



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

COMMON COUNCIL MEETING AGENDA

APRIL 20, 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.

Swearing-In Ceremony

City Clerk Catherine Roeske will swear in Mayor Daniel Bukiewicz, 1st District Alderperson Steven Kurkowski, 3rd District Alderperson Richard Duchniak, and 5th District Alderperson Kenneth Gehl.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 4/5/21
4. Election of Common Council President.

Recognition

5. **Mayoral Proclamation:** Arbor Day.

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

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

- 6. **Rezone:** Consider a request submitted by Mark and Kim Verhalen to rezone a portion of the property shown on Lot 2 on a proposed Certified Survey Map for 9330 28 S. Nicholson Rd., from Rs-3, Single Family Residential to A-1, Limited Agricultural district (NO CHANGE to FF, Flood Fringe district), with variation requests related to the minimum lot size and width for the proposed Lot 2 (3rd District).
- 7. **Ordinance:** Consider Ordinance No. 3004, rezoning a portion of the property at 9330 S. Nicholson Rd., from Rs-3, Single Family Residential to A-1, Limited Agricultural (NO CHANGE to the FF, Flood Fringe district) (3rd District).
- 8. **Resolution:** Consider Resolution No. 12240-042021, approving a Certified Survey Map submitted by Mark and Kim Verhalen for the property at 9330 S. Nicholson Rd. (3rd District).

New Business

- 9. **Discussion:** Fourth of July Festivities.

****NOTE:** It is anticipated that the Mayor and Common Council President’s Aldermanic appointments to various boards and commissions will be on the 5/4/21 Council agenda.

- 10. Mayor's Aldermanic Appointments

- a. Small Claims Committee – 1
- b. Library Board – 1

- 11. **Motion:** Consider a motion to concur with the following Mayoral Aldermanic appointments:

- a. Tourism Commission - 1
- b. Community Development Authority (CDA) -2

- 12. Common Council President Aldermanic Appointments:

- a. Personnel & Finance Committee – 3
- b. License Committee – 3
- c. Plan Commission Representatives – 2
- d. Board of Health Representative – 1
- e. Emergency Management Advisory Committee Representative – 1
- f. Parks, Recreation and Forestry Commission – 1
- g. Board of Public Works and Capital Assets - 3

- 13. **Motion:** Consider a motion to concur with the Mayor’s (re) appointments as follows (new appointments are noted):

- a. Board of Health – 3 year term to expire 10/2023
Richard Barribeau
- b. Celebrations Commission – 3 year term to expire 4/2024
Cindy Bautch

- c. Parks, Recreation & Forestry – 3 year term to expire 4/2024
Michael Theys
Adam Thiel

Parks, Recreation & Forestry – 2 year term to expire 4/2023
Anne Beyer
Leah Schrieber Johnson

Parks, Recreation & Forestry – 1 year term to expire 4/2022
Steven Bautch
Nicole Druckrey
- d. Plan Commission – 3 year term to expire 4/2024
Donald Oldani
Dawn Carillo
Fred Siepert
- e. Police & Fire Commission – 5 year term to expire 4/2026
Genene Hibbler
- f. Board of Review – 5 year term to expire 4/2026
Jim Potter
- g. Tourism Commission – 1 year term to expire 4/2022
Clint Wills
Kristie Busch
Jim Ruetz
Kim Jankowski
- h. Board of Zoning Appeals / Housing Appeals – 3 year term to expire 4/2024
Talwinder Kang
Daniel Jakubczyk
Pete Wagner
- i. Weed Commissioner – 1 year term to expire 4/2022
Department of Public Works Director

COMMUNITY DEVELOPMENT

- 14. **Resolution:** Consider *Resolution* No. 12241-042021, approving a Certified Survey Map submitted by Jim Kane, Truck Country-McCoy Group, for the properties at 9970, 10020, and 10040 S. 20th Street (6th District).

LICENSE COMMITTEE

- 15. **Motion:** Consider a *motion* to grant the various license requests as listed on the 4/20/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

- 16. **Motion:** Consider a *motion* to approve the April 14, 2021 Vendor Summary Report in the total amount of \$559,322.22 (by Committee of the Whole).

MISCELLANEOUS

17. **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)(g) to discuss potential litigation related to the opiate crisis.
18. **Motion:** Consider a *motion* to reconvene into open session.
19. **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

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, do hereby proclaim April 30th as Arbor Day in the City of Oak Creek, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 20th day of April, 2021.

ATTEST:

Daniel J. Bukiewicz
Mayor, City of Oak Creek

Catherine A. Roeske
City Clerk

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 requests submitted by Mark and Kim Verhalen to rezone a portion of the property shown as Lot 2 on a proposed Certified Survey Map for 9330 28 S. Nicholson Rd. from Rs-3, Single Family Residential to A-1, Limited Agricultural district (NO CHANGE to FF, Flood Fringe district), with variation requests related to the minimum lot size and width for the proposed Lot 2. NOTE: THIS IS A CORRECTION TO THE HEARING DATE FROM THE NOTICE PUBLISHED MARCH 24, 2021.

- Hearing Date:** April 20, 2021 (CORRECTED)
- 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):** Mark and Kim Verhalen
- Property Owner(s):** Mark and Kim Verhalen
- Property Location(s):** 9330 28 S. Nicholson Rd.
- Tax Key(s):** 872-9013-000

Legal Description:

Proposed CSM to describe the proposed Lots 1 & 2. Parcel 2 proposed to be rezoned with variations. Legal description of lands prior to division: CSM 8882, SW 1/4 SEC 22-5-22, LOT 2. (5.175 ACS) CONVEYED ON DOCUMENT 10635999.

The Common Council has scheduled other public hearings for April 20, 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: March 24, 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:** Rezone - 9330 S. Nicholson Rd. - Mark and Kim Verhalen
- Recommendation:** That the Council adopts Ordinance 3004, an ordinance to rezone a portion of the property at 9330 S. Nicholson Rd. from Rs-3, Single Family Residential to A-1, Limited Agricultural (NO CHANGE to the FF, Flood Fringe district).
- Fiscal Impact:** Approval will allow for a portion of the property to be divided to be used for continued agricultural purposes and future construction of a single-family farm dwelling.
- 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 Applicants are requesting that a portion of the property at 9330 S. Nicholson Rd. be rezoned from Rs-3, Single Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District). The portion to be rezoned is identified as Lot 2 on the proposed CSM for review in a subsequent agenda item, which will be retained by the Applicants for agricultural and residential purposes. Council will note that the proposed lot does not meet the minimum lot width (150 feet) or minimum acreage (5 acres) requirements for the A-1, Limited Agricultural district. The Applicants have provided a written request for variations and narrative explaining the rationale for the requests. An Exhibit detailing the extent of their properties and the unique circumstances that have led to the effective division of the bulk land from the property shown as Lot 2 is included with this report.

Section 14.180 of the Municipal Code allows the Common Council to grant case-by-case variations recommended by the Plan Commission if evidence is presented in accordance with four (4) criteria (see attached). Council should be aware that the three (3) requests - Rezone, Variations, and Certified Survey Map - are interdependent.

The Plan Commission reviewed the rezone, variations, and Certified Survey Map requests during their March 9, 2021 meeting, and recommended approval subject to the recommended conditions as part of the Certified Survey Map report.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone and variations requests. The approval of the rezoning, variations, and Certified Survey Map would allow for the division of a single lot to be utilized for agricultural purposes and future construction of one single family home. Denial would result in the property remaining in its present condition.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



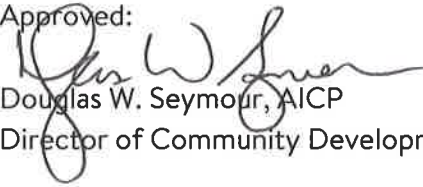
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Ord. 3004

Location Map

Narrative

Proposed CSM (5 pages)

Exhibit (1 page)

Sec. 14.180

Plan Commission Meeting Minutes

ORDINANCE NO. 3004

By: _____

AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY AT 9330 28 S. NICHOLSON ROAD FROM RS-3, SINGLE FAMILY RESIDENTIAL TO A-1, LIMITED AGRICULTURAL (NO CHANGE to FF, FLOOD FRINGE DISTRICT)

(3rd Aldermanic District)

WHEREAS, MARK AND KIM VERHALEN have proposed a rezoning of a portion of the property at 9330 28 S. Nicholson Road from Rs-3, Single Family Residential to A-1, Limited Agricultural zoning district (NO CHANGE to FF, Flood Fringe District).

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

Proposed CSM to describe the proposed Lots 1 & 2. Parcel 2 proposed to be rezoned with variations. Legal description of lands prior to division: CSM 8882, SW 1/4 Sec 22-5-22, Lot 2. (5.175 ACS) Conveyed on Document 10635999.

WHEREAS, Section 17.0303(d)(1) of the Municipal Code requires that parcels within the A-1 zoning district have a minimum lot width of 150 feet; and

WHEREAS, the legally described portion of the property to be rezoned (also known as Lot 2 of the proposed certified survey map) has a lot width of 85.00 feet; and

WHEREAS, Section 17.0303(d)(1) of the Municipal Code requires that parcels within the A-1 zoning district have a minimum lot size of 5 acres; and

WHEREAS, the legally described portion of the property to be rezoned (also known as Lot 2 of the proposed certified survey map) has a lot size of 4.622 acres; and

WHEREAS, Section 14.180 of the Municipal Code establishes a procedure for variations and exceptions where extraordinary hardships or particular difficulties may result from strict compliance with these regulations

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

WHEREAS, the Common Council held a public hearing on said application on April 20, 2021, at which time all interested parties appeared and were heard; and

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands at 9330 S. Nicholson Road, as hereinabove

described shall be rezoned from Rs-3, Single Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District), and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

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

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

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

Passed and adopted this 20th day of April, 2021.

President, Common Council

Approved this 20th day of April, 2021.

