



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

COMMON COUNCIL MEETING AGENDA

MARCH 2, 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: 2/15/2021

Recognition

4. **Council Proclamation:** Consider *Council Proclamation* No. 21-01, Congratulations to Benjamin Kawczynski, State Wrestling Champion (by Committee of the Whole).

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

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

5. **Official Map Amend:** Consider a request by David Decker, Decker Properties, Inc., to amend the Official Map for a portion of the Southeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18) (mapped, unimproved right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way) (2nd District)

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

6. **Ordinance:** Consider Ordinance No. 2998, amending the Official Map for a portion of the Southeast ¼ of the Southwest ¼ of the Northwest ¼ of Section 18 (mapped, unimproved right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way) (2nd District).
7. **Conditional Use:** Consider a request by David Wynn, Blain Supply, Inc., for a Conditional Use Permit to allow for outdoor storage and display of retail merchandise (trailers) on the properties at 501 and 315 W. Rawson Ave. (Lot 1 of CSM to be recorded) (1st District).
8. **Ordinance:** Consider Ordinance No. 2999, approving a Conditional Use Permit allowing outdoor display of retail merchandise (trailers) in a portion of the parking lot on the properties at 501 and 315 W. Rawson Ave. (1st District).

New Business

9. **Informational:** COVID-19 Update.
10. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending January 31, 2021.
11. **Ordinance:** Consider Ordinance No. 3000, an Ordinance to Repeal and Recreate Sections 11.86 and 11.87 of the Municipal Code Regarding Offenses by Juveniles (by Committee of the Whole).
12. **Resolution:** Consider Resolution No. 12230-030221, outlining areas of responsibility for Board of Public Works and Capital Assets (by Committee of the Whole).
13. **Resolution:** Consider Resolution No. 12229-030221, setting the date and time for the 2021 Board of Review (by Committee of the Whole).

WATER & SEWER UTILITY

14. **Motion:** Consider a motion to approve the purchase one (1) Freightliner Tandem Axle Dump Truck with a 16' Crysteel Dump body from Truck Country in the amount of \$125,933.00 (by Committee of the Whole).

COMMUNITY DEVELOPMENT

15. **Resolution:** Consider Resolution No. 12228-030221, approving a Minor Land Division (Certified Survey Map) submitted by Linda Gorens-Levey, General Capital Group, for the properties at 9954 and 9962 S. 13th St. (5th District).

ENGINEERING

16. **Motion:** Consider a motion to award the 2021 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$1,420,966.50 (Project No. 20019) (by Committee of the Whole).
17. **Ordinance:** Consider Ordinance No. 3001, repealing and recreating Section 10.20(c)(1) of the City of Oak Creek Municipal Code, designating Heavy Traffic Routes (by Committee of the Whole).
18. **Resolution:** Consider Resolution No. 12231-030221, in support of the addition of City sidewalk on Milwaukee County's proposed Rawson Avenue (CTH BB) reconstruction project (2nd District).

LICENSE COMMITTEE

19. **Motion:** Consider a *motion* to grant the various license requests as listed on the 3/2/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

20. **Motion:** Consider a *motion* to approve the February 24, 2021 Vendor Summary Report in the total amount of \$359,032.44. Of this total, \$10,233.43 will impact the 2020 fiscal year. The remaining amount, \$348,799.01 will impact the 2021 fiscal year (by Committee of the Whole).

MISCELLANEOUS

21. **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)(c) to discuss the performance evaluation for the City Administrator.
22. **Motion:** Consider a *motion* to reconvene into open session.
23. **Motion:** Consider a *motion* to take action, if required.

Adjournment.

Public Notice

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

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

4

COUNCIL PROCLAMATION NO. 21-01
CONGRATULATIONS TO
BENJAMIN KAWCZYNSKI
STATE WRESTLING CHAMPION

WHEREAS, Ben Kawczynski won the 2020 – 2021 State Wrestling Championship; and

WHEREAS, Ben started wrestling in the 6th grade at Oak Creek East Middle School; and

WHEREAS, Ben continued to wrestle through middle school and by 8th grade had moved to the 155-160-pound weight bracket; and

WHEREAS, in 8th grade Ben took first place in the Forest Park Invitational, Slinger Red Rhino Tournament, Nicolet Jr. Knight Tournament, the Mukwonago Grizzly Open, and the Port Washington Piranha Youth Wrestling tournament through Oak Creek Attack; and

WHEREAS, Ben took first place in the Parkland/Southeast Conference and qualified for the Wisconsin's Wrestling Federation Folkstyle State Championships by taking 2nd place at the WWF Folkstyle Qualifier; and

WHEREAS, Sophomore year Ben took first place in the Lancer Invitational and the Southeast Conference Tournament, the Regional Tournament, and the Sectional Tournament. Ben qualified for State and placed 6th for that year, and

WHEREAS, Ben took 1st place at the Fond Du Lac Cardinal Invitational and the Sun Prairie Wrestling and the Bob Downing Scramble, and would make his 100th win on February 15th of 2020. Junior year Ben was the Southeast conference Champion at 220 pounds and took 1st at both Regionals and Sectionals and placed 6th at State. In the off-season Ben continued to attend AWA and wrestle in tournaments as an Askren wrestler. He took first in the Freestyle State Championships and through AWA had many opportunities to wrestle and place all over the US. Ben went to the Nuway Summer Nationals Dual Meet in Atlantic City, Indiana Mat Hoosier Preseason Open and took 2nd in this national tournament, wrestled at Super 32 in South Carolina, placed 5th in the USAW Brian Keck Preseason Open, and went 5 – 1 at the Christmas Sparty All Star High School Duals, and

WHEREAS, during his high school wrestling career Ben started at a 182-pound weight class, by Senior year Ben wrestled at the 285-pound Weight class with a 15-0 record, and;

WHEREAS, Ben's Senior year he was ranked #1 in the State of Wisconsin. Ben took 1st place in the WIAA Regionals, Sectionals and State tournaments. Ben's high school career includes 121 total wins, 32 losses and of the 121 wins, 61 were pins, and

WHEREAS, Ben also played football on the Freshman team, JV and Varsity Football teams, participated in Track, and joined the power lifting group at the high school where Ben qualified for the State Power lifting tournament.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Oak Creek that congratulations be and the same hereby extended to Benjamin Kawczynski, Oak Creek State Wrestling Champion, 2020-2021, celebrating this accomplishment.

Dated this 2nd day of March, 2021.

President, Common Council

Approved this ____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

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 proposal by David Decker, Decker Properties, Inc., to amend the Official Map for a portion of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18 (mapped, unimproved right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way).

Hearing Date:

March 2, 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):

David Decker, Decker Properties, Inc.

Legal Description:

Affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way, part of Colonial Woods Condominium Plat recorded October 30, 2007 in the Milwaukee County Register of Deeds Office as Document No. 09516206, being part of Lot 1 and part of Lot 3 of Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence North 89°-07'-25" East along the North line of said Lot 1, a distance of 678.07 feet to the point of beginning; thence continuing North 89°-07'-25" East along said North line, a distance of 60.00 feet; thence South 00°-52'-35" East, a distance of 77.65 feet; thence Southeasterly 84.26 feet on a curve to the left having a radius of 70.00 feet, the chord of said curve bears South 35°-21'-38" East, a chord distance of 79.26 feet; thence Southeasterly 512.95 feet on a curve to the right having a radius of 581.22 feet, the chord of said curve bears South 44°-33'-42" East, a chord distance of 496.47 feet; thence Southeasterly 231.77 feet on a curve to the right having a radius of

430.00 feet, the chord of said curve bears South 03°-50'-15" East, a chord distance of 228.97 feet; thence Southwesterly 58.51 feet on a curve to the right having a radius of 180.00 feet, the chord of said curve bears South 20°-54'-54" West, a chord distance of 58.25 feet; thence South 30°-13'-36" West, a distance of 9.73 feet to the North line of Phase 1 of said Colonial Woods Condominium; thence South 88°-38'-30" West along said North line, a distance of 70.43 feet; thence North 30°-13'-36" East, a distance of 46.62 feet; thence Northeasterly 39.00 feet on a curve to the left having a radius of 120.00 feet, the chord of said curve bears North 20°-54'-54" East, a chord distance of 38.83 feet; thence Northwesterly 199.43 feet on a curve to the left having a radius of 370.00 feet, the chord of said curve bears North 03°-50'-15" West, a chord distance of 197.02 feet; thence Northwesterly 460.00 feet on a curve to the left having a radius of 521.22 feet, the chord of said curve bears North 44°-33'-42" West, a chord distance of 445.21 feet; thence Northwesterly 156.48 feet on a curve to the right having a radius of 130.00 feet, the chord of said curve bears North 35°-21'-38" West, a chord distance of 147.21 feet; thence North 00°-52'-35" West, a distance of 77.65 feet to the point of beginning.

The Common Council has scheduled other public hearings for March 2, 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.

A copy of the proposed map amendment is available for review at the Department of Community Development.

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

Date of Notice: January 27, 2021
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

Item: Official Map Amendment - 8100 S. 27th St. & 8100 S. Orchard Way - David Decker, Decker Properties

Recommendation: That the Council adopts Ordinance 2998, an ordinance to amend the Official Map for a portion of the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18 (mapped, unimproved right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way).

Fiscal Impact: Approval will allow the parcels to be developed in conformance with WisDOT's 27th Street Access Management Plan. Future development will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. These properties are part of TID 7.

Critical Success Factor(s):

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

Background: The Applicant is requesting an amendment to the future road pattern on the Official Map as it relates to the properties at 8100 S. 27th St. and 8100 S. Orchard Way. The officially-mapped street pattern, which effectively divides the two properties, shows the continuation of S. Orchard Way from the shared property line with the Colonial Woods Condominium properties on the south to the north property lines. Originally, Orchard Way was to continue north to Drexel Ave.; however, as part of the Tri Party Exchange Agreement amongst the City, Milwaukee County, and Northwestern Mutual, the properties to the north were acquired for regional stormwater purposes. It was recognized by the Applicant, the City, and WisDOT that discontinuing that future street pattern completely was not in conformance with the Comprehensive Plan goals for connected neighborhoods, nor was it in conformance with WisDOT's 27th Street Access Management Plan. After thoughtful consideration, the plan presented for Council consideration proposes to reconfigure the future extension of Orchard Way in an arc parallel to the wetland (west) before proceeding north to the property line in (roughly) the center of the property. This more closely aligns with the WisDOT Plan for future connectivity, while achieving the goals of the Comprehensive Plan and future development of the properties. The remaining connection west to S. 27th St. would be private with a public access easement. Consideration of vacation of the right-of-way in conjunction with this Official Map Amendment request is scheduled for a public hearing on March 16th.

While not part of the Council's consideration of this review, an additional Exhibit is included with this report depicting how the proposed future extension of Orchard Way in the Applicant's request could connect to potential future public streets in accordance with the WisDOT 27th Plan. This is purely

conceptual at this point, and would require future reviews and approvals as part of a formal proposal; however, it is provided to illustrate a more holistic view of potential future connectivity for the area.

When considering a proposal to amend the Official Map, the Council should consider the impact on the ability to logically develop adjacent properties in accordance with the existing Official Map. Nearby property owners may have an interest in maintaining certain aspects of an Official map if it provides them the future opportunity to subdivide their property in a cost-effective manner. If a person is proposing to remove this opportunity, or to alter it, they need to demonstrate that any adverse effects on the property owners involved would be offset by the benefit to the neighborhood. In other words, a property owner should not be able to amend the Official Map to maximize the development potential of his or her property at the detriment of surrounding properties..

The Plan Commission reviewed the proposed Official Map Amendment at their January 26, 2021 meeting, and has recommended approval.

Options/Alternatives: Council has the discretion to approve, modify, or deny the request.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2998

Location Map

Plan Commission Meeting Minutes

Exhibits

ORDINANCE NO. 2998

BY: _____

AN ORDINANCE TO AMEND SECTION 6.01 OF THE MUNICIPAL CODE OF THE CITY OF OAK CREEK AMENDING THE OFFICIAL MAP FOR A PORTION OF THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18 (MAPPED, UNIMPROVED RIGHT-OF-WAY AFFECTING THE PROPERTIES AT 8100 S. 27TH ST. AND 8100 S. ORCHARD WAY)

(2nd Aldermanic District)

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

SECTION 1: Section 6.01 of the Municipal Code of the City of Oak Creek enacted and adopted pursuant to Section 62.23(6)(b), Wisconsin Statutes, creating the official map of the City of Oak Creek, is hereby amended so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds and to widen, narrow, extend and close existing streets, highways, parkways, parks and playgrounds, as more fully shown on the map attached hereto and declared to be a part thereof (EXHIBIT "A"), the same affecting the Section 28, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 2nd day of March, 2021.

Passed and adopted this 2nd day of March, 2021.

President, Common Council

Approved this 2nd day of March, 2021.

Mayor

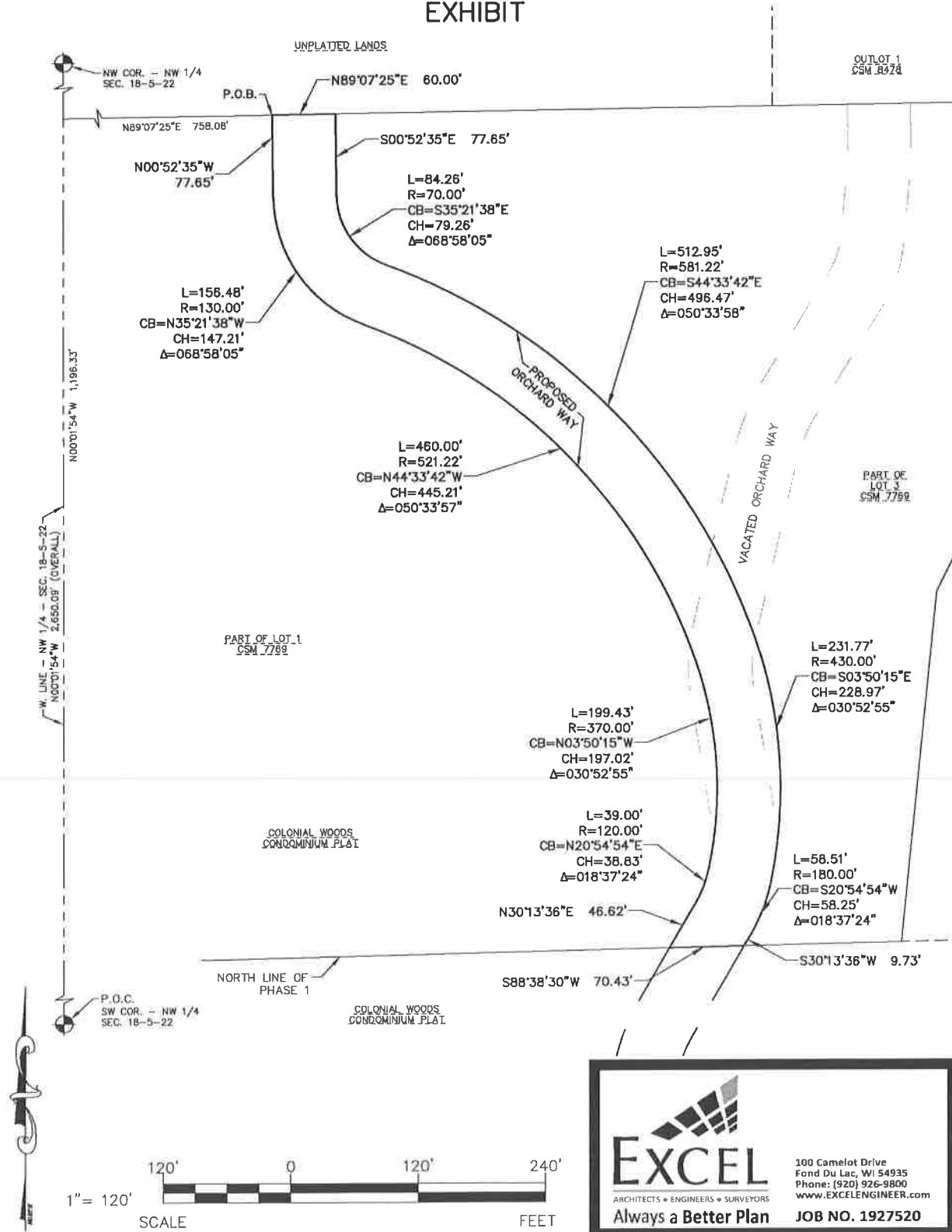
ATTEST:

City Clerk

VOTE: Ayes: 6 Noes: 0

EXHIBIT "A"

EXHIBIT





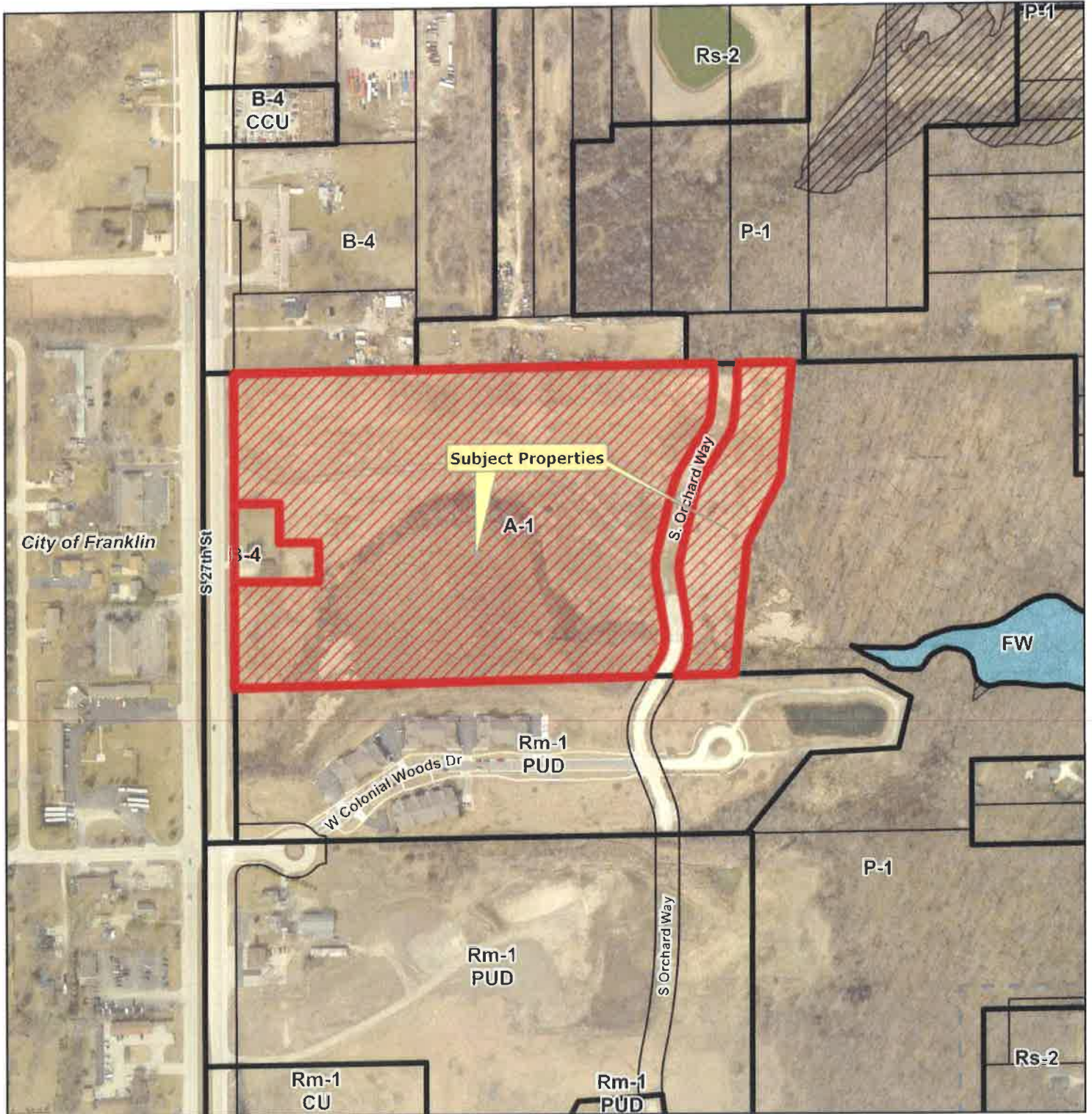
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Phone: (920) 926-9800
www.EXCELENGINEER.com

JOB NO. 1927520

LOCATION MAP

8100 S. 27th St. and 8100 S. Orchard Way



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



Legend

- Parcels
- Zoning
- Official Map
- Floodway
- Flood Fringe
- Subject Properties

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JANUARY 26, 2021**

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

**OFFICIAL MAP AMENDMENT
DECKER PROPERTIES
8100 S. 27TH ST. & 8100 S. ORCHARD WAY
TAX KEY NOS. 810-9012-001 & 810-9013-001**

Planner Papelbon provided an overview of the request to remove and reconfigure a portion of the future street pattern on the Official Map affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way (see staff report for details).

Commissioner Chandler asked the applicant if he received any feedback from neighbors.

Dave Decker, 250 North Sunny Slope Road, Brookfield, stated they have not.

Alderman Loreck inquired if the road no longer ending near Falk Park would affect any future public use of the park.

Planner Papelbon stated there are trails throughout Falk Park in this area; however, she stated that she does not have any future development information from Milwaukee County. The County has not contacted Planner Papelbon regarding any concerns with this proposal.

Alderman Loreck stated his concern regarding access to Falk Park if this proposal is approved.

Planner Papelbon stated that she believes this roadway was never intended to provide access to Falk Park from the subject property. Access is gained from Drexel Avenue.

Director Seymour stated that the Tri- Party Agreement with the County and Northwestern Mutual was meant to preserve a high-quality environmental area and add-on to Falk Park. The County currently has no plans for physical development of these areas.

Commissioner Hanna referenced the presented potential future layout, and asked Planner Papelbon if the road will be going through a property.

Planner Papelbon confirmed that is being shown; however, the diagram is just conceptual, and is not anything that is proposed. The diagram is showing how the connectivity in the area would be or could be maintained with this proposed change that is affecting the two properties owned by the applicant.

Commissioner Hanna asked if the actual changes to adopt the conceptual connectivity would need to come back to the Plan Commission.

Planner Papelbon confirmed that is correct.

Alderman Loreck moved that the Plan Commission recommends to the Common Council that the Official Map for a portion of the mapped, unimproved future right-of-way affecting the properties at 8100 S. 27th St. and 8100 S. Orchard Way be amended as illustrated, after a public hearing. Commissioner Hanna 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 7:48 pm.

ATTEST:

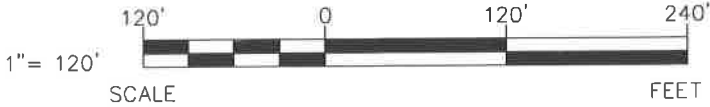
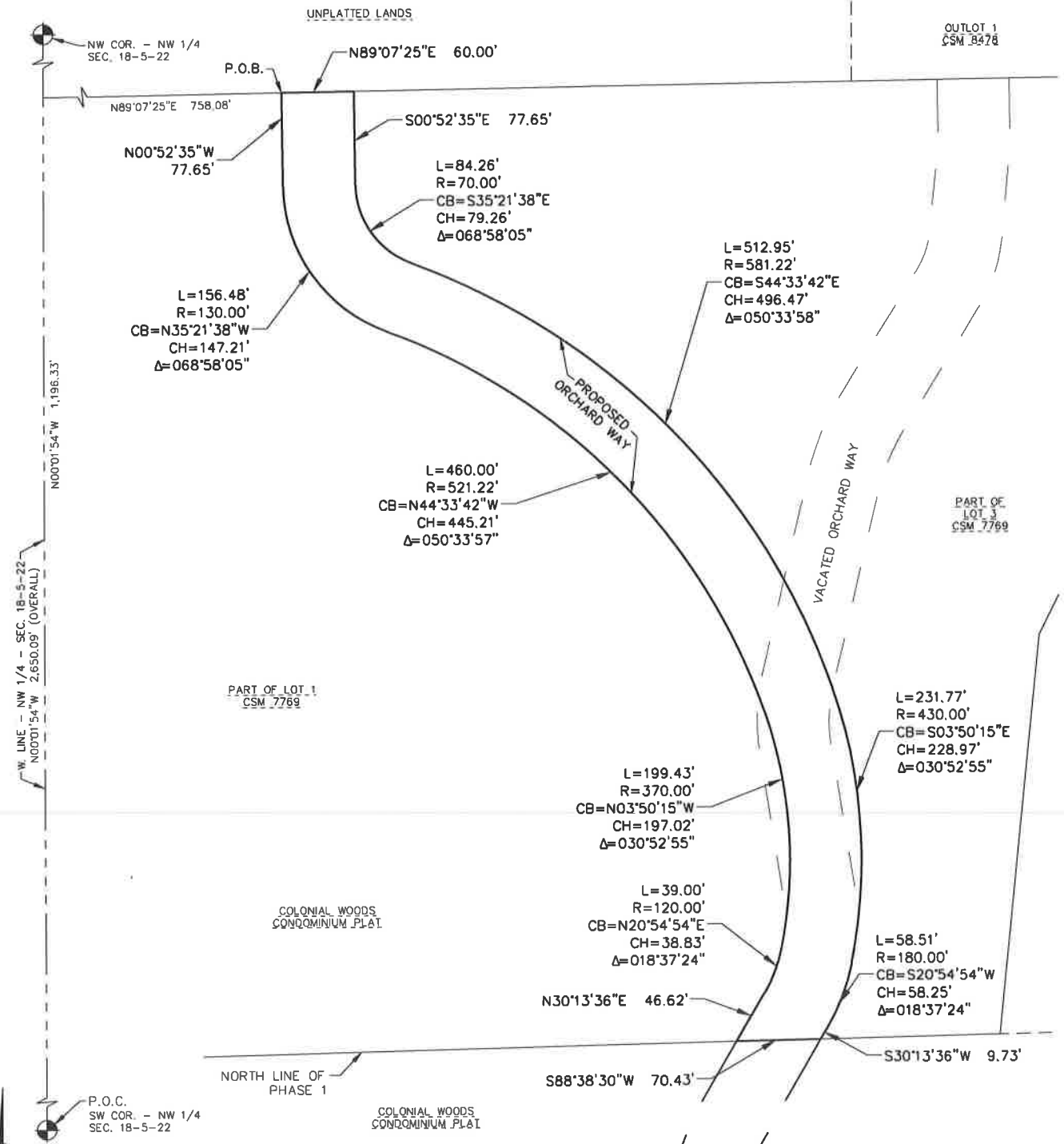


Kari Papelbon, Plan Commission Secretary

2-9-21

Date

EXHIBIT



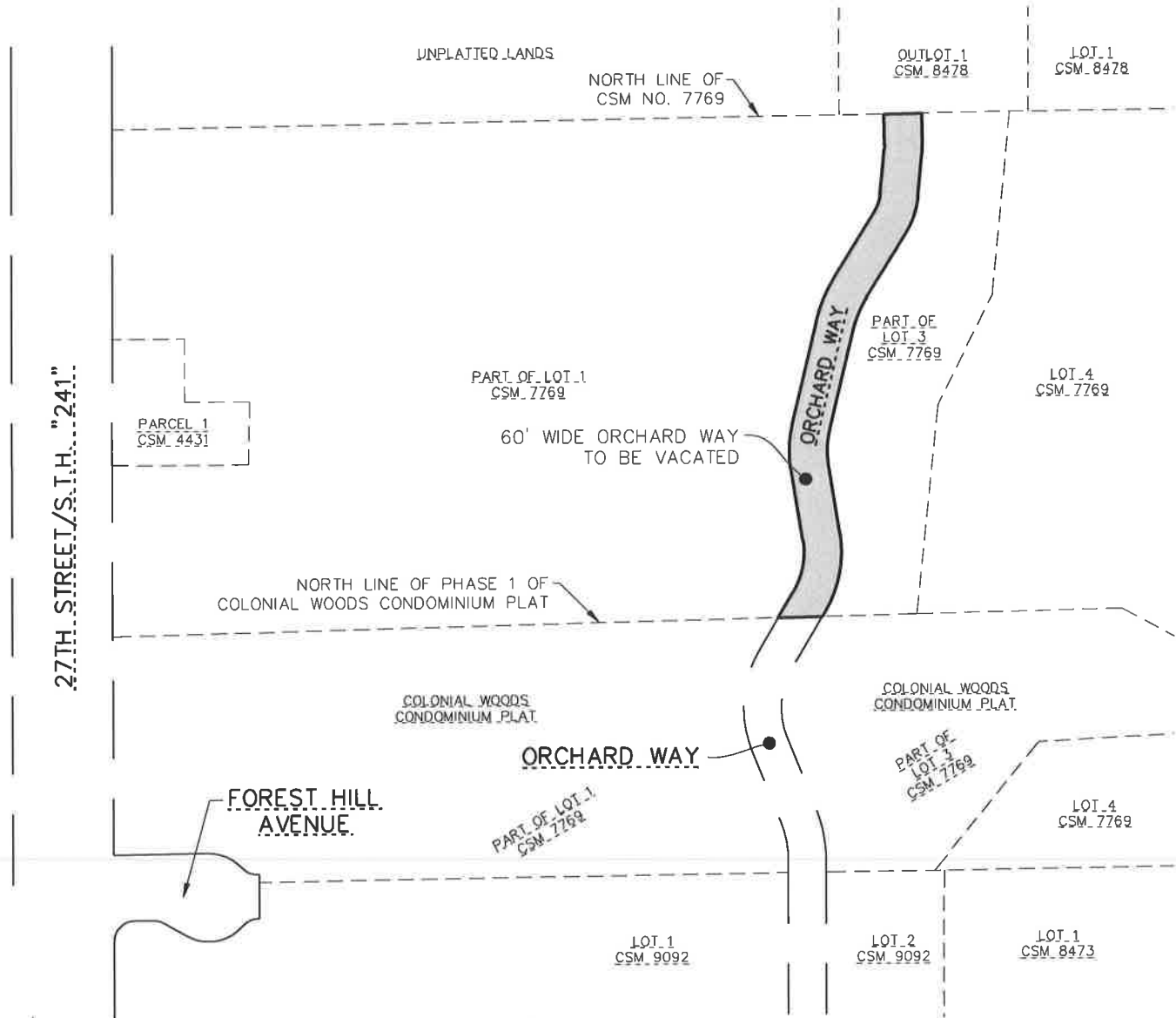


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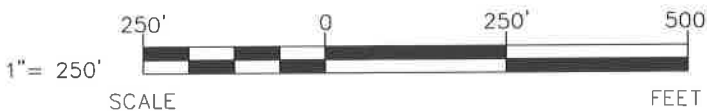
ORCHARD WAY VACATION EXHIBIT PART OF CSM NO. 7769




Orchard Way Vacation Legal Description

Part of Orchard Way as shown on Certified Survey Map No. 7769, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin being more particularly described as follows:

That part of 60 foot wide Orchard Way as shown on Certified Survey Map No. 7769 recorded June 07, 2006 in the Milwaukee County Register of Deeds Office as Document No. 09248022, bounded on the North by the North line of said Certified Survey Map No. 7769 and bounded on the South by the North line of Phase 1 of Colonial Woods Condominium Plat recorded October 30, 2007 in said Register of Deeds Office as Document No. 09516206.

