



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

COMMON COUNCIL MEETING AGENDA

JULY 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.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 6/15/2021.

Recognition

4. **Mayoral Proclamation:** Edward Rose & Sons on the Celebration of their 100th Anniversary Celebration, August 3, 2021 (Tanglewood Apartments & Oak Shores Apartments).

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. **Zone Text Amend:** Consider a proposal to amend Section 17.0327 of the Municipal Code to establish standards for the Traditional Neighborhood Development Planned Unit Development Zoning District.
6. **Ordinance:** Consider Ordinance No. 3012, amending Section 17.0327 of the Municipal Code, which would establish standards for the Traditional Neighborhood Development Planned Unit Development District (by Committee of the Whole).
7. **Rezone:** Consider a request submitted by Anna Krasnoshapka, Fred Astaire Dance Studio, to rezone the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business (NO CHANGE to existing Conditional Use Permit) (1st District).
8. **Ordinance:** Consider Ordinance No. 3013, to rezone the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business District (NO CHANGE to existing Conditional Use Permit) (1st District).

New Business

9. **Informational:** City of Oak Creek 2021 Mid-Year Budget Monitoring Report.
10. **Resolution:** Consider Resolution No. 12252-072021, approving the Termination and Release of Easement for the property at 102 West Oakview Parkway (Oak Creek Industrial, LLC – HSA) (5th District).
11. **Motion:** Consider a motion to concur with the Celebrations Commission and designate Sunday, October 31, 2021, from 4:00 to 7:00 p.m. as the official City of Oak Creek "Trick or Treat" (by Committee of the Whole).
12. **Motion:** Consider a motion to concur with the Mayor's appointment(s) as follows:
 - Celebrations Commission – filling a 3-year term vacancy, expiring 4/2022
 - Robin Atwood, 8660 S. Liberty Ln. (new appointee)
 - Library Board – 3 year term, expiring 6/2024
 - Pamela Aiken
 - Carol Sagan

TREASURER

13. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending May 31, 2021.

PUBLIC WORKS & UTILITIES

14. **Motion:** Consider a motion to approve the PLC Replacement project and award the construction contract to the lowest, responsive, responsible bidder, Next Electric, based on the bid amount of \$520,000. (Project No. 21107) (by Committee of the Whole).
15. **Motion:** Consider a motion to approve the Low Lift Drive Maintenance project and award the construction contract to the lowest, responsive, responsible bidder, C.W. Purpero, based on the bid amount of \$335,305.00 (Project No. 20105) (by Committee of the Whole).

ENGINEERING

16. **Resolution:** Consider Resolution No. 12251-072021, approving a Storm Water Management Practices Maintenance Agreement with Milwaukee Area Technical College for their artificial turf baseball field project located at 6665 S. Howell Ave. (Tax Key No. 718-9961-002) (1st District).
17. **Resolution:** Consider Resolution No. 12255-072021, entering into a Local/County Agreement between the City and Milwaukee County for cost sharing of the County's W. Rawson Avenue reconstruction project (2nd District).
18. **Resolution:** Consider Resolution No. 12253-072021, approving an agreement between the City of Oak Creek and Milwaukee County for the installation, operation and maintenance of traffic signals at the intersection of Rawson Avenue (CTH BB)/ 20th St. (2nd District).

LICENSE COMMITTEE

19. **Motion:** Consider a *motion* to grant the various license requests as listed on the 7/20/21 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

20. **Motion:** Consider a *motion* to approve the June 30, 2021 Vendor Summary Report in the total amount of \$726,360.86 (by Committee of the Whole).
21. **Motion:** Consider a *motion* to approve the July 14, 2021 Vendor Summary Report in the total amount of \$314,799.08 (by Committee of the Whole).
22. **Resolution:** Consider *Resolution* No. 12250-072021, authorizing payment of bills, debts and obligations (by Committee of the Whole).

MISCELLANEOUS

23. **Motion:** Consider a *motion* to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
- (a) Section 19.85(1)(e) to consider a Second Amendment to Real Estate Purchase Agreement with F Street OCLV, LLC, for a portion of the property located at 9300 S. 5th Avenue, 4001 E. Lake Vista Blvd., and 4200 E. Lake Vista Blvd. (4th District).
 - (b) Section 19.85(1)(g) to consider a claim submitted by Marrio Murrell regarding an incident on December 17, 2020 at 2400 W. Colonial Woods Dr.
24. **Motion:** Consider a *motion* to reconvene into open session.
25. **Motion:** Consider a *motion* to take action, if required.
26. **Resolution:** Consider *Resolution* No. 12256-072021, approving a Second Amendment to Real Estate Purchase Agreement between F Street OCLV, LLC and the City of oak Creek (4th District).

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

MAYORAL PROCLAMATION
APPRECIATION TO
EDWARD ROSE & SONS
ON THE CELEBRATION OF THEIR 100TH ANNIVERSARY CELEBRATION
TUESDAY, AUGUST 3, 2021

WHEREAS, Edward Rose & Sons is celebrating its 100th anniversary on Tuesday, August 3 2021; and

WHEREAS, Edward Rose & Sons, a privately held real estate development and management company, was started in 1921 and has been active in the field of residential construction since that time; and

WHEREAS, the Edward Rose & Sons company has completed more than 87,000 dwelling units during that time, switching in 1965 from a majority of single-family homes to multi-family and senior living communities built across fifteen states; and

WHEREAS, with a simple philosophy of developing and building thoughtfully designed multi-family and senior living communities to exclusively own and manage, Edward Rose & Sons has consistently ranked among the nation's top apartment owners, developers and management companies; and

WHEREAS, with every detail of a community carefully considered from site selection to final landscape design, quality and creating the best living experience for its residents, Edward Rose & Sons continues to build moderate to luxury apartment communities across the country; and

WHEREAS, for the last three decades, the City of Oak Creek has been the home to Tanglewood Apartments, a 389 one-, two-, and three-bedroom Edward Rose & Sons multi-tenant residential community, providing homes for valued members of the Oak Creek community; and

WHEREAS, since 1996 and for the last 25 years, Oak Creek has been the home to Oak Shores Apartments which consist of 486 one- and two-bedroom apartment homes with many amenities, including in-unit laundry, balcony/patio options, and free heat as well as having convenient access to major highways for each valued Oak Creek resident that makes Oak Shores Apartments their home; and

WHEREAS, August 3rd, 2021 not only commemorates Edward Rose & Sons 100th anniversary, but also celebrates a positive economic impact in our City through real estate taxes, economic growth and financial contribution as well as offering quality housing to residents of Oak Creek and the surrounding communities.

NOW, THEREFORE BE IT RESOLVED, on this day, Tuesday, August 3, 2021, that I, Daniel J. Bukiewicz, Mayor of the City of Oak Creek, on behalf of the citizens of the City of Oak Creek, hereby congratulate Edward Rose & Sons celebrating their 100 year anniversary.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to transmit a suitable copy thereof to Edward Rose & Sons.

Dated this 3rd day of August, 2021.

Daniel J. Bukiewicz, Mayor

Catherine Roeske, City Clerk

TO BE PUBLISHED JUNE 9 & 16, 2021

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 proposed amendments to Section 17.0327 of the Municipal Code which would establish standards for the Traditional Neighborhood Development Planned Unit Development Zoning District.

Hearing Date:

July 20, 2021

Time:

7:00 PM

Place:

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

Proposal: The proposal would amend Section 17.0327 of the Municipal Code to establish standards for the existing Traditional Neighborhood Development Planned Unit Development Zoning District.

The Traditional Neighborhood Development (TND) District, enacted pursuant to §§ 62.23 and 66.1027, Wis. Stats. (as amended), is intended to allow the optional development and redevelopment of land in Oak Creek consistent with the design principles of traditional neighborhoods. This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.

The existing text of the above Sections of the Municipal Code can be found on the City's website at www.oakcreekwi.org/your-government/municipal-code. The entire text of the proposed Traditional Neighborhood Development Planned Unit Development Zoning District is available for review upon request.

The Common Council has scheduled other public hearings for July 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 changes may contact the City of Oak Creek at (414) 766-7000, during regular business hours (7:30 AM – 4:00 PM).

Date of Notice: June 2, 2021

CITY OF OAK CREEK COMMON COUNCIL

By: Dan 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 write to the ADA Coordinator at the Health Department, City Hall, 8040 S. 6th St., Oak Creek, WI 53154.

COMMON COUNCIL REPORT

Item: Text Amendment - Sec. 17.0327 - Traditional Neighborhood Development Planned Unit Development District

Recommendation: That the Council adopts Ordinance 3012, an ordinance to amend Sec. 17.0327 of the Municipal Code.

Fiscal Impact: No direct fiscal impact will occur with approval of the proposed Text Amendment; however, approval will allow for continued plan preparation for future development of parcels in Lakeshore Commons. Development of the properties will have positive fiscal impacts in terms of assessed value, permit fees, and impact fees. These properties are located in TID 13.

Critical Success Factor(s):

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

Background: The City is proposing several amendments to the existing Traditional Neighborhood Development Planned Unit Development District section of the Municipal Code. As part of the Wisconsin Comprehensive Planning law, cities and villages with populations of at least 12,500 were required to adopt an ordinance allowing for traditional neighborhood developments. A Model Ordinance was created by the University of Wisconsin Extension to aid municipalities in this task, and in 2001 the Zoning Code was amended to meet the statutory requirement. However, the Model Ordinance was incorporated by reference in that adoption. The proposal before the Common Council builds upon the original adoption by establishing standards for the creation of a Traditional Neighborhood Development PUD. Staff utilized the Model Ordinance and existing Traditional Neighborhood Development Codes from municipalities as guidance, with a focus on the redevelopment of the lakefront as the anticipated primary application for the proposed new standards.

The Plan Commission reviewed the rezone request during their May 25, 2021 meeting, and recommended Council approval.

Options/Alternatives: Council may request modifications or clarifications to the proposed text amendment provided such modifications or clarifications are in conformance with Wisconsin Statutes.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Planner

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

Approved:

Douglas W. Seymour

Douglas W. Seymour, AICP

Director of Community Development

Attachments:

Ord. 3012

Proposed Sec. 17.0327 (12 pages)

Plan Commission Meeting Minutes

ORDINANCE NO. 3012

BY: _____

AN ORDINANCE TO AMEND SECTION 17.0327 OF THE MUNICIPAL CODE WHICH WOULD ESTABLISH STANDARDS FOR THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT

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

SECTION 1: Section 17.0327 of the Municipal Code is amended to read as follows:

SECTION 17.0327 - TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

The Traditional Neighborhood Development (TND) District, enacted pursuant to §§ 62.23 and 66.1027, Wis. Stats. (as amended), is intended to allow the optional development and redevelopment of land in Oak Creek consistent with the design principles of traditional neighborhoods.

(a) A traditional neighborhood:

- (1) Is compact and designed for the human scale;
- (2) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood;
- (3) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- (4) Incorporates a system of relatively narrow, interconnected streets with sidewalks and access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists; and provides for the connections of those streets to existing and future developments.
- (5) Retains existing buildings with historical or architectural features that enhance the visual character of the community;
- (6) Incorporates significant environmental features into the design;
- (7) Is consistent with the City of Oak Creek Comprehensive Plan.

(b) **Applicability.** This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.

(c) **Interpretation.** Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Oak Creek Municipal Code, this subchapter shall take precedence.

(d) **Application and Approval Process.**

- (1) **Pre-Application Conference.** Prior to the official submission of the application for the approval of a Traditional Neighborhood Development, the Applicant shall meet with City staff to discuss the scope and proposed nature of the contemplated development.
- (2) **Zoning Map Amendment and Planned Unit Development Review.** Following the pre-application conference, the Applicant shall submit a development plan with related applications and fees for Zoning Map Amendment ("Rezone") to a Traditional Neighborhood Development District, and Planned Unit Development (PUD) approval. The requirements and review procedures in Section 17.0325 (as amended) shall apply. If there is a conflict between the provisions of this Section and

Section 17.0325 (as amended), the requirements of this Section shall be in addition to Section 17.0325 (as amended) unless otherwise determined in writing by the Department of Community Development. The Plan Commission shall consider the Rezone and PUD request at a regular public meeting, and shall issue a recommendation to the Common Council for consideration at a public hearing in conformance with Municipal Code.

(3) Planned Unit Development (PUD).

a. Development Plan Requirements. The Development Plan for the PUD shall include the following:

1. A written report containing

- i. The relationship of the proposed PUD to the City's adopted Comprehensive Plan, or any adopted component thereof.
- ii. An analysis of site conditions and development objectives.
- iii. Total area to be included in the PUD and area(s) of open space.
- iv. All contemplated land uses within the PUD, along with the proposed intensity of use.
- v. Total number and types of dwelling units, including affordable units, residential density computations, demographics analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development. (Affordable units are those in which mortgage, amortization, taxes, insurance, and condominium/association fees, if any, constitute no more than 30% of gross annual household income for a household of the size which may occupy the unit. Rental units are considered affordable if the rent and utilities constitute no more than 30% of gross annual household income for a household of the size that may occupy the unit.)
- vi. Estimated value of structures and site improvement costs, landscaping, and special features.
- vii. Covenants, easements, or agreements which will be used to manage and maintain the proposed development.
- viii. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
- ix. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted.
- x. A statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market ("affordable") rents for the units proposed.

2. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.

3. Natural drainage patterns and water resources, including streams, drainage swales, ponds, lakes, wetlands, and floodplains, and proposed major changes in the above.

4. Plans, including proposed topographic contours at two-foot intervals, with the following information:

- i. A legal description of the property prepared by a professional surveyor.
 - ii. Identification of the developer, if different from owner(s).
 - iii. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public and private streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, loading spaces, and service access; sidewalks and other walkways.
 - iv. The size, type, and locations of proposed and existing structures that will remain. Gross square footage and height of existing structures shall be included.
 - v. Proposed parks, open space, recreational areas, preserved areas, and areas dedicated for public uses, and percentage of overall development dedicated to each use.
 - vi. Characteristics of soils related to contemplated specific uses.
 - vii. General location of trees, vegetation, landscaping proposed or existing to remain.
 - viii. The location of street and public pedestrian lighting, including lamp intensity and height.
5. A stormwater management plan for the site in conformance with Chapter 13 of the Municipal Code (as amended).
 6. Elevations and/or conceptual renderings incorporating building materials, color schemes, dimensions, and related information for proposed commercial and multifamily residential buildings, and typical elevations of all other residential buildings.
 7. A utilities plan showing existing and proposed (public and private) underground and above ground lines and structures for water, sanitary sewers, electricity, gas, telecommunications, etc., and easements therefor.
 8. Phasing plan (if applicable).
 9. Any other information deemed necessary by the Department of Community Development in order to evaluate plans.
- (4) Site and Building Plan Review. Detailed site, architectural, landscaping, lighting, and related plan review shall be required for the development following approval of the PUD. Architectural review shall be required for all multifamily residential dwellings with a density of four (4) or more units per structure, all mixed-use structures, and all other non-residential structures. General architectural plans detailing designs and allowed materials shall be included as part of the approved PUD for all single-family, two-family, and three-family dwellings, which do not require additional site and architectural reviews.
- (e) Ownership and Maintenance of Public Space. Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, multimodal paths, and other public spaces in a Traditional Neighborhood Development by dedication to the City or as otherwise approved by the Common Council.
- (f) Subdivision of Land. If the Traditional Neighborhood Development involves a subdivision and/or condominium plat as defined in Chapter 14 of the Municipal Code (as amended), the Applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of the

subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.

(g) Amendments to the Traditional Neighborhood Development/PUD.