Mayor

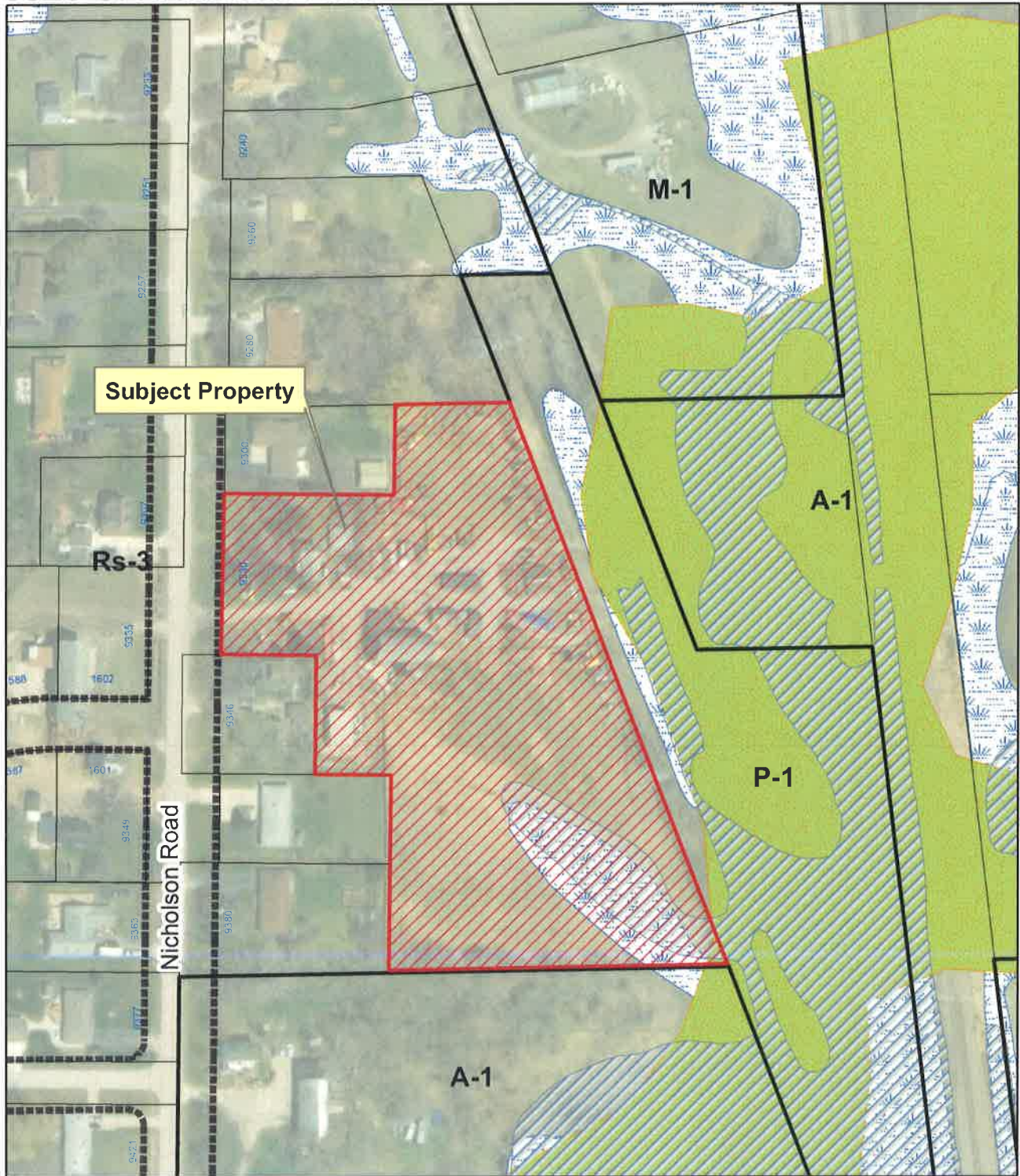
ATTEST:

City Clerk

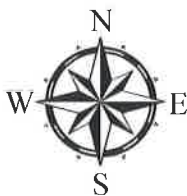
VOTE: Ayes _____ Noes _____

Location Map

9328 S. Nicholson Road



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



Legend

-  9328 S. Nicholson Road
-  Officially Mapped Streets
-  Flood Plain (2008)
-  Environmental Corridor
-  DNR Wetlands Inventory

Mark & Kim Verhalen
9330 S. Nicholson Rd.
Oak Creek, WI 53154

February 11, 2021

Plan Commission Members
Common Council Members

RE: Rezoning for 9328/9330 S. Nicholson Rd. from Residential 3 to A1 Agriculture.

Dear Commission and Council Members,

We have submitted a CSM and Zoning change request to your respective committees. This written request will address the reasons for the rezoning.

A portion of the property is currently zoned RS-3 is listed as lots 1 and 2. The balance of our property is approximately 30 acres and is zoned A-1 Agriculture (See attached exhibit). The residential portion lot 1, has a CSM request attached which is also on tonight's agenda. The balance of lot 2 still has 85' of frontage which is legal width for a buildable lot. Creating this lot would render the balance of lot 2 undevelopable. Without using the frontage for a lot there is inadequate footage to meet code for a future street. Rezoning lot 2 to A1 still enables one home to be built on lot 2 matching the zoning on the remaining 30 acres.

The Verhalen family farm is one of the last operating farms in Oak Creek. Our family has continually used all the land in question tonight for Ag purposes since 1946. Leaving lot 2 RS-3 zoning forces us to operate our farm as a legal non-conforming use. The residential zoning causes a hardship for our continued farm operations. Our son is the fourth generation and will continue the farming operation. Our son is planning on building a home on the remaining frontage of lot 2. Keeping lot 2 as residential serves no purpose as there is no possibility of any more residential development. Rezoning lot 2 to A1 consolidates all the property and brings us to conforming use.

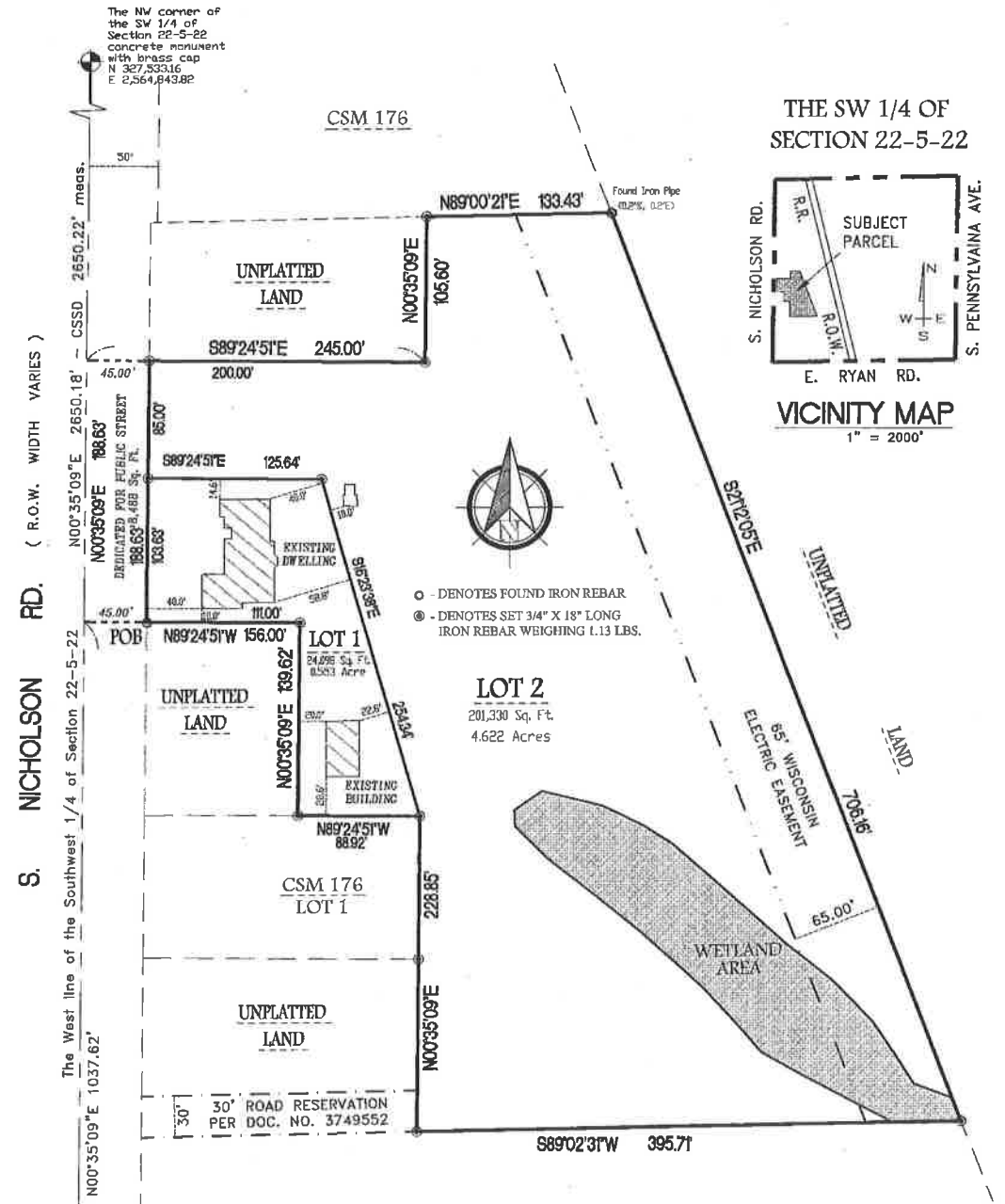
Please consider our situation as you have with similar properties in the past. We see this as the best solution for our property and our business.

Sincerely,

Mark and Kim Verhalen

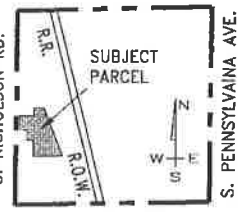
MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8882, RECORDED AS DOCUMENT NO. 10635999 ON DECEMBER 29, 2016 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS, BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



The NW corner of the SW 1/4 of Section 22-5-22 concrete monument with brass cap
 N 327.53316
 E 2,564.843.82

THE SW 1/4 OF SECTION 22-5-22



VICINITY MAP
 1" = 2000'

- DENOTES FOUND IRON REBAR
- DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING 1.13 LBS.

LOT 2
 201,330 Sq. Ft.
 4.622 Acres

The SW corner of the SW 1/4 of Section 22-5-22 concrete monument with brass cap
 N 324.883.29
 E 2,564.816.72



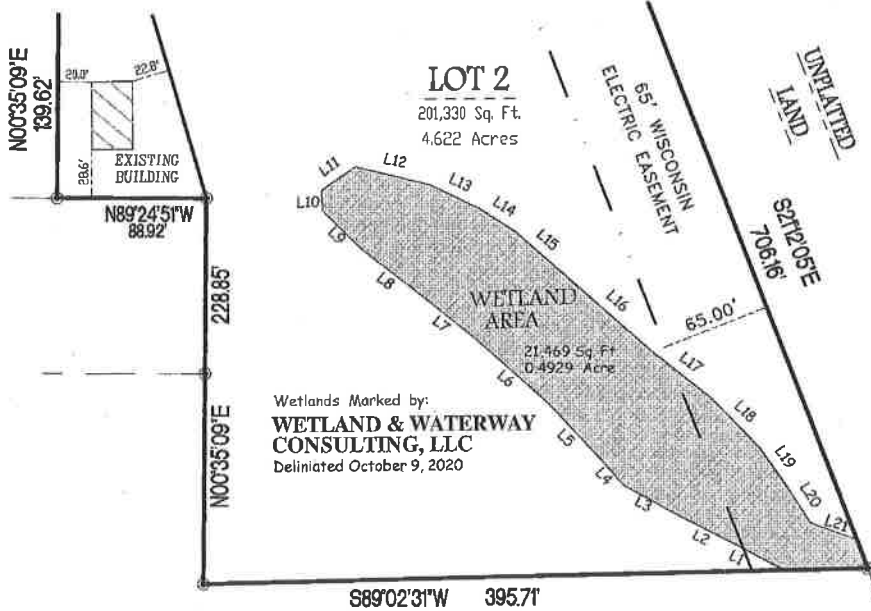
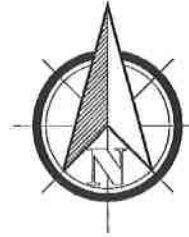
SURVEYING ASSOCIATES, INC.