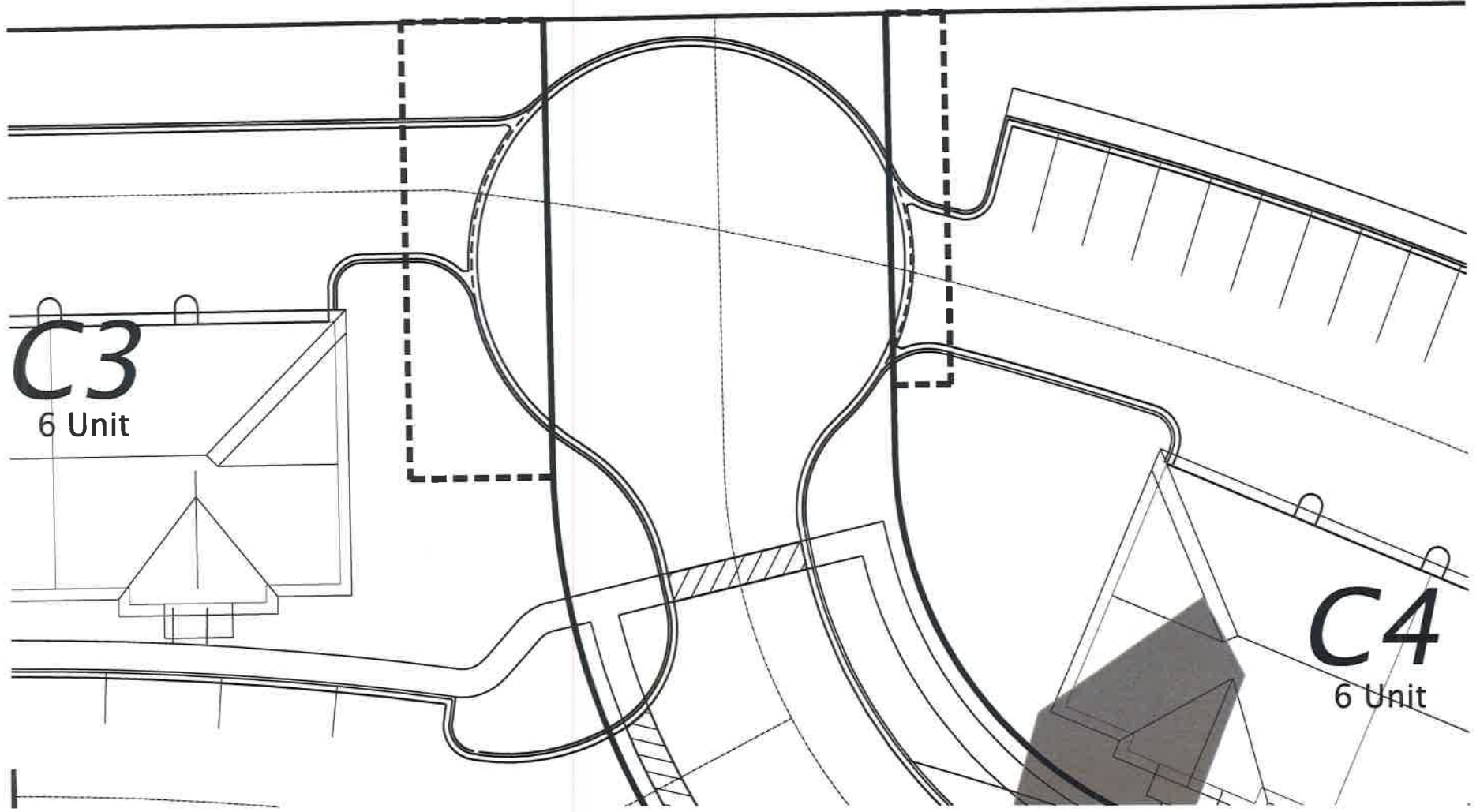




Always a Better Plan
100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

**EXCEL
ENGINEERING Inc.
SURVEYING GROUP**
PROJECT NO. 1927520

RECEIVED
By kpaibon at 10:48 am, 1/14/21



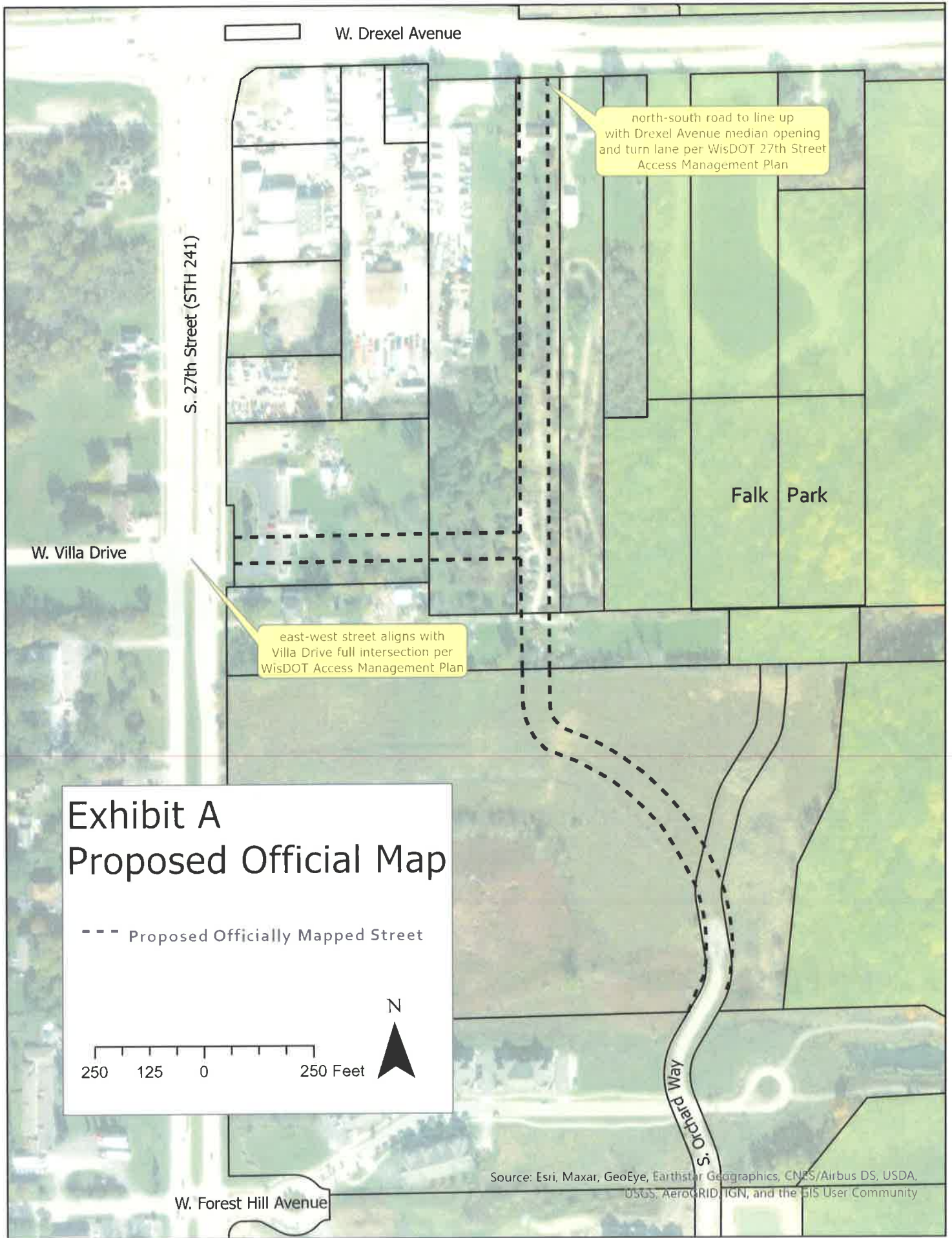


Exhibit A Proposed Official Map

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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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 David Wynn, Blain Supply, Inc., for a Conditional Use Permit to allow for outdoor storage and display of retail merchandise (trailers) on the properties at 501 & 315 W. Rawson Ave. (Lot 1 of CSM to be recorded).

Hearing Date:

March 2, 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):

David Wynn, Blain Supply, Inc.

Property Owner(s):

Farm & Fleet of Janesville and Residential Real Estate, LLC

Property Location(s):

501 & 315 W. Rawson Ave. (Lot 1 of CSM to be recorded)

Tax Key(s):

765-9046-000 & 765-9994-000

Legal Description:

Lot 1 of CSM to be recorded (combining the properties above) - Parcel 1 of Certified Survey Map No. 6758, recorded as Document No. 7844390, and lands, all in the Northeast ¼ and Northwest ¼ of the Northeast ¼ 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 ¼ corner of said Section 8; thence South 88°55'04" East, 300.00 feet along the north line of said Northeast ¼ 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 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.

The Common Council has scheduled other public hearings for March 2, 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: January 27, 2021
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 - Outdoor Display of Retail Merchandise (trailers) - David Wynn, Blain Supply, Inc.

Recommendation: That the Council adopts Ordinance 2999, an ordinance to approve a Conditional Use Permit to allow outdoor display of retail merchandise (trailers) in a portion of the parking lot on the properties at 501 & 315 W. Rawson Ave.

Fiscal Impact: No direct fiscal impact is anticipated with this request as the property is currently developed. This property is not currently part of a TID.

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

Background: The Applicant, with support of the current owner of 315 W. Rawson Ave., is requesting approval of a proposed Conditional Use Permit (CUP) to allow outdoor display of retail merchandise for trailers on the properties at 501 & 315 W. Rawson Ave. Outdoor display of retail merchandise is a Conditional Use in the B-4, Highway Business district.

Farm & Fleet have requested nearly annual approvals for Temporary Use Permits for the temporary outdoor storage and display of their trailers on the west portion of the property going back to 2010. It was strongly recommended that they pursue a Conditional Use Permit designating a permanent area for this display moving forward. Plans for parking lot expansion on the properties were reviewed by the Plan Commission on January 12, 2021. A narrative providing further explanation for the request is included with this report.

Most or all of the expanded parking lot stalls will be utilized for the permanent storage and display of the trailers on the east side of the properties, which are planned to be combined per the Certified Survey Map approved by the Common Council on January 19, 2021. Landscaping plans may require some minor modifications to ensure adequate screening, and the Applicant may add fencing along the east property line for additional security. Screening, lighting restrictions/requirements, and limitations/prohibitions on the extent and type of merchandise allowed for the outdoor storage area have been incorporated into Conditions and Restrictions included with this report.

The Plan Commission reviewed this request during their January 12 and 26, 2021 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, or deny the permit request.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



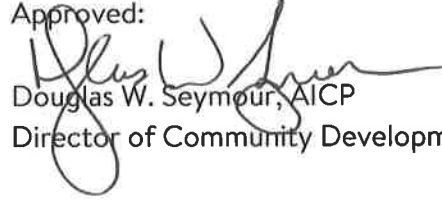
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 2999

Location Map

Narrative (1 page)

Landscape Plan (1 page)

Draft Conditions and Restrictions (7 pages)

ORDINANCE NO. 2999

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
OUTDOOR DISPLAY OF RETAIL MERCHANDISE (TRAILERS) AT
501 & 315 W. RAWSON AVE.

(1st Aldermanic District)

WHEREAS, DAVID WYNN, BLAIN SUPPLY, INC., has applied for a Conditional Use Permit that would allow for Outdoor Display of Retail Merchandise (trailers) on the properties at 501 & 315 W. Rawson Ave.; and

WHEREAS, the properties, to be combined via Certified Survey Map, are more precisely described as follows:

Lot 1 of CSM to be recorded (combining the properties) - Parcel 1 of Certified Survey Map No. 6758, recorded as Document No. 7844390, and lands, all in the Northeast $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ 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 $\frac{1}{4}$ corner of said Section 8; thence South $88^{\circ}55'04''$ East, 300.00 feet along the north line of said Northeast $\frac{1}{4}$ section; thence South $0^{\circ}40'41''$ West, 60.00 feet to the south line of C.T.H. "BB" – West Rawson Avenue and to the point of beginning; thence South $88^{\circ}55'04''$ East, 96.00 feet along said south line; thence South $87^{\circ}27'24''$ East, 196.10 feet along said south line; thence South $88^{\circ}55'04''$ East, 596.00 feet along said south line; thence South $0^{\circ}40'41''$ West, 265.87 feet to a north line of said Parcel 1 of Certified Survey Map No. 6758; thence South $88^{\circ}56'07''$ East, 312.50 feet along said north line to the east line of said Parcel 1; thence South $0^{\circ}30'34''$ West, 290.01 feet along said east line to the north line of Parcel 1 of Certified Survey Map 6798; thence North $88^{\circ}59'07''$ West, 776.34 feet along said north line; thence South $0^{\circ}04'41''$ West, 20.00 feet along said Parcel 1; thence North $88^{\circ}59'07''$ 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 $17^{\circ}01'15''$ East, 323.59 feet; thence northwesterly 328.02 feet along said easterly line and the arc of said curve; thence North $0^{\circ}40'41''$ 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.

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 March 2, 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 Outdoor Display of Retail Merchandise (trailers) on the properties at 501 & 315 W. Rawson Ave., 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 Outdoor Display of Retail Merchandise (trailers) on the properties at 501 & 315 W. Rawson Ave.

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 2nd day of March, 2021.

President, Common Council

Approved this 2nd day of March, 2021.