- (1) Major Change. Except as provided in subsection (2) below, any modifications to an approved Traditional Neighborhood Development Plan (TND) and/or PUD or any addition to or expansion of an existing TND Plan/PUD shall be considered major changes requiring separate review and approval under the provisions of Section (d) above and Section 17.0327 of the Zoning Ordinance (as amended).
- (2) Minor Change. A minor change is any change in the site plan or design details of an approved TND Plan/PUD which is consistent with the standards and conditions applying to the TND Plan/PUD, and which does not alter the concept or intent of the TND Plan/PUD. A minor change shall not increase the TND Plan's/PUD's density; increase the height of buildings; reduce open space; modify the proportion of housing types; change or add new parking areas; alter alignment of roads, utilities or drainage; amend final development agreements, provisions or covenants; or provide any other change inconsistent with any standard or condition imposed by the Common Council in approving the TND Plan/PUD. Said minor change may be approved by the Department of Community Development without obtaining separate approval by the Common Council. In addition, the Common Council may, after reviewing the request for a major change made by the Applicant, direct the Department of Community Development to process the request as a minor change.

(h) TND Design Standards

- (1) In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND shall consist of residential, mixed-use, and open space, as specified below.
 - a. Residential Area(s). The TND shall include one (1) or more residential area(s) to meet the housing needs of the City. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.

1. Permitted residential uses:

	Minimum Density / Net Acre	Maximum Density / Net Acre
Single-Family Detached	4	11
Single-Family Attached		
2 units	6	12
3-4 units	6	12
5-9 units	10	30
Multifamily/Senior Housing	NO MINIMUM	97/102

- 2. Required Mix. A minimum of two (2) housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a **maximum** of 70 percent of the dwelling units.
- 3. Density Bonus. Increases over the maximum allowed density - up to 10% - may be considered on a case-by-case basis for plans that include affordable housing units as defined in subsection (d)(3)(a)(1)(v) above. A minimum of 10% of the housing type requested for the density bonus shall be affordable housing units.
- b. Mixed-Use Area. A TND shall include one (1) or more mixed-use area(s) containing commercial, civic, residential, and open space uses. For infill development, this requirement

may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.

1. Commercial uses. Commercial uses listed below, up to 10,000 square feet in size, are permitted. Commercial uses exceeding 10,000 square feet in size shall require a Conditional Use Permit.
 - i. Food services (e.g., grocery stores, butcher shops, bakeries, and other specialty food stores); restaurants without drive-through facilities; cafes; coffee shops; bars, taverns, microbreweries, neighborhood scale distilleries or wineries, and tasting rooms; ice cream or candy shops; and similar uses.
 - ii. Retail, excluding adult entertainment.
 - iii. Services, including financial institutions without drive-up or drive-through facilities, day care centers, veterinary services or hospitals, self-service laundry or dry-cleaner, and similar uses.
 2. Lodging Uses. Bed and Breakfast, motels, hotels, and similar uses shall require a Conditional Use Permit.
 3. Residential uses as listed under subsection (a)(1) above, excluding single-family detached dwellings, but including the following:
 - i. Residential units located above commercial uses.
 - ii. Live-work units that combine a residence and workplace, provided that the residence is occupied by the owner of the business.
 - iii. Community living arrangements and assisted living facilities subject to approval of a Conditional Use Permit in conformance with Code and Statutory provisions. The status of each use in terms of density and housing type shall be determined based on the findings for the Conditional Use Permit.
 4. Civic or institutional uses, with a Conditional Use Permit.
 5. Open space and recreational uses:
 - i. Central square, amphitheater, promenade, or similar outdoor gathering space.
 - ii. Neighborhood park or adjacency to regional facilities (adjacent facilities are NOT included in the minimum 30% open space requirement in subsection (c) below).
 - iii. Playground, outdoor recreational facilities, and neighborhood clubhouse facilities in conformance with Code requirements.
 - iv. Natural/open space areas.
 6. Density and Intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section (1)(a) above.
 7. Maximum Nonresidential Area. The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
- c. Open Space Area. At least 30 percent of the gross acreage within the TND PUD shall be designated as open space. Open spaces do not include required setback areas and rights-of-way, or impervious surfaces. Open space areas may include:
1. Wetlands and stormwater detention/retention basins.
 2. Environmental corridors, greenways, and protected natural areas.
 3. Streams, ponds, and other water bodies.

4. Neighborhood parks, squares, plazas, and playing fields, excluding community, regional, County, or State parks.
 5. At least 25 percent of the open space area must be common open space available for the development and/or public. At least 90 percent of all dwellings shall be located within one-quarter mile of such common open space.
- (2) Stormwater management. The design and development of the TND PUD should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 13 of the Municipal Code.
- (3) Dimensional standards. Minimum and maximum dimensions are as shown in Table 17.0327(h)(3)(d) below. These standards shall apply to both the Residential and Mixed-Use areas.
- a. Block and lot size diversity. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - b. Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street. Lots are defined to include parcels, tracts, condominium lots, and other areas established by subdivision plat, Certified Survey Map, condominium plat, or other legal mechanism by which to define the boundaries of land for development.
 - c. Standards for garages. Garages may be placed on residential lots either attached to the principal building or as a detached accessory building in conformance with the following requirements:
 1. The total of all accessory buildings on a lot, including attached and detached garages, shall not exceed 1,000 square feet or 75% of the livable area of the principal structure, whichever is less, and shall meet all setback requirements. There shall be a minimum setback of 5 feet to an alley unless granted a modification by the Plan Commission as part of the TND PUD.
 2. An attached garage shall be located to the rear of or recessed behind the primary facade of single-, two-, and three-family residences.

Table 17.0327(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback ^b	Side yard setback ^{b, c, e}	Height ^d
			Min—Max	Minimum	Minimum	Max
Single-family detached ^a	3600 sf	40 ft	5 - 15 ft	4 ft	3 ft – 5 ft	2.5 stories/35 ft
Single-family attached (2 units) ^a	7200 sf	80 ft	10 - 16 ft	4 ft	5 ft	2.5 stories/35 ft

Single-family attached (3-4 units) ^a	10,400 sf	116 ft	10 - 16 ft	4 ft	5 ft	2.5 stories/35 ft
Single-family attached (5-9 units) ^a	17,820 sf	90 ft	5 – 17 ft	18 ft	10 ft	3 stories/35 ft
Multifamily	42,000 sf	120 ft	2 - / ft	2 ft	2 ft	5 stories/75 ft
Mixed Use	15,000 sf	100 ft	5 – 15 ft	5 – 20 ft	10 ft	50 ft
Nonresidential	5000 - 10,000 sf	75 ft	5 ft	15 - 25 ft	5 ft	50 - 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 – 50 ft	55 ft

- a. For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.
- b. A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.
- c. For single-family detached dwellings, a minimum side yard setback of three (3) feet shall be provided for one (1) side lot line, and a minimum side yard setback of five (5) feet for the opposite side lot line.
- d. Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and Sec. 17.0601 (as amended).
- e. Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.

(4) Circulation Standards

- a. Objectives. The circulation system shall:
 1. Allow for multiple modes of transportation.
 2. Provide functional and visual links within the residential, mixed-use, and open space areas of the TND PUD.
 3. Provide multiple connections to existing and proposed external development.
 4. Provide adequate traffic capacity.
 5. Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.
 6. Control through traffic.
 7. Limit lot access to streets of lower traffic volumes.
 8. Promote safe and efficient mobility through the TND PUD.
- b. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND PUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced.

All streets, except for alleys, shall be bordered by sidewalks in accordance with Municipal Code and Engineering Department requirements. The following provisions also apply:

1. Sidewalks in residential areas. Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
 2. Sidewalks in mixed-use areas. Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.
 3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
 4. Multimodal paths shall be designed and constructed to Municipal Code and Engineering Department requirements. Pedestrian-scale lighting of paths located outside of public rights-of-way is encouraged.
 5. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.
- c. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated multimodal paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street multimodal paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped bicycle lanes on streets in accordance with Municipal Code and Engineering Department requirements.
- d. Transit access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Transit shelters, where provided, shall be well-lighted and placed in highly visible locations that provide security through surveillance.
- e. Motor vehicle circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features, such as "queuing streets," curb extensions, traffic circles, and medians, may be used to encourage slow traffic speeds.
1. Street hierarchy and design. Table 17.0327(h)(4)(f) is provided as a general guide to street design in the TND PUD. Street and right-of-way widths shall be reviewed as part of the concept plan review and shall be approved as part of the TND PUD.
 2. Arterial streets should not bisect a TND PUD, but may border a TND PUD.
 3. Alleys may be used to provide primary access to residential garages and commercial parking areas. Unless otherwise approved by the Common Council, alleys shall be under private ownership.

Table 17.0327(h)(4)(f): Street Design Guidelines for Traditional Neighborhood Development

	Collector	Sub-Collector	Local Street	Alley
Typical Average Daily Trips	750 or more	250—750	Less than 250	N/A
Right-of-way	75 - 90 ft	50—75 ft	50—60 ft	12—16 ft
Auto travel lanes	2 @ 12 ft	2 @ ten ft	2 @ 10 ft	2 @ 8 ft or 1 @ 12 ft (1-way)

Bicycle lanes (may be required where needed)	6 ft next to parking lane	4 ft without parking* or 6 ft next to parking lane	None	None
Parking	Both sides, 9 ft	One or both sides, 9 ft	One or both sides, 9 ft	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required
Terrace	Both sides, min. 8 ft	Both sides, min. 6 ft	Both sides, min. 6 ft	None
Sidewalks	Both sides @ 5 ft min.	Both sides @ 5 ft	Both sides @ 5 ft	None

*Not including gutter requirements.

- f. **Parking requirements.** Parking areas for shared or community use should be encouraged and designed in conformance with the following:
 1. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided per Code requirements.
 2. A surface parking lot or detached parking garage shall not be located adjacent to or opposite a street intersection.
 3. In the mixed-use area, a parking study shall be required for all proposed commercial uses to determine parking requirements. Parking may be provided in shared or community lots within 1,000 feet of the site.
 4. On-street parking directly adjacent to a community amenity may apply toward the minimum parking requirements for that amenity as part of an approved TND PUD.
 5. Parking setbacks shall be in conformance with Code requirements unless modified by the Plan Commission and Common Council as part of an approved TND PUD.
 6. Surface parking lots or garages shall provide bicycle parking areas in conformance with NACTO standards. Bicycle parking areas are encouraged in community areas.
 - g. **Service access.** Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access. Loading docks and overhead doors shall not face up on a street right-of-way.
 - h. **Paving.** Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for surface parking areas.
- (5) **Architectural Standards.** A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.
- a. **Standards for existing structures.**
 1. Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a traditional neighborhood development. The National Register of Historic Places and/or the Wisconsin State Register shall be utilized to determine protections under this Section. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.

2. Additions to existing structures shall adhere to all requirements of this Section, applicable Sections of the Municipal Code, and TND PUD approvals.
- b. Standards for new structures. All new structures shall meet the dimensional requirements in 17.0327(h)(3)(d) above and the following:
1. Building height. To create a visually unified streetscape, buildings should be no more than 30 percent taller or shorter than the average building height on the block in mixed-use areas.
 2. Entries and facades.
 - i. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - ii. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
 - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
 - iii. The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.
 - iv. Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.
 - v. The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.
 - vi. Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.
 3. Transparency for commercial and mixed-use buildings. For commercial or mixed-use buildings, a minimum of **30 percent** of the front facade on the ground floor, excluding service entries, shall be transparent, consisting of window or door openings allowing views into and out of the interior. A modification of up to 50% of the transparent glazing requirement in this Section may be granted by a majority approval of the Plan Commission as part of Site and Building Plan review:
 - i. If supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required which compensate for the modification. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested.
 - ii. Supplemental design elements or improvements may include:

- a. Increased percentage of brick, stone, or decorative exterior building materials.
- b. Sustainable building materials/elements (e.g., green roof, recycled materials, etc.).
- c. Awnings and/or canopies.
- d. Decorative lighting fixtures (pedestrian-level).
- e. Hanging planters, landscaped planter beds, free-standing moveable planters.
- f. Benches and/or landscaped seating areas.
- g. Electric vehicle charging stations, bicycle parking and repair stations, and other alternative transportation enhancements.

(6) Site Design Standards.

- a. Lighting standards. All plans for lighting within the TND PUD shall be designed in conformance with Section 17.0808 of the Municipal Code (as amended).
- b. Standards for exterior signage. Sign number, size, height, and location in the TND PUD shall meet the requirements of Chapter 17 (as amended). A Master Sign Program shall be developed for the entire TND PUD that establishes a uniform sign theme.
- a. Landscaping and screening standards. A Master Landscape Plan shall be developed for the common areas of the TND PUD in accordance with landscaping and screening requirements in Sections 17.0403 and 17.1010, and the following:
 - 1. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.
 - 2. Street trees. A minimum of one deciduous canopy tree per 80 feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

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 this 20th day of July, 2021.

Passed and adopted this _____ day of _____, 2021.

President, Common Council

Approved this _____ day of _____, 2021.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

SECTION 17.0327 - TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

The Traditional Neighborhood Development (TND) District, enacted pursuant to §§ 62.23 and 66.1027, Wis. Stats. (as amended), is intended to allow the optional development and redevelopment of land in Oak Creek consistent with the design principles of traditional neighborhoods.

(a) A traditional neighborhood:

- (1) Is compact and designed for the human scale;
- (2) Provides a mix of uses, including residential, commercial, civic, and open space uses, in close proximity to one another within the neighborhood;
- (3) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- (4) Incorporates a system of relatively narrow, interconnected streets with sidewalks and access to bicycle and transit routes, offering multiple routes for motorists, pedestrians, and bicyclists; and provides for the connections of those streets to existing and future developments.
- (5) Retains existing buildings with historical or architectural features that enhance the visual character of the community;
- (6) Incorporates significant environmental features into the design;
- (7) Is consistent with the City of Oak Creek Comprehensive Plan.

(b) Applicability. This ordinance applies as an alternative set of standards for development or redevelopment on sites of 20 acres or more and is identified for Mixed Use in the Comprehensive Plan, or is contiguous to an existing mixed-use development of 20 acres or more.

(c) Interpretation. Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, if there is a conflict between the provisions of this subchapter and other provisions of the zoning or subdivision sections of the Oak Creek Municipal Code, this subchapter shall take precedence.

(d) Application and Approval Process.

- (1) Pre-Application Conference. Prior to the official submission of the application for the approval of a Traditional Neighborhood Development, the Applicant shall meet with City staff to discuss the scope and proposed nature of the contemplated development.
- (2) Zoning Map Amendment and Planned Unit Development Review. Following the pre-application conference, the Applicant shall submit a development plan with related applications and fees for Zoning Map Amendment ("Rezone") to a Traditional Neighborhood Development District, and Planned Unit Development (PUD) approval. The requirements and review procedures in Section 17.0325 (as amended) shall apply. If there is a conflict between the provisions of this Section and Section 17.0325 (as amended), the requirements of this Section shall be in addition to Section 17.0325 (as amended) unless otherwise determined in writing by the Department of Community Development. The Plan Commission shall consider the Rezone and PUD request at a regular public meeting, and shall issue a recommendation to the Common Council for consideration at a public hearing in conformance with Municipal Code.

(3) Planned Unit Development (PUD).

a. Development Plan Requirements. The Development Plan for the PUD shall include the following:

1. A written report containing

- i. The relationship of the proposed PUD to the City's adopted Comprehensive Plan, or any adopted component thereof.
- ii. An analysis of site conditions and development objectives.
- iii. Total area to be included in the PUD and area(s) of open space.
- iv. All contemplated land uses within the PUD, along with the proposed intensity of use.
- v. Total number and types of dwelling units, including affordable units, residential density computations, demographics analysis, availability of or requirements for municipal services, and any other similar data pertinent to a comprehensive evaluation of the proposed development. (Affordable units are those in which mortgage, amortization, taxes, insurance, and condominium/association fees, if any, constitute no more than 30% of gross annual household income for a household of the size which may occupy the unit. Rental units are considered affordable if the rent and utilities constitute no more than 30% of gross annual household income for a household of the size that may occupy the unit.)
- vi. Estimated value of structures and site improvement costs, landscaping, and special features.
- vii. Covenants, easements, or agreements which will be used to manage and maintain the proposed development.
- viii. Any proposed departures from the standards of development as set forth in the City zoning regulations, other City regulations or administrative rules, or other universal guidelines.
- ix. The expected dates of commencement and completion of physical development as set forth in the proposal. If the PUD is to be developed in phases, a phasing plan setting forth the starting and completion dates of each phase shall be submitted.
- x. A statement indicating the type of Federal or State program being used to provide a subsidy or less-than-market ("affordable") rents for the units proposed.

