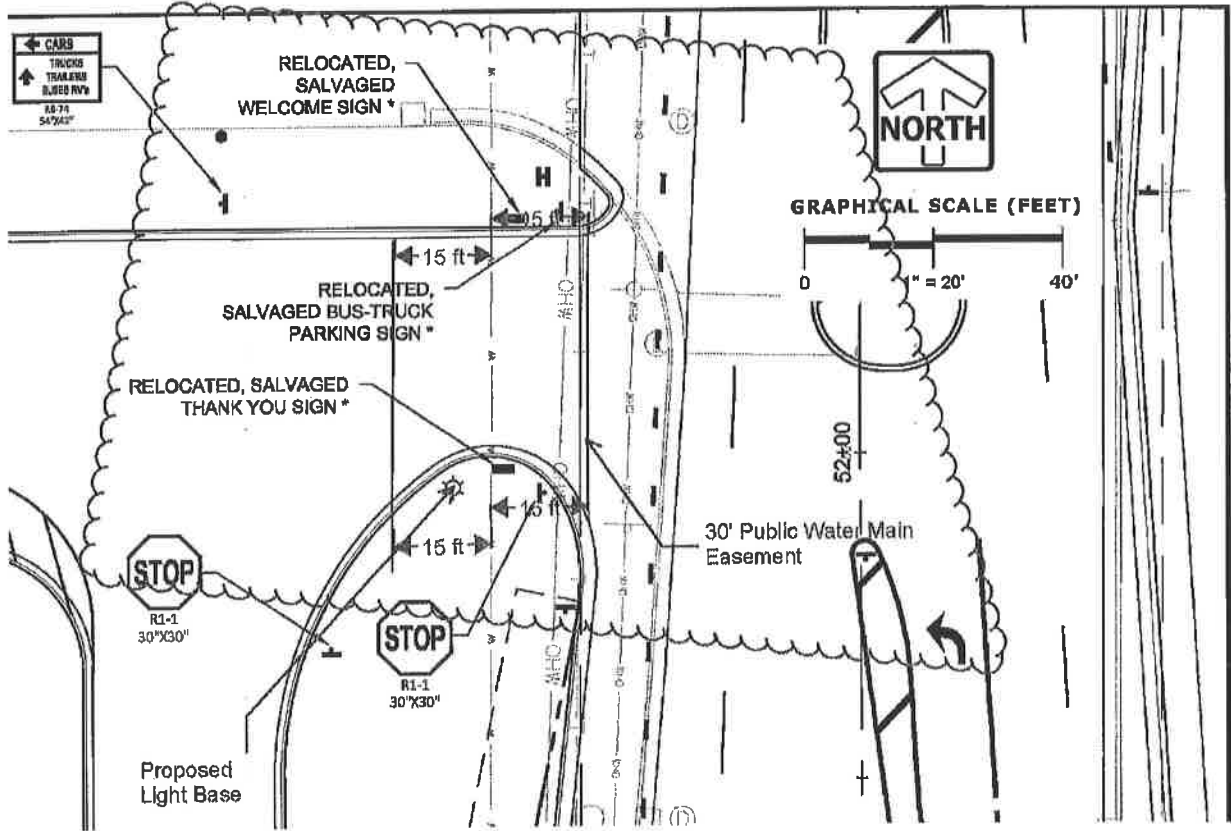


Notary Public, Milwaukee County, WI

My commission expires: June 27, 2023



Exhibit





COMMON COUNCIL REPORT

Item: TAP Grant Safe Routes to School Phase 1 - State Municipal Agreement

Recommendation: That the Common Council approves Resolution No. 12217-011921, a resolution approving the State Municipal Agreement for the Safe Routes to School - Phase 1 Transportation Alternatives Program (TAP) Project.

Fiscal Impact: There is \$636,352 of Transportation Alternatives Program (TAP) grant funding that has been awarded to the City as the 80% federal contribution to the project. The City would be responsible for the remaining 20% (\$159,087).

The City would need to front the funding of the project for a total of \$795,439 then would be reimbursed \$636,352 (80%).

- 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 September 2, 2020 the City was informed that the Safe Routes to School - Phase 1 project will receive federal funding through the Transportation Alternatives Program (TAP). The proposed SRTS improvements are located within a 1/2-mile radius of the following schools within the Oak Creek-Franklin School District; Cedar Hills Elementary, Edgewood Elementary, Meadowview Elementary, Shepard Hills Elementary and West Middle School. The improvements range from the installation of high-visibility crosswalks, improved signage, ADA ramp improvements, raised crosswalks, sidewalk connections and a High-Intensity Activated Crosswalk Signal (HAWK).

The State Municipal Agreement (SMA) outlines that the project design and construction costs are funded with up to 80% federal funding up to a funding limit of \$636,352. In the SMA, the municipality agrees to provide the remaining 20%, and any funds in excess of the \$636,352 federal funding limit. The City will be responsible for 20% of the roadway design (\$18,078), 20% of the State review (\$2,410), 20% of the road construction (\$120,521) and 20% of the construction inspection (\$18,078).

WisDOT operates TAP as a reimbursement program that requires local entities to front the funding of the project, \$795,439; and WisDOT reimburses project sponsors for the federal share, \$636,352 (80%).

Design is anticipated to begin in 2021 and construction in 2023/2024.

Options/Alternatives: The alternative is to not adopt the Resolution, which would result in the City passing on the \$636,352 grant and eventually having to fund the Safe Routes to School project some other way.

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: Resolution No. 12217-011921, State Municipal Agreement (SMA)

RESOLUTION NO. 12217-011921

BY: _____

**RESOLUTION APPROVING THE STATE MUNICIPAL AGREEMENT
FOR THE SAFE ROUTES TO SCHOOL-PHASE 1 TRANSPORTATION ALTERNATIVES
PROGRAM (TAP) PROJECT, IMPROVEMENTS LOCATED WITHIN 1/2 MILE RADIUS OF
CEDAR HILLS ELEMENTARY, EDGEWOOD ELEMENTARY, MEADOWVIEW
ELEMENTARY, SHEPARD HILLS ELEMENTARY, AND WEST MIDDLE SCHOOL**

(VARIOUS ALDERMANIC DISTRICTS)

WHEREAS, the City of Oak Creek and the State (WisDOT) are entering into a State Municipal Agreement (SMA) for cost sharing of the design and construction of Safe Routes to School Improvements and;

WHEREAS, the federal government has provided Transportation Alternative Program (TAP) funding, \$636,352 of which has been awarded and will be administered through WisDOT to the City's Safe Routes to School-Phase 1 Project and;

WHEREAS, the SMA provides that WisDOT will pay 80% of the design, State review, construction and related field inspection costs, up to the maximum of \$636,352 and;

WHEREAS, the SMA provides that the City will pay the remaining 20% of the design, State review, road construction and inspection costs; plus, the balance of all costs above the capped \$636,352 State contribution and;

WHEREAS, the City will be required to pay all costs up front, then be reimbursed the 80%.

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the SMA is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit the one (1) City-signed document to WisDOT for its execution and the return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this this 19th day of January, 2021.

President, Common Council

Approved this this 19th day of January, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



STATE/MUNICIPAL AGREEMENT FOR A NONINFRASTRUCTURE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) PROJECT

Subprogram #: 290
Program Name: TAP

Date: December 3, 2020
I.D.: 2987-09-00/70
DUNS ID: 809611460
FAIN ID: TBD
Project Title: SAFE ROUTES TO SCHOOL-PHASE 1
Location/Limit: 5 SCHOOL LOCATIONS
Project Length (if applicable): N/A
Project Sponsor: **City of Oak Creek**
County: **Milwaukee**
MPO Area (if applicable): SEWRPC

The signatory, the City of Oak Creek, hereinafter called the Project Sponsor, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the transportation project hereinafter described.