Mayor

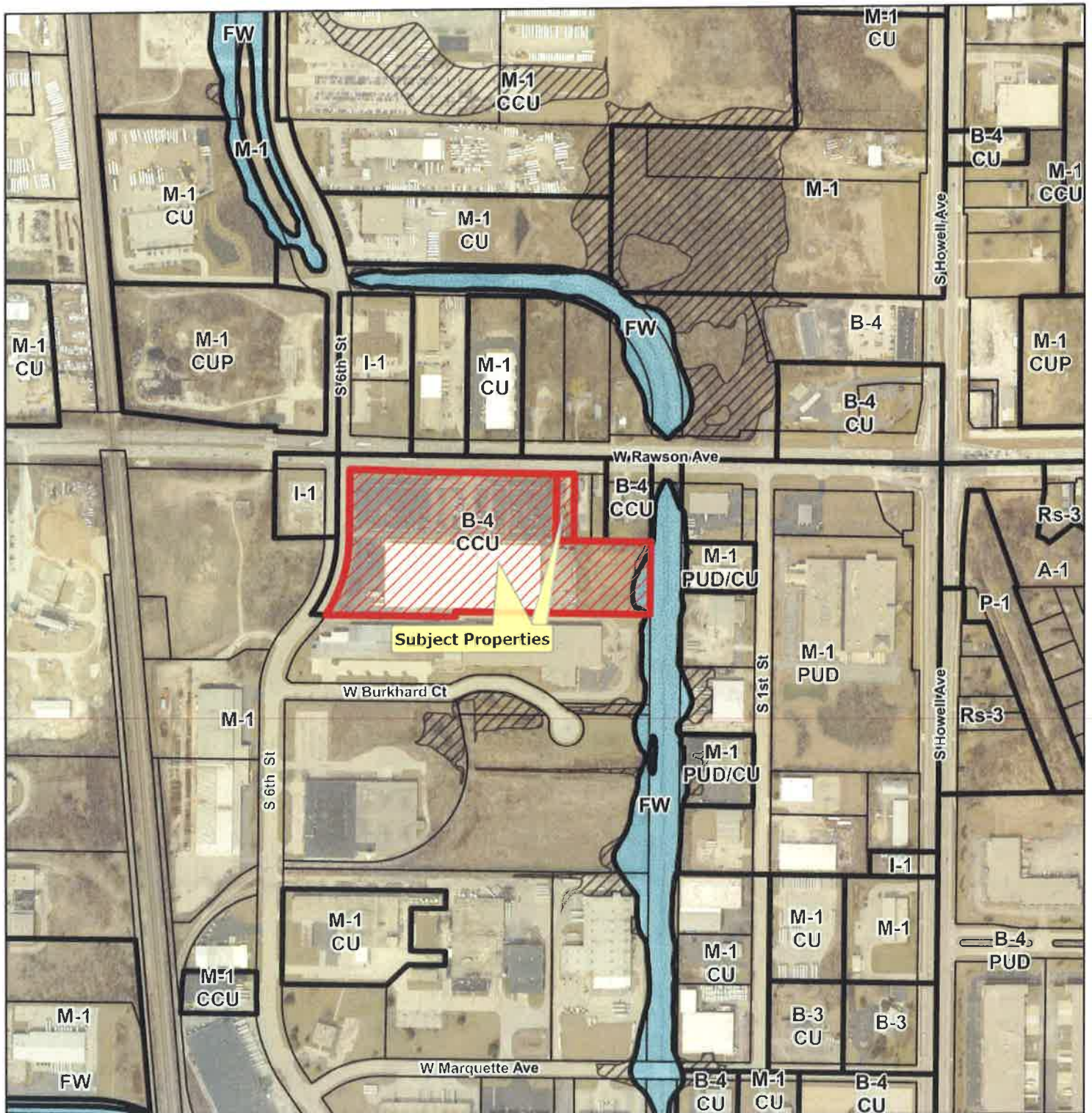
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

501 & 315 W. Rawson Ave.



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



Community Development



Legend

-  Parcels
-  Zoning
-  Official Map
-  Floodway
-  Flood Fringe
-  Subject Properties

Blain

SUPPLY, INC.

3507 East Racine Street · P.O. Box 391 · Janesville, WI 53547-0391 · 608-754-2821 · 608-754-3614 fax

Oak Creek Plan Commission
1-12-2021

Currently, Blain's Farm and Fleet is unable to display our trailers permanently year to year. We must apply for a temporary permit each year. We are also unable to display the trailers out in the front of our store, they must be kept in a gated, fenced off area behind the store which is a hardship for our customers to physically shop our trailers close up. Currently, a customer must be escorted through the locked gate by an associate. With the new property acquisition, we would be able to permanently display trailers for a shopper to look at on their own. Having visible trailers on display for our customers is an integral part of our selling process and is the condition at most other Blain's locations in Wisconsin and other states.

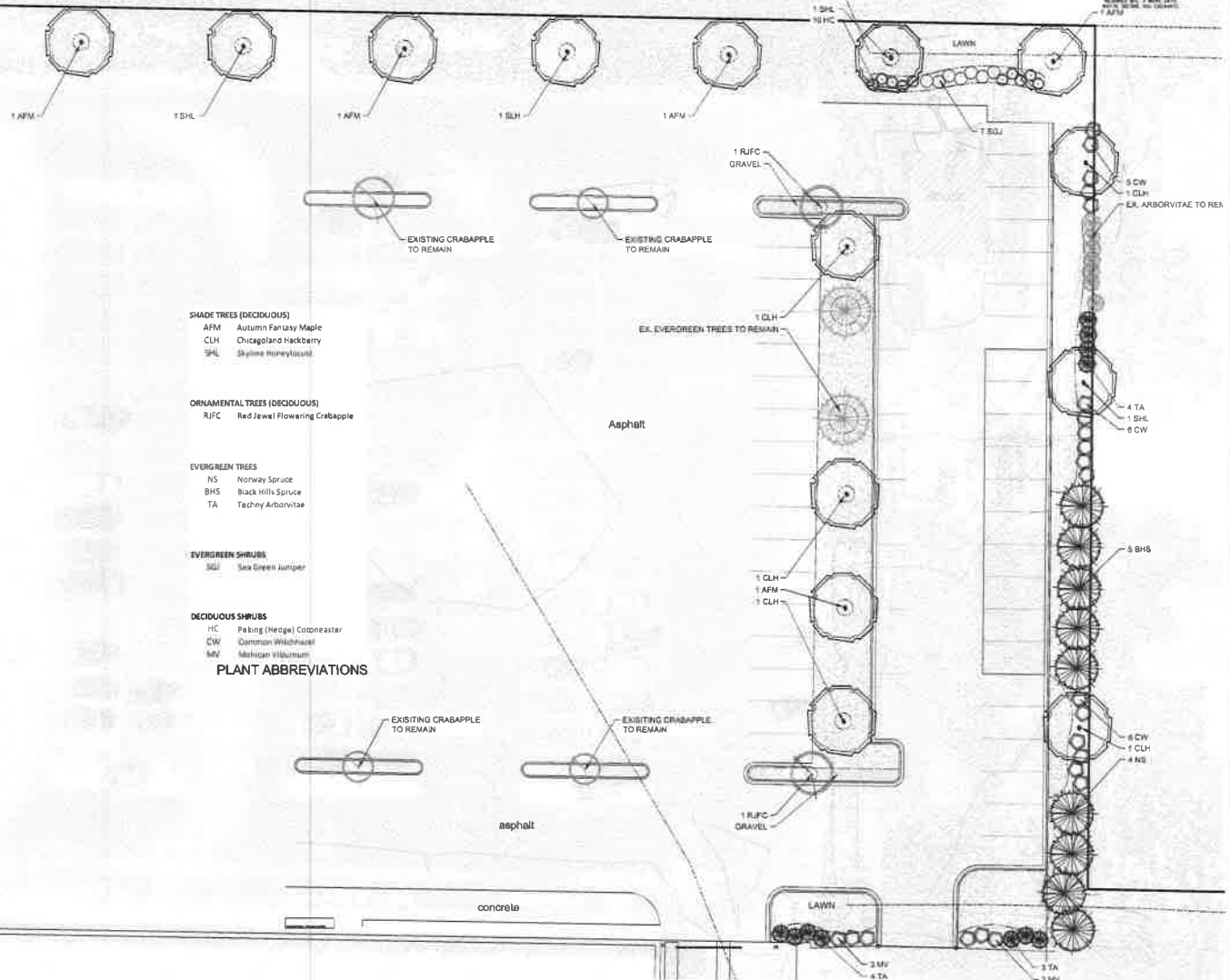
Sara Iverson Smith
Director of Real Estate, Facilities and Construction
Blain's Farm and Fleet

C.T.H. "BB" W. RAWSON AVE.

PUBLIC RW WIDTH VARIES

DIGGERS & HOTLINE
 2010 W. WISCONSIN ST. SUITE 100
 WAUKESHA, WI 53186
 PHONE: 414-443-4200
 FAX: 414-443-4211

SIGMA GROUP
 www.sigmagroup.com
 1200 West Capitol Street
 Milwaukee, WI 53233
 Phone: 414-443-4200
 Fax: 414-443-4211



- SHADE TREES (DECIDUOUS)**
 AFM Autumn Fantasy Maple
 CLH Chicagoano Hackberry
 SHL Skyline Honeylocust
- ORNAMENTAL TREES (DECIDUOUS)**
 RJC Red Jewel Flowering Crabapple
- EVERGREEN TREES**
 NS Norway Spruce
 BHS Black Hills Spruce
 TA Techy Arborvitae
- EVERGREEN SHRUBS**
 SJL Sea Green Juniper
- DECIDUOUS SHRUBS**
 HC Peking (Hedge) Cotoneaster
 CW Common Winterhaze
 MV Mexican Viburnum
- PLANT ABBREVIATIONS**

BLAINS FARM & FLEET - OAK CREEK
 501 W. RAWSON AVE.
 OAK CREEK, WI. 53154

OVERALL LANDSCAPE PLAN

NO.	REVISION	DATE	BY
1.	NEW SITE PLAN	01-08-2021	
DRAWING NO.			
DRAWN BY: PCA			
DATE: 01-08-2021			
PROJECT NO:			
CHECKED BY: WOH			
APPROVED BY:			
SHEET NO:			

OVERALL LANDSCAPE PLAN
 Scale: 1" = 16'0"
 NORTH

PRELIMINARY
NOT FOR CONSTRUCTION

L 1.0

HELLER & ASSOCIATES, LLC
 LANDSCAPE ARCHITECTURE

P.O. Box 1359
 Lake Geneva, Wisconsin 53147-1359
 ph 262.639.9733
 dave@wvnheller.com
 www.wvnheller.com

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

Applicant:	David Wynn, Blain Supply, Inc.	Approved by Plan Commission: 1-26-21
Property Address:	501 & 315 W. Ryan Rd.	Approved by Common Council: TBD
Tax Key Number:	765-9046-000 & 765-9994-000	(Ord. 2999)
Conditional Use:	Outdoor storage and display of retail merchandise (trailers only)	

1. LEGAL DESCRIPTION

Lot 1 of Certified Survey Map to be recorded, combining the properties at 501 & 315 W. Rawson Ave.

Parcel 1 of Certified Survey Map No. 6758, recorded as Document No. 7844390, and lands, all in the Northeast ¼ and Northwest ¼ of the Northeast ¼ 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 ¼ corner of said Section 8; thence South 88°55'04" East, 300.00 feet along the north line of said Northeast ¼ 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.

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. The site and building containing this Conditional Use shall be constructed and maintained in accordance with plans approved by the City of Oak Creek Plan Commission on January 12, 2021.
- C. A precise detailed site plan for the area affected by the Conditional Use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1. General Development Plan

- a. Detailed building/structure location(s) with setbacks
- b. Square footage of all buildings/structures
- c. Area(s) for future expansion
- d. Area(s) to be paved
- e. Access drive(s) (width and location)
- f. Sidewalk location(s)

2. Landscape Plan

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

3. Building Plan

- a. Architectural elevations (w/dimensions)
- b. Building floor plans

- g. Parking layout and traffic circulation
 - i. Location(s) and future expansion
 - ii. Number of employees and/or patrons
 - iii. Number of parking spaces
 - iv. Dimensions
 - v. Setbacks
- h. Location(s) of loading berth(s)
- i. Sanitary sewer (existing & proposed)
- j. Water (existing & proposed)
- k. Storm sewer (existing & proposed)
- l. Wetland boundaries (field verified)
- m. Flood hazard area boundaries
- n. Location(s) & details of sign(s)
- o. Location(s) & details of proposed fences/gates/walls
- c. Construction materials, colors, percentages

4. Lighting Plan

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

5. Grading, Drainage, & Stormwater Management Plan

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

6. Fire Protection

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

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.
- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-4, Highway Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. One (1) area for the outdoor storage and display of retail merchandise is allowed, limited to the following:
 - i. Outdoor storage shall be limited to the parking and display of trailers for sale by the business.
 - ii. Trailers for sale shall be located in a maximum of 28 designated & striped stalls on the east portion of the property in the expanded parking lot area approved by the Plan Commission on January 12, 2021. No trailers for display/storage shall be located in the three (3) parking stalls (on the east) north of the landscape island. See Exhibit A (enlarged).
 - iii. There shall be no parking or storage of other vehicles, equipment, merchandise, parts, supplies, or any other materials in the approved outdoor storage area.
 - iv. Drive aisles shall be kept clear at all times.
- C. No pennant flags, light pole flags, permanent banners, flashing/blinking signs, or new pole signs

shall be permitted as part of this development. All other signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code (as amended).

- D. Solid waste collection and recycling shall be the responsibility of the owner.
- E. Removal of snow from off-street parking areas, walks 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).
- B. Landscaping shall be provided for all parking areas in accordance with Sections 17.0403(g),(h) and 17.1010 (as amended), and all Plan Commission approvals (plans reviewed January 12, 2021).

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 January 12, 2021.
- B. All light sources shall be shielded and directed downward, and light sources adjacent to the single-family residence to the east shall be shielded on the side of the fixture adjacent to the residence.
- C. The color temperature of the fixtures shall be limited to a maximum of 3,500 Kelvins.

6. SETBACKS**

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	25 ft	25 ft	15 ft
Accessory Structure*	25 ft	20 ft	10 ft
Parking	25 ft	10 ft	10 ft
Outdoor Storage	25 ft	10 ft	10 ft

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

**See Ord. 1068 for setback requirements in addition to Sec. 17.0315(f).

7. TIME OF COMPLIANCE

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

8. 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 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. REVOCACTION

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

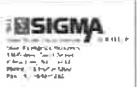
12. ACKNOWLEDGEMENT

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)



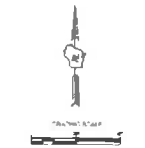
BLAIN'S FARM & FLEET - OAK CREEK
601 W. RAWSON AVE.
OAK CREEK, WI 53154

SITE DIMENSION PLAN

NO. 10-20-2021 10-11-21

OWNER	BLAIN'S FARM & FLEET
DESIGNER	SIGMA CONSULTANTS, INC.
DATE	10-20-2021
PROJECT NO.	19-00005
C. #	19-00005
SHEET NO.	1
TOTAL SHEETS	1

C100



GENERAL NOTES:

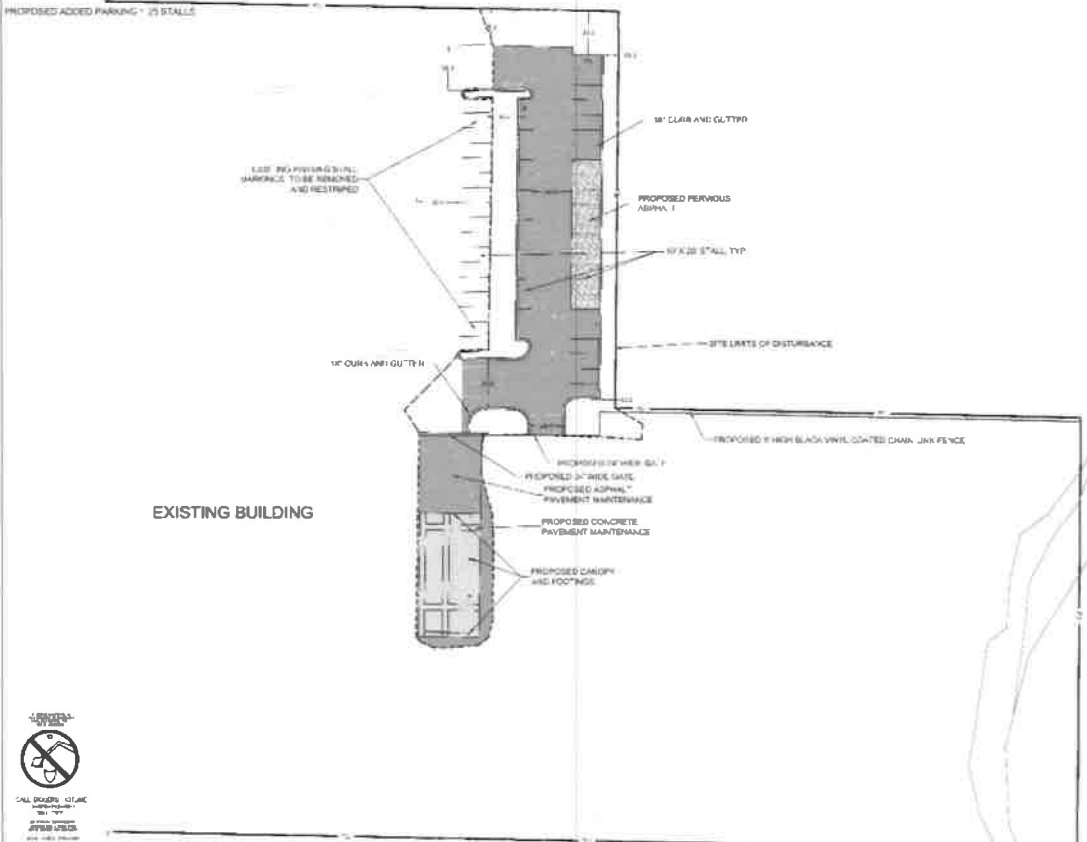
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- 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO BE SHOWN TO FACE UNLESS OTHERWISE NOTED.