2554 N. 100TH STREET
 P.O. BOX 26596
 WAUWATOSA, WISCONSIN 53226
 (414) 257-2212 FAX: (414) 257-2443
 sai@wi.rr.com

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

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WETLAND AREA		
LINE	LENGTH	BEARING
L1	43.53'	N62°29'50"W
L2	33.72'	N62°12'30"W
L3	31.33'	N60°40'58"W
L4	19.47'	N40°45'13"W
L5	46.87'	N43°24'10"W
L6	57.57'	N48°14'52"W
L7	40.28'	N51°10'51"W
L8	45.54'	N51°48'31"W
L9	33.38'	N45°09'52"W
L10	11.88'	N02°45'15"W
L11	24.24'	N55°12'27"E
L12	45.04'	S76°19'32"E
L13	33.03'	S63°55'32"E
L14	25.01'	S57°34'28"E
L15	37.19'	S48°53'13"E
L16	74.07'	S48°33'52"E
L17	41.44'	S51°38'32"E
L18	42.62'	S44°25'34"E
L19	26.80'	S34°52'15"E
L20	27.38'	S33°09'28"E
L21	29.55'	S69°42'26"E



2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443
sai@wl.r.com

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8882, RECORDED AS DOCUMENT NO. 10635999 ON DECEMBER 29, 2016 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS, BEING A PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped a part of the Southwest ¼ of the Southwest ¼ of Section 22, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of Section 22; thence North 00° 35' 09" East along the West line of said Section, 793.75 feet to the point of beginning of the land to be described; thence North 00° 35' 09" East along said West line, 104.25 feet; thence South 89° 24' 51" East, 156.00 feet; thence North 00° 35' 09" East 139.62 feet; thence North 89° 24' 51" West, 156.00 feet to a point on said West line; thence North 00° 35' 09" East along said West line, 188.63 feet; thence South 89° 24' 51" East, 245.00 feet; thence North 00° 35' 09" East 105.60 feet; thence North 89° 00' 21" East, 133.43 feet; thence South 21° 12' 05" East 706.16 feet; thence South 89° 02' 31" West, 395.71 feet; thence North 00° 35' 09" East, 124.60 feet; thence North 89° 24' 51" West 244.92 feet to the point of beginning. Excepting the West 45.00 feet dedicated for street purposes. Containing 246,269 square feet (5.653 acres) of land.

That I have made such survey, land division and map by the direction of Derek J. Verhalen, Mark A. Verhalen, and Kim M. Verhalen, owners of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the land division ordinance of the City of Oak Creek in surveying dividing and mapping the same.

Dated this 26 day of January, 2021.

Marc C. Passarelli S-2817
Wisconsin Professional Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8882, RECORDED AS DOCUMENT NO. 10635999 ON DECEMBER 29, 2016 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS, BEING A PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

Mark A. Verhalen, owner, does hereby certify that he has caused the land described in this document to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2021.

Mark A. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2021 the above named Mark A. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

OWNER'S CERTIFICATE:

Kim M. Verhalen, owner, does hereby certify that she has caused the land described in this document to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2021.

Kim M. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2021, the above named Kim M. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE:

Derek J. Verhalen, owner, does hereby certify that he has caused the land described in this document to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ____ day of _____, 2021.

Derek J. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this ____ day of _____, 2021, the above named Derek J. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek this ____ day of _____, 2021.

Daniel Bukiewicz, Chairman

Douglas Seymour, Secretary

COMMON COUNCIL APPROVAL

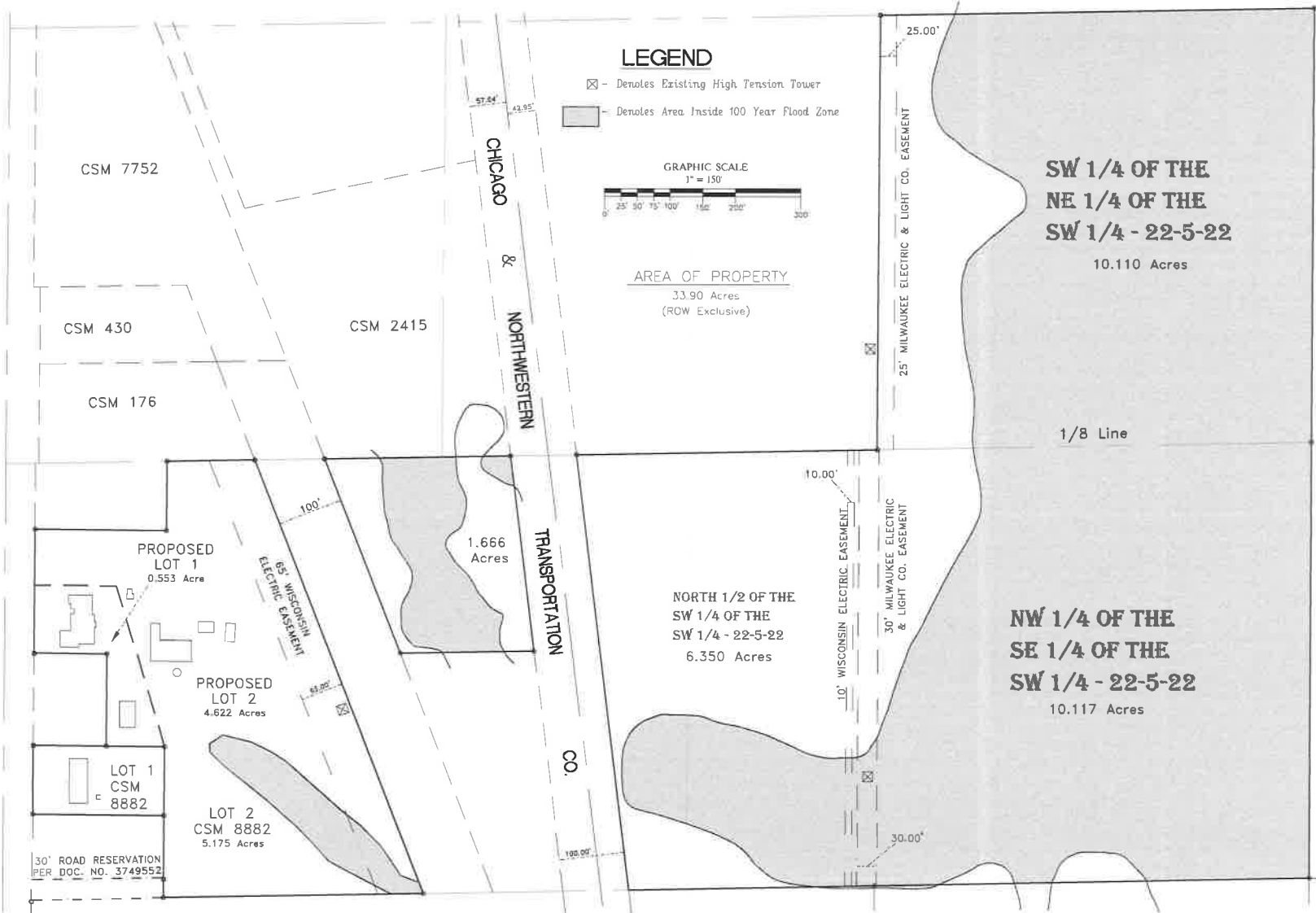
APPROVED by the Common Council of the City of Oak Creek and dedication accepted in accordance with Resolution Number _____, adopted on the ____ day of _____, 2021.

Daniel Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

VERHALEN PROPERTY EXHIBIT

S. NICHOLSON RD.



VARIATIONS; PENALTIES AND VIOLATIONS

SEC. 14.180 VARIATIONS AND EXCEPTIONS.

- (a) Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variation shall be made in writing by the subdivider to the City Clerk at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid City officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Director of Community Development may request that the City Engineer, City Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Director of Community Development shall refer the matter to the Plan Commission with a written report and recommendation from City staff. The Plan Commission shall make a recommendation to the Common Council. The previous granting of variations or exceptions in the same or similar circumstances shall not, of itself, constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Plan Commission shall not recommend nor the Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if

the strict letter of the regulations were carried out.

- (4) There would be no costs (present or future) to the City resulting from the granting of the variation or exception.
- (c) Any recommendations for variations or exceptions by the Plan Commission must be approved by a three-fourths (3/4) majority vote of the Plan Commission and shall be so endorsed by the Corresponding Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by resolution adopted by a majority vote and shall instruct the City Clerk to notify the Plan Commission and the subdivider.
- (d) Variations from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City comprehensive plan.

SEC. 14.181 ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) General Violations. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture as prescribed in Section 1.07. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Forfeiture for Not Proper Recording. Any person causing his final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time specified after approval shall be subject to the forfeiture as prescribed in Section 1.07.
 - (3) Transfer of Lots in Unrecorded Plat. Any subdivider or his agents who offers or contracts to convey, or conveys, any subdivision

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 9, 2021**

Mayor Bukiewicz called the meeting to order at 6:09 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, 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. Nick Sansone, Network Administrator, facilitated the video conference. Alderman Loreck was excused.

REZONE, CERTIFIED SURVEY MAP/VARIATIONS

MARK VERHALEN

9330-9328 S. NICHOLSON RD.

TAX KEY NO. 872-9013-000

Planner Papelbon provided an overview of the request to rezone a portion of the property, shown on a proposed CSM as Lot 2, from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District). This review included consideration of variations per Section 14.180 (see staff report for details).

Mark Verhalen, 9330 S. Nicholson Rd., Oak Creek, WI, stated that Lot 2 is currently zoned Rs-3; however, if he were to build a single-family residential home on it, the rear of the property would not have any further residential use. Since he is currently farming portions of the surrounding property, he would like the rear portion of lot 2 rezoned to a conforming use of A-1, Limited Agriculture. Mr. Verhalen stated he has ready access to the rear of the property.

Mr. Verhalen questioned whether, if the rezoning occurred, he would still be able to build a residence on the property as the frontage requirements differ from Rs-3, Residential to A-1, Limited Agricultural. Planner Papelbon stated that farm dwellings are allowed to be built in the A-1 district, although the setbacks are slightly different than on a residential lot. Planner Papelbon offered to discuss those setbacks with Mr. Verhalen at another time.

Mr. Verhalen offered to answer any questions that the Commissioners had.

Commissioner Chandler asked Planner Papelbon whether the failure to meet the lot width and acreage requirements of A-1, Limited Agricultural district would be problematic for either farming or the construction of a farm dwelling. Planner Papelbon answered that most of the implications would be with regards to setbacks and use as all A-1 district requirements for setbacks and number and type of structures would apply to the lot.

Commissioner Hanna questioned the impact of the rezone on the wetland and flood fringe indicated on the Certified Survey Map (CSM). Planner Papelbon replied there was no impact on either the flood fringe or the wetland, and they would not be changed as part of the rezone. The wetland and flood fringe would only come into play if there were a future development proposal.

Commissioner Hanna moved that the Plan Commission recommend to the Common Council

1. That a portion of the property at 9330 S. Nicholson Rd. shown as Lot 2 on the proposed Certified Survey Map be rezoned from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District); and

2. That the Certified Survey Map and variation requests submitted by Mark & Kim Verhalen for the property at 9330 S. Nicholson Rd. be approved with the following conditions:
- a. That the floodplain boundary is included on the map prior to recording.
 - b. That existing buildings are shown on the map prior to recording.
 - c. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-23-21

Date

COMMON COUNCIL REPORT

- Item:** Certified Survey Map - 9330 S. Nicholson Rd. - Mark and Kim Verhalen
- Recommendation:** That the Council approves Resolution No. 12240-042021, a resolution approving a Certified Survey Map submitted by Mark and Kim Verhalen for the property at 9330 S. Nicholson Road.
- Fiscal Impact:** Approval will allow for a portion of the property to be divided to be used for continued agricultural purposes and future construction of a single-family farm dwelling.
- 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 Applicants are requesting approval of a Certified Survey Map that would create one (1) lot in the A-1, Limited Agricultural zoning district (dependent on the rezone request in the earlier agenda item) from the property at 9330 S. Nicholson Rd. As stated in the report for the rezone request, the proposed Lot 2 does not meet the minimum lot width (150 feet) or minimum acreage (5 acres) requirements for the A-1, Limited Agricultural district. The Applicants have provided a written request for variations and narrative explaining the rationale for the requests. An Exhibit detailing the extent of their properties and the unique circumstances that have led to the effective division of the bulk land from the property shown as Lot 2 is included with this report.