Wisconsin Statute 85.021 authorizes the State to administer a program to award grants of assistance to certain political subdivisions, state agencies, counties, local government units, Indian tribes, consistent with federal law.

The authority for the Project Sponsor to enter into this State/Municipal Agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301(2) of the Wisconsin Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project will be submitted for approval in a federally funded program. The Municipality agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Existing Facility – Describe and give reason for request: Locations have non-ADA compliant infrastructure, insufficient signage and incomplete sidewalk links.

Proposed Improvement - Nature of work: Proposed improvements range from the installation of high-visibility crosswalks, improved signage, ADA ramp improvements, raised crosswalks, sidewalk connections and a High-Intensity Activated Crosswalk Signal (HAWK). These improvements located at intersections within a ½ mile radius of the following five Schools: Oak Creek-Franklin School District; Cedar Hills Elementary, Edgewood Elementary, Meadowview Elementary, Shepard Hills Elementary, and West Middle School.

The Project Sponsor agrees to the following State Fiscal Year 2020-2024 TAP project funding conditions:

All Project Sponsors and processes, including real estate acquisition and environmental documentation, must comply with *A Sponsor's Guide to Non-Traditional Transportation Project Implementation* (Sponsor's Guide) and the current WisDOT Facilities Development Manual (FDM).

The subject project is funded with 80% federal funding up to a maximum of \$636,352 for all federally funded project phases when the Project Sponsor agrees to provide funds in excess of the \$636,352 federal funding maximum, in accordance with TAP guidelines. Non-participating costs are 100% the responsibility of the Project Sponsor. Any work performed by the Project Sponsor prior to federal authorization is not eligible for federal funding. The Project Sponsor will be notified by the State when each project phase or ID is authorized and available for charging.

The project is subject to a discretionary DBE goal assessment. The Catalogue of Federal Domestic Assistance (CDFA) number for this project is 20.205 – Highway Planning and Construction.

The subject project must be commenced within four (4) years of the project award date or the grant is rescinded. Sec. 85.021, Wis. Stats.

- 1) For construction projects, a project is commenced when construction is begun.
- 2) For planning projects, a planning project is commenced when the planning study is begun.
- 3) For non-infrastructure projects that do not fall within any of the above categories, a project is considered commenced on the date that WisDOT receives the first reimbursement request from the Project Sponsor, as noted on form DT1713 in the 'Date Received' field.

Project Award date: August 31, 2020

Commencement deadline: August 31, 2024

Completion deadline: June 30, 2026

The project commencement deadline is fixed by statute and may not be extended.

The subject project must be completed by June 30, 2026, and the Project Sponsor must submit a project completion certificate to WisDOT central office on or before this date. WisDOT may consider a written request to extend the completion deadline from the Project Sponsor and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

In the summary funding table below, the federal share of the total estimated cost distribution indicates the maximum amount of federal funding available to the project, to be distributed across federally funded project phases. The final Project Sponsor share is dependent on the final federal participation, and the actual costs will be used in the final division of costs for billing and reimbursement.

PHASE	SUMMARY OF COSTS				
	Total Est. Cost	Federal Funds	%	Project Sponsor Funds	%
ID 2987-09-00					
Design	\$90,391	\$72,313	80%*	\$18,078	BAL*
Design Review #	\$12,051	\$9,641	80%*	\$2,410	BAL*
ID 2987-09-70					
Participating Construction	\$602,606	\$482,085	80%*	\$120,521	BAL*
Participating Construction Review #	\$90,391	\$72,313	80%*	\$18,078	BAL*
Non-Participating Construction			0%	\$0	100%
Total Est. Cost Distribution	\$795,439	\$636,352	MAX	\$159,087	N/A

*This project has a TAP federal funding maximum of \$636,352. This maximum is cumulative for all federally funded project phases.

Review costs are administered and paid for by WisDOT. The Project Sponsor will be billed for any required local match and for costs beyond the cumulative federal funding.

This request is subject to the terms and conditions that follow (pages 3–9) and is made by the undersigned under proper authority to make such request for the designated Project Sponsor and upon signature by the State shall constitute agreement between the Project Sponsor and the State. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing duly executed by both parties to this State/Municipal Agreement.

Signed for and in behalf of: City of Oak Creek: (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State: (please sign in blue ink)		
<u>Tony Barth</u>	<u>SE Region Planning Chief</u>	
Name	Title	Date

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding. The Project Sponsor will be notified by the State when each project phase or ID is authorized and available for charging.
3. The initiation and accomplishment of the project will be subject to the applicable federal and state regulations, as referenced in the document *A Sponsor's Guide to Non-Traditional Project Implementation*. The Project Sponsor, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in 23 U.S.C. 139 and the National Environmental Policy Act (42 U.S.C. 4321 et seq.).
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. Sec. 16.765. The Project Sponsor agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition, the Project Sponsor agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Project Sponsor agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. All applicable DBE requirements that the State specifies.
 - d. Federal and state statutes that govern the Transportation Alternatives Program, including but not limited to and Wis. Stat. Sec. 85.021 and all applicable federal laws.
4. Additional applicable state and federal requirements may include, but are not limited to, the following:
 - a. Prevailing wage requirements, including but not limited to 23 U.S.C. 113 and Wis. Stat. Sec. 103.50.
 - b. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. Sec. 16.754.
 - c. Competitive bidding requirements set forth in 23 U.S.C. 112 and Wis. Stat. Sec. 84.06.

STATE RESPONSIBILITIES AND REQUIREMENTS:

5. Funding for the project is subject to inclusion in Wisconsin's approved Transportation Alternatives Program. Federal funding will be limited to participation in the costs of the following items, as applicable to the project:
 - a. The grading, base, pavement, curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. Storm sewer mains necessary for the surface water drainage.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.
 - d. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - e. Signing and pavement marking, including marking of detour routes. Detour routes and haul roads are not eligible on local projects.
 - f. New installations or alteration of street lighting and traffic signals or devices.
 - g. Landscaping.
 - h. Preliminary Engineering.
 - i. State Review Services.
 - j. Other eligible TAP non-infrastructure items as enumerated in the approved application.
6. Project items purchased with federal funding are for the primary use of the Transportation Alternatives Program.
7. State Disbursements:
 - a. Payment by the State to the Project Sponsor shall be made on a regular basis upon presentation of Reimbursement Requests for expenditures incurred during prior periods of the project duration subject to the allowable maximum payment. Exceptions to this schedule will be made as appropriate. In general, State reimbursements will be made after sufficient proof of payment is sent to the state.
 - b. A final adjustment of state payments will be made upon completion of the State's audit of the project. If the State's audit establishes that the State paid more than its share of the eligible project costs, the Project Sponsor shall refund to the State upon demand a sum equal to the overpayment.

PROJECT SPONSOR RESPONSIBILITIES AND REQUIREMENTS:

8. Work necessary to complete the TAP project to be financed entirely by the Project Sponsor or other utility or facility owner includes the items listed below, when applicable to the project.
 - a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The Project Sponsor is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.