**PRELIMINARY
NOT FOR CONSTRUCTION**

SITE INFORMATION TABLE:

EXISTING IMPERVIOUS - 7,786 SF (0.18 AC)
PROPOSED IMPERVIOUS - 2,300 SF (0.53 AC)
AUDITED IMPERVIOUS = 5,486 SF (0.13 AC)
PROPOSED ADDED PARKING - 25 STALLS

W RAWSON AVENUE/C.T.H. "BB"



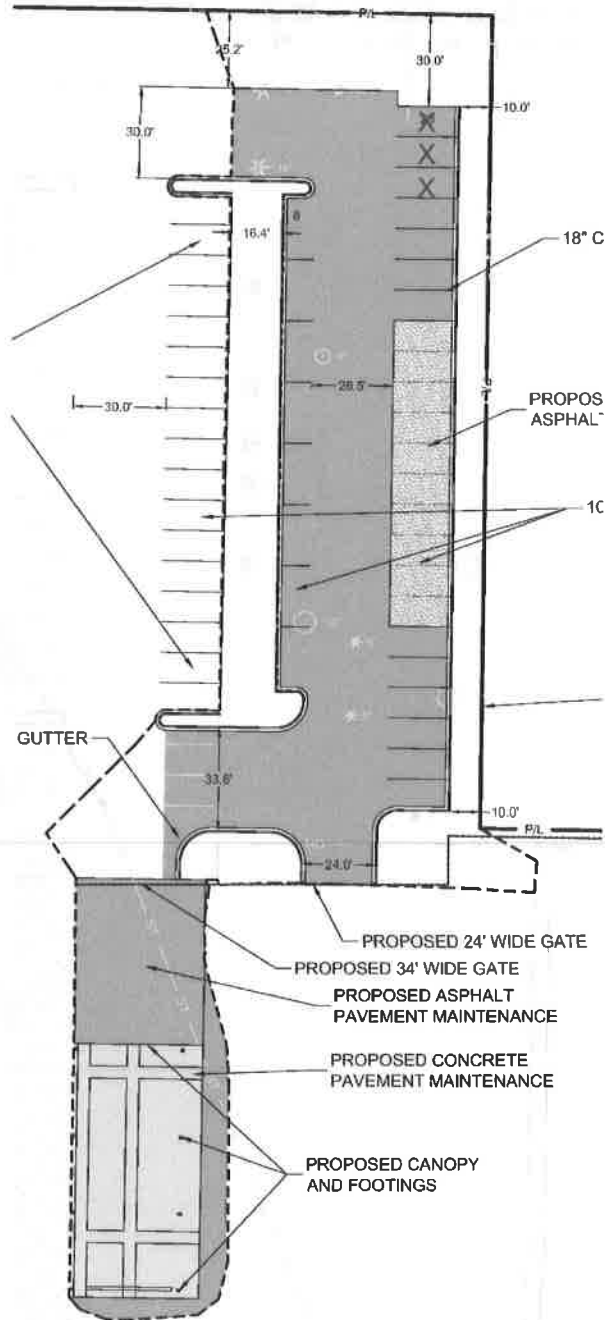
CALL BEFORE YOU DIG
800-4-A-DIG
OR
414-772-7400

NO. 10-20-2021 10-11-21

EXHIBIT A: SITE PLAN REVIEWED JANUARY 12, 2021 (ENLARGED)

(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions, the City of Oak Creek Municipal Code, and Conditions of Plan Commission approval forthcoming.)

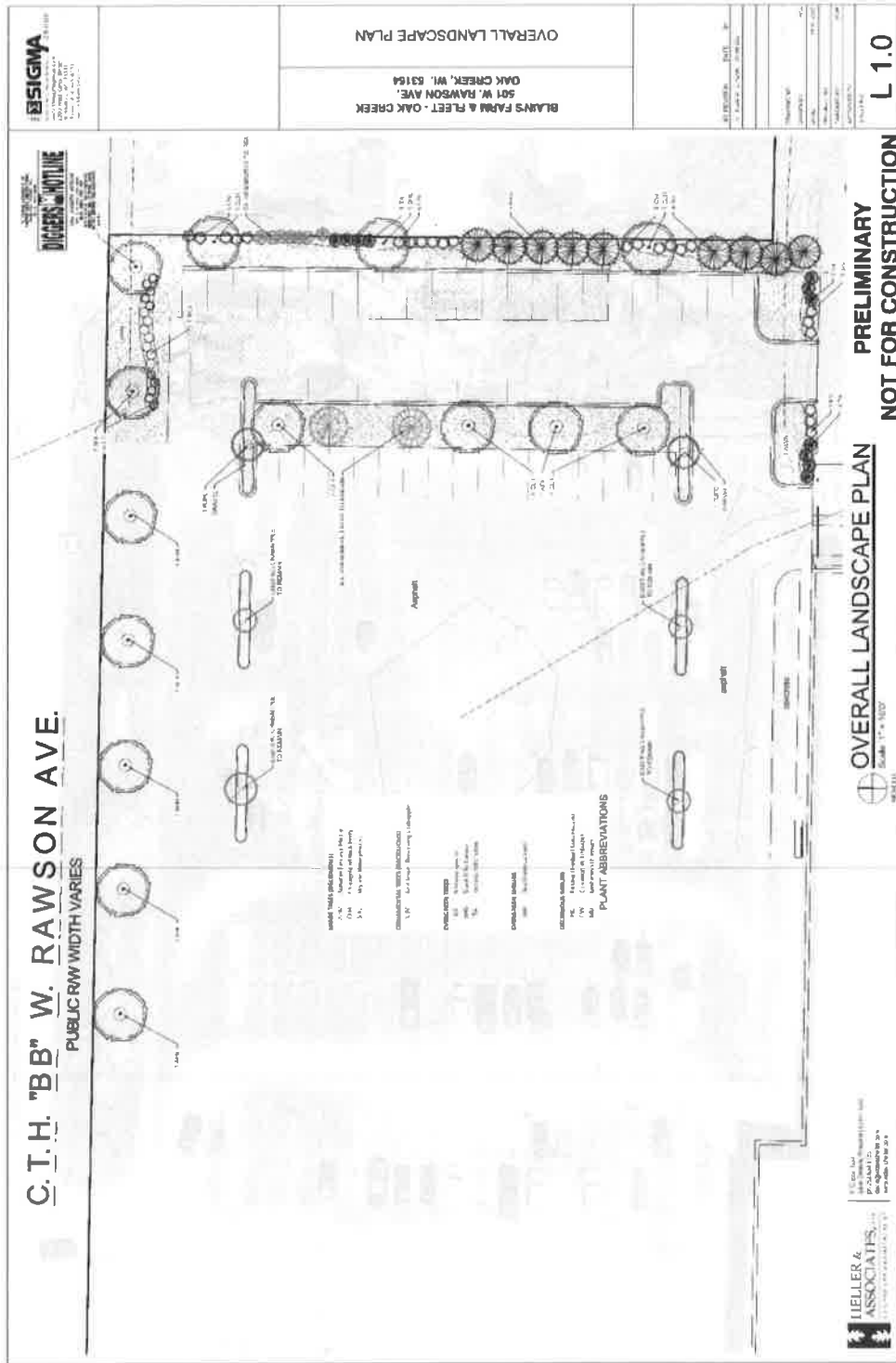
VENUE/C.T.H. "BB"



X = No trailer display or storage

EXHIBIT B: LANDSCAPE PLAN REVIEWED JANUARY 12, 2021

(For illustrative purposes only. Detailed plans in accordance with these Conditions and Restrictions, the City of Oak Creek Municipal Code, and Conditions of Plan Commission approval forthcoming.)





COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending January 31, 2021.

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)
\$73,329,020	\$72,865,795	\$25,906	(\$463,225)

Activity: January Tax Collection \$28,449,770; December Tax Settlements (\$26,820,799)

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Barbara Guckenberger, CMTW
City Treasurer

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / 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	9,530,870.67	79,233,323.26	(72,336,352.60)	16,427,841.33	(3,112.88)	0.09%	22.55%
General Fund	4,114,307.56	50,123,772.08	(50,841,201.74)	3,396,877.90			
Title 125	73,676.09	556.02	(38,130.64)	38,101.47			
Police Credit Card	51,918.34	29,983.10	(378.87)	81,522.57			
Parks & Rec Counter Credit Card	4,761.93	10,733.00	(417.26)	15,077.67			
Tax Payment Account #2	2,215,262.38	17,931,858.54	(13,005,573.31)	7,141,547.61			
Parks & Rec Online Credit Card	2,512.09	4,659.00	(398.96)	6,772.13			
Health Insurance	85,079.77	503,693.21	(432,390.66)	156,382.32			
Tax Payment Account	2,815,391.05	10,543,345.96	(8,019,861.16)	5,338,875.85			
EMS	167,961.46	84,722.35		252,683.81			
	-			-			
DANA Investment Advisors	5,822,148.89	8,514.45	(6,081.13)	5,824,582.21	8,514.45	0.93%	7.99%
BMO Global Asset Management	4,791,968.85	9,907.07	(11,427.93)	4,790,447.99	9,907.07	2.11%	6.57%
American Deposit Management (ADM)	490,000.00	-	-	490,000.00	-		0.67%
*ADM General Account Balance	490,000.00	-	-	490,000.00			
Local Government Investment Pool (LGIP)	48,752,505.18	20,634,719.21	(28,000,000.00)	41,387,224.39	3,298.57	0.09%	56.80%
*LGIP General Account Balance	43,249,205.04	20,634,286.00	(28,000,000.00)	35,883,491.04	2,865.36		
**Ehlers Investment	3,941,526.59	7,299.19	(3,126.62)	3,945,699.16	7,299.19	1.4170%	5.42%
	3,941,526.59	7,299.19	(3,763.95)	3,945,061.83			
Total Balance	73,329,020.18	99,893,763.18	(100,356,988.28)	72,865,795.08	25,966.40		
<p>**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;</p> <p>*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</p> <p>Excludes Police Forfeiture Account;</p> <p>Tri City interest is an analyzed credit from previous month earnings;</p> <p>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</p>							
Tax Collection Deposits							
Tax Payment Account #2						Distribution to other Taxing Jurisdictions	
City Deposit (Counter, Drop Box, Mail)				15,548,601.51		Settlement 2/20/2021	
Gov Tech				1,393,728.21		STATE	\$ -
Credit Card				983,955.51		COUNTY	\$ 5,070,835.25
Total Tax Payment Account #2				17,926,285.23		MMSD	\$ 1,744,233.49
						SCHOOL	\$ 9,821,745.50
Tax Payment Account						MATC	\$ 1,266,494.95
Tri City Payments (At Bank, Lockbox)				10,523,484.80		UTILITY	\$ 73,514.09
						TOTAL DIST	\$ 17,976,823.29
Total Tax Collection Deposits				28,449,770.03		TAX REFUNDS	\$ 127,912.87
Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank						CITY	\$ 10,293,154.81
						SPECIAL ASSESSMENTS	56,567.66
Prepared for Common Council; cc Finance Committee						SPECIAL CHARGES	546,059.95
Barbara Guckenberger, CMTW						TOTAL COLLECTION	\$ 29,000,518.58
City Treasurer						*Uncollected Personal Property Tax Settled	(551,649.66)
						NonCash/other adj	901.11
						TOTAL COLLECTED	\$ 28,449,770.03



Meeting Date: March 2, 2021

Item No. 11

COMMON COUNCIL REPORT

Item: Ordinance No. 3000 – An Ordinance to Repeal and Recreate Sections 11.86 and 11.87 of the Municipal Code Regarding Offenses by Juveniles

Recommendation: That the Common Council adopt Ordinance No. 3000, An Ordinance to Repeal and Recreate Section 11.86 and 11.87 of the Municipal Code Regarding Offenses by Juveniles

Fiscal Impact: There may be nominal fiscal impact as a result of fines paid due to the issuance of citations for offenses under this ordinance.

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 Police Department, including the School Resource Officers, requested that an ordinance prohibiting the sharing of explicit images and related activities between minors be brought before the Council. With the ease of instant communications through social media, including the Internet, text messaging and other applications having become the norm, particularly among adolescents, the opportunity to take sexually explicit photos and send sexually explicit messages ("sexting") has become a serious issue. The intent of this new Section 11.86 is to deter such activities, which can often result in further harmful consequences to the parties and may seriously affect the safety and well-being of minors. The former Section 11.86 has been renumbered to Section 11.87, and references to Wisconsin Statutes Chapter 767 have been updated. The former Section 11.87 will be repealed given its inapplicability to the current method of prosecutions for these types of offenses. For both Sections, the penalties will be provided for in the resolution establishing various fees charged by the City.

Options/Alternatives: The Council could elect to direct staff to revise the ordinance or decide not to adopt the ordinance.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Melissa L. Karls
City Attorney

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Submitted:

Steven J. Anderson
Chief of Police

Attachments: Draft Ordinance No. 3000

ORDINANCE NO. 3000

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 11.86 AND 11.87
OF THE MUNICIPAL CODE REGARDING OFFENSES BY JUVENILES

WHEREAS, the City of Oak Creek Common Council has determined that the sharing of explicit images and related activities between minors represents a concern for the health, safety, welfare, peace and order to the citizens of the City of Oak Creek. The Council has further determined that prohibiting sharing of explicit images and related activities between minors will serve to deter such activities within the City.

NOW, THEREFORE, the Mayor and Common Council of the City of Oak Creek, Wisconsin, do hereby ordain as follows:

SECTION 1: Section 11.86 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 11.86 SEXTING PROHIBITED.

(a) **Definitions.** In this Section:

- (1) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a noticeably erect state. A mother’s breastfeeding of her baby does not under any circumstance constitute “nudity” irrespective of whether or not the nipple is covered during or incidental to feeding.
- (2) “Harmful to Minors” means any reproduction, imitation, characterization, description, exhibition, presentation, or representation of whatever kind or form, depicting nudity, sexual conduct, or sexual excitement when it:
 - a. Predominantly appeals to an indecent, shameful, or morbid interest;
 - b. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
 - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- (3) “Minor” means any person under the age of 18 years.