Section 14.180 of the Municipal Code allows the Common Council to grant case-by-case variations recommended by the Plan Commission if evidence is presented in accordance with four (4) criteria. It states:

The Plan Commission shall not recommend nor the Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(4) There would be no costs (present or future) to the City resulting from the granting of the variation or exception.

Council should be aware that the three (3) requests - Rezone, Variations, and Certified Survey Map - are interdependent.

The Plan Commission reviewed the rezone, variations, and Certified Survey Map requests during their March 9, 2021 meeting, and recommended approval by the required 3/4 majority subject to the recommended conditions as part of the Certified Survey Map report.

Options/Alternatives: Council has the discretion to approve or not approve the proposed Certified Survey Map and variations requests. The approval of the rezoning, variations, and Certified Survey Map would allow for the division of a single lot to be utilized for agricultural purposes and future construction of one single family home. Denial would result in the property remaining in its present condition.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



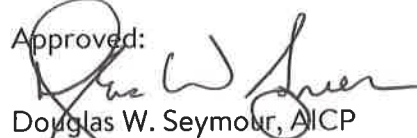
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12240-042021

Location Map

Narrative

Proposed CSM (5 pages)

Exhibit (1 page)

Sec. 14.180

Plan Commission Meeting Minutes

RESOLUTION NO. 12240-042021

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
MARK AND KIM VERHALEN

9330 S. NICHOLSON ROAD

(3rd Aldermanic District)

WHEREAS, MARK AND KIM VERHALEN, hereinafter referred to as the subdividers, have submitted a certified survey map for a portion of the property at 9330 S. Nicholson Road in compliance with all statutory requirements; and

WHEREAS, the subdividers have complied with all of the applicable ordinances and resolutions of the City of Oak Creek, and

WHEREAS, Section 17.0303(d)(1) of the Municipal Code requires that parcels within the A-1, Limited Agricultural zoning district have a minimum lot width of 150 feet; and

WHEREAS, the legally described portion of the property to be subdivided (Lot 1 of the proposed certified survey map) has a lot width of 85.00 feet; and

WHEREAS, Section 17.0303(d)(1) of the Municipal Code requires that parcels within the A-1, Limited Agricultural zoning district have a minimum lot size of 5 acres; and

WHEREAS, the legally described portion of the property to be rezoned (also known as Lot 2 of the proposed certified survey map) has a lot size of 4.622 acres; and

WHEREAS, Section 14.180 of the Municipal Code establishes a procedure for variations and exceptions where extraordinary hardships or particular difficulties may result from strict compliance with these regulations; and

WHEREAS, the Plan Commission reviewed the application and unanimously recommended that the variation be granted and the certified survey map be approved, subject to the following conditions:

1. That the floodplain boundary is included on the map prior to recording.
2. That existing buildings are shown on the map prior to recording.
3. 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 with the following conditions:

1. That the floodplain boundary is included on the map prior to recording.
2. That existing buildings are shown on the map prior to recording.

3. 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.

BE IT FURTHER RESOLVED that variations be granted in accordance with Section 14.180 of the Municipal Code to create a lot in the A-1, Limited Agricultural zoning district zoning district with a width of 85.00 feet and 4.622 acres.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of April, 2021.

Passed and adopted this 20th day of April, 2021.

President, Common Council

Approved this 20th day of April, 2021.

Mayor

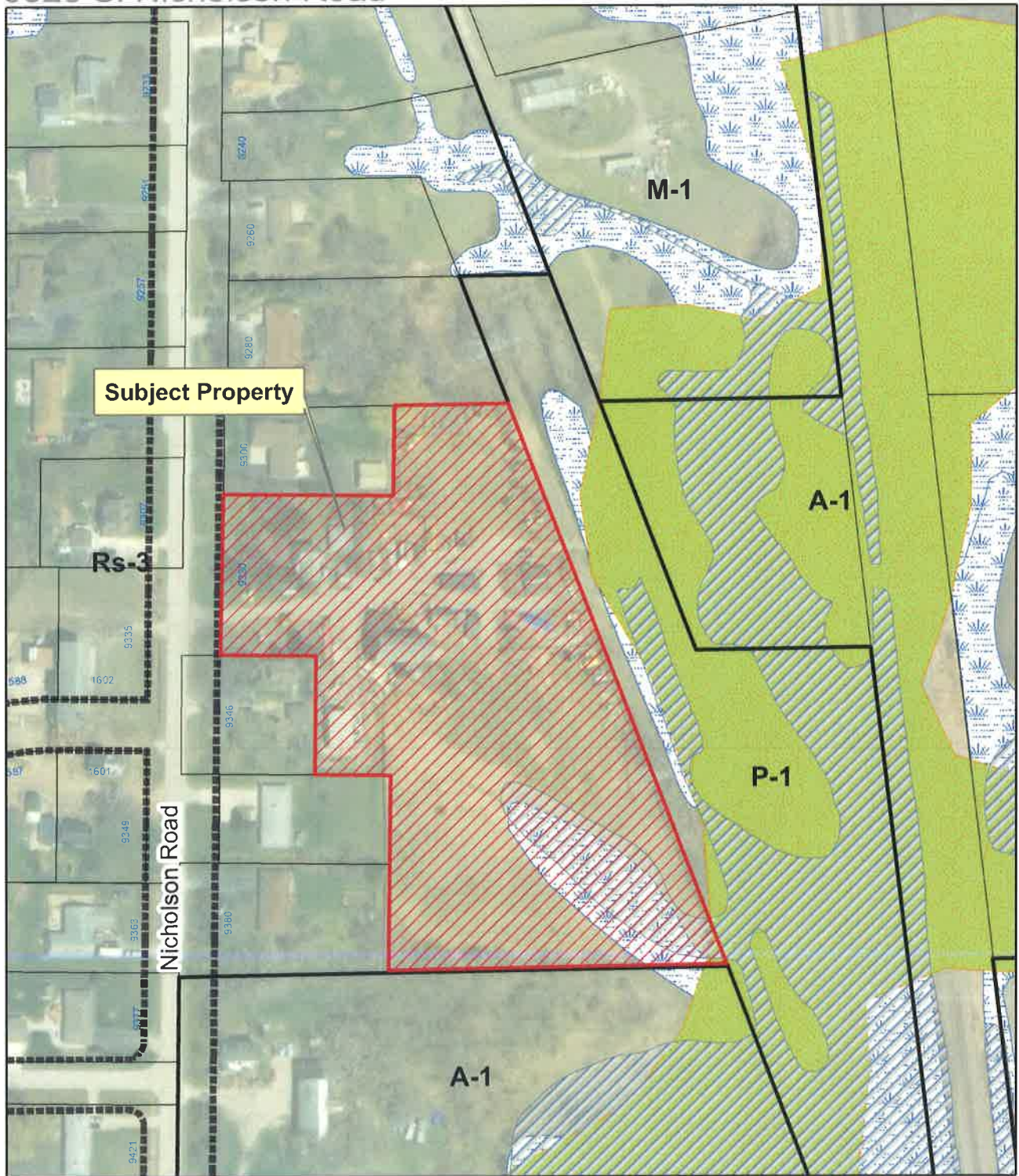
ATTEST:

City Clerk

VOTE: Ayes ____ Noes ____

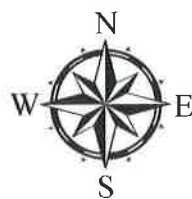
Location Map

9328 S. Nicholson Road



Subject Property

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



Legend

-  9328 S. Nicholson Road
-  Officially Mapped Streets
-  Flood Plain (2008)
-  Environmental Corridor
-  DNR Wetlands Inventory

Department of Community Development

Mark & Kim Verhalen
9330 S. Nicholson Rd.
Oak Creek, WI 53154

February 11, 2021

Plan Commission Members
Common Council Members

RE: Rezoning for 9328/9330 S. Nicholson Rd. from Residential 3 to A1 Agriculture.

Dear Commission and Council Members,

We have submitted a CSM and Zoning change request to your respective committees. This written request will address the reasons for the rezoning.

A portion of the property is currently zoned RS-3 is listed as lots 1 and 2. The balance of our property is approximately 30 acres and is zoned A-1 Agriculture (See attached exhibit). The residential portion lot 1, has a CSM request attached which is also on tonight's agenda. The balance of lot 2 still has 85' of frontage which is legal width for a buildable lot. Creating this lot would render the balance of lot 2 undevelopable. Without using the frontage for a lot there is inadequate footage to meet code for a future street. Rezoning lot 2 to A1 still enables one home to be built on lot 2 matching the zoning on the remaining 30 acres.

The Verhalen family farm is one of the last operating farms in Oak Creek. Our family has continually used all the land in question tonight for Ag purposes since 1946. Leaving lot 2 RS-3 zoning forces us to operate our farm as a legal non-conforming use. The residential zoning causes a hardship for our continued farm operations. Our son is the fourth generation and will continue the farming operation. Our son is planning on building a home on the remaining frontage of lot 2. Keeping lot 2 as residential serves no purpose as there is no possibility of any more residential development. Rezoning lot 2 to A1 consolidates all the property and brings us to conforming use.

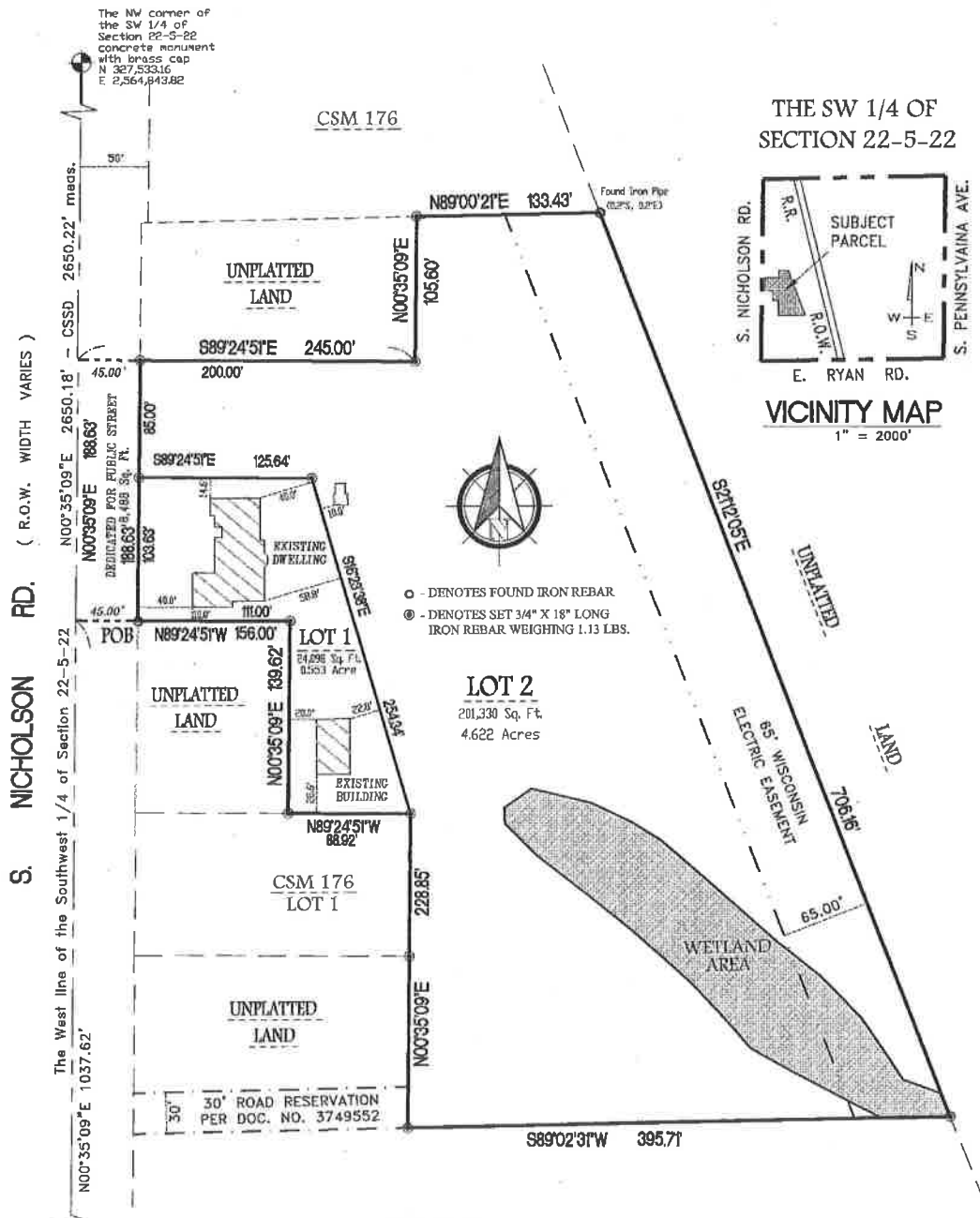
Please consider our situation as you have with similar properties in the past. We see this as the best solution for our property and our business.