- e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).
 - h. Real Estate for the improvement.
9. The work eligible for Federal and State participation will be administered by the Project Sponsor. The Project Sponsor is an eligible recipient of these grant funds pursuant to Wis. Stat. Sec. 85.021 and all applicable federal laws.
10. Where applicable, all contracts will be let by competitive bid and awarded to the lowest responsible bidder in accordance with the requirements set forth in 23 U.S.C. 112 and Wis. Stat. Sec. 84.06. Where applicable, all contracts for design related services shall be awarded and administered in accordance with the requirements of 23 CFR 172 and procedures published in the Wisconsin Department of Transportation Facilities Development Manual (FDM), Chapter 8, Consulting Services.
11. The Project Sponsor must receive, read, and agree to meet the requirements outlined in the *Sponsor's Guide to Non-Traditional Transportation Project Implementation*. The Project Sponsor must indicate this understanding and agreement by submitting the *Sponsor's Guide Acknowledgement Form*, which must be accepted by the State before approval of this State/Municipal Agreement shall be granted.
12. The Project Sponsor must complete and submit *Certification for Non-Traditional Project Administration and Delivery* documentation, and this documentation must be accepted by the State, before approval of this State/Municipal Agreement shall be granted. The Project Sponsor, and all consultants and other entities working on behalf of the Project Sponsor, are required to comply with the federal and state rules and requirements for projects being administered through a local letting process.
13. The project, in accordance with its scope, must employ the services of a registered professional engineer, architect or landscape architect, to be responsible for design and construction engineering and related activities.
14. A copy of the plans, specifications, and estimates containing the engineer's, architect's, or landscape architect's seal as prepared for bidding purposes (in accordance with project scope) must be provided to the State for approval prior to advertising the project for bids.
15. The improvement will take place in accordance with the appropriate standards unless an exception to standards is granted by the State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Project Sponsor unless such exception is granted.
16. Work to be performed by the Project Sponsor without Federal funding participation, necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Project Sponsor but must be coordinated with all other work undertaken during construction.
17. The Project Sponsor is responsible for financing administrative expenses related to Project Sponsor responsibilities.
18. The project is subject to a discretionary DBE goal assessment.
19. The Project Sponsor will not proceed with any State/Municipal Agreement revisions without first receiving prior approval from the State. A change order must be executed for revisions to the State/Municipal Agreement prior to the Project Sponsor's request for reimbursement for the revisions.

20. If reviews or audits show any of the work to be ineligible for Federal funding, the Project Sponsor will be responsible for any withdrawn costs associated with the ineligible work.
21. If the Project Sponsor should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project upon demand.
22. Sponsors of TAP projects within the Safe Routes to School eligibility category are required to conduct pre and post project/activity surveys using the SRTS Parent Survey and Student Tally Sheets. The results will be provided to the State at the conclusion of the project.
23. The Project Sponsor will assume all responsibility for retaining a complete project file that includes not only construction documentation but also copies of letting documents, all Local and State submittals and approvals contained in these instructions, and other pertinent documents to support project procurement, development, implementation and cost and any other item required by 49 CFR part 18 and submitting such information, upon request, in order to receive reimbursement. The Project Sponsor will keep all project records and have them available for inspection by representatives of the Federal Government and the State and will furnish copies thereof when requested.
24. The Project Sponsor shall allow the State and US Department of Transportation auditors to have access to the Project Sponsor's records and financial statements as necessary for determining the presence of and compliance with all information and requirements specified in 2 CFR 200.332-(a) as amended effective November 12, 2020.
25. In connection with the performance of work under this State/Municipal Agreement, the Project Sponsor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in S. 51.01(5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Except with respect to sexual orientation, the Project Sponsor further agrees to take affirmative action to ensure equal employment opportunities. The Project Sponsor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the employment officer setting forth the provisions of the nondiscrimination clause.
26. The Project Sponsor will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin.
27. When applicable to the project, the Project Sponsor will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, parking lanes, bicycle lanes, trails, and other facilities, sidewalks and other pedestrian facilities, and other project infrastructure) for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.

- e. Provide relocation orders and real estate plats and easements, as required by the project.
- f. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- g. Provide maintenance and energy for lighting.
- h. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

28. It is further agreed by the Project Sponsor that:

- a. The Project Sponsor assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the State and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this State/Municipal Agreement.
- b. The Project Sponsor assumes full responsibility for the plans and special provisions provided by their designer, or anyone hired, contracted or otherwise engaged by the Project Sponsor. The Project Sponsor is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Project Sponsor will reimburse the State if the State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Project Sponsor will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Project Sponsor or by others, will be in conformity with such "Manual on Uniform Traffic Control Devices" as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.

29. The subject project must be completed by the project completion date, listed on page 2 of this agreement, and the Project Sponsor must submit a project completion certificate to WisDOT central office on or before this date. WisDOT may consider a written request to extend the completion deadline from the Project Sponsor and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

LEGAL RELATIONSHIPS:

30. Responsibility for Damage and Tort Claims: The Project Sponsor and the Project Sponsor's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Project Sponsor; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Project Sponsor; or because of any claims or amounts recovered for any infringement by the Project Sponsor of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the Project Sponsor's employees; or any other law, ordinance, order or decree relating to the Project Sponsor's operations. So much of the money due the Project Sponsor under and by virtue of the contract as shall be considered necessary by the State for such purposes, may be retained for the use of the State; or, in case no money or insufficient money is retained, the Project Sponsor's surety may be held until such suit or suits, action or actions, claim or claims for injuries or damages as aforesaid shall have been settled and suitable evidence to that effect furnished to the State; except that money due the Project Sponsor will not be withheld when the Project Sponsor produces satisfactory evidence that the Project Sponsor is adequately protected by public liability and property damage insurance. The Project Sponsor also shall comply with all of the above requirements indemnifying and saving harmless the county, town, or municipality in which the improvement is made and each of them separately or jointly and officers and employees.

The State shall not be liable to the Project Sponsor for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Project Sponsor for damages or delays resulting from injunctions or other restraining orders obtained by third parties except where the damage or delay is a direct result of an injunction or restraining order obtained by a citizen's action alleging violations of 42 U.S.C. 4331 - 4332, 23 U.S.C. 138 or Public Law 91-646.

It shall be the Project Sponsor's responsibility to see that all of the contract operations incident to the completion of the contract are covered by public liability and property damage liability insurance so the general public or any representative of the contracting authority may have recourse against a responsible party for injuries or damages sustained as a result of the contract operations. This requirement shall apply with equal force, whether the work is performed by the Project Sponsor, by a subcontractor or by anyone directly or indirectly employed by either of them.

It is the express intent of this provision that a Project Sponsor that is a county, town or municipality may and should contractually pass on this entire Responsibility for Damage and Tort Claims provision to any public and private entities with which it may subcontract any of the work covered by this State/Municipal Agreement.

- a. The word, "surety" in the above paragraphs refers to the issuer of a payment and performance bond under Wis. Stat. Sec. 779.14.
- b. Nothing in this section should be construed as a waiver of any statutory defenses that may be available to any governmental party.

31. The Project Sponsor, also known as the primary participant, as that term is defined in 49 CFR Part 29, certifies to the best of its knowledge and belief, that it and its principals, as that term is defined in 49 CFR Part 29:

- a. Are not currently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any State of Wisconsin or Federal department or agency;
- b. Have not, within a three-year period preceding this State/Municipal Agreement, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not currently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated above;
- d. Have not within a three-year period preceding this State/Municipal Agreement had one or more public transactions (Federal, State or Local) terminated for cause or default; and
- e. That all grantees, contractors, and suppliers, including what is also known as lower tier participants as that term is used in 49 CFR Part 29 and the Appendix to Part 29 -- Covered Transactions, have certified in writing that neither they or their principals are currently debarred, suspended, proposed for debarment or suspension, have been declared ineligible, or have voluntarily been excluded from participating in this or any other Federal, State or Local transaction by any Federal, State or Local department, agency or official.