2. A general location map of suitable scale which shows the location of the property within the community and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.

3. Natural drainage patterns and water resources, including streams, drainage swales, ponds, lakes, wetlands, and floodplains, and proposed major changes in the above.

4. Plans, including proposed topographic contours at two-foot intervals, with the following information:
 - i. A legal description of the property prepared by a professional surveyor.
 - ii. Identification of the developer, if different from owner(s).
 - iii. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public and private streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking, loading spaces, and service access; sidewalks and other walkways.
 - iv. The size, type, and locations of proposed and existing structures that will remain. Gross square footage and height of existing structures shall be included.
 - v. Proposed parks, open space, recreational areas, preserved areas, and areas dedicated for public uses, and percentage of overall development dedicated to each use.
 - vi. Characteristics of soils related to contemplated specific uses.
 - vii. General location of trees, vegetation, landscaping proposed or existing to remain.
 - viii. The location of street and public pedestrian lighting, including lamp intensity and height.
5. A stormwater management plan for the site in conformance with Chapter 13 of the Municipal Code (as amended).
6. Elevations and/or conceptual renderings incorporating building materials, color schemes, dimensions, and related information for proposed commercial and multifamily residential buildings, and typical elevations of all other residential buildings.
7. A utilities plan showing existing and proposed (public and private) underground and above ground lines and structures for water, sanitary sewers, electricity, gas, telecommunications, etc., and easements therefor.
8. Phasing plan (if applicable).
9. Any other information deemed necessary by the Department of Community Development in order to evaluate plans.

(4) Site and Building Plan Review. Detailed site, architectural, landscaping, lighting, and related plan review shall be required for the development following approval of the PUD. Architectural review shall be required for all multifamily residential dwellings with a density of four (4) or more units per structure, all mixed-use structures, and all other non-residential structures. General architectural plans detailing designs and allowed materials shall be included as part of the approved PUD for all single-family, two-family, and three-family dwellings, which do not require additional site and architectural reviews.

- (e) Ownership and Maintenance of Public Space. Provisions shall be made for the ownership and maintenance of streets, squares, parks, open space, multimodal paths, and other public spaces in a Traditional Neighborhood Development by dedication to the City or as otherwise approved by the Common Council.
- (f) Subdivision of Land. If the Traditional Neighborhood Development involves a subdivision and/or condominium plat as defined in Chapter 14 of the Municipal Code (as amended), the Applicant shall submit all required land division documents in accordance with the requirements of the Subdivision and Platting Code and Ch. 236, Wis. Stats. If there is a conflict between the design standards of the subdivision ordinance and the design guidelines of this ordinance, the provisions of this ordinance shall apply.
- (g) Amendments to the Traditional Neighborhood Development/PUD.
 - (1) Major Change. Except as provided in subsection (2) below, any modifications to an approved Traditional Neighborhood Development Plan (TND) and/or PUD or any addition to or expansion of an existing TND Plan/PUD shall be considered major changes requiring separate review and approval under the provisions of Section (d) above and Section 17.0327 of the Zoning Ordinance (as amended).
 - (2) Minor Change. A minor change is any change in the site plan or design details of an approved TND Plan/PUD which is consistent with the standards and conditions applying to the TND Plan/PUD, and which does not alter the concept or intent of the TND Plan/PUD. A minor change shall not increase the TND Plan's/PUD's density; increase the height of buildings; reduce open space; modify the proportion of housing types; change or add new parking areas; alter alignment of roads, utilities or drainage; amend final development agreements, provisions or covenants; or provide any other change inconsistent with any standard or condition imposed by the Common Council in approving the TND Plan/PUD. Said minor change may be approved by the Department of Community Development without obtaining separate approval by the Common Council. In addition, the Common Council may, after reviewing the request for a major change made by the Applicant, direct the Department of Community Development to process the request as a minor change.
- (h) TND Design Standards
 - (1) In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A TND shall consist of residential, mixed-use, and open space, as specified below.
 - a. Residential Area(s). The TND shall include one (1) or more residential area(s) to meet the housing needs of the City. For infill development, the required mix of residential uses may be satisfied by existing residential uses adjacent to the TND site.
 - 1. Permitted residential uses:

	Minimum Density / Net Acre	Maximum Density / Net Acre
Single-Family Detached	4	11
Single-Family Attached		
2 units	6	12

3-4 units	6	12
5-9 units	10	30
Multifamily/Senior Housing	NO MINIMUM	97/102

2. Required Mix. A minimum of two (2) housing types from this list must be present in any TND. Single-family detached dwellings shall constitute a **maximum** of 70 percent of the dwelling units.
 3. Density Bonus. Increases over the maximum allowed density - up to 10% - may be considered on a case-by-case basis for plans that include affordable housing units as defined in subsection (d)(3)(a)(1)(v) above. A minimum of 10% of the housing type requested for the density bonus shall be affordable housing units.
- b. Mixed-Use Area. A TND shall include one (1) or more mixed-use area(s) containing commercial, civic, residential, and open space uses. For infill development, this requirement may be satisfied by existing commercial, civic, and open space uses, provided that these are located within a one-half-mile radius of all proposed dwellings.
1. Commercial uses. Commercial uses listed below, up to 10,000 square feet in size, are permitted. Commercial uses exceeding 10,000 square feet in size shall require a Conditional Use Permit.
 - i. Food services (e.g., grocery stores, butcher shops, bakeries, and other specialty food stores); restaurants without drive-through facilities; cafes; coffee shops; bars, taverns, microbreweries, neighborhood scale distilleries or wineries, and tasting rooms; ice cream or candy shops; and similar uses.
 - ii. Retail, excluding adult entertainment.
 - iii. Services, including financial institutions without drive-up or drive-through facilities, day care centers, veterinary services or hospitals, self-service laundry or dry-cleaner, and similar uses.
 2. Lodging Uses. Bed and Breakfast, motels, hotels, and similar uses shall require a Conditional Use Permit.
 3. Residential uses as listed under subsection (a)(1) above, excluding single-family detached dwellings, but including the following:
 - i. Residential units located above commercial uses.
 - ii. Live-work units that combine a residence and workplace, provided that the residence is occupied by the owner of the business.
 - iii. Community living arrangements and assisted living facilities subject to approval of a Conditional Use Permit in conformance with Code and Statutory provisions. The status of each use in terms of density and housing type shall be determined based on the findings for the Conditional Use Permit.
 4. Civic or institutional uses, with a Conditional Use Permit.
 5. Open space and recreational uses:
 - i. Central square, amphitheater, promenade, or similar outdoor gathering space.

- ii. Neighborhood park or adjacency to regional facilities (adjacent facilities are NOT included in the minimum 30% open space requirement in subsection (c) below).
 - iii. Playground, outdoor recreational facilities, and neighborhood clubhouse facilities in conformance with Code requirements.
 - iv. Natural/open space areas.
- 6. Density and Intensity. Density ranges and required mix of single-family and multifamily dwelling units are as specified in Section (1)(a) above.
- 7. **Maximum Nonresidential Area.** The total land area devoted to nonresidential development, including ground floor commercial or office uses, civic buildings, and parking areas, shall not exceed 25 percent of the gross acreage of the TND.
- c. Open Space Area. At least 30 percent of the gross acreage within the TND PUD shall be designated as open space. Open spaces do not include required setback areas and rights-of-way, or impervious surfaces. Open space areas may include:
 - 1. Wetlands and stormwater detention/retention basins.
 - 2. Environmental corridors, greenways, and protected natural areas.
 - 3. Streams, ponds, and other water bodies.
 - 4. Neighborhood parks, squares, plazas, and playing fields, excluding community, regional, County, or State parks.
 - 5. **At least 25 percent of the open space area must be common open space available for the development and/or public.** At least 90 percent of all dwellings shall be located within one-quarter mile of such common open space.
- (2) Stormwater management. The design and development of the TND PUD should minimize off-site stormwater runoff, promote onsite filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements of Chapter 13 of the Municipal Code.
- (3) Dimensional standards. Minimum and maximum dimensions are as shown in Table 17.0327(h)(3)(d) below. These standards shall apply to both the Residential and Mixed-Use areas.
 - a. **Block and lot size diversity.** A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
 - b. Lot widths. Lot widths should create a relatively symmetrical street cross-section that reinforces the public space of the street as a simple, unified public space. Similar lot sizes and housing types should generally be located on opposite sides of a street. Lots are defined to include parcels, tracts, condominium lots, and other areas established by

subdivision plat, Certified Survey Map, condominium plat, or other legal mechanism by which to define the boundaries of land for development.

- c. Standards for garages. Garages may be placed on residential lots either attached to the principal building or as a detached accessory building in conformance with the following requirements:
1. The total of all accessory buildings on a lot, including attached and detached garages, shall not exceed 1,000 square feet or 75% of the livable area of the principal structure, whichever is less, and shall meet all setback requirements. There shall be a minimum setback of 5 feet to an alley unless granted a modification by the Plan Commission as part of the TND PUD.
 2. An attached garage shall be located to the rear of or recessed behind the primary facade of single-, two-, and three-family residences.

Table 17.0327(h)(3)(d): Dimensional Standards, Traditional Neighborhood Development

	Min. lot size	Min. lot width	Front yard setback	Rear yard setback ^b	Side yard setback ^{b, c, e}	Height ^d
			Min—Max	Minimum	Minimum	Max
Single-family detached ^a	3600 sf	40 ft	5 - 15 ft	4 ft	3 ft – 5 ft	2.5 stories/35 ft
Single-family attached (2 units) ^a	7200 sf	80 ft	10 - 16 ft	4 ft	5 ft	2.5 stories/35 ft
Single-family attached (3-4 units) ^a	10,400 sf	116 ft	10 - 16 ft	4 ft	5 ft	2.5 stories/35 ft
Single-family attached (5-9 units) ^a	17,820 sf	90 ft	5 – 17 ft	18 ft	10 ft	3 stories/35 ft
Multifamily	42,000 sf	120 ft	2 - / ft	2 ft	2 ft	5 stories/75 ft
Mixed Use	15,000 sf	100 ft	5 – 15 ft	5 – 20 ft	10 ft	50 ft
Nonresidential	5000 - 10,000 sf	75 ft	5 ft	15 - 25 ft	5 ft	50 - 55 ft
Civic (institutional, rec.) buildings	N/A	N/A	30 ft	50 ft	30 – 50 ft	55 ft

- a. For buildings incorporating a front porch, the front setback shall be measured to the nearest point of the front porch to the lot line. Maximum front setbacks shall be measured to the front plane of the principal building to the lot line.
- b. A reduction in the required setbacks to private alleys may be approved by the Plan Commission as part of the PUD.

- c. For single-family detached dwellings, a minimum side yard setback of three (3) feet shall be provided for one (1) side lot line, and a minimum side yard setback of five (5) feet for the opposite side lot line.
- d. Height modifications shall be requested in accordance with (d)(3)a(1)(viii) above and Sec. 17.0601 (as amended).
- e. Double Lot Frontage. Structures on lots abutting two (2) opposite streets shall be provided with a front setback and a rear setback. The front and side setbacks shall be determined as part of the PUD and in a manner that prohibits access to a double frontage lot from arterial streets. The selected front setback area shall be required to comply with the front setback requirements for the district in which the lot is located. The selected rear setback area shall be required to comply with the rear setback requirements for the district in which the lot is located and the rear setback area shall be screened from arterial streets with fencing or landscaping, as may be appropriate.

(4) Circulation Standards

- a. Objectives. The circulation system shall:
 - 1. Allow for multiple modes of transportation.
 - 2. Provide functional and visual links within the residential, mixed-use, and open space areas of the TND PUD.
 - 3. Provide multiple connections to existing and proposed external development.
 - 4. Provide adequate traffic capacity.
 - 5. Provide multiple connections to pedestrian and bicycle routes, including off-street bicycle or multi-use paths.
 - 6. Control through traffic.
 - 7. Limit lot access to streets of lower traffic volumes.
 - 8. Promote safe and efficient mobility through the TND PUD.
- b. Pedestrian circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND PUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks in accordance with Municipal Code and Engineering Department requirements. The following provisions also apply:
 - 1. Sidewalks in residential areas. Clear and well-lighted sidewalks at least five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.
 - 2. Sidewalks in mixed-use areas. Clear and well-lighted walkways at least five feet in width shall connect all building entrances to the adjacent public sidewalk and associated parking areas.
 - 3. Disabled accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

4. Multimodal paths shall be designed and constructed to Municipal Code and Engineering Department requirements. Pedestrian-scale lighting of paths located outside of public rights-of-way is encouraged.
 5. Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well-lit and clearly marked with contrasting paving material at the edges or with striping.
- c. Bicycle circulation. Bicycle circulation shall be accommodated on streets and/or dedicated multimodal paths. Any existing or planned bicycle routes through the site shall be preserved or developed. Bicycle facilities may include off-street multimodal paths (generally shared with pedestrians and other non-motorized uses) and/or separate striped bicycle lanes on streets in accordance with Municipal Code and Engineering Department requirements.
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 2. Arterial streets should not bisect a TND PUD, but may border a TND PUD.
 3. Alleys may be used to provide primary access to residential garages and commercial parking areas. Unless otherwise approved by the Common Council, alleys shall be under private ownership.

Table 17.0327(h)(4)(f): Street Design Guidelines for Traditional Neighborhood Development

	Collector	Sub-Collector	Local Street	Alley
Typical Average Daily Trips	750 or more	250—750	Less than 250	N/A
Right-of-way	75 - 90 ft	50—75 ft	50—60 ft	12—16 ft
Auto travel lanes	2 @ 12 ft	2 @ ten ft	2 @ 10 ft	2 @ 8 ft or 1 @ 12 ft (1-way)
Bicycle lanes (may be required where needed)	6 ft next to parking lane	4 ft without parking* or 6 ft next to parking lane	None	None
Parking	Both sides, 9 ft	One or both sides, 9 ft	One or both sides, 9 ft	None (access to drives and garages)
Curb and gutter	Required	Required	Required	Not required

Terrace	Both sides, min. 8 ft	Both sides, min. 6 ft	Both sides, min. 6 ft	None
Sidewalks	Both sides @ 5 ft min.	Both sides @ 5 ft	Both sides @ 5 ft	None

*Not including gutter requirements.

- f. Parking requirements. Parking areas for shared or community use should be encouraged and designed in conformance with the following:
 - 1. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided per Code requirements.
 - 2. A surface parking lot or detached parking garage shall not be located adjacent to or opposite a street intersection.
 - 3. In the mixed-use area, a parking study shall be required for all proposed commercial uses to determine parking requirements. Parking may be provided in shared or community lots within 1,000 feet of the site.
 - 4. On-street parking directly adjacent to a community amenity may apply toward the minimum parking requirements for that amenity as part of an approved TND PUD.
 - 5. Parking setbacks shall be in conformance with Code requirements unless modified by the Plan Commission and Common Council as part of an approved TND PUD.
 - 6. Surface parking lots or garages shall provide bicycle parking areas in conformance with NACTO standards. Bicycle parking areas are encouraged in community areas.
 - g. Service access. Direct access to service and loading dock areas for service vehicles should be provided, while avoiding movement through parking areas to the greatest extent possible. Alleys may be used to provide service access. Loading docks and overhead doors shall not face up on a street right-of-way.
 - h. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for surface parking areas.
- (5) Architectural Standards. A variety of architectural and design features and building materials is encouraged to give each building or group of buildings a distinct character, as well as sensitivity to the surrounding context.
- a. Standards for existing structures.
 - 1. Existing structures, if determined to be historic or architecturally-significant, shall be protected from demolition as part of a traditional neighborhood development. The National Register of Historic Places and/or the Wisconsin State Register shall be utilized to determine protections under this Section. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally-significant structures.
 - 2. Additions to existing structures shall adhere to all requirements of this Section, applicable Sections of the Municipal Code, and TND PUD approvals.