Sincerely,

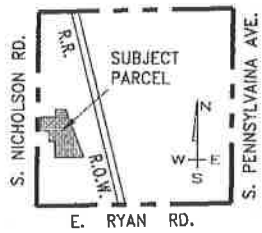
Mark and Kim Verhalen

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8882, RECORDED AS DOCUMENT NO. 10635999 ON DECEMBER 29, 2016 AT THE MILWAUKEE COUNTY REGISTER OF DEEDS, BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.



THE SW 1/4 OF SECTION 22-5-22



VICINITY MAP
1" = 2000'

- DENOTES FOUND IRON REBAR
- ⊙ DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING 1.13 LBS.

LOT 2
201,330 Sq. Ft.
4.622 Acres



SURVEYING ASSOCIATES, INC.

MEMBER OF WISCONSIN SOCIETY OF LAND SURVEYORS & NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

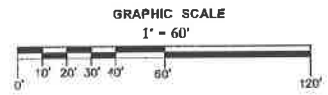
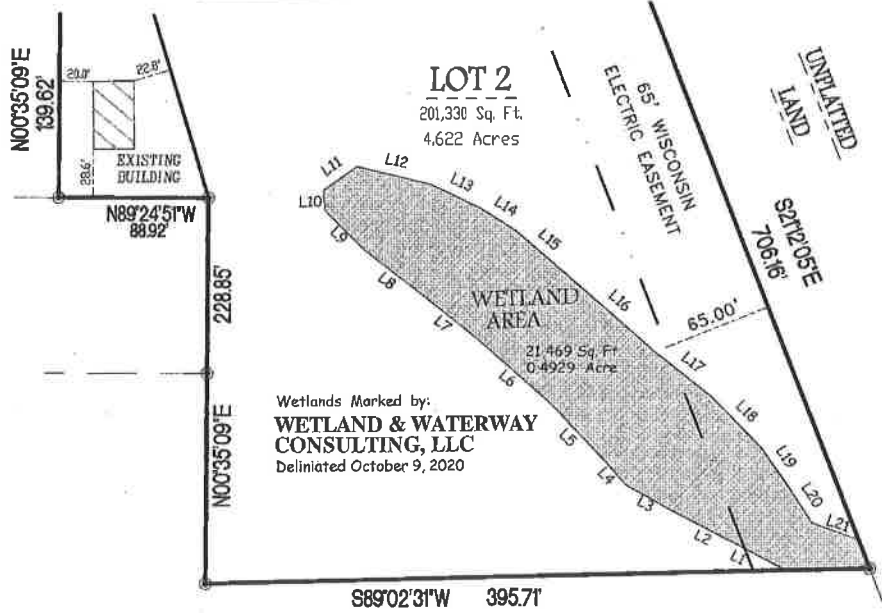
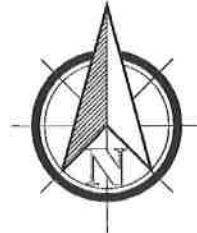
2554 N. 100TH STREET
P.O. BOX 26596
WAUWATOSA, WISCONSIN 53226
(414) 257-2212 FAX: (414) 257-2443
sai@wi.rr.com

MARC C. PASSARELLI P.L.S. # 2817

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WETLAND AREA		
LINE	LENGTH	BEARING
L1	43.53'	N62°29'50"W
L2	33.72'	N62°12'30"W
L3	31.33'	N60°40'58"W
L4	19.47'	N40°45'13"W
L5	46.87'	N43°24'10"W
L6	57.57'	N48°14'52"W
L7	40.28'	N51°10'51"W
L8	45.54'	N51°48'31"W
L9	33.38'	N45°09'52"W
L10	11.88'	N02°45'15"W
L11	24.24'	N55°12'27"E
L12	45.04'	S76°19'32"E
L13	33.03'	S63°55'32"E
L14	25.01'	S57°34'28"E
L15	37.19'	S48°53'13"E
L16	74.07'	S48°33'52"E
L17	41.44'	S51°38'32"E
L18	42.62'	S44°25'34"E
L19	26.80'	S34°52'15"E
L20	27.38'	S33°09'28"E
L21	29.55'	S69°42'26"E



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SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc C. Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped a part of the Southwest ¼ of the Southwest ¼ of Section 22, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of Section 22; thence North 00° 35' 09" East along the West line of said Section, 793.75 feet to the point of beginning of the land to be described; thence North 00° 35' 09" East along said West line, 104.25 feet; thence South 89° 24' 51" East, 156.00 feet; thence North 00° 35' 09" East 139.62 feet; thence North 89° 24' 51" West, 156.00 feet to a point on said West line; thence North 00° 35' 09" East along said West line, 188.63 feet; thence South 89° 24' 51" East, 245.00 feet; thence North 00° 35' 09" East 105.60 feet; thence North 89° 00' 21" East, 133.43 feet; thence South 21° 12' 05" East 706.16 feet; thence South 89° 02' 31" West, 395.71 feet; thence North 00° 35' 09" East, 124.60 feet; thence North 89° 24' 51" West 244.92 feet to the point of beginning. Excepting the West 45.00 feet dedicated for street purposes. Containing 246,269 square feet (5.653 acres) of land.

That I have made such survey, land division and map by the direction of Derek J. Verhalen, Mark A. Verhalen, and Kim M. Verhalen, owners of said land.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the land division ordinance of the City of Oak Creek in surveying dividing and mapping the same.

Dated this 26 day of January, 2021.

Marc C. Passarelli S-2817
Wisconsin Professional Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE:

Mark A. Verhalen, owner, does hereby certify that he has caused the land described in this document to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2021.

Mark A. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2021 the above named Mark A. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

OWNER'S CERTIFICATE:

Kim M. Verhalen, owner, does hereby certify that she has caused the land described in this document to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ___ day of _____, 2021.

Kim M. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2021, the above named Kim M. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE:

Derek J. Verhalen, owner, does hereby certify that he has caused the land described in this document to be surveyed, divided, dedicated and mapped as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and regulations of the City of Oak Creek.

Witness the hand and seal of said owner this ____ day of _____, 2021.

Derek J. Verhalen, Owner

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this ____ day of _____, 2021, the above named Derek J. Verhalen, Owner, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

PLANNING COMMISSION APPROVAL

APPROVED by the Planning Commission of the City of Oak Creek this ____ day of _____, 2021.

Daniel Bukiewicz, Chairman

Douglas Seymour, Secretary

COMMON COUNCIL APPROVAL

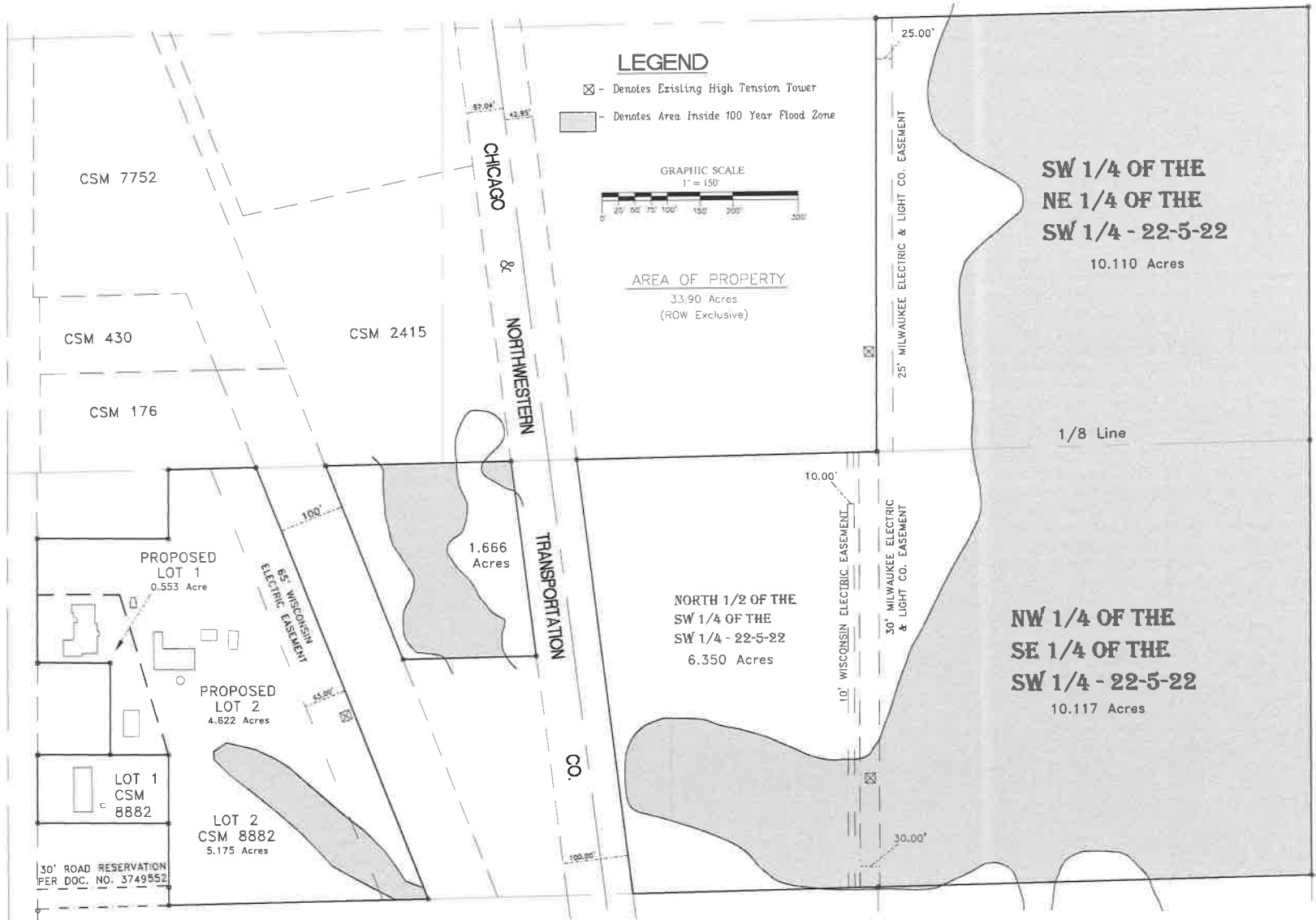
APPROVED by the Common Council of the City of Oak Creek and dedication accepted in accordance with Resolution Number _____, adopted on the ____ day of _____, 2021.