(b) A minor commits the offense of sexting if he or she knowingly:

- (1) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of

any person which depicts nudity, as defined in this subsection, and is harmful to minors as defined in this subsection.

- (2) Possess a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined above, and is harmful to minors, as defined above. A minor does not violate this paragraph if all of the following apply:
 - a. The minor did not solicit the photograph or video.
 - b. The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
 - c. The minor did not transmit or distribute the photograph or video to a third party of than a law enforcement official.
- (3) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any text message, correspondence or message of a sexual nature when it:
 - a. Predominantly appeals to an indecent, shameful, or morbid interest;
 - b. Is blatantly offensive to prevailing standards in the adult community as a whole with respect to what is suitable material or conduct for minors;
 - c. Taken as a whole, is without serious literary, artistic, political, or scientific value for minors.
- (4) Solicits the transmission or distribution of any text, correspondence, message, photograph or video from another minor that would itself be prohibited under this Subsection.

SECTION 2: The offense described in Section 1 of this ordinance shall be subject to a penalty of \$206.00, which penalty shall be incorporated and adopted by reference into Resolution No. 12223-021521, as amended to establish various fees, permits and charges charged by the City of Oak Creek.

SECTION 3: Section 11.87 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 11.87 PARENTAL RESPONSIBILITY FOR JUVENILE MISCONDUCT

- (a) **Purpose.** The purpose of this section is to reduce the incidence of misconduct by juveniles by requiring proper supervision on the part of the custodial parents.
- (b) **Definitions.** Whenever the following words or terms are used in this section, they shall be construed to have the following meanings:
 - (1) Juvenile. A person age 12 years old to 17 years old.
 - (2) Custodial Parent. A parent or legal guardian of a juvenile who has legal custody of said juvenile.

(3) Custody. Legal or physical custody under court order Section 767.225(1) or 767.41 of the Wisconsin Statutes or actual physical custody of a juvenile. Custody does not include legal custody as defined under Section 48.02(12) of the Wisconsin Statutes by an agency or person other than a juvenile's birth or adoptive parent.

(4) Parent Responsibility. A custodial parent of an unemancipated juvenile residing with such custodial parent shall be presumed by virtue of his/her uniquely intimate and ongoing relationship to the juvenile, to have the greatest obligation and the greatest opportunity to deter delinquent behaviors.

(c) **Prohibited Conduct.** Every custodial parent has a duty to properly supervise his or her juvenile. Any custodial parent whose juvenile is convicted of a Municipal Code violation twice within a six-month period or three or more times within a twelve-month period is guilty of failing to properly supervise said juvenile. The six- and twelve-month periods shall be measured from the date of the first conviction. An adjudication in the court that the juvenile has violated an ordinance, based upon proof that the juvenile committed the act, subject to its admissibility under Section 904.10 of Wisconsin Statutes, shall bar a juvenile's custodial parent from denying that the juvenile committed the act.

(d) **Defenses.** The following shall be defenses to a violation of subsection (c):

(1) Where the parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct;

(2) Where the parent can provide specific evidence of enrollment or ongoing participation in parenting classes, family therapy, group counseling or AODA counseling. (This is not to exclude other such activities associated with making a reasonable effort at enhancing one's parenting effectiveness.);

(3) Where the parent was not legally responsible for the supervision of the juvenile at the time the misconduct occurred; or

(4) Where the parent has a physical or mental disability or incompetence rendering them incapable of supervising the juvenile at the time the misconduct occurred;

(5) Where the parent reported the act to the appropriate authorities;

(6) It is not a defense where the parent assigns his or her parental responsibility to another, except pursuant to legal proceedings, which result in a court order effectuating the same.

SECTION 4: Severability. If any section, clause, provision or any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

SECTION 5: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this _____ day of _____, 2021.

Passed and adopted this _____ day of _____, 2021.

President, Common Council

Approved this _____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

COMMON COUNCIL REPORT

Item: Resolution 12230-030221, a Resolution Outlining Areas of Responsibility for Board of Public Works and Capital Assets

Recommendation: Staff recommends Council approval of Resolution 12230-030221, outlining areas of responsibility for the Board of Public Works and Capital Assets.

Fiscal Impact: n/a

Critical Success Factor(s):

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

Background: On October 20, 2020, the Common Council adopted charter ordinance 16 approving organizational changes to Municipal Code, Ch. 2. This action was taken in accordance with the 2017-2020 SAP, which citation is as follows:

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

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

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

The most impactful change resulting from this Council action was the dissolution and combination of certain boards, committees, and commissions into one larger Common Council subdivision: the Board of Public Works & Capital Assets. The Board consists of three (3) aldermen, two (2) citizen members, and one (1) citizen alternate.

With more aldermanic representation and anticipated alignment with Common Council goals, actions, and projects, Common Council had brief discussions about granting certain levels of authority and/or areas of responsibility to the new Board. At its initial meeting on February 9, 2021, the Board discussed the potential areas of Board responsibility versus what responsibilities the Common Council might wish to solely retain. The culmination of those discussions is detailed in the attachment and the Resolution before the Council this evening.

It is important to note the new Board and its delegated authority will be an evolutionary process. The Common Council can always revisit this Resolution and make alterations after the Board is functioning for a period of time.

Options/Alternatives: The Common Council could choose to alter these Council-delegated and Council-retained areas of responsibilities in any manner of its choosing subject to any statutory limitation.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Staff/Board discussion document, Resolution 12230-030221

BOARD OF PUBLIC WORKS & CAPITAL ASSETS
Defining areas of Board Responsibility vs. Common Council Responsibility

On December 28, 2020, certain changes the Common Council made to Mun. Ord. Ch. 2 took effect (following a Common Council action on October 20, 2020 and a 60 day waiting period). The changes dealt with a realignment of the Council Board, Committee, and Commission structure. Perhaps the most impactful change was the discontinuance of our independent Water & Sewer Utility Commission and the associated creation of a new Board of Public Works & Capital Assets. However, it is important to note this new Board is combination of the former Utility Commission, Traffic & Safety Commission, and CIP Committee, and will handle matters relating to all those programs/disciplines.

The committee changes left a void of policy guidance for the new Board in absorbing and overseeing these new programmatic areas. What follows is a discussion outline for the scope of “authority” the new Board will be entrusted over certain matters. Most specifically, what policy items or actions rest solely with the new Board vs. items or actions that remain vested in the full Common Council.

PERSONNEL OVERSIGHT:

The Personnel & Finance Committee (and, where required, the Council) shall serve as the Committee of jurisdiction for filling vacancies, establishing new, combining, or eliminating positions, tuition reimbursement, setting annual compensation, etc.. The Board may, as a matter of convenience or necessity, be involved (in an advisory role) in larger personnel projects such as more intricate re-organizations, functional consolidations, and other “big picture” activities in Public Works, Utilities, and Engineering.

FINANCIAL OVERSIGHT:

The Board will have authority to decide/act upon the following:

- A. Approval of all vouchers in any amount pertaining to Utility Department operations. A specific notation: this includes large and recurring vendor payments (i.e. MMSD, WE Energies);
- B. Awarding of contracts pertaining to Utility Department projects up to \$500,000;
- C. Payment of interim and final progress payments and change orders related to Utility Department projects that were previously awarded by the Board and/or Council;
- D. Approval of any budgeted CIP purchase which exceeds the staff purchasing threshold, up to \$100,000. Council will approve any amount over \$100,000 (recommendation from the Board is not required unless convenient or strategic);
- E. Approval of any unbudgeted CIP purchase, which exceeds the staff purchasing threshold, up to \$50,000, as long as a source of funds accompanies any such request;

Note: none of the above pertains to emergency purchases or other extraordinary circumstances.

The Common Council shall retain the following authority:

- F. Awarding of contracts pertaining to Public Works and Engineering Department projects in any amount;
- G. Awarding of contracts pertaining to Utility Department projects exceeding \$500,000;
- H. Approval of any budgeted CIP purpose exceeding \$100,000;
- I. Approval of any unbudgeted CIP purchase exceeding \$50,000;
- J. Approval of all vouchers for any non-Utility Department expenses.

GENERAL MATTERS:

The Common Council shall retain exclusive authority to decide/act upon the following policy items with or without a recommendation from the Board:

- K. Levying special assessments and establishing special assessment rates;
- L. Purchasing or sale of any City-owned real property;
- M. Accepting or placing of deed restrictions or easements of any kind on City-owned property;
- N. Borrowing or bond issuance (new issues or refinance) of any size or kind;
- O. Approving the annual CIP budgets for all departments;
- P. Receiving an annual presentation (not approval) of the Utility Department's Management Parameters budget (i.e. operating budget);
- R. Fixing sewer rates and/or petitioning the PSC for water rate cases, based on required recommendation(s) from the Board;
- S. Commencing litigation, other formal legal conflicts and settlements;
- T. Any expense or policy item, regardless of cost or scope that is specifically requested by the Mayor, Council President, or City Administrator to be decided upon by the full Common Council;
- U. Any other expense or policy item exclusively vested in the Common Council per state statutes, or otherwise not addressed herein.

Note: none of the above pertains to emergency purchases or other extraordinary circumstances.

RESOLUTION NO. 12230-030221

RESOLUTION OUTLINING AREAS OF RESPONSIBILITY FOR
BOARD OF PUBLIC WORKS AND CAPITAL ASSETS

WHEREAS, on October 20, 2020, the Common Council adopted charter ordinance 16 approving organizational changes to Chapter 2 of the Municipal Code that realigned the government and administration of standing committees, boards and commissions of the City of Oak Creek; and

WHEREAS, these changes created the new Board of Public Works and Capital Assets (the "Board") which combines the former Capital Improvements Committee, Traffic and Safety Commission, and Utility Commission; and

WHEREAS, the intent of this resolution is to provide the Board with policy guidance to oversee their respective responsibilities and delineate certain related actions requiring Council approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Creek, that the following regularly occurring and non-emergency matters shall be within the authority of the Board to act upon:

1. Approval of all vouchers, including large and recurring vendor payments, pertaining solely to Utility Department operations;
2. Awarding of contracts pertaining to Utility Department projects up to \$500,000;
3. Payment of interim and final progress payments and change orders related to Utility Department projects as previously awarded by the Board and/or approved by Council;
4. Approval of budgeted Capital Improvement Project ("CIP") purchases which exceed the staff purchasing threshold, up to \$100,000; and
5. Approval of non-budgeted CIP purchases which exceed the staff purchasing threshold, up to \$50,000, as long as an available source of funds accompanies any such request.

BE IT FURTHER RESOLVED that the Common Council shall hold the following specific authority related to Board matters:

1. Approval of all vouchers for any non-Utility Department expenses;
2. Awarding of contracts pertaining to Public Works and Engineering Department projects in any amount;
3. Awarding of contracts pertaining to Utility Department projects exceeding \$500,000;
4. Approval of any budgeted CIP purchase exceeding \$100,000; and
5. Approval of any non-budgeted CIP purchase exceeding \$50,000.

BE IT FURTHER RESOLVED that the Common Council shall retain exclusive authority to act upon the following policy items independent from any Board recommendation:

1. Levying special assessments and establishing special assessment rates;
2. Purchasing or selling any City-owned real property;
3. Accepting or placing of deed restrictions or easements of any kind on City-owned property;
4. Borrowing or bond issuance, including new issuances or refinancing, of any size or kind;
5. Approving the annual CIP budgets for all departments;
6. Receiving an annual presentation – not approval – of the Utility Department’s Management Parameters budget (i.e. operating budget);
7. Fixing sewer rates and/or petitioning the PSC for water rate cases, based on required recommendation(s) from the Board;
8. Commencing litigation, resolving other formal legal conflicts and negotiating settlements;
9. Any expense or policy item, regardless of cost or scope that is specifically requested by the Mayor, Council President, or City Administrator to be decided upon by the full Common Council;
10. Any other expense or policy item exclusively vested in the Common Council per statute, ordinance, or otherwise not addressed herein.

BE IT FURTHER RESOLVED that this resolution may be amended in order to preserve and maintain the general intent of the Common Council for the efficient operations of the Board.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 3rd day of March, 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 ____



Meeting Date: March 2, 2021

Item No. 13

COMMON COUNCIL REPORT

Item: Board of Review date and time for 2021

Recommendation: That the Common Council adopts Resolution No. 12229-030221, a resolution setting the date and time for the 2021 Board of Review.

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: Pursuant to Section 2.61(c)(1) of the Municipal Code, the first statutory meeting of the Board of Review for 2021 will be held on Monday, May 10, 2021 beginning at 5:00 p.m. At this meeting, the Board will determine 2021 meeting dates to review the 2020 Assessment Roll and hear properly filed objection cases. As the 2020 Assessment Roll is not expected to be completed on this date, the first regular meeting of the 2021 Board of Review will be held during the month of June 2021.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Catherine A. Roeske, CMC/WCMC
City Clerk

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Resolution 12229-030221

RESOLUTION NO. 12229-030221

RESOLUTION ESTABLISHING THE DATE AND TIME OF THE
2021 BOARD OF REVIEW

BE IT RESOLVED pursuant to Section 2.61(c)(1) of the Municipal Code, that the first statutory meeting of the Board of Review for 2021 shall be held on May 10, 2021 beginning at 5:00 p.m. This meeting will be convened to comply with Wisconsin State Statutes Section 70.47(1).

BE IF FURTHER RESOLVED pursuant to Section 70.47(3) that since the 2020 Assessment Roll is not expected to be completed by May 10, 2021, the first regular meeting of the 2021 Board of Review will be held during the month of June, 2021.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 2nd day of March, 2021.

Passed and adopted this 2nd day of March, 2021.

President, Common Council

Approved this 2nd day of March, 2021.

Mayor, Dan Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____



Meeting Date: March 2, 2021

Item No. 14

COMMON COUNCIL REPORT

Item: Tandem Axle Dump Truck for Water & Sewer Utility

Recommendation: That the Common Council approve the recommendation of the Water & Sewer Distribution Manager to purchase one (1) Freightliner Tandem Axle Dump Truck with a 16' Crysteel Dump Body from Truck Country in the amount of \$125,933.00

Fiscal Impact: The money for this truck will come from the approved 2021 Utility CIP budget. A total of \$150,000 was allocated for this purchase. DPW will gain our old unit for hauling purposes.