- b. Standards for new structures. All new structures shall meet the dimensional requirements in Table 17.0327(h)(3)(d) above and the following:
1. Building height. To create a visually unified streetscape, buildings should be no more than 30 percent taller or shorter than the average building height on the block in mixed-use areas.
 2. Entries and facades.
 - i. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - ii. Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
 - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
 - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
 - iii. The front or principal facade of the principal building on any lot shall face a public street and shall not be oriented to face directly toward a parking lot.
 - iv. Buildings of more than 30 feet in width shall be divided into smaller regular increments through articulation of the façade. This can be achieved through variations in materials, detailing, roof lines, and elements, such as arcades, awnings, windows, and balconies.
 - v. The ground level of any multi-story, commercial, and mixed-use structure shall be visually distinct from the upper stories through the use of an intermediate cornice line, sign band, awning or arcade, or a change in building materials, texture, or detailing.
 - vi. Porches, pent roofs, roof overhangs, hooded front doors, or similar architectural elements shall be used to define the front entrance to all residences or multifamily buildings.
 3. Transparency for commercial and mixed-use buildings. For commercial or mixed-use buildings, a minimum of **30 percent** of the front facade on the ground floor, excluding service entries, shall be transparent, consisting of window or door openings allowing views into and out of the interior. A modification of up to 50% of the transparent glazing requirement in this Section may be granted by a majority approval of the Plan Commission as part of Site and Building Plan review:

- i. If supplemental design elements or improvements are incorporated into the project over and above those which are otherwise required which compensate for the modification. In support of the modification request, the applicant shall detail such supplemental design elements in written and graphical form, and provide an explanation as to the nature of the standards for which the modification is requested.
- ii. Supplemental design elements or improvements may include:
 - a. Increased percentage of brick, stone, or decorative exterior building materials.
 - b. Sustainable building materials/elements (e.g., green roof, recycled materials, etc.).
 - c. Awnings and/or canopies.
 - d. Decorative lighting fixtures (pedestrian-level).
 - e. Hanging planters, landscaped planter beds, free-standing moveable planters.
 - f. Benches and/or landscaped seating areas.
 - g. Electric vehicle charging stations, bicycle parking and repair stations, and other alternative transportation enhancements.

(6) Site Design Standards.

- a. Lighting standards. All plans for lighting within the TND PUD shall be designed in conformance with Section 17.0808 of the Municipal Code (as amended).
- b. Standards for exterior signage. Sign number, size, height, and location in the TND PUD shall meet the requirements of Chapter 17 (as amended). A Master Sign Program shall be developed for the entire TND PUD that establishes a uniform sign theme.
- a. Landscaping and screening standards. A Master Landscape Plan shall be developed for the common areas of the TND PUD in accordance with landscaping and screening requirements in Sections 17.0403 and 17.1010, and the following:
 - 1. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous planting areas shall be preferred to smaller disconnected areas.
 - 2. Street trees. A minimum of one deciduous canopy tree per **80** feet of street frontage or fraction thereof shall be required. Trees may be clustered and need not be evenly spaced. Trees should preferably be located within a planting strip between the sidewalk and the curb, within a landscaped median strip, or in tree wells installed in pavement or concrete.

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MAY 25, 2021**

Mayor Bukiewicz called the meeting to order at 6:09 p.m. The following Commissioners were present at roll call: Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siepert. Commissioner Chandler participated via Zoom. Commissioner Hanna was excused. Also present: Kari Papelbon, Planner; and Mike Havey, Assistant Fire Chief.

ZONING TEXT AMENDMENT

Planner Papelbon provided an overview of the proposed amendment to Section 17.0327 of the Municipal Code to establish standards for the Traditional Neighborhood Development PUD District (see staff report for details).

Planner Papelbon advised the Commissioners there were several sections of the text amendment which she would appreciate feedback on, including the sections on density and permitted residential uses, dimensional standards, exterior building materials standards, ground floor glazing requirements and master lighting, landscaping (including street trees) and sign plans.

Commissioner Siepert referenced the Dimensional Standards chart on page 8, and questioned whether the Fire Department's ladder trucks would be able to reach the suggested 5 stories or 75 feet for multifamily buildings. Assistant Chief Havey stated that the ladder trucks had an aerial reach of 100 feet.

Planner Papelbon asked the Commission to keep in mind that although the number of stories and the height for multifamily buildings would be the maximum allowed, they were not necessarily the numbers that would be approved for final development.

Mayor Bukiewicz also referenced the Dimensional Standards (page 8 item c), noting the minimum side yard setbacks of 3 feet and 5 feet could potentially lead to 6 feet between homes. Planner Papelbon answered that you could have 10 feet between homes, but would typically have 8 feet. Mayor Bukiewicz asked whether the height of the buildings would be limited due to their close proximity. Planner Papelbon answered that single family detached and single family attached (3-4) units were limited to 2.5 stories or 35 feet.

Mayor Bukiewicz referenced the Architectural Standards for ground floor glazing (page 12 item 3), asking if this applied to clear glass only, rather than opaque or frosted. Planner Papelbon replied that anything opaque or frosted would be a modification request of up to 50%, and would have to meet certain standards to compensate for the reduction of clear glass.

Mayor Bukiewicz asked whether a tenant who wished for more privacy would need to do interior modifications to block their view. Planner Papelbon said an individual tenant could also request a reduction in the clear glass requirements. Reduction requirements would likely be established in the Planned Unit Development (PUD) agreement incorporating tenant space.

Planner Papelbon pointed out that even though the Commission was discussing Code requirements, they should note there will also be PUD Conditions and Restrictions which accompany the Code requirements. Whenever an applicant proposes a Traditional

Neighborhood Development (TND) PUD, there will still be Conditions and Restrictions to address specific modification concerns at that time.

Commissioner Siepert referenced the Landscaping Standards regarding street trees (page 13, item a-2). Commissioner Siepert commented that some street trees shed a lot of seeds, making a mess on the streets that is difficult to clean. Mayor Bukiewicz concurred. Commissioner Siepert stated that careful thought should be given to the types of trees that are selected. Mayor Bukiewicz suggested that Forestry [Department] should be included in any discussion moving forward.

Commissioner Sullivan added that the street tree spacing needs to coincide and work with the spacing of street lighting. Mayor Bukiewicz agreed.

Planner Papelbon read the wording from the Text Amendment (page 13 item a-2), which states: *"trees may be clustered and need not be evenly spaced"*. Planner Papelbon posed the question of whether the text should be worded to read more along the lines of "1 tree per *average number* of feet".

Mayor Bukiewicz and Commissioner Sullivan stated their preference for the Code to be written to provide the greatest possible design options. Planner Papelbon asked if "an average of 80 feet" would be more appropriate wording. Commissioner Sullivan replied that 80-100 feet is closer to the typical street light spacing seen in these kinds of developments and would afford the flexibility needed to work with the developers.

Commissioner Sullivan stated that Engineering [Department] has drainage and maintenance concerns with the minimum setback requirements of 2 feet and 3 described in the Dimensional Standards chart (page 8).

Planner Papelbon informed the Commission that clarification regarding the size of accessory buildings was added after Commissioners received their packets. Planner Papelbon referenced the Design Standards (page 7 item c-1), noting that the word "attached" was added to ensure any garage will be subordinate to the dwelling.

Mayor Bukiewicz raised a question regarding the Design Standards for maximum non-residential area (page 6 item 7). Mayor Bukiewicz asked if 25% of "gross acreage" of the TND applied to each phase of the development, or the PUD as a whole. Planner Papelbon replied that it was 25% of the entire PUD. Planner Papelbon stated that if a phasing plan were requested, it would need to be provided as part of the PUD.

Assistant Chief Havey stated that Fire did not have any immediate concerns with the Text Amendment.

Mayor Bukiewicz asked about sprinkler requirements for buildings that could potentially be in such close proximity, even though they would be less than four stories high. Assistant Chief Havey explained sprinkler requirements were dependent upon the type of occupancy for the building.

Mayor Bukiewicz questioned if sprinkler requirements were something that should be looked at in PUD requirements going forward. Planner Papelbon stated she was not comfortable providing an answer at this time, expressing there may not be much support for such requirements without a Fire Code requirement to rely on. Assistant Chief Havey added that although he advocates for sprinklers in every structure, the State Code 2012 Edition does not require them.

Planner Papelbon directed the Commissioners to look at the Permitted Residential Uses table (page 5) to be sure the Commissioners were comfortable with the minimum and maximum densities being proposed. Planner Papelbon stated that there were two categories, each with two numbers next to them. The maximum density for 3-4 units is proposed to be a maximum of 12 per net acre rather than 6. The multifamily/senior housing category is proposed to be a maximum of 102 per net acre based on a 5-story maximum build. Mayor Bukiewicz indicated he would defer to the expertise of staff.

Planner Papelbon asked the Commission if there were any concerns regarding the allowance of 25% of the gross acreage requirement for a non-residential component.

Commissioner Chandler asked if there was a way for Planner Papelbon to share the information regarding the numbers 102 and 5 stories. Planner Papelbon replied that if the maximum building height allowed was 5 stories, then the developer would have to make sure they did not exceed 102 units within that.

Planner Papelbon questioned whether Commissioners had any concerns regarding the clear glazing requirements, and how staff proposes to address them in situations where the 30% requirement may not be applicable. Mayor Bukiewicz answered that he felt staff was well prepared after dealing with similar such issues in Drexel Town Square. Planner Papelbon stated that there would be additional text established to deal with those instances when reductions in clear glazing requirements were requested, and under what criteria that would be allowed.

Commissioner Chandler asked whether it was possible for the developers to include 102 units in less than 5 stories. Planner Papelbon responded that all plans would need to be approved by the Plan Commission as part of the PUD, and they would have to come back before the Commission for site and building plan review. The Plan Commission would have the discretion to determine that the plans presented were not appropriate given the context of the development. Planner Papelbon reiterated that the Zoning Text Amendment simply establishes the maximum allowances; it does not guarantee that everyone will be granted the maximum allowance.

Commissioner Chandler questioned whether the text should identify the size of the building to which the 30% glazing requirement applies. Planner Papelbon answered that the glazing requirement was actually identified as applying to the street-facing ground floor of commercial and mixed-use buildings.

Alderman Guzikowski moved that the Plan Commission recommend to the Common Council that the proposed amendments to Section 17.0327 of the Municipal Code pertaining to the Traditional Neighborhood Development PUD District are approved after a public hearing. Commissioner Siepert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Karl Papelbon, Plan Commission Secretary

6-8-21

Date

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

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

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

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

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Anna Krasnoshapka, Fred Astaire Dance Studio, to rezone the property at 2121 E. Rawson Ave. B-2, Community Business to B-3, Office and Professional Business (NO CHANGE to existing Conditional Use Permit).

Hearing Date:

July 20, 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):

Anna Krashnoshapka, Fred Astaire Dance Studio

Property Owner(s):

Trustone Financial Federal Credit Union (to be purchased by Fred Astaire Dance Studio)

Property Location(s):

2121 E. Rawson Ave.

Tax Key(s):

768-9009-000

Legal Description:

CSM NO. 5370 PARCEL 2 NW 1/4 SEC 10-5-22.

The Common Council has scheduled other public hearings for July 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: June 16, 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 - 2121 E. Rawson Ave. - Fred Astaire Dance Studio

Recommendation: That the Council adopts Ordinance 3013, an ordinance to rezone the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business District (NO CHANGE to existing Conditional Use Permit).

Fiscal Impact: Approval will allow for the reuse of the vacant (former financial institution) building as a private dance studio. Building permits for interior renovations and enclosing the existing drive-through canopy for additional studio space will yield positive fiscal impacts in terms of assessed value, review fees, and permit and impact fees. 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 is requesting recommendation of approval to rezone the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business in anticipation of converting the existing financial institution building to a private dance studio. Per Sec. 17.0314(a)(2), dance studios are permitted uses in the B-3 district, but are not specifically listed as allowed uses in other districts.

Parcels in the immediate area are zoned B-2 (PUD) to the east and south (Tower Square Shopping Center), B-4 to the west (multitenant commercial building), and Rs-4 (Rawson Village & Rawson Village Estates) to the north. Parcels in the extended area are similarly zoned, with B-2 (CU) to the northeast, Rs-4 to the far east, Rd-1 south of the Tower Square Shopping Center, Rm-1 (PUD, Camelot Trails Condominiums) and A-1 to the southwest, and Lm-1 to the far west. The Land Use Plan in the Comprehensive Plan, City of Oak Creek (adopted March 3, 2020) identifies the area for commercial development.

The B-3, Community Business district is “intended to provide for individual or groups of buildings limited to office, professional, and special service uses where the office use would be compatible with other adjacent uses.” Surrounding parcels include similar service uses – financial institution, insurance agency, salon, cleaners, real estate agency, orthodontist - along Rawson Ave. The former use of the property as a financial institution is also compatible with the B-3, Community Business purpose statement. Plans for the conversion of the existing drive-through lanes to enclosed studio space were reviewed and approved by the Plan Commission at the June 8, 2021 meeting. Therefore, the request appears to be consistent with the B-3 purpose statement, and staff supports the proposal.

The Plan Commission reviewed the rezone request during their June 8, 2021 meeting, and recommended approval.

Options/Alternatives: Council has the discretion to approve or not approve the proposed rezone request. The approval of the rezone would allow for the reuse of an existing, vacant commercial property. Denial would result in the property remaining in its present vacant and underutilized 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. 3013

Location Map

Narrative (2 pages)

Site Plan (1 page)

Plan Commission Meeting Minutes

ORDINANCE NO. 3013

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 2121 E. RAWSON AVE. FROM B-2, COMMUNITY BUSINESS TO B-3, OFFICE AND PROFESSIONAL BUSINESS (NO CHANGE TO EXISTING CONDITIONAL USE PERMIT)

(1st Aldermanic District)

WHEREAS, ANNA KRASNOSHAPKA, FRED ASTAIRE DANCE STUDIO, has proposed a rezoning of the property at 2121 E. Rawson Ave. from B-2, Community Business to B-3, Office and Professional Business (NO CHANGE to existing Conditional Use Permit).

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

CSM NO. 5370 PARCEL 2 NW ¼ SEC 10-5-22.

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

WHEREAS, the Common Council held a public hearing on said application on July 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 for the lands hereinabove described.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described at 2121 E. Rawson Ave. are hereby rezoned from B-2, Community Business to B-3, Office and Professional Business (NO CHANGE to existing Conditional Use Permit), 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 July, 2021.

President, Common Council

Approved this 20th day of July, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

2121 E. Rawson Ave



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



Legend

-  Zoning
-  Official Street Map
-  Floodway
-  Flood Fringe
-  Parcels
-  2121 E. Rawson Ave



N173 W21010

Northwest Passage Way

Jackson, WI 53037

Tel: 262.677-9933

Fax: 262.677.9934

Planning Department
City of Oak Creek
8040 S. 6th Street
Oak Creek, Wisconsin 53154

May 10, 2021

RECEIVED
MAY 11 2021
CITY OF OAK CREEK

Re: Fred Astaire Dance Studio

Introduction:

Fred Astaire Dance is an international competitive dance organization whose locations are owned and operated by Franchisees. John Gates, who owns and operates several locations in Wisconsin, is assisting Anna Kranoshapka and Mykyta Serdyuk in opening a new studio at 2121 E. Rawson Ave.

The building and site is in the process of being sold to the Fred Astaire group by Trustone Financial Federal Credit Union.

The dance studio plans to add exterior walls under the banks drive-thru roof that match the existing construction to expand the dance studio.