Daniel Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

VERHALEN PROPERTY EXHIBIT

S. NICHOLSON RD.



VARIATIONS; PENALTIES AND VIOLATIONS

SEC. 14.180 VARIATIONS AND EXCEPTIONS.

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- (b) The Plan Commission shall not recommend nor the Common Council shall not grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
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 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if

the strict letter of the regulations were carried out.

- (4) There would be no costs (present or future) to the City resulting from the granting of the variation or exception.
- (c) Any recommendations for variations or exceptions by the Plan Commission must be approved by a three-fourths (3/4) majority vote of the Plan Commission and shall be so endorsed by the Corresponding Secretary and transmitted to the Common Council. The Common Council, if it approves, shall do so by resolution adopted by a majority vote and shall instruct the City Clerk to notify the Plan Commission and the subdivider.
- (d) Variations from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Common Council, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, City Zoning Ordinances, and any City comprehensive plan.

SEC. 14.181 ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the City authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The City may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) General Violations. Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture as prescribed in Section 1.07. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Forfeiture for Not Proper Recording. Any person causing his final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time specified after approval shall be subject to the forfeiture as prescribed in Section 1.07.
 - (3) Transfer of Lots in Unrecorded Plat. Any subdivider or his agents who offers or contracts to convey, or conveys, any subdivision

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 9, 2021**

Mayor Bukiewicz called the meeting to order at 6:09 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Kari Papelbon, Planner; Doug Seymour, Director of Community Development; and Mike Havey, Assistant Fire Chief. Nick Sansone, Network Administrator, facilitated the video conference. Alderman Loreck was excused.

**REZONE, CERTIFIED SURVEY MAP/VARIATIONS
MARK VERHALEN
9330-9328 S. NICHOLSON RD.
TAX KEY NO. 872-9013-000**

Planner Papelbon provided an overview of the request to rezone a portion of the property, shown on a proposed CSM as Lot 2, from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District). This review included consideration of variations per Section 14.180 (see staff report for details).

Mark Verhalen, 9330 S. Nicholson Rd., Oak Creek, WI, stated that Lot 2 is currently zoned Rs-3; however, if he were to build a single-family residential home on it, the rear of the property would not have any further residential use. Since he is currently farming portions of the surrounding property, he would like the rear portion of lot 2 rezoned to a conforming use of A-1, Limited Agriculture. Mr. Verhalen stated he has ready access to the rear of the property.

Mr. Verhalen questioned whether, if the rezoning occurred, he would still be able to build a residence on the property as the frontage requirements differ from Rs-3, Residential to A-1, Limited Agricultural. Planner Papelbon stated that farm dwellings are allowed to be built in the A-1 district, although the setbacks are slightly different than on a residential lot. Planner Papelbon offered to discuss those setbacks with Mr. Verhalen at another time.

Mr. Verhalen offered to answer any questions that the Commissioners had.

Commissioner Chandler asked Planner Papelbon whether the failure to meet the lot width and acreage requirements of A-1, Limited Agricultural district would be problematic for either farming or the construction of a farm dwelling. Planner Papelbon answered that most of the implications would be with regards to setbacks and use as all A-1 district requirements for setbacks and number and type of structures would apply to the lot.

Commissioner Hanna questioned the impact of the rezone on the wetland and flood fringe indicated on the Certified Survey Map (CSM). Planner Papelbon replied there was no impact on either the flood fringe or the wetland, and they would not be changed as part of the rezone. The wetland and flood fringe would only come into play if there were a future development proposal.

Commissioner Hanna moved that the Plan Commission recommend to the Common Council

1. That a portion of the property at 9330 S. Nicholson Rd. shown as Lot 2 on the proposed Certified Survey Map be rezoned from Rs-3, Single-Family Residential to A-1, Limited Agricultural (NO CHANGE to FF, Flood Fringe District); and

2. That the Certified Survey Map and variation requests submitted by Mark & Kim Verhalen for the property at 9330 S. Nicholson Rd. be approved with the following conditions:
 - a. That the floodplain boundary is included on the map prior to recording.
 - b. That existing buildings are shown on the map prior to recording.
 - c. That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

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

ATTEST:



Kari Papelbon, Plan Commission Secretary

3-23-21

Date

COMMON COUNCIL REPORT

- Item:** Certified Survey Map - 9970, 10020, and 10040 S. 20th St. - Jim Kane, Truck Country - McCoy Group
- Recommendation:** That the Council adopts Resolution No. 12241-042021, a resolution approving a Certified Survey Map submitted by Jim Kane, Truck Country - McCoy Group, for the properties at 9970, 10020, and 10040 S. 20th St.
- Fiscal Impact:** The proposal is to combine the the properties for an anticipated truck sales and service building with outdoor storage of inventory trucks and trailers. If approved, development of the properties would yield positive fiscal impact in terms of assessed value, permit fees, and impact fees. This property is part of TID 7; however, no TID assistance has been requested.
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: The Applicant is requesting approval of a Certified Survey Map (CSM) combining the properties at 9970, 10020, and 10040 S. 20th St., and dedicating the public right-of-way for the proposed cul-de-sac at the end of S. Ridgeview Drive. These properties are the subject of an Official Map Amendment request, the hearing for which is scheduled for May 4, 2021. This CSM is in anticipation of a proposed truck sales and service development for Truck Country.

Following reconfiguration, the proposed parcel will exceed the M-1, Manufacturing district's minimum lot size requirements. The cul-de-sac at the end of Ridgeview Drive is shown per the aforementioned proposed Official Map Amendment. Should that proposal be denied or required to be revised, a revision to the CSM will also be required. Dedication of the public right-of-way is included with the CSM, although the exact alignment with the existing Ridgeview Drive right-of-way should be verified.

Wetlands and easements for public utilities and an existing billboard on the property are also shown; however, the utility easement may need to be revised based on final plans. Staff do not support the relocation of billboards on the property. Termination of the easement was recommended, but determined to be more appropriately addressed during subsequent site and building plan review due to legal considerations. Technical corrections may also be required prior to recording.

The Plan Commission reviewed this request during their April 13, 2021 meeting, and recommended approval subject to the following conditions:

1. That the Official Map Amendment proposal is approved by the Common Council prior to recording the Certified Survey Map.

-
2. That all required easements are shown on the map prior to recording.
 3. 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

Prepared:



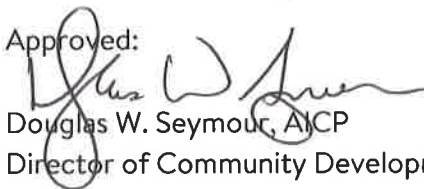
Kari Papelbon, CFM, AICP
Planner

Fiscal Review:



Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

Approved:



Douglas W. Seymour, AICP
Director of Community Development

Attachments:

Res. 12241-042021

Location Map

Proposed CSM (5 pages)

RESOLUTION NO. 12241-042021

BY: _____

A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
JIM KANE, TRUCK COUNTRY - MCCOY GROUP

9970, 10020, & 10040 S. 20th ST.
(6th Aldermanic District)

WHEREAS, JIM KANE, TRUCK COUNTRY - MCCOY 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 Official Map Amendment proposal is approved by the Common Council prior to recording the Certified Survey Map.
2. That all required easements are shown on the map prior to recording.
3. 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 Official Map Amendment proposal is approved by the Common Council prior to recording the Certified Survey Map.
2. That all required easements are shown on the map prior to recording.
3. 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 20th day of April, 2021.

Passed and adopted this 20th day of April, 2021.

President, Common Council

Approved this 20th day of April, 2021.

Mayor

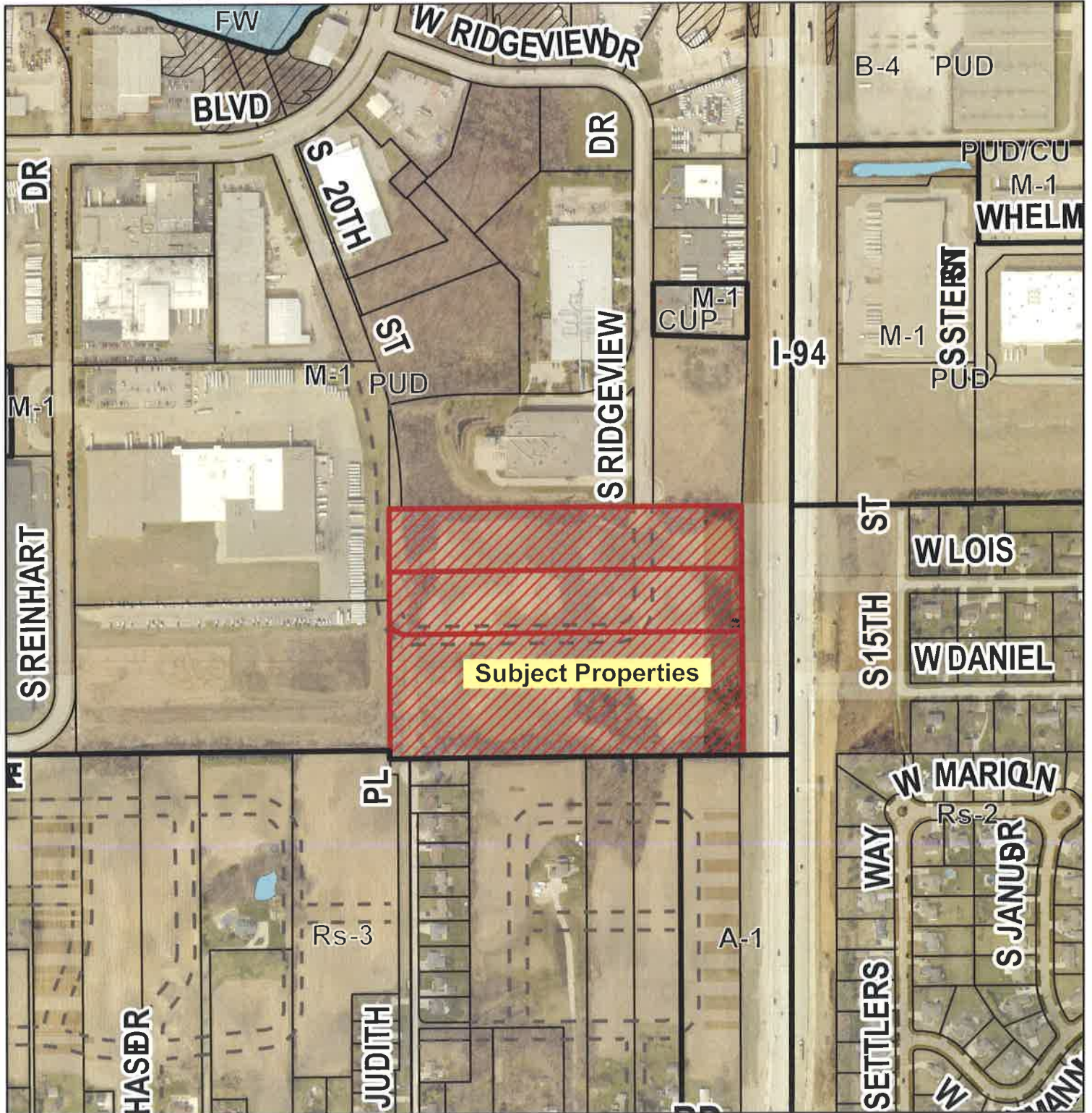
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

9970, 10020 & 10040 S. 20th St.