32. *Contract Modification:* This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.

33. *Binding Effects:* All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third-party beneficiary rights to be held by any person or entity who is not a party to this State/Municipal Agreement. Nor does it accord on any non-party the right of enforcement.

34. Choice of Law and Forum: This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and, in any deed, executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.
35. Nothing in this State/Municipal Agreement shall be construed as a waiver of the State's sovereign immunity.

PROJECT FUNDING CONDITIONS

36. Non-Appropriation of Fund: With respect to any payment required to be made by the Department under this State/Municipal Agreement, the parties acknowledge the Department's authority to make such payment is contingent upon appropriation of funds and required legislative approval sufficient for such purpose by the Legislature. If such funds are not so appropriated, either the Project Sponsor or the Department may terminate this State/Municipal Agreement after providing written notice not less than thirty (30) days before termination.
37. Maintenance of Records: During the term of performance of this State/Municipal Agreement, and for a period not less than three years from the date of final payment to the Project Sponsor, records and accounts pertaining to the performance of this State/Municipal Agreement are to be kept available for inspection and audit by representatives of the Department. The Department reserves the right to audit and inspect such records and accounts at any time. The Project Sponsor shall provide appropriate accommodations for such audit and inspection.

In the event that any litigation, claim or audit is initiated prior to the expiration of said records maintenance period, the records shall be retained until such litigation, claim or audit involving the records is complete.

Records pertaining to the performance of the State/Municipal Agreement are subject to disclosure pursuant to Wis. Stats. Sec. 19.31 et seq. and shall be preserved by the Project Sponsor.

38. The Project Sponsor agrees to the following State Fiscal Year 2020-2024 TAP project funding conditions: The maximum participation of federal funding will be limited to 80% of the actual eligible project cost or the total cost distribution of TAP funds shown on page 3 of this State/Municipal Agreement, whichever is less. The project federal funding maximum of \$636,352 is cumulative for all federal funded project phases.

COMMON COUNCIL REPORT

Item: Minor Land Division - 9005 & 9010 S. 11th Ave.

Recommendation: That the Council adopts Resolution No. 12218-011921, a resolution approving a Minor Land Division (Certified Survey Map) submitted by Gonzalo Couto-Lain for the properties at 9005 & 9010 S. 11th Ave.

Fiscal Impact: The proposal is to combine the two lots into one parcel, which is currently under construction with a single-family residence. The single-family residential development will yield positive fiscal impacts in terms of assessed value, development fees, and impact fees. These properties are 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 is requesting approval of a Minor Land Division (Certified Survey Map) combining the properties at 9005 & 9010 S. 11th Ave. Following combination, the parcel will be 5.4797 acres in size and meets all dimensional requirements for the Rs-3, Single Family Residential district. Access to S. Chicago Rd. is prohibited as shown on the map, one (1) WE Energies easement is depicted, and delineated wetland areas have been identified per Code requirements. Unused laterals must be abandoned at the main per the Oak Creek Water & Sewer Utility. Staff have no objections to the proposal

The Plan Commission reviewed this request during their January 12, 2021 meeting, and recommended approval subject to the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Options/Alternatives: Council has the discretion to approve, and/or modify the condition(s) of Certified Survey Map approval, or deny the request. Disapproval may or may not affect the construction of a single-family residence currently in progress; however, disapproval would affect the ability of the existing landowners to develop in areas outside of the delineated wetlands for detached accessory structures, etc.

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:

Res. 12218-011921

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12218-011921

BY: _____

A RESOLUTION APPROVING A MINOR LAND DIVISION (CERTIFIED SURVEY MAP) FOR GONZALO COUTO-LAIN

9005 & 9010 S. 11th Ave.
(4th Aldermanic District)

WHEREAS, GONZALO COUTO-LAIN, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

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

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

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

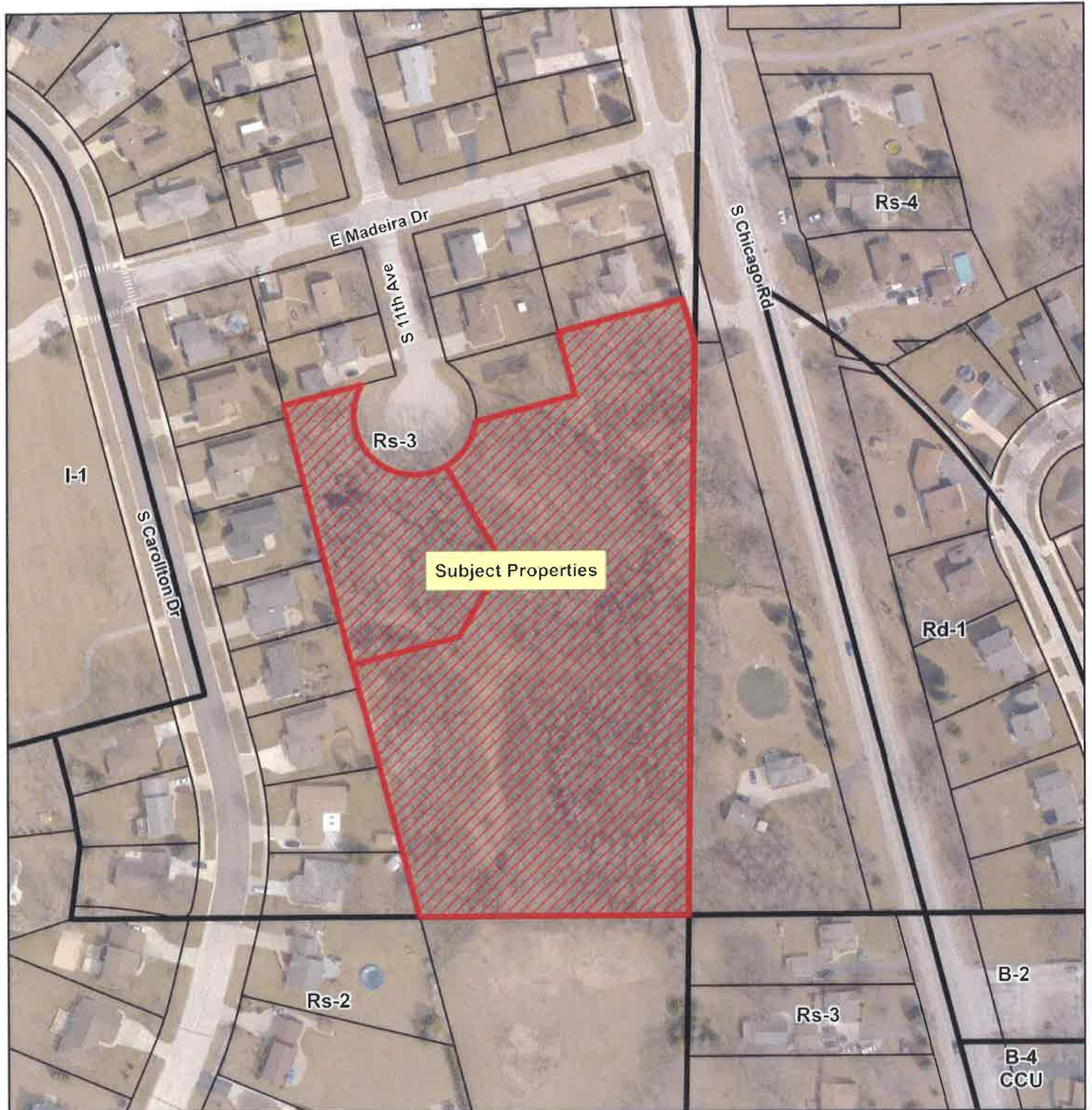
ATTEST:

VOTE: Ayes _____ Noes _____

City Clerk

LOCATION MAP

9005 & 9010 S. 11th Ave.