Existing Site:

The existing site is approximately 0.63 acres and has a building that is centered on the site and surrounded by 19 parking stalls. There are also 3 bank drive through lanes, on the east side of the building under a roof, that will be converted to interior space. Access to the property is off of a private road accessed from E. Rawson Ave.

The base zoning of the site is designated "B-2 Community Business". Dance Studios are not a permitted use so we are applying for a rezoning to a "B-3 Office and Professional Business District" which does include Dance Studio.

The existing site has mature landscaping, existing site lighting and a monument sign out near Rawson Ave. on the NW corner of the property.

Plan of Operation:

The plan of operation for the new development will be consistent other studios in the area. Hours of operation for private lessons, group classes and social parties vary by day but all take place between the hours of 8am and 9pm Monday thru Friday. The studio will have 3 to 5 full time instructors.

Proposed Building/Site:

The currently vacant former bank building has 3,668 first floor square feet with a basement of 1,145 square feet. The 0.63 acre site has 19 existing parking spaces to be used by both staff and patrons. Four (4) parking spaces will be added, two north of the new addition and two south of the new addition. The Zoning Ordinance does not specify the number of parking stalls required for a dance studio, however, a comparable Fred Astaire Studio in Germantown, has 45 parking stalls split equally between two tenants or approximately 23 parking stalls each. The proposed number of parking stalls for this site is 23 which matches the Germantown location. All parking stalls meet the size requirements of the City Zoning guidelines.

Additional landscaping is being proposed to the north and south of the new addition between the new parking stalls and the building. The rest of the mature site landscaping is proposed to remain unchanged.

Because the building and site is to generally remain in its existing condition, there will be no storm-water management, site lighting or utility work associated with the development.

We do not believe this new building use will negatively impact or be a nuisance to the surrounding properties. This is consistent with the nature of the surrounding neighborhood which is currently a mix of commercial development. The traffic patterns in the neighborhood are already established and will not be affected by the new development.

If you have any questions or concerns regarding this proposed development please feel free to contact our office.

Sincerely,

Mark Hertzfeldt

A handwritten signature in black ink, appearing to read 'Mark Hertzfeldt', enclosed within a large, loopy circular flourish.

Design 2 Construct Development Corporation

SITE DATA:

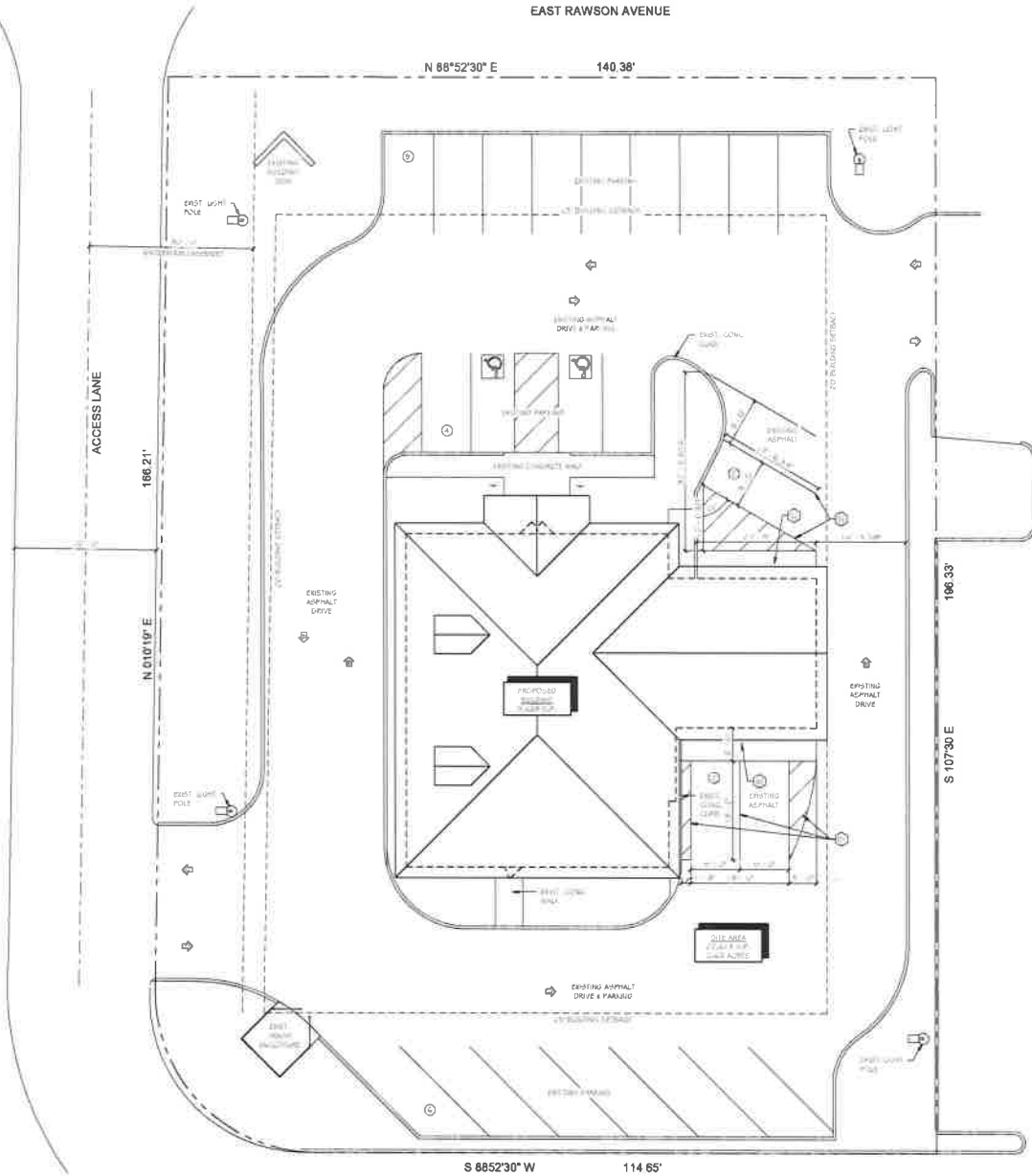
SITE AREA: 27,814 SF
 0.63 ACRES
 AREA OF EXISTING BUILDING: 2,912 SF
 AREA OF PROPOSED ADDITION: 768 SF
 TOTAL BUILDING FOOTPRINT: 3,680 SF (13.2% OF SITE)
 TOTAL HARD SURFACE AREA: 15,349 SF (55.2% OF SITE)
 TOTAL GREEN SPACE AREA: 8,803 SF (31.1% OF SITE)
 TOTAL PARKING PROVIDED: 23 (INCL. H.C. STALLS)
 HANDICAP PARKING REQUIRED: 1
 HANDICAP PARKING PROVIDED: 1

SITE NOTE LEGEND

- NEW STEERING ON EXISTING ASPHALT
- LANDSCAPED AREA



2 LOCATION MAP
NOT TO SCALE



1 ARCHITECTURAL SITE PLAN
SCALE: 1" = 10'-0"



N 173 W21010
 NORTHWEST PASSAGE WAY
 JACKSON, WI 53037
 PHONE 282.677.9933
 FAX 282.677.9934
 info@design2construct.com

BUILDING DESIGN FOR:
FRED ASTAIRE
 2121 E. RAWSON AVE.
 OAK CREEK, WI 53154

SHEET TITLE
 ARCHITECTURAL SITE PLAN

REVISIONS
 (Empty table for revisions)

PROJECT DATA	
DATE:	08.11.2021
JOB NO.:	20-00213
SET USE:	PLAN COMMISSION
DRAWN BY:	QIP
SHEET NO.:	QIP

A1.0

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JUNE 8, 2021**

Mayor Bukiewicz called the meeting to order at 6:01 p.m. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Sullivan, Commissioner Carrillo, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler participated via Zoom. Also present: Kari Papelbon, Planner; Laurie Miller, Zoning Administrator; and Mike Havey, Assistant Fire Chief.

**REZONE
FRED ASTAIRE DANCE STUDIO
2121 E. RAWSON AVE.
TAX KEY NO. 768-9009-000**

Planner Papelbon provided an overview of a request to rezone the property from B-2, Community Business to B-3, Office & Professional Business district (see staff report for details). Planner Papelbon explained that dance studios are mentioned specifically under the B-3, Office & Professional Business zoning district.

Doug Forton, Design 2 Construct, N173W21010 Northwest Passage, Jackson, WI 53037, representing Fred Astaire Dance Studio, gave a brief description of the type of business that will operate at the location and explained why the applicant is looking to enclose the existing drive-through lanes.

Alderman Loreck asked if there would be any parking requirement changes that would come with the zoning change. Planner Papelbon explained the parking requirements will be discussed during the plan review, and that there will be enough parking.

Commissioner Siefert and Mayor Bukiewicz stated their agreement that the project is a great use of the underutilized building.

Commissioner Siefert moved that the Plan Commission recommend to the Common Council that the property at 2121 E. Rawson Ave. be rezoned from B-2, Community Business to B-3, Office and Professional Business (NO CHANGE to existing CUP) after a public hearing.

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

ATTEST:



Kari Papelbon, Plan Commission Secretary

6-22-21

Date



COMMON COUNCIL REPORT

Item: City of Oak Creek 2021 Mid-Year Budget Monitoring Report

Recommendation: N/A

Fiscal Impact: Reviewing the Budget to Actual report ensures that the Common Council and public is apprised of any fiscal concerns, and continues to show the financial stability of the City of Oak Creek.

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

Background: In accordance with the City's Strategic Action Plan, attached is a summary financial report for the General Fund and other Major Funds through the end of the second quarter of 2021. The presentation will focus on the revenues and expenditures through the second quarter compared to the budget in the General Fund, Solid Waste, WE Energies, Health Insurance, EMS, and Dispatch Fund.

Options/Alternatives: The Common Council could choose to receive and review reports monthly from the BS&A software or review this format of reporting quarterly.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Jamie Strobl
Assistant Comptroller

Fiscal Review:

Maxwell Gagrin, MPA
Assistant City Administrator / Comptroller

**CITY OF OAK CREEK
FINANCIAL REPORT THRU JUNE 30, 2021**

GENERAL FUND REVENUES BY CATEGORY			
SOURCE	2021 YTD	2021 BUDGET	% OF BUDGET
TAXES	\$ 13,693,934	\$ 14,905,768	91.87%
OTHER TAXES	314,254	2,342,572	13.41%
STATE SHARED REVENUES	1,266,995	5,721,615	22.14%
OTHER INTERGOV'T	51,089	228,983	22.31%
LICENSES/PERMITS	676,465	876,475	77.18%
CHARGES FOR SERVICES	180,451	697,453	25.87%
PUBLIC HEALTH & SAFETY	4,524	28,500	15.87%
OTHER (CHAMBER LEASE)	-	12,000	0.00%
COMMERCIAL REVENUES	428,915	1,206,970	35.54%
EXPENDITURE OFFSET	-	1,462,077	-
TRANSFERS	-	25,000	-
TOTAL	\$ 16,616,627	\$ 27,507,413	60.41%

GENERAL FUND EXPENDITURES BY CATEGORY			
DEPARTMENT	2021 YTD	2021 BUDGET	% OF BUDGET
GENERAL GOV'T	\$ 3,262,831	\$ 8,144,596	40.06%
PUBLIC SAFETY	5,709,830	12,826,259	44.52%
HEALTH	246,054	515,066	47.77%
PUBLIC WORKS	2,323,714	4,631,026	50.18%
LEISURE SERVICES	574,514	1,390,466	41.32%
TOTAL	\$ 12,116,943	\$ 27,507,413	44.05%

GENERAL FUND EXPENDITURES BY DEPARTMENT			
DEPARTMENT	2021 YTD	2021 BUDGET	% OF BUDGET
GENERAL GOVERNMENT	\$ 1,239,730	\$ 3,615,064	34.29%
CENTRAL SERVICES - BLDG MAINT DIV.	293,767	734,089	40.02%
CENTRAL SERVICES - IT SERVICES DIV.	575,956	1,118,141	51.51%
CENTRAL SERVICES - ADMIN. SVCS. DIV.	231,899	498,825	46.49%
CENTRAL SERVICES - HR DIV.	98,150	221,219	44.37%
CITY ADMINISTRATOR'S OFFICE	135,853	300,763	45.17%
CITY CLERK	103,031	238,718	43.16%
FINANCE	173,913	407,577	42.67%
TREASURER	91,015	222,271	40.95%
TREASURER - ASSESSOR DIV.	101,203	220,198	45.96%
CITY ATTORNEY	83,775	258,198	32.45%
COMMUNITY DEVELOPMENT	134,539	309,533	43.47%
POLICE	3,800,484	9,348,674	40.65%
MUNICIPAL COURT	85,792	202,952	42.27%
EMERGENCY OPERATIONS	19,690	18,760	104.96%
FIRE	1,252,764	1,991,925	62.89%
ENGINEERING	266,903	569,492	46.87%
ENGINEERING - INSPECTION DIV.	284,198	694,456	40.92%
HEALTH	246,054	515,066	47.77%
DPW- STREETS DIVISION	1,668,660	3,115,962	53.55%
DPW- STREET LIGHTS DIVISION	282,823	622,469	45.44%
DPW- FORESTRY DIVISION	110,833	334,016	33.18%
DPW- PARKS DIVISION	261,398	558,579	46.80%
RECREATION	82,362	315,768	26.08%
LIBRARY	492,151	1,074,698	45.79%
TOTAL	\$ 12,116,943	\$ 27,507,413	44.05%

**CITY OF OAK CREEK
FINANCIAL REPORT THRU JUNE 30, 2021**

REVENUES FOR MAJOR FUNDS			
FUND	2021 YTD	2021 BUDGET	% OF BUDGET
General Fund (10)	16,616,627	27,507,413	60.41%
Solid Waste (11)	1,465,975	1,581,744	92.68%
WE Energies (19)	2,250,000	2,253,500	99.84%
Health (36)	3,462,766	6,701,038	51.68%
EMS (37)	4,091,213	5,464,149	74.87%
Dispatch (55)	1,453,504	1,741,148	83.48%
TOTAL	\$ 29,340,085	\$ 45,248,992	64.84%

EXPENDITURES FOR MAJOR FUNDS			
FUND	2021 YTD	2021 BUDGET	% OF BUDGET
General Fund (10)	12,116,943	27,507,413	44.05%
Solid Waste (11)	770,966	1,561,648	49.37%
WE Energies (19)	435,646	2,216,997	19.65%
Health (36)	3,888,813	6,099,509	63.76%
EMS (37)	2,143,030	5,464,149	39.22%
Dispatch (55)	841,498	1,741,148	48.33%
TOTAL	\$ 20,196,896	\$ 44,590,864	45.29%

BUILDING UTILITIES - ALL FUNDS			
	2021 YTD	2021 BUDGET	% OF BUDGET
ELECTRIC	130,504	342,655	38.09%
WATER	9,709	23,575	41.18%
NATURAL GAS	53,252	107,109	49.72%
TOTAL	\$ 193,465	\$ 473,339	40.87%

FUEL USAGE - ALL FUNDS			
	2021 YTD	2021 BUDGET	% OF BUDGET
FUEL	161,165	388,075	41.53%
TOTAL	\$ 161,165	\$ 388,075	41.53%