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



0 0.04 0.07 0.15 Miles

Community Development



Legend

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

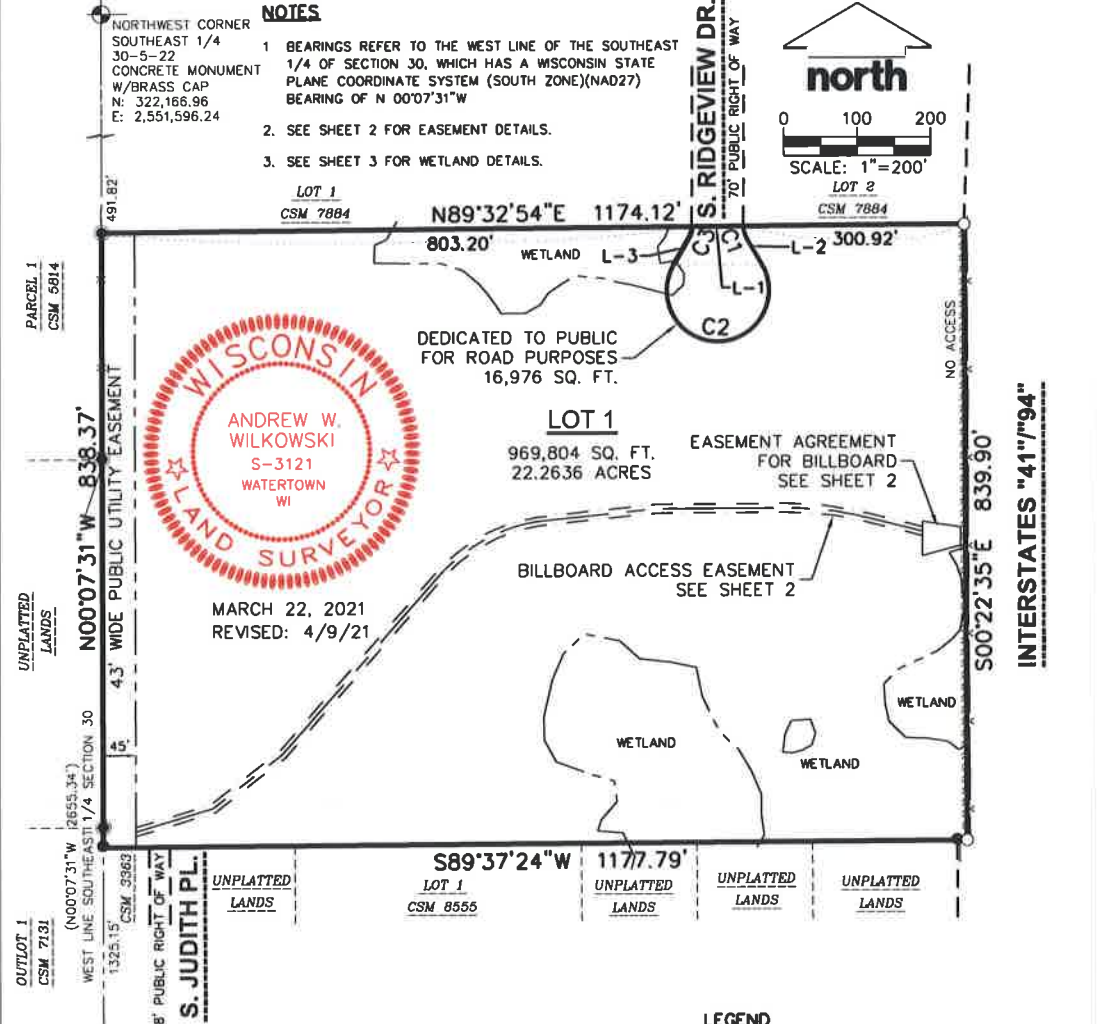
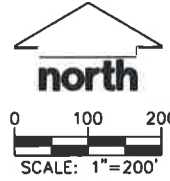
PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

NOTES

1. BEARINGS REFER TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 30, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)(NAD27) BEARING OF N 00°07'31"W
2. SEE SHEET 2 FOR EASEMENT DETAILS.
3. SEE SHEET 3 FOR WETLAND DETAILS.



MARCH 22, 2021
REVISED: 4/9/21

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N89°32'54"E	70.00'
L-2	S29°56'31"E	42.12'
L-3	N30°03'29"E	41.49'

LEGEND

- GOVERNMENT CORNER
- 3/4" REBAR FOUND
- 3/4" x 18" REBAR SET (1.50 LBS/LF)
- CSM BOUNDARY
- CHORD LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- SECTION LINE

CURVE TABLE							
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	ARC LENGTH	TANGENT IN	TANGENT OUT
C1	32.00'	30°08'06"	S14°52'28"E	16.64'	16.83'	S00°11'35"W	S29°56'31"E
C2	69.50'	240°00'00"	N89°56'31"W	120.38'	291.12'	N30°03'29"E	S29°56'31"E
C3	32.00'	30°00'00"	N15°03'29"E	16.56'	16.76'	N30°03'29"E	N00°03'29"E

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, P.L.S. S-3121

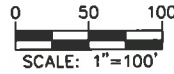
<p>SURVEYED BY: JSD Professional Services, Inc. <small>Engineers • Surveyors • Planners</small></p> <p>MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0869</p>	<p>SURVEYED FOR: EUA</p> <p>333 E. CHICAGO ST. MILWAUKEE, WI 53202</p>	<p>PROJECT NO: 20-10055</p> <p>FIELDBOOK/PG: -</p> <p>SHEET NO: 1 OF 5</p>	<p>SURVEYED BY: JSD</p> <p>DRAWN BY: DHS</p> <p>CHECKED BY: AWW</p> <p>APPROVED BY: J.L.J.</p>
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PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

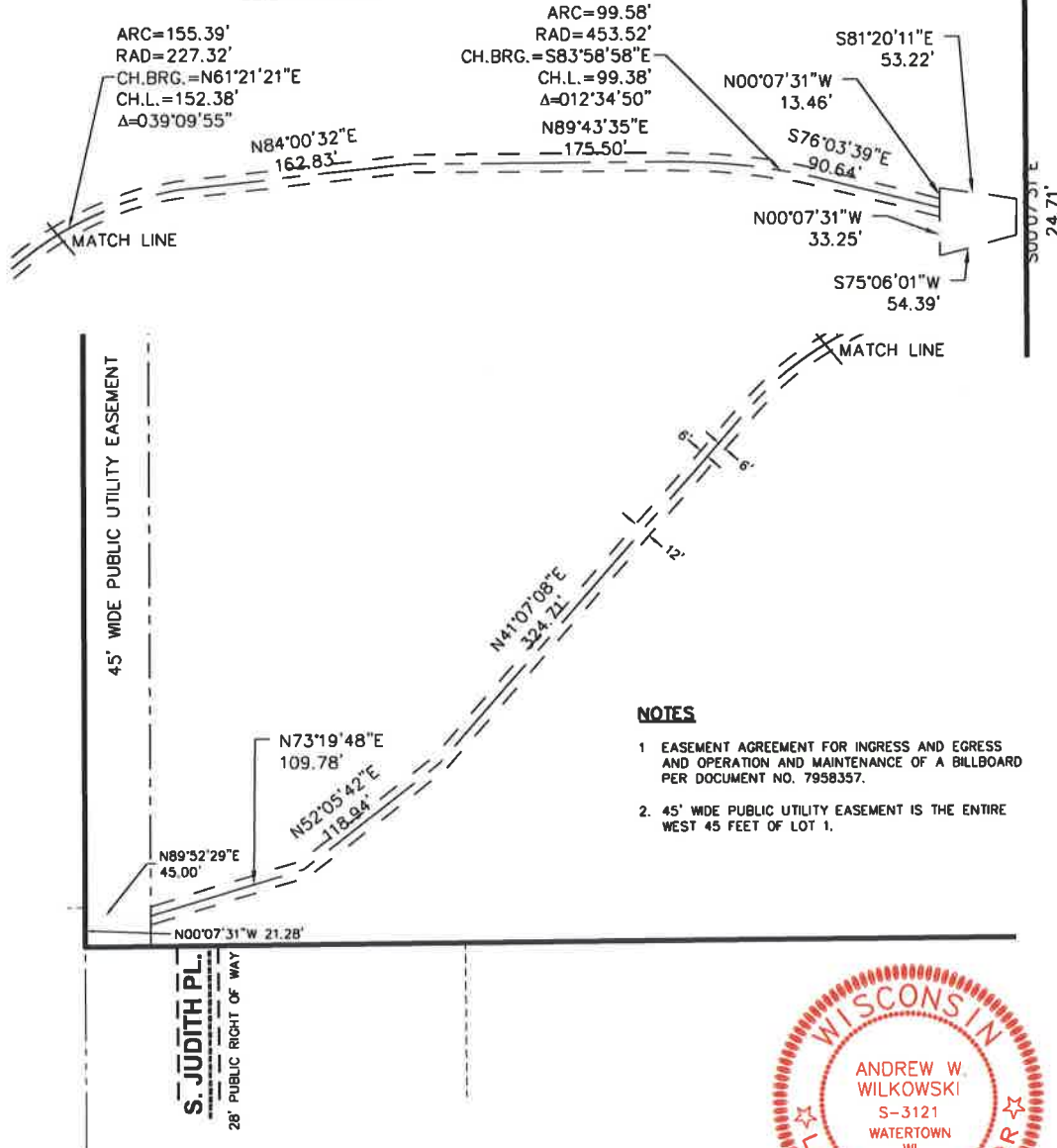
ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

EASEMENT DETAILS



LOT 1

969,804 SQ. FT.
22.2636 ACRES



NOTES

- 1 EASEMENT AGREEMENT FOR INGRESS AND EGRESS AND OPERATION AND MAINTENANCE OF A BILLBOARD PER DOCUMENT NO. 7958357.
2. 45' WIDE PUBLIC UTILITY EASEMENT IS THE ENTIRE WEST 45 FEET OF LOT 1.



MARCH 22, 2021
REVISED: 4/9/21

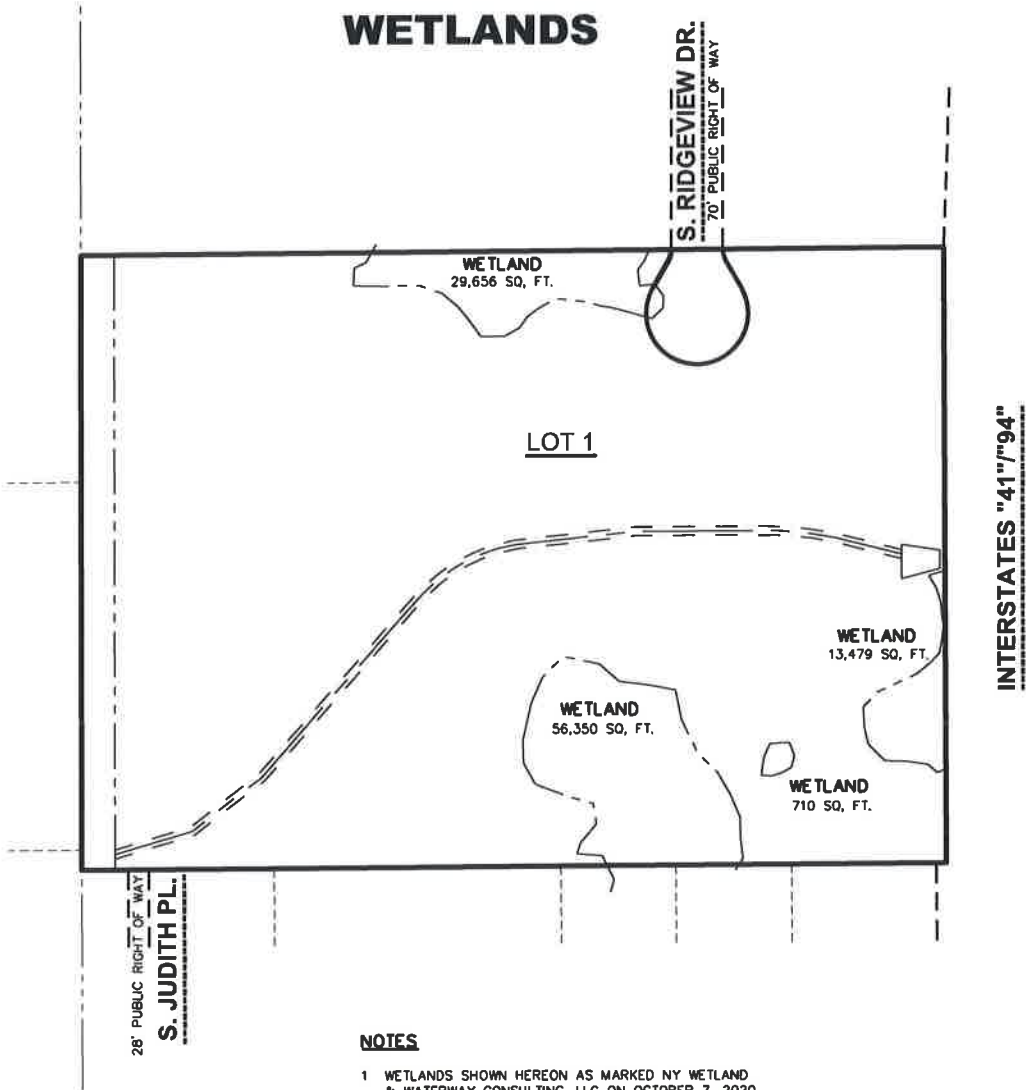
THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, P.L.S. S-3121