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



Legend

CERTIFIED SURVEY MAP NO. _____

Being a combination of Lot 1 and Lot 2 of CSM 8785, which was a
redivision of Outlots 1 and 2 of CERTIFIED SURVEY MAP No. 5347, being a part of the Southeast
1/4 of the Northwest 1/4 of Section 23, Township 5 North, Range 22 East, in the City of Oak Creek,
Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

I, James R. Beaty, Professional Land Surveyor, do hereby certify: That I have surveyed, mapped and divided lands,
Being a combination of Lot 1 and Lot 2 of CSM 8785, which was a redivision of Lot 1 and Lot 2 of Certified Survey
Map No. 5347, all being part of the Southeast 1/4 of the Northwest 1/4 of Section 23, 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 the Northwest 1/4 of said Section 23; Thence N 89°55'45" E along the south
line of said northwest 1/4 2306.51 feet to a point on the east line of Rowan Estates Addition No. 3 and the point of
beginning of the lands hereinafter described; Thence N14°39'18"W along said east line 614.88 feet to a point on the
south line of Rowan Estates Addition No. 2; thence N75°20'42"E along said south line 93.43 feet to a point of
curvature; thence 247.44 feet along the arc of a curve, whose center lies to the northeast, whose radius is 70.00 feet
and whose chord bears S71°32'45"E, 137.30 feet to a point; thence N75°20'42"E 118.56 feet to a point; thence
N14°39'18"W 75.00 feet to a point; thence N75°20'42"E, 150.00 feet along the south line of Lot 2 of Block 4 of Rowan
Estates to a point on the west line of South Chicago Road; thence S14°39'18"E 49.75 feet to a point on the East line
of said Northwest 1/4; thence S00°50'07"W, a distance of 667.11 feet to the SE corner of the northwest 1/4 of said
Section 23; thence S89°55'45"W along the south line of said northwest 1/4 308.78 feet to the Point of Beginning;

Said described lands containing 238,695 Sq. Ft. (5.4797 Acres).

That I have made such survey, land division and map by the direction of Gonzalo Couto-Lain & Susan M. Lauersdorf,
owners of said land.

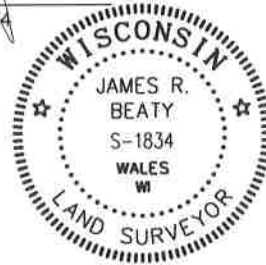
That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division
thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the City of Oak
Creek Land Division Ordinance in surveying, mapping and dividing the same.

November 12, 2020
Dated:
revised: December 28, 2020

James R. Beaty
James R. Beaty PLS 1834

PREPARED BY:
HORIZON LAND DEVELOPMENT SERVICES, LLC
JAMES R. BEATY, RLS PLS
W313 S2562 PENNY LN.
WALES, WI 53183
1-262-349-1575
www.horizonlanddevelopmentservices.com



CERTIFIED SURVEY MAP NO. _____

Being a combination of Lot 1 and Lot 2 of CSM 8785, which was a redivision of Outlots 1 and 2 of CERTIFIED SURVEY MAP No. 5347, being a part of the Southeast 1/4 of the Northwest 1/4 of Section 23, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION

As owners, we hereby certify that we caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of the City of Oak Creek.

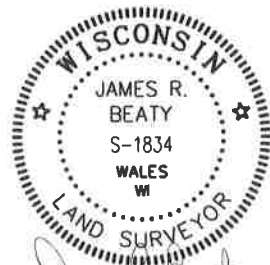
Date Gonzalo Couto-Lain

Date Susan M. Lauersdorf

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

PERSONALLY came before me this _____ day of _____, 2021,
Gonzalo Couto-Lain, and Susan M. Lauersdorf, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public
State of Wisconsin
My Commission Expires: _____



James R. Beaty
dated: November 12, 2020
revised: December 28, 2020

CERTIFIED SURVEY MAP NO. _____

Being a combination of Lot 1 and Lot 2 of CSM 8785, which was a
redivision of Outlots 1 and 2 of CERTIFIED SURVEY MAP No. 5347, being a part of the Southeast
1/4 of the Northwest 1/4 of Section 23, Township 5 North, Range 22 East, in the City of Oak Creek,
Milwaukee County, Wisconsin.

PLAN COMMISSION APPROVAL

Approved by the Plan Commission of the City of Oak Creek on this _____ day of
_____, 2021.

Date

Daniel Bukiewicz, Chair

Date

Douglas Seymour, Secretary

COMMON COUNCIL APPROVAL

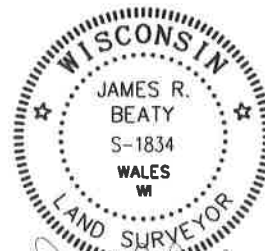
Approval by the Common Council of the City of Oak Creek, per Plan Commission
recommendation on this _____ day of _____, 2021 by Resolution No.
_____.

Date

Daniel Bukiewicz, Mayor

Date

Catherine a. Roeske, City Clerk



James R. Beaty

dated: November 12, 2020
revised: December 28, 2020



COMMON COUNCIL REPORT

Item: Minor Land Division - 501 & 315 W. Rawson Ave. - David Wynn, Blain Supply, Inc.

Recommendation: That the Council adopts Resolution No. 12219-011921, a resolution approving a Certified Survey Map submitted by David Wynn, Blain Supply, Inc., for the properties at 501 & 315 W. Rawson Ave.

Fiscal Impact: The proposal is to combine the two lots into one parcel in anticipation of a parking lot expansion project with Conditional Use Permit request for outdoor storage and display of trailers (to be reviewed by Council at a later date). The existing single-family residential structures will be removed from 315 W. Rawson Ave. Fiscal impacts will be seen in terms of development review fees. These properties are 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 support of the current owner of 315 W. Rawson Ave., is requesting approval of a Certified Survey Map (CSM) to combine the properties at 501 & 315 W. Rawson Ave. This is in anticipation of purchasing the adjacent property, currently developed with a single-family residence, for an expansion to the existing Farm & Fleet parking lot and an outdoor storage area. The Conditional Use Permit request will be reviewed during a public hearing to be scheduled.

Both parcels are currently zoned B-4, Highway Business, and the Farm & Fleet parcel is subject to a Special Use approval granted in 1984 (the CCU designation). Following combination, the parcel will be just under 14 acres in size. Existing structures on the residential lot will be removed as indicated on the map. Access is restricted to existing drives for Farm & Fleet – no additional access to Rawson Ave. will be allowed. Floodway and flood fringe areas are shown on the east portion of the property, as is an existing sanitary easement along the north portion of the residential lot. Per the Water and Sewer Utility, an easement is required for the existing sanitary sewer that is on the property at 501 W. Rawson, and an additional 10-foot easement is needed on the property at 501 W. Rawson Ave. due to the presence of a water main 2 feet off the right-of-way line. Both may be accommodated in a 10-foot-wide public utility easement along the length of the entire north property line.