City of Oak Creek

Budget to Actual Report

Ending 2nd quarter 2021

Maxwell Gagin

Assistant City Administrator/Comptroller

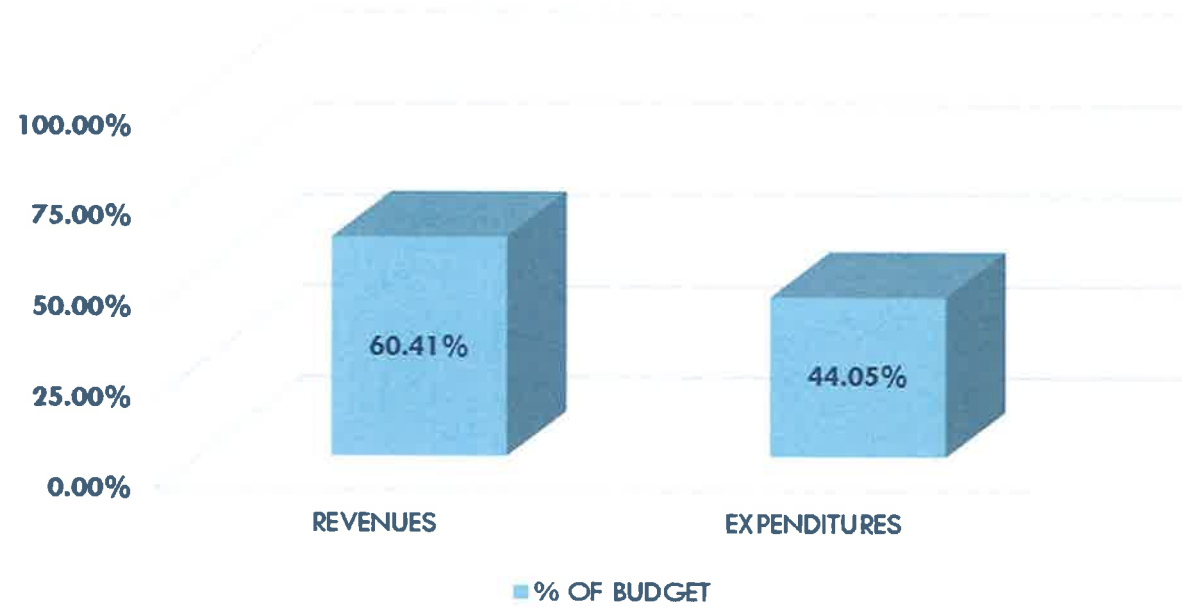


Introduction

- The following are charts and graphs depicting the 2021 2nd quarter ending financials compared to the 2021 budget
- The presentation will focus on the revenues and expenditures in the General Fund, Solid Waste, WE Energies, Health Insurance, EMS, and Dispatch Fund

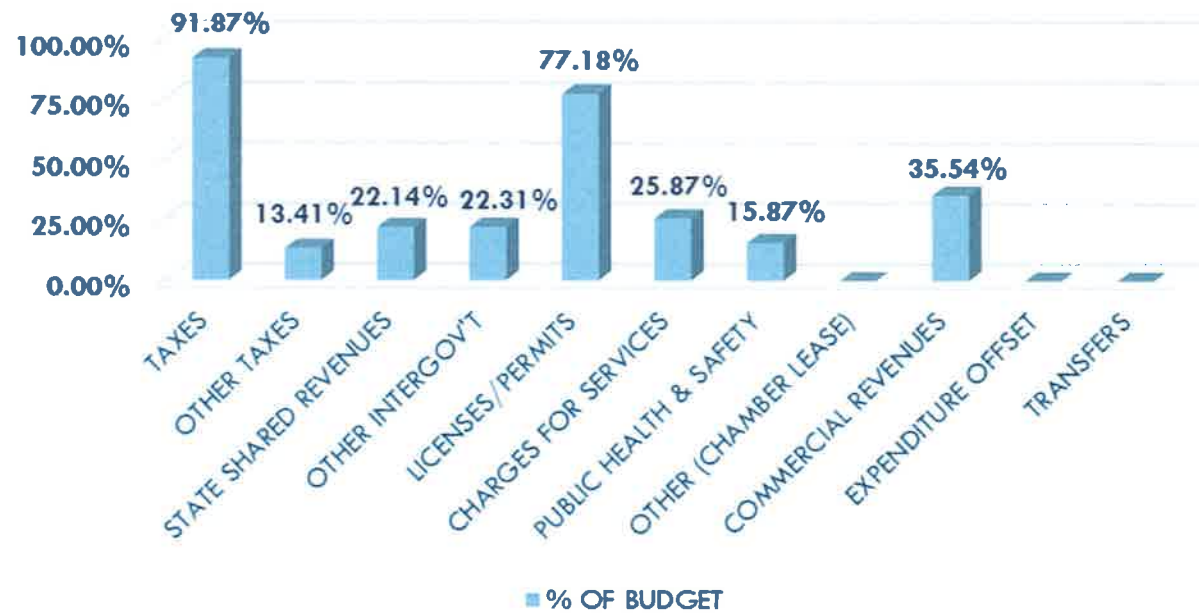
General Fund Revenues & Expenditures

General Fund Revenues & Expenditures 2nd Qtr 2021



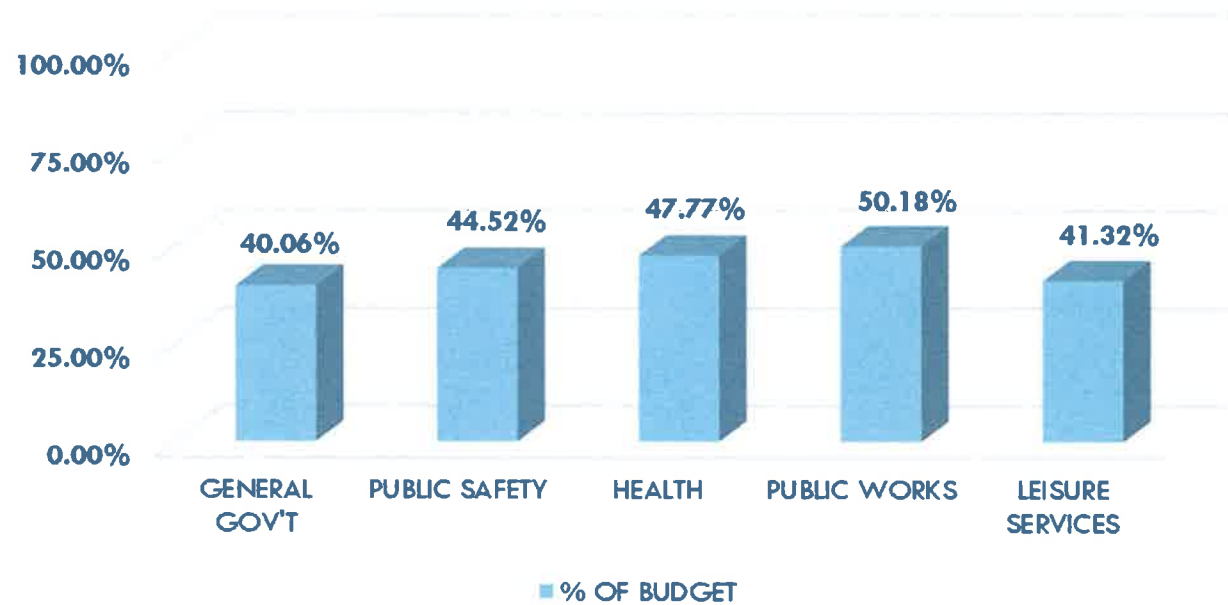
General Fund Significant Revenues

General Fund Significant Revenues 2nd Qtr 2021



General Fund Expenditures

General Fund Expenditures 2nd Qtr 2021

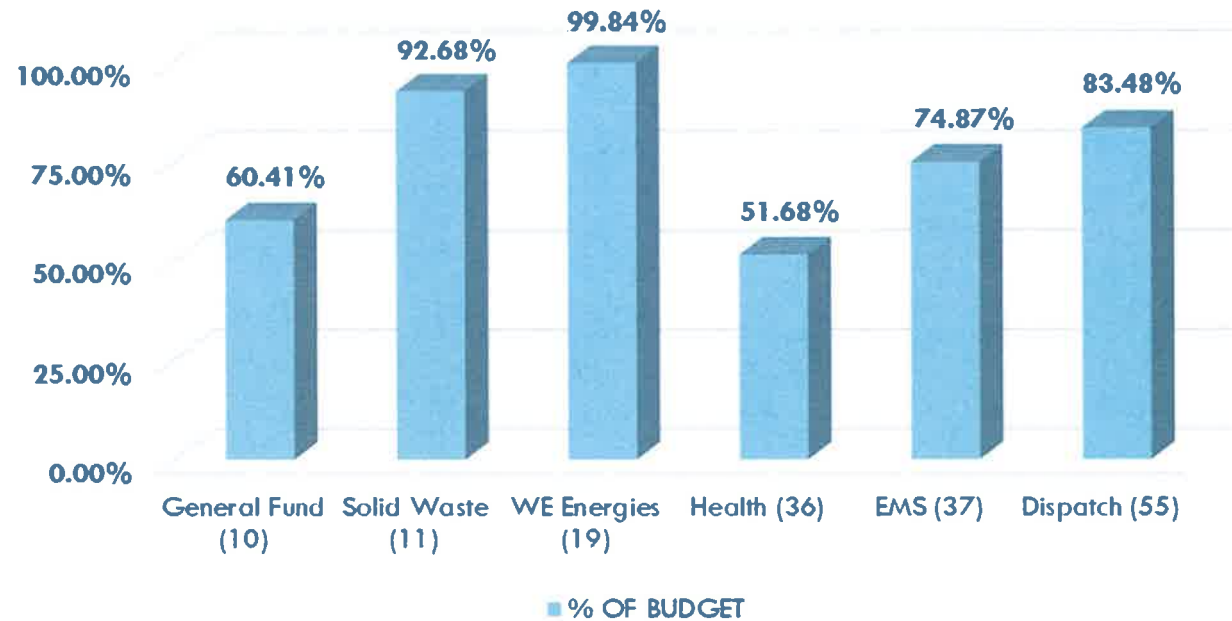


General Fund Expenditures by Department

GENERAL FUND EXPENDITURES BY DEPARTMENT			
DEPARTMENT	2021 YTD	2021 BUDGET	% OF BUDGET
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TOTAL	\$ 12,116,943	\$ 27,507,413	44.05%

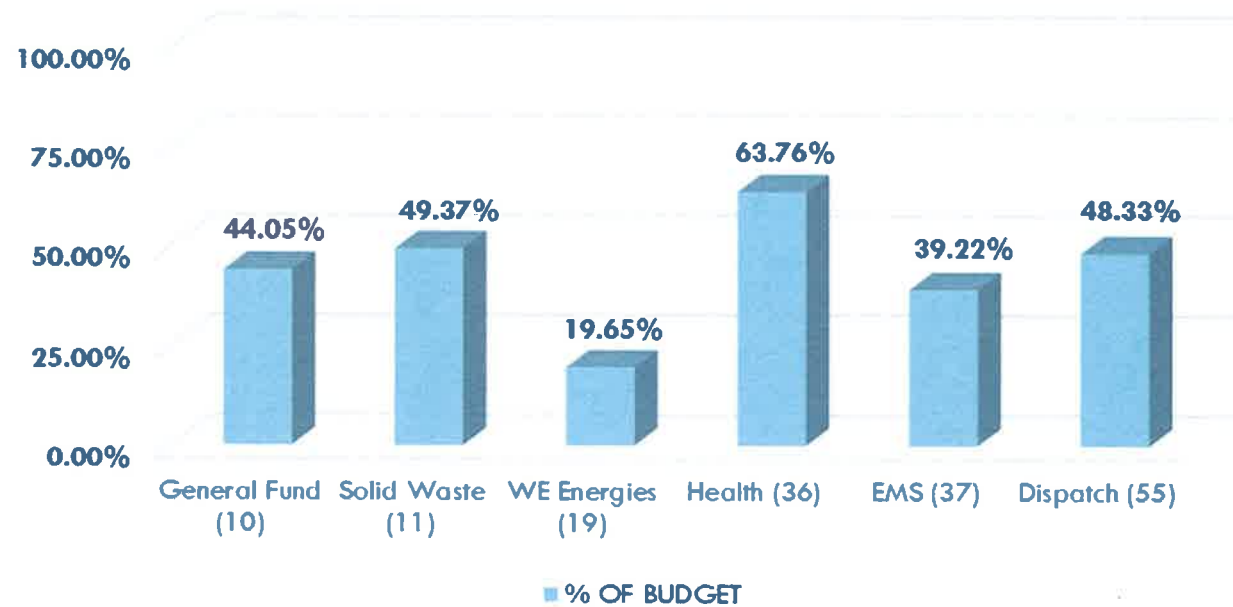
Revenue of Major Funds

Revenues for Major Funds 2nd Qtr 2021



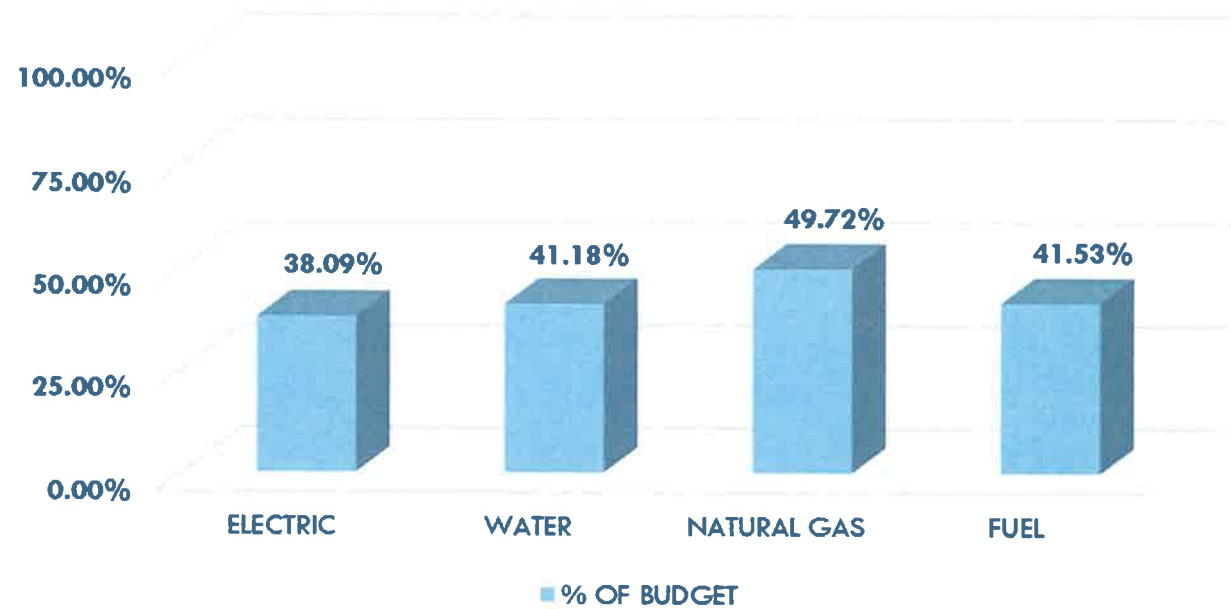
Expenditures of Major Funds

Expenditures for Major Funds 2nd Qtrr 2021



City wide Utilities & Fuel

Utilities and Fuel Expenditures 2nd Qtrr 2021



Critical Indicators

- 92% of our largest revenue has already been collected (Property Taxes);
- Emergency Operations budget is high due to COVID-19 pandemic expenditure tracking for reimbursement;
- Fire Department OT is trending higher due to vacancies and leaves;
- Health insurance expenditures are trending a little higher than normal; and
- No other specific areas of concern



COMMON COUNCIL REPORT

Item: Termination and Release of Easement for 102 West Oakview Parkway

Recommendation: That the Council adopts Resolution No. 12252-072021, a Resolution Approving the Termination and Release of Easement for the property at 102 West Oakview Parkway (Oak Creek Industrial, LLC – HSA)

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: As part of its development of 102 West Oakview Parkway, HSA Commercial Real Estate requested the release of two easements that are recorded against the property. The first easement was recorded in 1986 as Document #5882071 to preserve anticipated future utilities, including sanitary sewer and watermain. The second easement was recorded in 2009 as part of CSM 8154 as Document #0974350, which provides limitations upon access, a 66-foot utility easement and vision corner easements. These easement areas are no longer needed and are currently located under trailer parking areas. Staff reviewed the proposed Termination and Release of Easement and recommends approval.