SURVEYED BY: JSD Professional Services, Inc. <small>Engineers • Surveyors • Planners</small> MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0868	SURVEYED FOR: EUA 333 E. CHICAGO ST. MILWAUKEE, WI 53202	PROJECT NO: 20-10055 FIELDBOOK /PG: - SHEET NO: 2 OF 5	SURVEYED BY: JSD DRAWN BY: DHS CHECKED BY: AWW APPROVED BY: JLJ
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PRELIMINARY

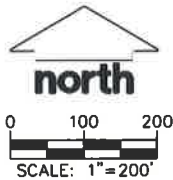
CERTIFIED SURVEY MAP NO. _____

ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN



NOTES

- 1 WETLANDS SHOWN HEREON AS MARKED BY WETLAND & WATERWAY CONSULTING, LLC ON OCTOBER 7, 2020 AND FIELD LOCATED BY JSD PROFESSIONAL SERVICES, INC ON OCTOBER 15, 2020.



THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, P.L.S. S-3121

MARCH 22, 2021
REVISED: 4/9/21

SURVEYED BY: MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53188 P. 262.513.0968	SURVEYED FOR: EUA 333 E. CHICAGO ST. MILWAUKEE, WI 53202	PROJECT NO: 20-10055 FIELDBOOK/PG: - SHEET NO: 3 OF 5	SURVEYED BY: JSD DRAWN BY: DHS CHECKED BY: AWW APPROVED BY: JLJ
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PRELIMINARY

CERTIFIED SURVEY MAP NO.

ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

LEGAL DESCRIPTION

ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

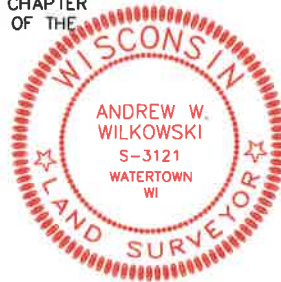
LANDS CONTAINING 986,780 SQUARE FEET OR 22.6534 ACRES.

SURVEYOR'S CERTIFICATE

I, ANDREW W. WILKOWSKI, PROFESSIONAL LAND SURVEYOR S-3121, DO HEREBY CERTIFY THAT BY DIRECTION OF TRUCK COUNTRY OF WISCONSIN, INC., I HAVE SURVEYED, DIVIDED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

ANDREW W. WILKOWSKI, S-3121
PROFESSIONAL LAND SURVEYOR

MARCH 22, 2021
DATE
REVISED: 4/9/21



CORPORATE OWNER'S CERTIFICATE

TRUCK COUNTRY OF WISCONSIN, INC. A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF OAK CREEK FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID TRUCK COUNTRY OF WISCONSIN, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS _____ DAY OF _____ 2021.

BY: JASON GRAWE
CHIEF FINANCIAL OFFICER

STATE OF _____) SS
_____ COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2021, THE ABOVE NAMED REPRESENTATIVE OF THE ABOVE NAMED TRUCK COUNTRY WISCONSIN, INC. TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____ MY COMMISSION EXPIRES _____

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, P.L.S. S-3121

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JSD Professional Services, Inc.
- Engineers - Surveyors - Planners
MILWAUKEE REGIONAL OFFICE
W236 N 1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.512.0888

SURVEYED FOR:
EUA
333 E. CHICAGO ST.
MILWAUKEE, WI 53202

PROJECT NO: 20-10055
FIELDBOOK/PG: -
SHEET NO: 4 OF 5

SURVEYED BY: JSD
DRAWN BY: DHS
CHECKED BY: AWW
APPROVED BY: JLJ

PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

ALL OF VACATED BLOCKS 1, 2, AND 3, IN OAK MANOR SUBDIVISION, VACATED LOIS LANE, DANIEL LANE, SOUTH 17TH ST. AND SOUTH 20 ST., BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

CITY OF OAK CREEK PLAN COMMISSION APPROVAL

APPROVED FOR RECORDING PER CITY OF OAK CREEK PLAN COMMISSION ACTION OF _____, 202__.

DANIEL BUKIEWICZ
MAYOR

DATE

KARI PAPELBON
PLAN COMMISSION SECRETARY

DATE

CITY OF OAK CREEK COMMON COUNCIL APPROVAL CERTIFICATE

RESOLVED THAT THIS CERTIFIED SURVEY MAP, WHICH HAS BEEN DULY FILED FOR THE APPROVAL OF THE CITY OF OAK CREEK COMMON COUNCIL, BE AND THE SAME IS HEREBY APPROVED AND THE DEDICATIONS, IF ANY DESIGNATED HEREON, ARE HEREBY ACKNOWLEDGED AND ACCEPTED BY THE CITY OF OAK CREEK.

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A RESOLUTION ADOPTED BY THE CITY OF OAK CREEK ON THIS _____ DAY OF _____, 202__.

CATHERINE A. ROESKE
CLERK


DANIEL BUKIEWICZ
MAYOR



MARCH 22, 2021
REVISED: 4/9/21

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI, P.L.S. S-3121

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SURVEYED BY:  MILWAUKEE REGIONAL OFFICE W238 N 1610 BUSSE ROAD, STE. 100 WAUKEGON, WISCONSIN 53186 P. 262.513.0668	SURVEYED FOR: EUA 333 E. CHICAGO ST. MILWAUKEE, WI 53202	PROJECT NO: 20-10055 FB/PG: - SHEET NO: 5 OF 5	SURVEYED BY: JSD DRAWN BY: DHS CHECKED BY: AWW APPROVED BY: JLJ
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COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 4/20/2021 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,847.50 were collected. Additional fees in the amount of \$938.77 will be collected prior to the release of the Class A Combination license listed below under Item 2.

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

Background:

1. Grant an Operator's license to:
 - * Leah Hrbacek (Jim Dandy's)
 - * Rena Blank (7-Eleven)
 - * Sarah Erickson (Pineapple)
 - * Maricela Sanchez (Aldi)
 - * Oscar Santiago (Walgreens)
 - * Tracy Schimp (Pick 'n Save)
 - * Angela Morris (Pick 'n Save)
 - * Lori Miller (Pick 'n Save)
 - * Sarah Becker (Jim Dandy's)
 - * Ashley Burgey (Oak Hills Golf Course)
 - * Jamie Rodomski (BP W Discount Liquor)
 - * Melissa Vargas (BelAir)
 - * Briana Wycoff (Pick 'n Save)
 - * Bonnie Milaeger (Pick 'n Save)
 - * Theresa Polski (Pick 'n Save)
 - * Amanda Frey (Pick 'n Save)
2. Grant a 2020-21 Class A Combination license to Akil Ajmeri, 8950 LLC dba Ayra's, 8950 S. 27th St, with release of license subject to receipt of Occupancy Permit and license fees due.
3. Grant a 2020-21 Regular Class B Combination license to Marc Bianchini, CUB DTS, LLC dba Cubanita's, 7973 S. Main St., with release of license subject to final department approvals and surrender of current Reserve Class B Combination license, and to authorize the refund of \$10,000 one-time reserve issuance fee as acknowledged in signed agreement dated 3/9/2017.
4. Grant a 2020-21 Secondhand Article Dealer / Secondhand Jewelry Dealer license to William J. Crescent, 1990 Thorton Rd., Lansing, IL, purchasing articles and jewelry at events held in the City.
5. Grant a 2020-21 Amusement Device Operator license to Amit Vadsaria, Allstate Amusement LLC.

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 April 14, 2021 Vendor Summary Report in the total of \$559,322.22

Fiscal Impact: Total claims paid of \$559,322.22

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

Background: Of note are the following payments:

1. \$5,464.83 to Advantage Police Supply, Inc. (pg #1) for ballistic shields, Project #21008.
2. \$23,761.45 to Bibliotheca, LLC (pg #2) for annual support and maintenance.
3. \$13,167.00 to Buelow Vetter (pg #3) for legal services.
4. \$5,523.00 to Casper's Truck Equipment (pg #3) for snow & ice removal equipment.
5. \$18,084.21 to E. H. Wolf & Sons, Inc. (pg #4) for fuel inventory.
6. \$14,479.89 to Enterprise FM Trust (pg #4) for DPW vehicle lease monthly payment, Project #19024.
7. \$31,435.49 to Globe Contractors, Inc. (pg #6) for Oakview Subdivision construction payments, Project #18035.
8. \$21,591.24 to Interstate Power Systems (pg #7) for transmission replacement.
9. \$13,045.23 to Kansas City Life Insurance Co. (pg #8) for May disability insurance.
10. \$6,955.68 to Lakeside International Truck (pg #9) for dump truck repair.
11. \$14,779.66 to MADACC (pg #11) for 2nd quarter operating costs, capital projects & 1st installment debt service.
12. \$6,323.96 to Milwaukee County Treasurer (pg #11) for March court fines.
13. \$6,360.00 to Natural Solutions (pgs #11-12) for woodchips.
14. \$111,755.87 to Oak Creek Water & Sewer Utility (pg #12) for Q1 water & sewer charges and inspection costs for projects: Rawson Ave., Orchard Hills, Ryan Business Park, Highgate, Oak View Condominiums, Hub13, Creekside Crossing, and USPS.

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15. \$13,938.75 to Ramboll (pg #14) for consulting services related to Lakeshore Commons.
 16. \$6,864.53 to Securian Financial Group, Inc. (pgs #14-15) for May employee life insurance.
 17. \$16,833.33 to Tyler Technologies, Inc. (pg #16) for consulting services.
 18. \$73,118.03 to US Bank (pgs #21-29) for equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
 19. \$31,287.98 to WE Energies (pgs #1 & 17) for street lighting, electricity & natural gas.
 20. \$20,471.74 to WI Court Fines & Surcharges (pg #17) for March court fines.
 21. \$5,561.18 to WI Dept. of Transportation (pg #17) for construction services relating to Ryan Business Park and W Drexel Avenue design, Project #21017.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kristina Strmsek
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: 4/14/2021 Invoice GL Distribution Report