- 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 vehicle is better suited to pull our excavator and has a larger dump box. It will replace our 2000 model year Freightliner. Our current truck will be traded to the DPW. They will provide us a unit that we can sell at auction. The new unit will have increased horsepower/torque ratings, a larger dump body, and a stronger frame/hitch plate for towing. We received the following bids:

Truck Country (Freightliner)	\$125,933.00
Lakeside International	\$126,635.00
JX (Peterbilt)	\$145,362.00
Custom Truck One Source	\$132,500.00

Options/Alternatives: Using Sourcewell, Peterbilt was able to give over \$55,000 in discounts so it provides an opportunity to purchase a higher quality cab/chassis at a highly discounted price. If nothing is done, this truck will be worn out to a point of disrepair/non-use in the near future.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Darrin Allard
OCWSU Distribution Manager

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: Spreadsheet outlining the pricing differences between quotes I was given

BID AND SPECIFICATIONS

2022 Tandem Dump Truck with 206" Wheelbase and 16' Dump Body

DEALER	Truck Country	Lakeside	JX Sourcewell Bid Peterbilt	Custom Truck One Source Freightliner
BRAND	Freightliner	International		
MODEL	M2 106	HV 607	348	M2 106
WHEEL BASE	206"	217"	206"	206"
GVW	60,000#	60,000#	60,000#	60,000#
ENGINE	Cummins L9	Cummins L9	Paccar PX9	Cummins L9
HP/TORQUE	360/1150	350/1050	350/1050	350/1050
TRANSMISSION	Allison Auto	Allison Auto	Allison Auto	Allison Auto
FUEL	70 GAL	70 GAL	70 GAL	50 GAL
TIRES FRONT	315/80 R22.5	315/80 R22.5	425/65 R22.5	Not specified
TIRES REAR	11R 22.5	11R 22.5	11R 22.5	Not specified
TRUCK PRICE	\$85,123.00	\$86,727.00	\$162,470.00	\$94,400.00
DISCOUNT	\$0	\$0	(\$55,336.00)	\$0
DUMP BODY PRICE	\$38,228.00	\$38,228.00	\$38,228.00	\$38,100.00
5 YEAR EXTENDED WARRANTY	\$2,582.00	\$1,680.00	Not given	Not given
Total Cost	\$125,933.00	\$126,635.00	\$145,362.00	\$132,500.00
ANTICIPATED DELIVERY	180-210 Days	180 Days	Not given	Not given

2021 Budget Amount \$150,000.00

Recommend Bid from Truck Country for a Freightliner M2 106 chassis with Monroe Equipment Crysteel body

COMMON COUNCIL REPORT

- Item:** Minor Land Division - 9954 & 9962 S. 13th St. - Linda Gorens-Levey, General Capital Group
- Recommendation:** That the Council adopts Resolution No. 12228-030221, a resolution approving a Minor Land Division (Certified Survey Map) submitted by Linda Gorens-Levey, General Capital Group, for the properties at 9954 & 9962 S. 13th St.
- Fiscal Impact:** The proposal is to combine the recently-acquired parcel at 9962 S. 13th St. with the adjacent property at 9954 S. 13th St. Structures on the property at 9962 S. 13th St. will be removed following termination of an existing lease. No additional development is proposed at this time. Fiscal impact would involve tax amendments for the consolidation. These properties are part of TID 16.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant is requesting approval of a Minor Land Division (Certified Survey Map) combining the properties at 9954 & 9962 S. 13th St. Incorporation of the parcel at 9962 S. 13th St. into the Ryan Business Park PUD is on the next agenda item for Plan Commission Consideration.

Following consolidation, the parcel will be 16.7076 acres in size and meet all dimensional requirements for the M-1, Manufacturing District. Wetlands and floodplain areas have been identified on the map, and a 12-foot-wide WEPCO and telephone easement along the north property line is also shown. Staff are requesting that public right-of-way along CTH V/13th St. be dedicated and shown on the map prior to recording for consistent width.

The Plan Commission reviewed this request during their February 23, 2021 meeting, and recommended approval subject to the following conditions:

1. That the right-of-way along CTH V/13th St. is dedicated for public street purposes and included on 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.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Prepared:



Kari Papelbon, CFM, AICP
Planner

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12228-030221

Location Map

Proposed CSM (4 pages)

Exhibit (1 page)

RESOLUTION NO. 12228-030221

BY: _____

A RESOLUTION APPROVING A MINOR LAND DIVISION (CERTIFIED SURVEY MAP) FOR LINDA GORENS-LEVEY, GENERAL CAPITAL GROUP

9954 & 9962 S. 13th St.
(5th Aldermanic District)

WHEREAS, LINDA GORENS-LEVEY, GENERAL CAPITAL GROUP, 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 the right-of-way along CTH V/13th St. is dedicated for public street purposes and included on 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 the right-of-way along CTH V/13th St. is dedicated for public street purposes and included on 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 2nd day of March, 2021.

Passed and adopted this 2nd day of March, 2021.

President, Common Council

Approved this 2nd day of March, 2021.

Mayor

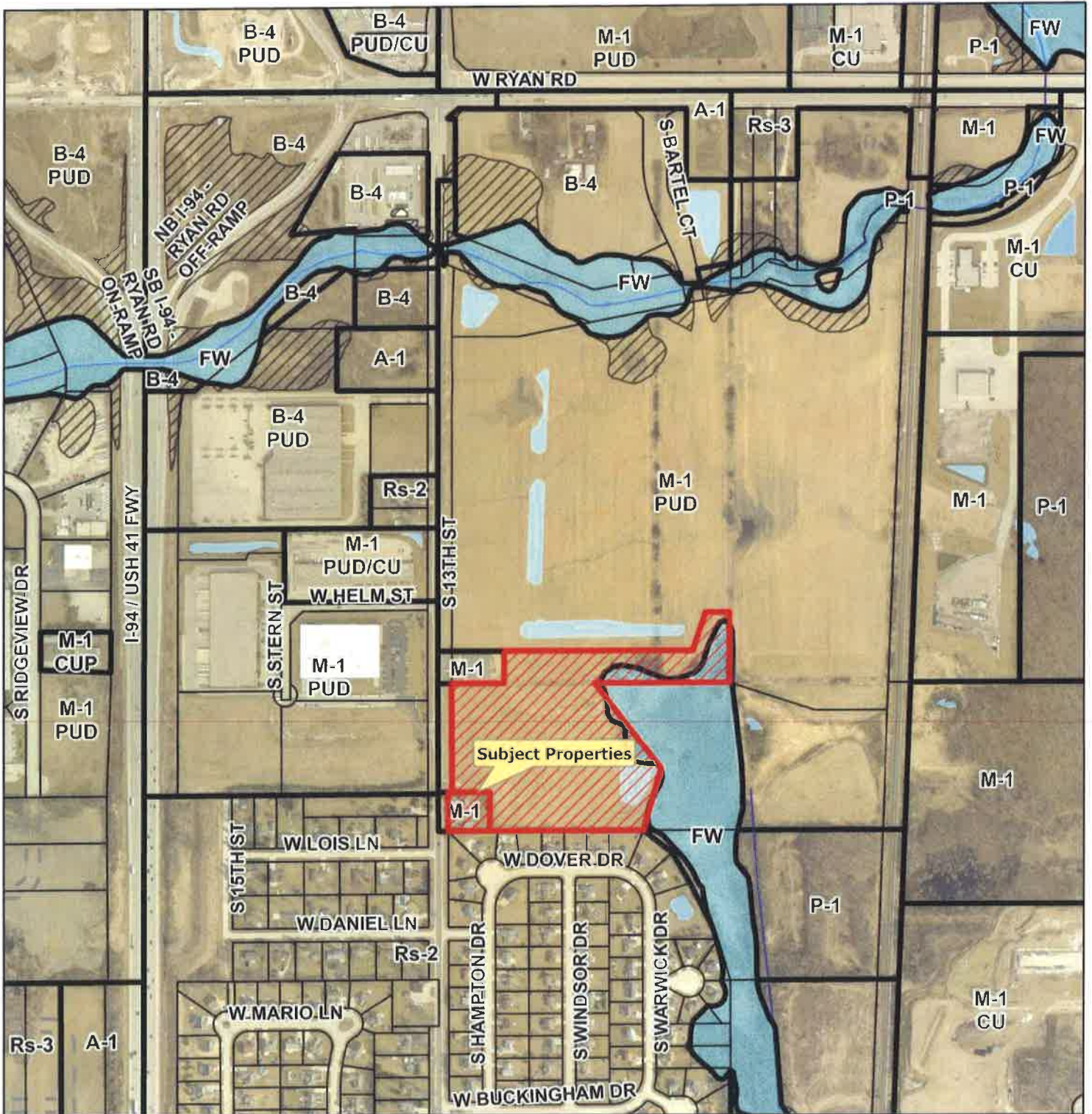
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

LOCATION MAP

9954 & 9962 S. 13th St.



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



Community Development



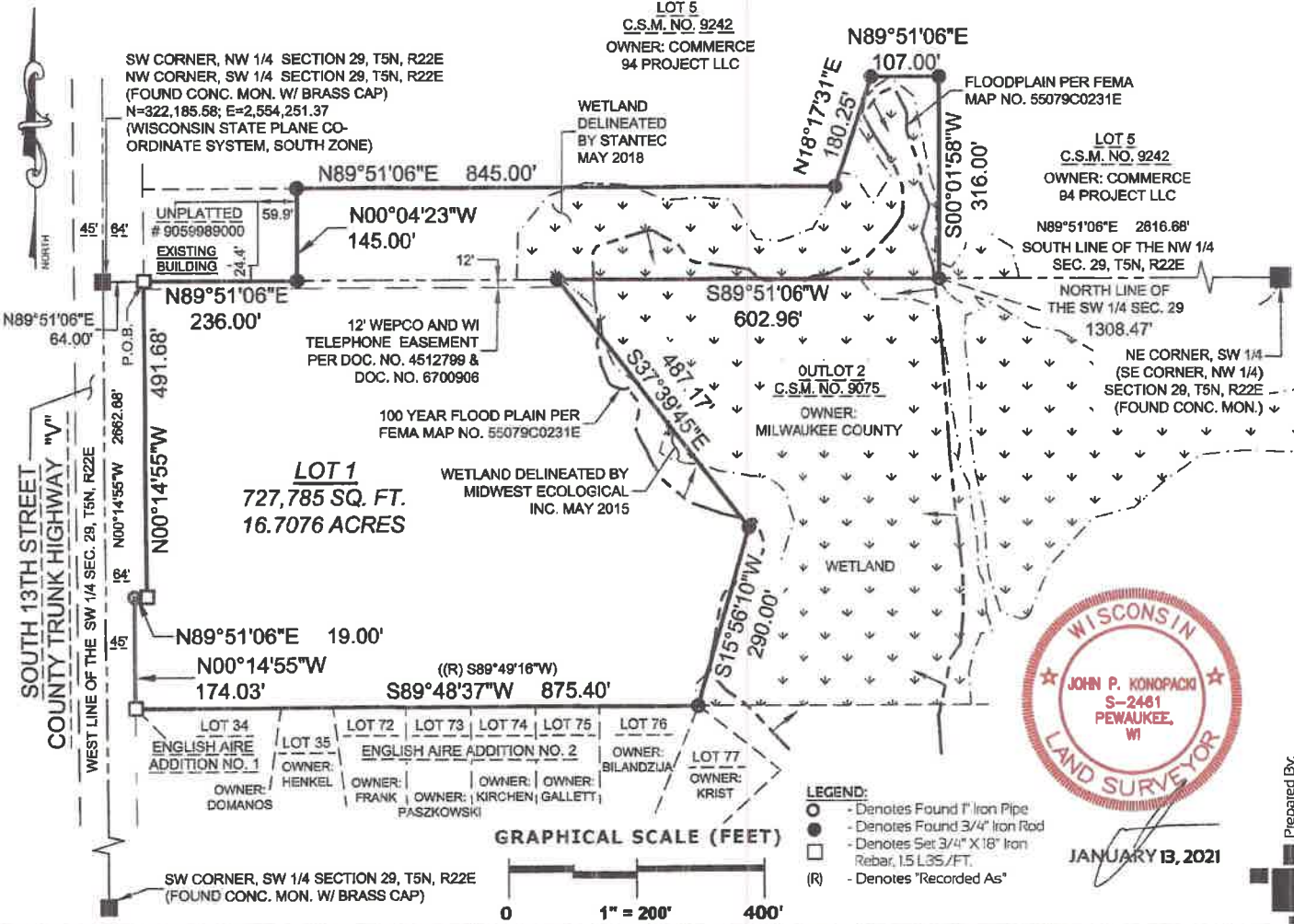
- Parcels
- Zoning
- Official Map

Legend

- Floodway
- Flood Fringe
- 9954 & 9962 S. 13th St.

CERTIFIED SURVEY MAP NO. _____

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



JANUARY 13, 2021

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD 1 SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

CERTIFIED SURVEY MAP NO. _____

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

NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The west line of the Southwest 1/4 of Section 29, Township 5 North, Range 22 East has a reference bearing of N00°14'55"W.
- The property lies 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).
- All existing buildings on Tax Key No. 925-9998-001 are to be removed.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

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

That I have surveyed and mapped that part of Lot 1 of Certified Survey Map No. 9085, as recorded in the Register of Deeds office as Document No. 10823469, and additional lands all located in the Northwest 1/4 of the Southwest 1/4 and the Southwest 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 Southwest 1/4 of said Section 29;
Thence North 89°51'06" East along the north line of said Southwest 1/4, 64.00 feet to the Point of Beginning;

Thence continuing North 89°51'06" East along said north line, 236.00 feet;
Thence North 00°04'23" West, 145.00 feet to the south line of Lot 5 of Certified Survey Map No. 9242;
Thence the following courses along said south line:

- North 89°51'06" East, 845.00 feet;
- North 18°17'31" East, 180.25 feet;
- North 89°51'06" East, 107.00 feet;
- South 00°01'58" West, 316.00 feet to the aforesaid north line of the Southwest 1/4;

Thence South 89°51'06" West along said north line, 602.96 feet to the west line of Outlot 2 of Certified Survey Map No. 9075;
Thence South 37°39'45" East along said west line, 487.17 feet;
Thence South 15°56'10" West along said west line, 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, 875.40 feet to the east right of way line of South 13th Street - County Trunk Highway "V";
Thence North 00°14'55" West along said east right of way line, 174.03 feet;
Thence North 89°51'06" East along said east right of way line, 19.00 feet;
Thence North 00°14'55" West along said east right of way line, 491.68 feet to the Point of Beginning.

Containing 727,785 square feet (16.7076 acres) of land more or less.

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

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

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

Date: JANUARY 13, 2021

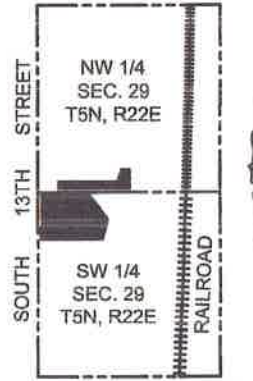


John P. Konopacki
John P. Konopacki
Professional Land Surveyor S-2461

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

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

WEST RYAN ROAD
STATE TRUNK HIGHWAY "100"



Tax Key Numbers:
905-9007-001
925-9998-001

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

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

PEG JOB#146.01
SHEET 2 OF 4

CERTIFIED SURVEY MAP NO. _____

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

OWNER'S CERTIFICATE

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

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

1. City of Oak Creek

IN WITNESS WHEREOF, the said Ryan Business Park LLC has caused these presents to be signed by Michael Faber, Principal, at _____ County, Wisconsin, on this _____ day of _____, 2021.

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

(signature)

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2021, 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.

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



JANUARY 13, 2021

Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

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

PEG JOB#146.01
SHEET 3 OF 4

CERTIFIED SURVEY MAP NO. _____

Being part of Lot 1 of Certified Survey Map No. 9085 and additional lands in the Northwest 1/4 of the Southwest 1/4 and the Southwest 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 _____ day of _____, 2021.

Daniel Bukiewicz, Chairman

Douglas W. Seymour, Secretary

COMMON COUNCIL APPROVAL

Approval of land as indicated above by the Common Council of the City of Oak Creek, per Plan Commission recommendation on this _____ day of _____, 2021 by Resolution No. _____

Daniel Bukiewicz, Mayor

Catherine A. Roske, City Clerk



JANUARY 13, 2021



Prepared By:
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

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

PEG JOB#146.01
SHEET 4 OF 4



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

LOT 1
C.S.M. 9085
TAX KEY NO.
905-9007-001
ZONED: M-1 PUD

LOCATION: 9962 S. 13ST STREET

LEGAL DESCRIPTION:

Being a part of the Northwest 1/4 of the Southwest 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 Southwest 1/4 of said Section 29; thence South 00°14'55" East along the west line of said Southwest 1/4, 491.68 feet to the Point of Beginning;

Thence North 89°51'06" East, 233.00 feet; thence South 00°14'55" East, 173.89 feet; thence South 89°48'37" West, 233.00 feet; thence North 00°14'55" West, 174.06 feet to the Point of Beginning.