Options/Alternatives: The Common Council could decide not to approve the Termination and Release of Easement, but doing so would result in the obsolete easements remaining on title.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Melissa L. Karls
City Attorney

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Reviewed:

Brian Johnston, P.E.
Utility Engineer

Reviewed:

Matthew J. Sullivan, P.E.
Assistant City Engineer

Attachments:

- Proposed Termination and Release of Easement
- Resolution No. 12252-072021

RESOLUTION NO. 12252-072021

RESOLUTION APPROVING THE TERMINATION AND RELEASE OF EASEMENT
FOR THE PROPERTY AT 102 WEST OAKVIEW PARKWAY
(Oak Creek Howell Industrial, LLC – HSA)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Termination and Release of Easement for the property at 102 West Oakview Parkway (“Termination and Release”) is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign and the City Clerk is authorized to attest in executing the Termination and Release.

BE IT FURTHER RESOLVED that modifications to the Termination and Release as may be necessary in order to record that document while maintaining the general intent thereof and that are approved by the City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of July, 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 ____

**TERMINATION AND
RELEASE OF EASEMENT**

THIS TERMINATION AND RELEASE OF EASEMENT (“Release”) is executed this ___ day of _____, 2021, by the **CITY OF OAK CREEK**, a municipal corporation (the “*City*”).

RECITALS

A. The City is the beneficiary of an easement granted pursuant to that certain Easement, dated as of December 19, 1985, and recorded in the Office of the Register of Deeds in and for Milwaukee County, State of Wisconsin, on January 21st 1986, on Reel 1839, Image 282 to 290 inclusive, as Document No. 5882071, a copy of which is attached hereto as Exhibit A (the “*Easement Document*”), and as further depicted and described on that certain Certified Survey Map No. 8154, recorded in the Office of the Register of Deeds in and for Milwaukee County, State of Wisconsin, as Document No. 9747350 (the “*CSM*”).

B. The Easement Document and the easements granted pursuant thereto encumber the property described at Exhibit B attached hereto (the “*Property*”).

C. The City, as of the date hereof, is no longer in need of its rights and benefits under the Easement Document.

D. The City desires to terminate and release its rights relating to the Property under the Easement Document.

AGREEMENT

NOW, THEREFORE, in consideration of the recitals and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City hereby agrees as follows:

1. Termination and Release. The City hereby terminates, releases, discharges, and abandons all of its right, title and interest in the Easement Document and the “66’ utility easement and vision corner easements” set forth on the CSM to the extent affecting the Property, and hereby agrees that it shall have no further rights, title, interest or obligations thereunder.

2. Authority. The persons executing this Release represent and warrant that they have the legal authority to bind the respective party for which signature is made.

3. Governing Law. This release shall be deemed to be made under, and shall be construed in accordance with, and shall be governed by, the laws of the state of Wisconsin.

[Signatures Appear of the Following Page]

Recording Area

Name and Return Address:
Ryan M. Spott
Davis & Kuelthau, s.c.
111 E. Kilbourn Ave., Suite 1400
Milwaukee, WI 53202

Parcel Identification Number (PIN)

Part of 955-1040-000

IN WITNESS WHEREOF, said CITY OF OAK CREEK has caused these presents to be executed on its behalf by its duly authorized executive this ____ day of _____, 2021.

CITY OF OAK CREEK

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of _____, 2021, the above-named Daniel J. Bukiewicz and Catherine A. Roeske, to me known to be the Mayor and City Clerk, respectively, of the City of Oak Creek, and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Printed Name: _____
Notary Public
Milwaukee County, Wisconsin
My Commission expires: _____

Instrument drafted by:
Ryan M. Spott, Esq. of Davis & Kuelthau, s.c.,
111 East Kilbourn Avenue, Suite 1400, Milwaukee, WI 53202

EXHIBIT A

Copy of the Easement Document

(see attached)

DRAFT

REEL 1839 IMAG 282

REGISTER'S OFFICE }
Milwaukee County, WI }
RECORDED AT 4 25 AM M

JAN 21 1986 282

EASEMENT

REEL 1839 IMAGE 290 incl

5882071

Blair Campbell REGISTER OF DEEDS

THIS INDENTURE, by and between Milwaukee Metropolitan Sewerage District, party of the first part, and the City of Oak Creek, Wisconsin, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, party of the second part:

WITNESSETH, that, whereas the party of the second part desires to construct, operate, maintain, repair and reconstruct a sanitary sewer and a watermain including their appurtenances in, upon, under, across, over, through and along certain rights-of-way as described hereinafter.

NOW, THEREFORE, in consideration of an AGREEMENT between both parties a copy which is hereto attached and made part hereof, the party of the first part, for itself, its successors and assigns does hereby grant unto the party of the second part, its successors and assigns the right and permission and an easement to construct, operate, maintain, repair and reconstruct a sanitary sewer and a watermain including their appurtenances in, upon, under, across, over and through the following described rights-of-way owned by the party of the first part:

5882071

RECORD 20.00

SUBTOTAL	158.00
TOTAL	158.00
A CASH A	158.00
#346830 C001 R01 T09:20	

Part of the Northeast 1/4 of Section 32, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Northeast corner of said 1/4 Section; thence South 89°44'22" West along the North line of said 1/4 Section, 1309.88 feet to a point; thence South 01°05'31" East, 33.00 feet to the point of beginning of the lands herein described; thence continuing South 01°05'31" East, 320.82 feet to a point; thence Southwesterly 58.49 feet on the arc of a curve whose center lies to the Northwest, whose radius is 393.00 feet and whose chord bears South 26°49'11" West, 58.44 feet to a point; thence South 31°04'59" West, 116.47 feet to a point; thence Southwesterly 130.28 feet on the arc of a curve whose center lies to the East, whose radius is 232.00 feet and whose chord bears South 14°59'44" West, 128.58 feet to a point; thence South 01°05'31" East, 772.14 feet to a point; thence South 89°44'22" West, 66.00 feet to a point; thence North 01°05'31" West, 772.14 feet to a point; thence Northeasterly 167.34 feet on the arc of a curve whose center lies to the East, whose radius is 298.00 feet and whose chord bears North 14°59'44" East, 165.15 feet to a point; thence North 31°04'59" East, 116.47 feet to a point; thence Northeasterly 183.62 feet on the arc of a curve whose center lies to the Northwest, whose radius

RETURN TO:

RETURN TO:

Real Estate Department
Milwaukee Metropolitan Sewerage District
735 North Water Street
Milwaukee, Wisconsin 53202

Real Estate Department
Milwaukee Metropolitan Sewerage District
735 North Water Street
Milwaukee, Wisconsin 53202

2000

is 327.00 feet and whose chord bears North 14°59'44" East, 181.23 feet to a point; thence North 01°05'31" West, 163.18 feet to a point; thence North 89°44'22" East and parallel to the North line of said 1/4 Section, 33.00 feet to the point of beginning of the lands described. Said description is from an easement granted to the City of Oak Creek by Lois Arsand, Gail Voss and Patti Holzman recorded at Milwaukee County Court House July 26, 1984 as document number 5736993.

AND ALSO

Part of the Northeast 1/4 of Section 32, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Northeast corner of said 1/4 Section; thence South 89°44'22" West along the North line of said 1/4 Section, 1276.88 feet to a point; thence South 01°05'31" East, 33.00 feet to the point of beginning of the lands herein described; thence continuing South 01°05'31" East, 163.18 feet to a point; thence Southwesterly 162.20 feet on the arc of a curve whose center lies to the Northwest, whose radius is 393.00 feet and whose chord bears South 10°43'54" West, 161.05 feet to a point; thence North 01°05'31" West, 320.82 feet to a point; thence North 89°44'22" East and parallel to the North line of said 1/4 Section, 33.00 feet to the point of beginning of the lands described. Said description is from an easement granted to the City of Oak Creek by Roland Dittmar recorded at the Milwaukee County Court House July 26, 1984 as document number 5736991.

AND ALSO

Part of the Northeast 1/4 of Section 32, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence North 01°07'25" West along the East line of said 1/4 Section, 661.38 feet to a point; thence South 89°38'05" West, 923.71 feet to the point of beginning of the lands herein described; thence continuing South 89°38'05" West, 132.14 feet to a point; thence North 60°24'00" West, 269.93 feet to a point; thence Northwesterly 27.22 feet on the arc of a curve whose center lies to the Northeast, whose radius is 437.02 feet and whose chord bears North 58°37'14" West, 27.20 feet to a point; thence North 01°05'31" West, 83.47 feet to a point; thence Southeasterly 70.21 feet on the arc of a curve whose center lies to the Northeast, whose radius is 371.02 feet and whose chord bears South 54°58'44" East, 70.11 feet to a point; thence South 60°24'00" East, 384.41 feet to the point of beginning of the lands described. Said description is from an easement granted to the City of Oak Creek by Lois Arsand recorded at the Milwaukee County Court House July 26, 1984 as document number 5736992.

AND ALSO

Part of the Northeast 1/4 of Section 32, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence South 89°35'59" West along the South line of said 1/4 Section, 291.00 feet to a point; thence North 01°07'25" West, 133.78 feet to a point; thence Northwesterly 151.62 feet on the arc of a curve whose center lies to the Southwest, whose radius is 146.55 and whose chord bears North 30°45'42.5" West, 144.94 feet to a point; thence North 60°24'00" West, 255.00 feet to the point of beginning of the lands herein described; thence continuing North 60°24'00" West, 551.27 feet to a point; thence North 89°38'05" East, 132.14 feet to a point; thence South 60°24'00" East, 436.79 feet to a

point; thence South 29°36'00" West, 66.00 feet to the point of beginning of the lands described. Said description is from an easement granted to the City of Oak Creek by Russell W. Trickle and Eleanor M. Trickle recorded at Milwaukee County Court House January 22, 1985 as document number 5782180.

AND ALSO

Part of the Northeast 1/4 of Section 32, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said 1/4 Section; thence South 89°35'59" West, 1311.30 feet to a point; thence North 01°05'31" West, 811.33 feet to the point of beginning of the lands herein described; thence Northwesterly 425.15 feet on the arc of a curve whose center lies to the East, whose radius is 437.02 feet and whose chord bears North 28°57'42" West, 408.58 feet to a point; thence North 01°05'31" West, 76.43 feet to a point; thence North 89°44'22" East, 66.00 feet to a point; thence South 01°05'31" East, 76.43 feet to a point; thence Southeasterly 313.83 feet on the arc of a curve whose center lies to the East, whose radius is 371.02 feet and whose chord bears South 25°19'26" East, 304.56 feet to a point; thence South 01°05'31" East, 83.47 feet to the point of beginning of the lands described. Said description is from an easement granted to the City of Oak Creek by Frederick J. Hofmeister recorded at Milwaukee County Court House July 26, 1984 as document number 5736989.

It is agreed that the areas previously described for the easement shall be restored by the party of the second part after construction is complete to as near the pre-construction condition as is reasonably possible.

NOW, THEREFORE, it is further agreed that the party of the second part, in consideration of the rights-of-way so granted to it through all the land previously described, hereby covenants and agrees with the party of the first part that it will construct and maintain said sanitary sewer and watermain including their appurtenances in good order and condition and that, in and during the construction of said sanitary sewer and watermain along including their appurtenances and thereafter in and about its operation, maintenance, repair or reconstruction, will indemnify and save harmless the party of the first part, its successors and assigns, from all loss or injury to its property due to such construction, operation, maintenance, repair and reconstruction, and that no special charge will be made against said lands, for the cost of such construction, operation, maintenance, repair and reconstruction except for those charges delineated in the attached agreement. The party

of the first part reserves unto itself, its successors and assigns, the right to make such use of the lands included in the previously described permanent rights-of-way and to erect such buildings or other structures thereon as will not injure or disturb said sanitary sewer and watermain including their appurtenances.

IN WITNESS WHEREOF, the said parties have caused the hands and seals of their authorized officers to be hereunto affixed.

WITNESS:

CITY OF OAK CREEK

[Signature]

By Milo D. Schocker (SEAL)
Milo Schocker, Mayor

Kathleen Margenau

By John Tarczon
John Tarczon, Council Pres

Ruth Gutknecht

By LaVerne Gutknecht (SEAL)
LaVerne Gutknecht, City Clerk



WITNESS:

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

[Signature]

By Dean A. Showers 12/18/85 (SEAL)
Dean A. Showers, Chairman

[Signature]

By Barbara A. Bender (SEAL)
Barbara A. Bender, Secretary

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

Personally came before me this 13 day of Dec, 1985, the above-named Milo Schocker, John Tarczon, Council President, and LaVerne Gutknecht, City Clerk, known to me to be such officers, and they acknowledged that they executed the foregoing instrument on behalf of the City of Oak Creek for the purpose aforesaid and by its authority as such officers.



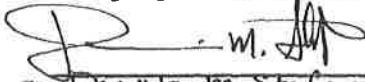
Patricia Boucher
Notary Public

My Commission expires 7/23, 1989

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

Personally came before me this 18th & 19th day of December, 1985, the above-named Dean A. Showers, Chairman, and Barbara A. Bender, Secretary, of the Milwaukee Metropolitan Sewerage District, known to me to be such officers, and who acknowledged

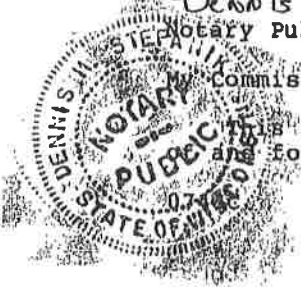
that they executed the foregoing instrument on its behalf for the purpose aforesaid and by its authority as such officers.


Dennis M. Stefanik

Notary Public

Commission expires April 13, 1986

This instrument was drafted by Dennis M. Stefanik on behalf and for the Milwaukee Metropolitan Sewerage District.



AN AGREEMENT BETWEEN THE CITY OF OAK CREEK AND
 THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT
 FOR THE COMPLETION OF A WATER MAIN
 AND THE CONSTRUCTION OF A FORCE MAIN SEWER
 BETWEEN WEST OAKWOOD ROAD AND SOUTH HOWELL AVENUE

In consideration of the mutual promises set forth herein, the City of Oak Creek, a Wisconsin municipal corporation with principal offices located at 8640 South Howell Avenue, Oak Creek, Wisconsin (hereafter referred to as the "City"), and the Milwaukee Metropolitan Sewerage District, a Wisconsin municipal corporate body with principal offices located at 735 North Water Street, Milwaukee, Wisconsin (hereafter referred to as the "MMSD"), hereby agree as follows:

1. With the execution of this agreement, the City delivers a quitclaim deed to the MMSD for the watermain and sewer easements which the City recorded on January 22, 1985, on the property formerly owned by Russell and Eleanor Trickle (Trickle parcel).
2. With the execution of this agreement, the MMSD simultaneously delivers to the City an easement for a water main and a force main sewer on the Trickle parcel subject to the restrictions of this agreement.
3. The City and the MMSD have renegotiated the easements for a water main on the properties formerly owned by Frederick Hofmeister, Lois Arsand, Gail Arsand, Patricia Arsand and Roland Dittmar so that new easements are subject to the restrictions of this agreement; with the execution of this agreement, the City delivers to the MMSD quitclaim deeds for

RETURN TO:

Real Estate Department
 Milwaukee Metropolitan Sewerage District
 735 North Water Street
 Milwaukee, Wisconsin 53202

the existing easements, and the MMSD delivers to the City the new easements.