The Plan Commission reviewed this request during their January 12, 2021 meeting, and recommended approval subject to the following condition:

1. That a 10-foot-wide public utility easement along the entire north property line is added to the map prior to recording.

2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Options/Alternatives: Council has the discretion to approve, and/or modify the condition(s) of Certified Survey Map approval, or deny the request. Disapproval may affect the anticipated purchase of 315 W. Rawson Ave. for the proposed site modifications and Conditional Use Permit requests.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Karl Papelbon, CFM, AICP
Planner

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12219-011921

Location Map

Proposed CSM (4 pages)

RESOLUTION NO. 12219-011921

BY: _____

A RESOLUTION APPROVING A MINOR LAND DIVISION (CERTIFIED SURVEY MAP) FOR DAVID WYNN, BLAIN SUPPLY, INC.

501 & 315 W. Rawson Ave.
(1st Aldermanic District)

WHEREAS, DAVID WYNN, BLAIN SUPPLY, INC., hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

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

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

1. That a 10-foot-wide public utility easement along the entire north property line is added to the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

1. That a 10-foot-wide public utility easement along the entire north property line is added to the map prior to recording.
2. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of January, 2021.

Passed and adopted this 19th day of January, 2021.

President, Common Council

Approved this 19th day of January, 2021.

Mayor

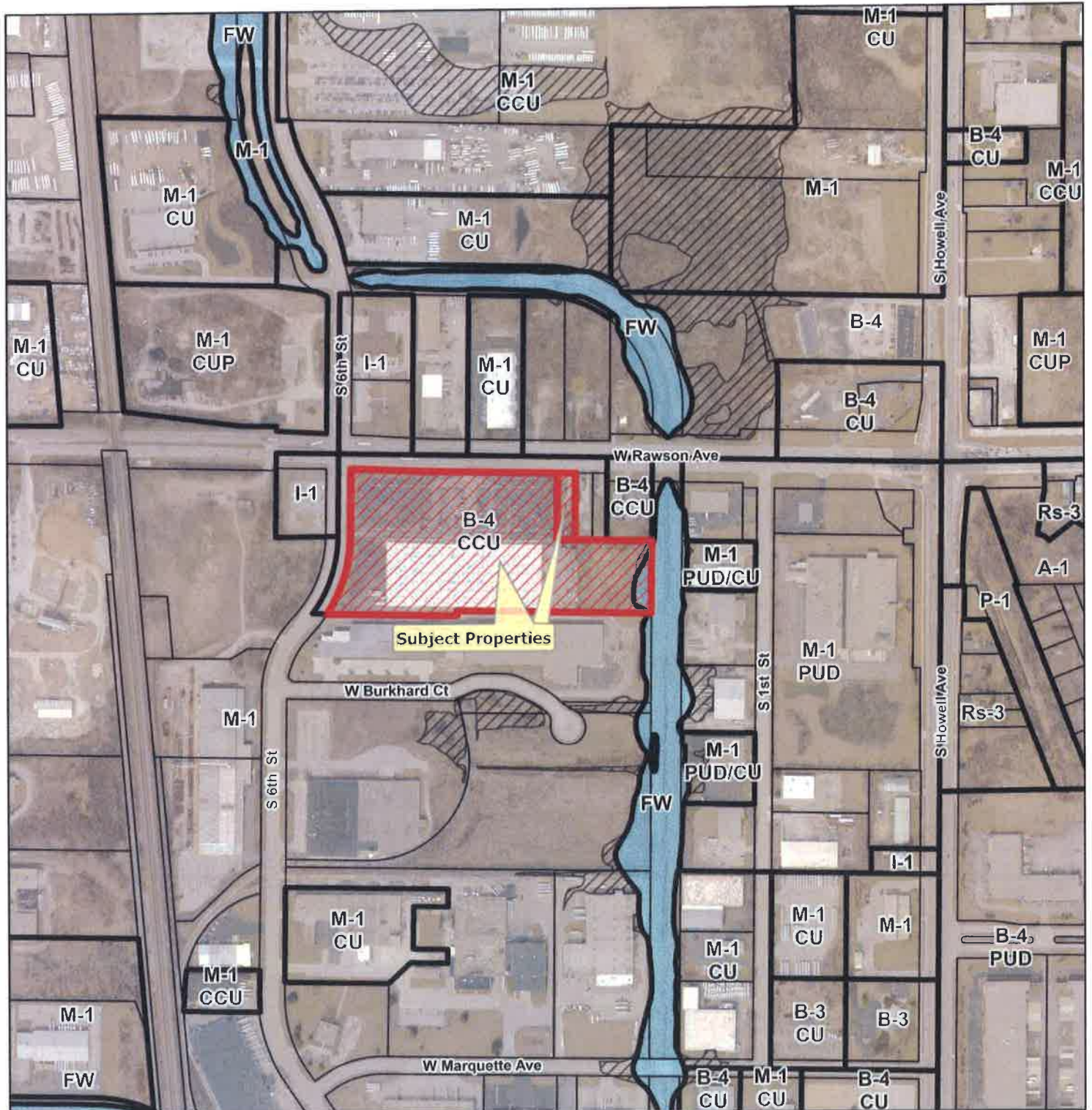
ATTEST:

VOTE: Ayes _____ Noes _____

City Clerk

LOCATION MAP

501 & 315 W. Rawson Ave.

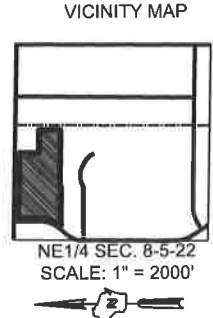
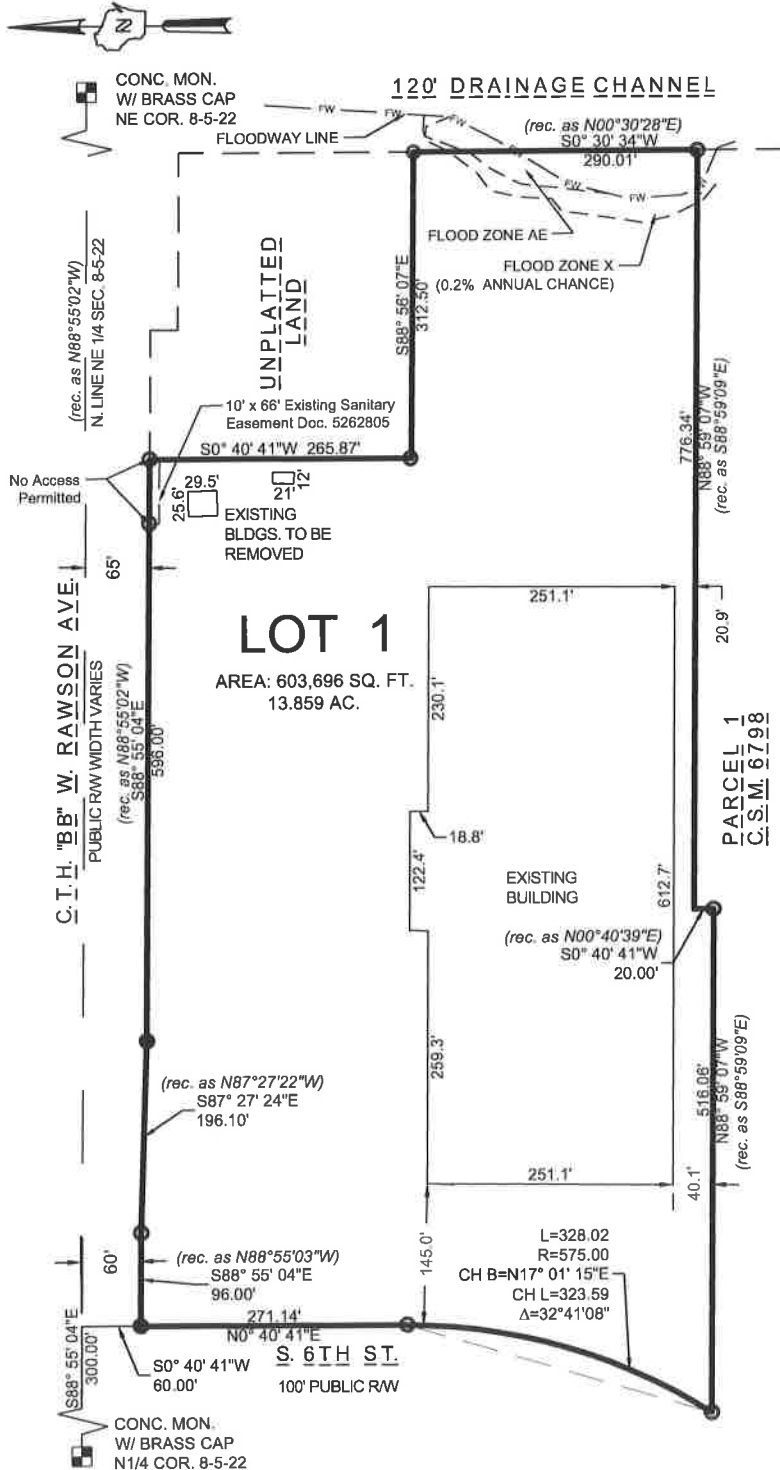