SOUTH 13TH STREET
COUNTY TRUNK HIGHWAY "V"

P.O.B.

WEST LINE OF THE SW 1/4 SEC. 29, T5N, R22E

N00°14'55"W 174.06'

N00°14'55"W 2662.68'

491.68'

64'

N89°51'06"E 233.00'



EXISTING
BUILDING
TO BE RAZED

CURRENT ZONING: M-1
PROPOSED ZONING: M-1 PUD

UNPLATTED LANDS

TAX KEY NO.
925-9998-001
40,536 SQ. FT.
0.9306 ACRES

LOT 1
C.S.M. 9085
TAX KEY NO.
905-9007-001
ZONED: M-1 PUD

S00°14'55"E 173.89'

S89°48'37"W 233.00'

45'

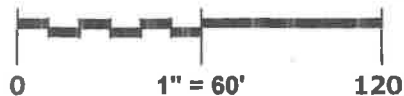
45'

LOT 33
ENGLISH AIRE
ADDITION NO. 1
TAX KEY NO.
925-0035
ZONED: RS-2

LOT 34
ENGLISH AIRE
ADDITION NO. 1
TAX KEY NO.
925-0036
ZONED: RS-2

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

GRAPHICAL SCALE (FEET)



PUD AMENDMENT EXHIBIT

01/26/2021

PINNACLE ENGINEERING GROUP

PLAN | DESIGN | DELIVER

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186

WWW.PINNACLE-ENGR.COM

PEG JOB#146.01

COMMON COUNCIL REPORT

- Item:** Award of 2021 Road Improvements Contract
- Recommendation:** That the Common Council considers a motion to award the 2021 Road Improvements unit price contract to the lowest responsive, responsible bidder, Payne & Dolan, Inc., at the estimated cost of \$1,420,966.50. (Project No. 20019)
- Fiscal Impact:** There is \$671,625 remaining in the 2020 road budget, \$653,672 in the 2021 road budget and \$400,000 funded by the TIF since W. Puetz Road falls within the TID 7 boundary. This brings the total available funding to \$1,725,297 for the proposed road projects.
- 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 Common Council adopted Resolution No. 12190-091520, selecting and authorizing the 2021 road improvements for design and public bid. The Engineering Department prepared plans and specifications for the project, the work was advertised, and the following two bids were received:

Contractor	Bid
Payne & Dolan Inc.	\$1,420,966.50
Stark Pavement Corp.	\$1,429,632.55

The bids were very competitive, just 0.61% separating them. Bids came in under the estimate, due mainly to lower than expected asphalt unit prices and seal coating unit prices.

This is a unit price contract, so bids have been evaluated based on estimated quantities. City payments to the contractor will reflect actual installed and measured quantities.

The bids reflect costs for completion of the road segment Nos. 1 - 14. Road Segments #11 (County Line Road), #12 (10th Avenue) and #13 (Groveland Drive) are maintenance sections where the goal is to apply a seal coating-type surface treatment as a way to preserve the road, in effect pushing the need for a larger rehabilitation project further into the future. The same treatment was completed in 2019 on Pennsylvania Avenue from Ryan Road to Puetz Road and is consistent with one of the main recommendations in the CIP Funding Alternatives white paper that was developed under the Financial Stability SAP initiative.

Road Segment #14 (Puetz Road) falls within the TID 7 boundary and would be funded by the TIF.

	Proposed Street	From	To	Length (Feet)	Treatment Type
1	Oakwood Rd	27th St	13th St	4,545	Mill & Asphalt Surfacing
2	Elm Rd	10th Ave	S. Chicago Rd / STH 32	2,904	Mill & Asphalt Surfacing
3	Meadowview Dr	160-ft East of Kelly Dr	Nicholson Rd	1,340	Mill & Asphalt Surfacing
4	Ash St	Rawson Ave	Ash Ct	125	Pavement Replacement
5	McGraw Dr	Fitzsimmons Rd	Oakwood Rd	2,640	Mill & Asphalt Surfacing
6	Oak Ln	450-ft West of McGraw Dr	Nicholson Rd	1,382	Mill & Asphalt Surfacing
7	Montana Ave	Cul-de-sac	Nicholson Ave / Pennsylvania Ave	1,894	Repair & Asphalt Surfacing
8	Madison Dr	Montana Ave	Cul-de-sac	430	Repair & Asphalt Surfacing
9	Lynhaven Dr	Montana Ave	Cul-de-sac	514	Repair & Asphalt Surfacing
10	Chapel Dr	Montana Ave	Cul-de-sac	992	Repair & Asphalt Surfacing
11	County Line Road	3200 E. County Line Rd (Bike Path)	S. Chicago Rd / STH 32	5,913	Seal Treatment
12	10th Ave	County Line Rd	Elm Rd	2,640	Seal Treatment
13	Groveland Dr	Howell Ave	Shepard Ave	2,694	Seal Treatment
14	Puetz Rd	S. 27th St	S. 13th St	5,122	Pavement Replacement

Options/Alternatives: To reject the bids and not repair road infrastructure in 2021, or to direct Engineering Department to rebid the project later in 2021 for construction in 2022.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Ashley Kiepczynski, PE
Design Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Approved:



Michael C. Simmons, PE
City Engineer

Attachments:

COMMON COUNCIL REPORT

- Item:** Text Amendment - Sec. 10.20 Weight Limits and Heavy Traffic Routes
- Recommendation:** That the Common Council approves Ordinance 3001, an ordinance to repeal and recreate Sec. 10.20(c)(1) of the City of Oak Creek Municipal Code, designating "Heavy Traffic Routes".
- Fiscal Impact:** No direct fiscal impact will occur with the approval of the proposed Text Amendment.
- 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: There has been development in recent years and the Engineering Department is requesting that the text of Section 10.20(c)(1) of the Municipal Code is updated. The following streets are being recommended to be added as designated Heavy Traffic Routes to reflect the newly constructed streets in the business/industrial developments.

- Bartel Court from STH 100 to its south end
- Corporate Preserve Drive from 27th Street to Reinhart Drive
- IKEA Way from Drexel Avenue to its north end
- Oakview Parkway from Howell Avenue to Oakwood Road
- Oakwood Road from Howell Avenue to Opus Drive/Oakview Parkway
- Opus Drive from Oakwood Road to its west end
- Reinhart Drive from Southbranch Boulevard to Corporate Preserve Drive

The following streets are being recommended for removal from Section 10.20(c)(1)

- Edison Road from Chicago Road to its dead end (No longer a public road)
- Ryan Road from 5th Avenue to Chicago Road (Ryan Road no longer connects to 5th Avenue)

Options/Alternatives: If Section 10.20 Weight Limits and Heavy Traffic Routes is not updated, the streets listed above will be designated as Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Prepared:



Ashley Kiepczynski, PE
Design Engineer

Approved:



Michael C. Simmons, PE
City Engineer

Attachments: Ordinance No. 3001

ORDINANCE NO. 3001

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE
SECTION 10.20(c)(1) OF THE OAK CREEK MUNICIPAL CODE

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

SECTION 1: Section 10.20(c)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

(c) **Heavy Traffic Routes.**

- (1) Heavy Traffic Routes Designated. The following highways or parts thereof within the jurisdiction of the City of Oak Creek are hereby designated Heavy Traffic Routes:
- a. 1st Street from Rawson Avenue to Marquette Avenue.
 - b. 5th Avenue from South Milwaukee city limits to STH 100/Chicago Road.
 - c. 6th Street from Drexel Avenue to its dead end.
 - d. 10th Street from Drexel Avenue to its dead end.
 - e. 20th Street from Southbranch Boulevard to its dead end.
 - f. 20th Street from Ryan Road to Southbranch Boulevard.
 - g. 22nd Street from Ryan Road to 760 feet north.
 - h. Anderson Road from 13th Street to its dead end.
 - i. Bartel Court from STH 100 to its south end.
 - j. Bell Court from Liberty Lane to the east end.
 - k. Burkhard Court from 6th Street to the east end.
 - l. Centennial Drive from Howell Avenue to Mayhew Drive.
 - m. Corporate Preserve Drive from 27th Street to Reinhart Drive
 - n. Depot Road from 5th Avenue to its dead end.
 - o. Drexel Avenue from Howell Avenue to 27th Street.
 - p. Elm Road from Chicago Road to its dead end.
 - q. Forest Hill Avenue from Howell Avenue to its dead end.
 - r. IKEA Way from Drexel Avenue to its north end.
 - s. Liberty Lane from Forest Hill Avenue to a point 1,450 feet south.
 - t. Mahn Court from Howell Avenue to the east end
 - u. Marquette Avenue from Howell Avenue to 6th Street.
 - v. Mayhew Drive from Centennial Drive to a point 800 feet north.
 - w. Northbranch Drive from 13th Street to 10th Street.
 - x. Oakview Parkway from Howell Avenue to Oakwood Road.
 - y. Oakwood Road from Howell Avenue to Opus Drive/Oakview Parkway.

- z. Opus Drive from Oakwood Road to its west end.
- aa. Pelton Drive from 13th Street to its dead end.
- bb. Pennsylvania Avenue from STH 100 to Ryan Road.
- cc. Ridgeview Drive from 20th Street to its dead end.
- dd. Reinhart Drive from Southbranch Boulevard to Corporate Preserve Drive.
- ee. Ryan Road from Pennsylvania Avenue to ¼ mile East of Pennsylvania Avenue.
- ff. Southbranch Boulevard from 27th Street to 20th Street.

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

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

Introduced this 2nd day of March, 2021.

Passed and adopted this ____ day of _____, 2021.

President, Common Council

Approved this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

COMMON COUNCIL REPORT

Item:	Resolution of Support - Sidewalks on Milwaukee County's Rawson Project
Recommendation:	That the Common Council approves Resolution No. 12231-030221 in support of the addition of City sidewalk on Milwaukee County's proposed Rawson Avenue (CTH BB) reconstruction project. (2 nd Aldermanic District).
Fiscal Impact:	None at this time. There will be the standard on-going costs that go along with owning and maintaining city sidewalks.
Critical Success Factor(s):	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input type="checkbox"/> Thoughtful Development and Prosperous Economy <input type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

Background: Milwaukee County is preparing to reconstruct a deteriorated segment of Rawson Avenue (27th to 20th) in 2022. Rawson Avenue is a County road (CTH BB). The project will reconstruct this section of road largely to its current configuration, but with improvements to turn lane lengths, the addition of public sidewalk and new traffic signals at the intersection of 20th/Rawson.

Milwaukee County has requested that the City pass a resolution in support of the addition of City sidewalk along the north side of Rawson Avenue, affirming that Oak Creek will own and maintain the new sidewalk and adjacent terrace area.

The Engineering staff has been working with Milwaukee County for the past several months as their design has progressed. The County indicates that it is their policy now to require local governments to confirm via resolution the commitment of the municipality to own and maintain the sidewalks as they are added along with their County highway improvement projects.

City maintenance of the sidewalk would involve standard repair of cracks and other trip hazards. Maintenance related to snow and ice removal would consist of City enforcement of Municipal Code Section 6.24 requiring the adjacent property owners to clear the sidewalks along their property frontages.

Options/Alternatives: The alternative is to not pass the resolution, with the potential that action could negatively affect Milwaukee County's intentions to proceed with the project.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Matthew J. Sullivan, PE
Assistant City Engineer

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator/Comptroller

Approved:



Michael C. Simmons, PE
City Engineer

Attachments: Resolution No. 12231-030221

RESOLUTION NO. 12231-030221

BY: _____

**RESOLUTION IN SUPPORT OF THE ADDITION OF CITY SIDEWALK
ON MILWAUKEE COUNTY'S PROPOSED RECONSTRUCTION OF
W. RAWSON AVENUE (CTH BB) FROM S. 27TH STREET TO S. 20TH STREET**

(2ND ALDERMANIC DISTRICT)

WHEREAS, Milwaukee County is planning to reconstruct W. Rawson Avenue (CTH BB) from S. 27th Street to S. 20th Street; and,

WHEREAS, Construction is scheduled for 2022; and,

WHEREAS, the City of Oak Creek supports that the reconstruction project will include public sidewalk on the north side of W. Rawson Avenue (CTH BB); and,

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek agrees that future maintenance and ownership of sidewalk and standard maintenance of the adjoining terrace area shall be in accordance with Municipal Code.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 2nd day of March, 2021.

Passed and adopted this 2nd day of March, 2021.

President, Common Council

Approved this 2nd day of March, 2021.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 3/2/2021 License Committee Report.

Fiscal Impact: License fees in the amount of \$10.00 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 a Change of Agent for the Class A Combination alcohol license issued to Mega Marts, LLC dba Pick 'n Save #862, 8770 S. Howell Avenue from Jai Jensen to Tracy Engeriser, 3675 S. 88th St., Milwaukee.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the February 24, 2021 Vendor Summary Report in the total of \$359,032.44.

Fiscal Impact: Total claims paid of \$359,032.44. Of this grand total paid, \$10,233.43 will impact the 2020 fiscal year. The remaining amount, \$348,799.01, 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. \$6,324.25 to Axon Enterprise, Inc. (pg #3) for taser units, Project #20007.
2. \$69,053.30 to Benistar (pg #4) for March Medicare supplement insurance.
3. \$9,925.00 to Brasco International Inc. (pg #4) for Bartel bus shelter.
4. \$24,680.98 to Compass Minerals Company (pg #5) for salt inventory.
5. \$10,232.00 to DoorMaster Garage Door Co. LLC (pg #6) for replaced springs and opener repair.
6. \$23,691.59 to DTS Mixed Use LLC (pgs #6-7) for annual lease fee of Drexel Town Square bathroom.
7. \$33,627.53 to E. H. Wolf & Sons, Inc. (pg #7) for fuel inventory.
8. \$5,448.00 to Flag Center (pg #8) for Oak Creek banners.
9. \$6,519.00 to Force America (pg #8) for spreader equipment.
10. \$9,910.00 to Godfrey & Kahn S.C. (pg #1) for legal services regarding redevelopment of lakefront site, F Street, and Stella & Chewy's Expansion.
11. \$6,653.12 to K-Tech Specialty Coating, LLC (pg #10) for road maintenance supplies.
12. \$8,679.97 to Miller-Bradford & Risberg, Inc. (pg #11) for vehicle repair.
13. \$6,950.00 to Murphy & Prachthausen, S.C. (pg #11) for cost recovery on lakefront development.
14. \$24,064.71 to Santander Bank, NA (pg #14) for utility tractor, Project #21014.
15. \$9,928.59 to Sovos Compliance LLC (pg #14) for TIR ACA manager.
16. \$16,833.33 to Tyler Technologies, Inc. (pg #16) for consulting services.

17. \$11,010.94 to WE Energies (pgs #16-17) for street lighting, electricity & natural gas.

Options/Alternatives: None

Respectfully submitted:



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City Administrator

Prepared:



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Staff Accountant

Fiscal Review:



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Assistant City Administrator/Comptroller

Attachments: 2/24/2021 Invoice GL Distribution Report