This map is not a survey of the actual boundary of any property this map depicts.



CERTIFIED SURVEY MAP NO. _____

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6758, RECORDED AS DOCUMENT NO. 7844390, AND LANDS, ALL IN THE NE 1/4 AND NW 1/4 OF THE NE 1/4 OF SECTION 8, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



OWNER/SUBDIVIDER:
FARM AND FLEET OF
JANESVILLE, INC.
c/o JANE BLAINE GILBERTSON
3507 E. RACINE STREET
JANESVILLE, WI 53547

AND
SHARON G. ORTELL
315 W. RAWSON AVE.
OAK CREEK, WI

PARCEL ADDRESSES:
315 & 501 W. RAWSON AVE
TAX-KEY NOS.
765-9046-000, 765-9994-000

LEGEND & NOTES:
○ FOUND 1" DIAM. METAL PIPE
● SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.
COORDINATES & BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE NORTH LINE OF THE NE 1/4 OF SEC. 8-5-22 BEARING N 88°55'04" W, AS PUBLISHED BY SEWRPC, NAD 1927.
(rec. as N88°55'03"W) INDICATES RECORDED AS BEARINGS.
FLOODPLAIN LINES BASED ON FEMA FIRM PANEL 55079C0166E DATED 9/25/2008



THE SIGMA GROUP
Single Source. Smart Solutions.
www.thesigmagroup.com
1300 West Canal Street
Milwaukee, WI 53233
Phone: 414-643-4200
Fax: 414-643-4210

CERTIFIED SURVEY MAP NO. _____

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6758, RECORDED AS DOCUMENT NO. 7844390, AND LANDS, ALL IN THE NE 1/4 AND NW 1/4 OF THE NE 1/4 OF SECTION 8, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
SS
MILWAUKEE COUNTY)

I, Baiba M. Rozite, Professional Land Surveyor, hereby certify that I have surveyed, divided and mapped Parcel 1 of Certified Survey Map No. 6758, recorded as Document No. 7844390, and lands, all in the Northeast 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the North 1/4 corner of said Section 8; thence South 88°55'04" East, 300.00 feet along the north line of said Northeast 1/4 section; thence South 0°40'41" West, 60.00 feet to the south line of C.T.H. "BB" - West Rawson Avenue and to the point of beginning; thence South 88°55'04" East, 96.00 feet along said south line; thence South 87°27'24" East, 196.10 feet along said south line; thence South 88°55'04" East, 596.00 feet along said south line; thence South 0°40'41" West, 265.87 feet to a north line of said Parcel 1 of Certified Survey Map No. 6758; thence South 88°56'07" East, 312.50 feet along said north line to the east line of said Parcel 1; thence South 0°30'34" West, 290.01 feet along said east line to the north line of Parcel 1 of Certified Survey Map No. 6798; thence North 88°59'07" West, 776.34 feet along said north line; thence South 0°04'41" West, 20.00 feet along said Parcel 1; thence North 88°59'07" West, 516.06 feet along said north line to the easterly line of South 6th Street and the beginning of a 575.00 foot radius curve to the left, whose chord bears North 17°01'15" East, 323.59 feet; thence northwesterly 328.02 feet along said easterly line and the arc of said curve; thence North 0°40'41" East, 271.14 feet along said easterly line to the point of beginning.

Said parcel contains 603,696 square feet or 13.859 acres of land, more or less.

That I have made the survey, land division, and map by the direction of the owner of said land. That the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made. That I have fully complied with s. 236.34 of the Wisconsin Statutes and the City of Oak Creek Code of Ordinances in surveying, dividing and mapping the same.

BAIBA M. ROZITE S-2351 DATE

PLAN COMMISSION APPROVAL CERTIFICATE

Approved by the Plan Commission of the City of Oak Creek, this ____ day of _____, 20 ____

Daniel J. Bukiewicz, *Chair*

Douglas Seymour, *Secretary*

COMMON COUNCIL APPROVAL CERTIFICATE

Approved by the Common Council of the City of Oak Creek, this ____ day of _____, 20 ____ by Resolution No. _____.

Daniel J. Bukiewicz, *Mayor*

Catherine A. Roeske, *City Clerk*

CERTIFIED SURVEY MAP NO. _____

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6758, RECORDED AS DOCUMENT NO. 7844390, AND LANDS, ALL IN THE NE 1/4 AND NW 1/4 OF THE NE 1/4 OF SECTION 8, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

FARM AND FLEET OF JANESVILLE, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. **FARM AND FLEET OF JANESVILLE, INC.**, as owner, does further certify that this map is required by s. 236.10 or 236.12 to be submitted to the following for approval or objection:

CITY OF OAK CREEK

WITNESS the hand and seal of said owner this ___ day of _____, 20__.

FARM AND FLEET OF JANESVILLE, INC.

signature
JANE BLAINE GILBERTSON, OWNER

STATE OF WISCONSIN)
_____ COUNTY) :SS

Personally came before me this ___ day of _____, 20__, the

above-named JANE BLAINE GILBERTSON, to me known to be the person who executed the foregoing instrument, and to me known to be such OWNER, of **FARM AND FLEET OF JANESVILLE, INC.**, and acknowledged that she executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

(SEAL) _____
NOTARY PUBLIC *signature*, STATE OF WISCONSIN

notary printed name

MY COMMISSION EXPIRES _____.

CERTIFIED SURVEY MAP NO. _____

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6758, RECORDED AS DOCUMENT NO. 7844390, AND LANDS, ALL IN THE NE 1/4 AND NW 1/4 OF THE NE 1/4 OF SECTION 8, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

I, **SHARON G. ORTELL**, as owner, hereby certify that I caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. As owner, I further certify that this map is required by s. 236.10 or 236.12 to be submitted to the following for approval or objection:

CITY OF OAK CREEK

Signed on this ___ day of _____, 20__.

signature
SHARON G. ORTELL, OWNER

STATE OF WISCONSIN)
:SS

COUNTY)
STATE OF WISCONSIN)

Personally came before me this ___ day of _____, 20__, the

above-named SHARON G. ORTELL, to me known to be the person who executed the foregoing instrument, and to me known to be the OWNER, and acknowledged the same.

(SEAL) _____
NOTARY PUBLIC *signature*, STATE OF WISCONSIN

notary printed name

MY COMMISSION EXPIRES _____.

COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 1/19/2021 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,345.00 were collected.

Critical Success Factor(s):

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

Background:

1. Grant Secondhand Article licenses to Hunter Bjorkman, Agent, ecoATM, LLC, for kiosks to purchase used consumer electronic devices inside the following locations:
 - * Pick 'n Save, 8720 S. Howell Ave.
 - * Pick 'n Save, 2320 W. Ryan Rd.
 - * Pick 'n Save, 6462 S. 27th St.
2. Grant a Secondhand Jewelry Dealer license to Julie Ann Turner, Agent, Ruby and Jewels, 8811 S. Charmaine Cir.
3. Grant a Secondhand Article Dealer and Secondhand Jewelry Dealer license to Richard Radtke, Agent, Oak Creek Currency & Coin, 616 E. Ryan Rd.
4. Grant a 2020 Transient Merchant Company license to Jordan Liebe, Agent on behalf of Weedman Lawn Care / Turf Care Milwaukee, selling lawn care services, and to the following salespersons (favorable background report received):
 - * Jordan Liebe, 12851 W. Windridge Ct., #105, New Berlin
 - * Taylor Keul, 1526 N. Astor St., Milwaukee
 - * Angelo Lalicata, N55 W35659 Holmestead Ln., Oconomowoc
 - * Dylan Worden, 2406 Springdale Rd., Waukesha
 - * Peter Koenen, W1025 Vail Dr., Burlington
 - * Brandon Wildt, 322 E. Newhall Ave., Waukesha
5. Grant a 2020 Mobile Home Park license to Fifth Avenue Development Group, LLC, dba Fifth Avenue Mobile Home Court, 8481 S. 5th Ave.

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 December 29, 2020 Vendor Summary Report in the total of \$730,318.94.

Fiscal Impact: Total claims paid of \$730,318.94. Of this grand total paid, \$362,684.01 will impact the 2020 fiscal year. The remaining amount, \$367,634.93 will impact the 2021 fiscal year.

Critical Success Factor(s):

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

Background: Of note are the following payments:

1. \$5,269.51 to Adam J. Fischer (pg #7) for tax overpayment refund.
2. \$5,159.00 to American Litho (pg #2) for Winter/Spring Acorn printing.
3. \$70,687.64 to Benistar (pg #27) for Janaury Medicare supplement insurance.
4. \$22,247.66 to Digicorp, Inc. (pg #27) for data backup devices support.
5. \$22,148.00 to Godfrey & Kahn S.C. (pg #8) for legal services regarding redevelopment of lakefront site.
6. \$6,230.55 to K-Tech Specialty Coating, LLC (pg #11) for road maintenance supplies.
7. \$12,838.15 to Kansas City Life Insurance Co. (pg #27) for January disability insurance.
8. \$53,892.50 to Lakeshore Veterinary Real Estate Oak Creek LLC (pg #12) for additional landscape bond and BD Bond Refund.
9. \$9,390.84 to League of Wisconsin (pg #13) for yearly membership.
10. \$8,425.54 to Life-Assist, Inc. (pgs #13-14) for medical supplies.
11. \$14,960.50 to Locution Systems, Inc. (pg #27) for Fire Department annual support.
12. \$8,170.00 to Medical Expense Reimbursement Account (pgs #27-28) for WI HRA VEBA Plan.
13. \$102,804.00 to Municipal Property Insurance Co. (pg #28) for 2021 insurance payment.
14. \$7,693.80 to Peter Schubilske (pg #18) for tax overpayment refund.
15. \$95,083.23 to ProPhoenix (pg #28) for annual support and netmotion.
16. \$10,282.64 Ruekert/Mielke (pgs #18 & 28) for GIS cloud hosting and professional services.

-
17. \$7,079.51 to Securian Financial Group, Inc. (pgs #28-29) for January employee life insurance.
 18. \$10,547.00 to Titan Public Safety Solutions, LLC (pg #29) for TiPSS annual support.
 19. \$13,448.00 to TLC Carpet Care (pg #21) for carpet cleaning.
 20. \$5,652.77 to Vermont Systems, Inc. (pg #29) for Recreation software support.
 21. \$10,304.96 to Viking Electric Supply, Inc. (pg #22) for street lighting and signal maintenance supplies, Project #17024.
 22. \$11,264.24 to Walt's Petroleum Service, Inc. (pg #22) for TopKat fuel system and installation.
 23. \$49,504.29 to WE Energies (pgs #22-23) for street lighting, electricity & natural gas.
 24. \$10,500.00 to Wetland & Waterway Consulting LLC (pg #23) for Lakeview Park deliniation.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: 12/29/2020 Invoice GL Distribution Report



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the January 13, 2021 Vendor Summary Report in the total of \$754,049.70.

Fiscal Impact: Total claims paid of \$754,049.70. Of this grand total paid, \$473,548.65 will impact the 2020 fiscal year. The remaining amount, \$280,501.05, will impact the 2021 fiscal year.

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. \$6,806.50 to Buelow Vetter (pg #3) for legal services.
2. \$53,366.70 to Compass Minerals Company (pg #16) for salt inventory.
3. \$24,360.33 to Corelogic Refund Department (pgs #3-4) for tax overpayment refund.
4. \$13,793.73 to E. H. Wolf & Sons, Inc. (pg #17) for fuel inventory.
5. \$30,159.26 to Enterprise FM Trust (pg #15) for DPW vehicle lease monthly payment, Project #19024.
6. \$211,512.00 to GFL Environmental (pg #5) for November & December trash and recycling.
7. \$5,750.90 to GovHR, USA LLC (pg #5) for final payment of professional fees relating to recruitment of Assistant City Administrator/Comptroller.
8. \$5,605.26 to Harpreet S Chawla (pg #18) for tax overpayment refund.
9. \$42,080.00 to HIS Orchard Hills, LLC (pg #19) for escrow refund.
10. \$6,102.99 to Landmark Credit Union (pg #20) for tax overpayment refund.
11. \$42,171.02 to Milwaukee County Treasurer (pg #21) for tax overpayment refund.
12. \$5,099.91 to Nimesh Ruparel (pg #22) for tax overpayment refund.
13. \$5,171.83 to Oak Creek Historical Society (pg #9) for 2020 Historical Society expense reimbursement.
14. \$25,072.88 to Oak Creek – Franklin Joint School District (pg #9) for 2020 mobile home fees due to school district.
15. \$14,498.60 to Traditions Lighting (pg #11) for remaining balance of Light the Square event.

-
16. \$16,833.33 to Tyler Technologies, Inc. (pg #12) for consulting services.
 17. \$61,142.61 to US Bank (pgs #27-36) 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.
 18. \$30,530.03 to WE Energies (pgs #12-13) for street lighting, electricity & natural gas.
 19. \$8,674.92 to WI Court Fines & Surcharges (pg #13) for December 2020 court fines.
 20. \$12,976.55 to WI Dept. of Revenue (pg #24) for 2020 municipal fee for assessment of manufacturing property.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Jamie Strobl
Assistant Comptroller

Attachments: 1/13/2021 Invoice GL Distribution Report