4. The City and the MMSD have renegotiated the easements for a sewer on the properties described in paragraph 3 above so that new easements follow the same route as the water main and are subject to the restrictions of this agreement; with the execution of this agreement, the City delivers to the MMSD quitclaim deeds for the existing easements, and the MMSD delivers to the City the new easements.
5. Each of the easements granted to the City by the MMSD pursuant to paragraphs 2, 3 and 4 above is subject to unilateral termination by the MMSD upon written notice to the City at any time after the Wisconsin Department of Natural Resources (DNR) issues a favorable determination of feasibility under sec. 144.44, Stats., for a solid waste disposal facility at the MMSD's proposed Oakwood Road site (identified in MMSD planning documents as site LF-022, and hereafter referred to as the Oakwood Road site). The decision to give such written notice will remain at the sole discretion of MMSD, but the MMSD hereby states its intent to permit use of the water main and sewer until such time as the location of either interferes with the MMSD's schedule for the construction of a solid waste facility on the Oakwood Road site.
6. The City agrees that within twelve months of receiving a written notice for the termination of any easement pursuant to paragraph 5 above, the City will either abandon the affected portions of the water main and sewer, relocate those portions

at another location on MMSD property which is mutually agreed to by the MMSD, or will relocate those portions on other property, all at the cost of the City.

7. The City agrees that if it fails to abandon or relocate the water main or sewer in accordance with paragraph 6 above, the MMSD may relocate the water main or sewer at a location of MMSD's choice on property owned by the MMSD without any prior approval by the City and recover the costs of the relocation from the City.
8. The City agrees to maintain the existing shutoff valves on the water main so that any future relocation of the water main under this agreement may be accomplished with a minimum of disruption of service to users; the City agrees to construct comparable shutoff valves on the sewer for the same purpose.
9. The City agrees to indemnify the MMSD against any claims which might be made by users of the water main or sewer as a result of any relocation of the water main or sewer under this agreement.
10. The City agrees that for the purposes of the payment of any assessments against the properties identified in paragraphs 1 and 3 above for the construction of the water main and sewer, the properties will continue to be treated as separate parcels in the manner that they were acquired by the MMSD; and the City further agrees that the payment of the assessment on each of these parcels will remain deferred until such time as the MMSD may connect to and obtain water or sewer service from the water main or sewer on that parcel.

- 11. The City agrees that neither it, its agents, nor its attorneys will act to prevent the MMSD, DNR, or the United States Environmental Protection Agency from carrying out an initial site report, an environmental impact study, or a feasibility review on either the Oakwood Road site or a site within Bender Park; this agreement by the City is not a waiver of any substantive or procedural rights the City may have concerning the review of the feasibility report.
- 12. The MMSD agrees to locate test borings for the preparation of a feasibility report on the Oakwood Road site outside the boundaries of the approximately eight acre parcel owned by the City on the conditions that the DNR does not object and that the reliability of the report is not affected; if the MMSD is able to locate the test borings outside the boundaries of the parcel, the City agrees not to use the location of the borings in any way to challenge the feasibility report.

CITY OF OAK CREEK

By:

Milo G. Schocker
 Milo G. Schocker, Mayor

12/13/85
 Date

La Verne C. Gutknecht
 La Verne C. Gutknecht,
 City Clerk

12/13/85
 Date



MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

Dean A. Showers
 Dean A. Showers, Chairman

12/18/85
 Date

Barbara A. Bender
 Barbara A. Bender,
 Commission Services Secretary

12/19/85
 Date

EXHIBIT B

Legal Description of the Property

LOT 1 OF CERTIFIED SURVEY MAP 9044, RECORDED JUNE 18, 2018 AS DOCUMENT NO. 10786045, BEING A REDIVISION OF ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8719, LOCATED IN THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

For Informational Purposes Only:
Tax Key No. Part of 955-1040-000

DRAFT

COMMON COUNCIL REPORT

Informational: Treasurer Report on Investment and Banking for the City of Oak Creek accounts, month ending May 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)
\$50,646,590	\$54,269,867	\$23,026	\$3,623,277

May Activity: Tax Collection \$4,548,084; Debt Proceeds \$3,860,003; Grant Draw (\$851,552); Closing (\$2,121,110); Debt Service Payments (\$181,734); Personal Property Aids \$559,592

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	16,497,170.61	13,325,391.85	(13,468,468.53)	16,354,093.93	228.44	0.060%	30.13%
General Fund	12,007,655.11	7,803,294.27	(12,456,720.03)	7,354,229.35			
Title 125	33,864.69	19,596.45	(46,309.95)	7,151.19			
Police Credit Card	82,332.72	32,303.80	(47,321.31)	67,315.21			
Parks & Rec Counter Credit Card	17,349.34	11,736.38	(9,912.06)	19,173.66			
Tax Payment Account #2	3,929,916.54	4,550,084.22	(2,000.01)	8,478,000.75			
Parks & Rec Online Credit Card	2,051.48	10,663.00	(77.82)	12,636.66			
Health Insurance	125,802.55	781,364.70	(798,627.91)	108,539.34			
Tax Payment Account	59,232.36	-	-	59,232.36			
EMS	238,965.82	116,349.03	(107,499.44)	247,815.41			
0	-	-	-	-			
DANA Investment Advisors	5,842,878.87	10,082.38	(4,394.30)	5,848,566.95	7,373.28	0.71%	10.78%
BMO Global Asset Management	4,781,721.51	9,178.01	(3,280.72)	4,787,618.80	7,889.42	1.88%	8.82%
American Deposit Management (ADM)	490,000.00	-	-	490,000.00	-	-	0.90%
*ADM General Account Balance	490,000.00	-	-	490,000.00			
Local Government Investment Pool (LGIP)	19,099,098.61	11,282,005.25	(7,532,665.00)	22,848,438.86	855.31	0.05%	42.10%
*LGIP General Account Balance	13,594,568.59	7,421,733.73	(4,560,002.92)	16,456,299.40	586.71		
**Ehlers Investment	3,935,720.65	7,599.03	(2,171.08)	3,941,148.60	6,679.55	1.3960%	7.26%
	3,935,720.65	7,599.03	(2,807.55)	3,940,512.13			
Total Balance	50,646,590.25	24,634,256.52	(21,010,979.63)	54,269,867.14	23,026.00		

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

*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific uses and may not be available for general purpose spending

Excludes Police Forfeiture Account;

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

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

Tax Collection Deposits		Distribution to other Taxing Jurisdictions (April & May Collections distributed in June)
Tax Payment Account #2		
City Deposit (Counter, Drop Box, Mail)	3,934,385.81	STATE \$ -
Gov Tech	491,870.95	COUNTY \$1,231,399.69
Credit Card	121,827.45	MMSD \$ 423,568.99
Total Tax Payment Account #2	4,548,084.21	SCHOOL \$2,385,108.92
		MATC \$ 307,555.15
Tax Payment Account		UTILITY \$ 10,759.32
Tri City Payments (At Bank, Lockbox)		TOTAL DIST \$4,358,392.07
		TAX REFUNDS \$ 5,734.59
Total Tax Collection Deposits	4,548,084.21	CITY \$2,499,585.77
		SPECIAL ASSESSMENTS -
		SPECIAL CHARGES 4,051.22
		INTEREST 32,571.69
		TOTAL COLLECTION \$6,900,335.34

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

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

plus personal property tax collected but previously distributed 17,167.81
Non Cash adjustments (Correction of Errors; CC reversal) (0.01)
TOTAL COLLECTED 6,917,503.14

May Tax Collection 4,548,084.21
April Tax Collection 2,369,418.93
6,917,503.14



COMMON COUNCIL REPORT

- Item:** Project award for the PLC Replacement Project at the Water Treatment Plant
- Recommendation:** That the Council consider a motion to approve the PLC Replacement project and award the construction contract to the lowest, responsive, responsible bidder, Next Electric, based on the bid amount of \$520,000.00.
- Fiscal Impact:** The 2021 Capital Improvement Projects budgeted \$750,000 to the PLC Replacement project. (Project No. 21107)
- Critical Success Factor(s):**
- Vibrant and Diverse Cultural Opportunities
 - Thoughtful Development and Prosperous Economy
 - Safe, Welcoming, and Engaged Community
 - Inspired, Aligned, and Proactive City Leadership
 - Financial Stability
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: This project is to replace the existing Programmable Logic Controllers (PLC) that are no longer supported by the manufacturer. The PLC units control plant operations and record data through the supervisory control and data acquisition (SCADA) system. The Contract will replace the PLC units and reprogram them to talk with our equipment. All of the units at the treatment plant will be replaced with this contract. The project was advertised and Next Electric was the only bid received in the amount of \$520,000.00.

Options/Alternatives: The contract could not be awarded and the project rebid or a new project could be created.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Brian L. Johnston, PE
Utility Engineer

Fiscal Review:

Derrick Danner
Accounting Manager

Approved:

Michael J. Sullivan, PE
General Manager

Attachments:



COMMON COUNCIL REPORT

Item: Project award for the Low Lift Drive Maintenance Project

Recommendation: That the Council consider a motion to approve the Low Lift Drive Maintenance project and award the construction contract to the lowest, responsive, responsible bidder, C.W. Purpero, based on the bid amount of \$335,305.00.

Fiscal Impact: The 2020 Capital Improvement Projects budgeted \$125,000 and the 2021 Capital Improvement Projects budgeted \$275,000 to the Low Lift Drive Maintenance project. (Project No. 20105)

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

Background: This project is to address the drainage issues around the Low Lift building. The existing concrete flume on the north and south sides of the building are failing. The concrete is undermined and there are water issues inside the building. The project will remove the concrete flume and replace it with a rip rap channel with an underdrain. The project will also add catch basins along the retaining wall drains to pick up the water weeping from the drains. This creates an icing issue in the winter and a safety concern for the staff. Line item 2 for the prefabricated aluminum ladder and fall protection will be removed from the project in the amount of \$30,000. This item was removed for additional review and evaluate the placement on the building. The project was advertised and the follow bids were received.

Contractor	Bid
C.W. Purpero	\$365,305.00
Zignego	\$663,205.00

Options/Alternatives: The contract could not be awarded and the project rebid or a new project could be created.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Brian L. Johnston, PE
Utility Engineer

Fiscal Review:

Derrick Danner
Accounting Manager

Approved:

Michael J. Sullivan, PE
General Manager

Attachments:

COMMON COUNCIL REPORT

Item: MATC Artificial Turf Field Storm Water Maintenance Agreement

Recommendation: That the Common Council adopts Resolution No. 12251-072021, a resolution approving a storm water management practices maintenance agreement with Milwaukee Area Technical College, for their artificial turf baseball field project located at 6665 S. Howell Avenue. (Tax Key No. 718-9961-002) (1st Aldermanic District)

Fiscal Impact: None.

Critical Success Factor(s):

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

Background: The proposed MATC artificial turf baseball field project requires onsite storm water management practices in accordance with Sections 13.100 through 13.114 of the Municipal Code. Section 13.109 of the Municipal Code requires a maintenance agreement between the City and the permittee for the future maintenance of the required storm water management practices.

Options/Alternatives: Not to adopt this resolution and therefore the storm water permit cannot be issued resulting in the development being unable to proceed per Section 13.107 of the Municipal Code.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Philip J. Beiermeister, P.E.
Environmental Design Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Approved:



Michael C. Simmons, P.E.
City Engineer

Attachments: Resolution No. 12251-072021, Storm Water Management Maintenance Agreement

RESOLUTION NO. 12251-072021

BY: _____

RESOLUTION APPROVING A STORM WATER MANAGEMENT PRACTICES MAINTENANCE AGREEMENT WITH MILWAUKEE AREA TECHNICAL COLLEGE FOR THEIR ARTIFICIAL TURF BASEBALL FIELD PROJECT LOCATED AT 6665 S. HOWELL AVENUE

(TAX KEY NO. 718-9961-002)

(1ST ALDERMANIC DISTRICT)

WHEREAS, Milwaukee Area Technical College (Owner), requires onsite storm water management practices for their proposed artificial turf baseball field located at 6665 S. Howell Avenue, and,

WHEREAS, the City requires that the Owner enter into a Storm Water Management Practices Maintenance Agreement, and,

WHEREAS, the required Storm Water Management Practices Maintenance Agreement has been prepared and signed by the Owner,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Storm Water Management Practices Maintenance Agreement, as signed by the Owner, is hereby approved by the City.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized and directed to execute the attached agreement on behalf of the Common Council of the City of Oak Creek and upon execution by both the City of Oak Creek and the Owner, the City Attorney is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

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

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

President, Common Council

Approved this 20th day of July, 2021.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

Document Number	MATC ARTIFICIAL TURF BASEBALL FIELD Storm Water Management Practices Maintenance Agreement Document Title
-----------------	---------------------------------------------------------------------------------------------------------------------------

Recording Area

Michael C. Simmons
 Engineering Department
 8040 S. 6th Street
 Oak Creek, WI 53154
Name and Return Address

718-9961-002

Parcel Identification Number (PIN)

**STORM WATER MANAGEMENT PRACTICES
MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 16th day of JUNE, 2021, by and between Milwaukee Area Technical College, hereinafter called the "Owner", and the City of Oak Creek, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Owner is the owner of the following described lands situated in the City of Oak Creek, County of Milwaukee, State of Wisconsin, to-wit:

PARCEL I:

The south one-half (1/2) of the Northeast One-quarter (1/4) of Section Five (5), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, except former Chicago, North Shore & Milwaukee Railroad right-of-way, and except that part thereof described as follows:

Commencing at the Southeast corner of said ¼ Section; thence West along the South line of said ¼ Section, 759 feet; Thence North 132 feet; thence East 495 feet; thence South 49.5 feet; thence East 264 feet; and thence South 82.5 feet to the point of beginning, and except the East 60 feet for

street, more particularly described as follows: commencing at the Southeast corner of said Northeast ¼ Section; thence North 0°46'24" East along the East line of said ¼ Section, 82.50 feet to a point; thence North 88°41'16" West, 60.00 feet to the point of beginning of the lands to be described; thence continuing North 88°41'16" West, 204.00 feet to a point; thence North 0°46'24" East, 49.50 feet to a point; thence North 88°41'16" West, 495.00 feet to a point; thence South 0°46'24" West, 132.00 feet to a point on the South line of said ¼ Section; thence North 88°41'16" West along the South line of said ¼ Section, 203.25 feet to a point on the East line of the former C.N.S. & M. RR right-of-way; thence North 21°11'11" West along the East line of said right-of-way, 1430.74 feet to a point; thence South 88°34'41" East, 1437.34 feet to a point on the West line of South Howell Avenue; thence South 0°46'24" West along the West line of South Howell Avenue 1236.64 feet to the point of beginning.

Also

Beginning at the Southwest corner of said Northeast ¼ Section; thence North 0°22'35" East along the West line of said ¼ Section, 1324.28 feet to a point; thence South 88°34'41" East, 1022.79 feet to the West line of the former C.N.S. & M. RR right-of-way; thence South 21°11'11" East along the West line of said right-of-way, 1431.08 feet to a point on the South line of said ¼ Section; thence North 88°41'16" West, along the South line of said ¼ Section 1548.77 feet to the point of beginning.

PARCEL II:

That part of the South Forty (40) acres of the North one-half (1/2) of the Northeast one-quarter (1/4) of Section Five (5), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, lying Westerly of the former Chicago, North Shore & Milwaukee Railroad right-of-way, more particularly described as follows: Commencing at the Southwest corner of said Northeast ¼ Section, thence North 0°22'35" East, along the West line of said ¼ Section, 1324.28 feet to the point of beginning of the lands to be described; thence continuing North 0°22'35" East along the West line of said ¼ Section, 608.34 feet to a point; thence South 89°53'00" East, 776.16 feet to a point on the West line of the C.N.S. & M RR right-of-way; thence Southeasterly along the West line of said right-of-way, and 240.52 feet along the arc of a curve, the center of which lies to the Northeast, the radius of which is 11,534.19 feet and the chord of which bears South 20°35'20.4" East, 240.52 feet to a point of tangency; thence South 21°11'11" East along the West line of said right-of-way 436.46 feet to a point; thence North 88°34'41" West, 1022.79 feet to the point of beginning.

PARCEL III:

That part of the South Fifty (50) acres of the Northwest One-quarter (1/4) of Section Five (5), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, lying East of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, more particularly described as follows: beginning at the Southeast corner of said Northwest ¼ Section, thence North 88°36'10" West along the South line of said ¼ Section, 830.65 feet to a point in the East line of the C.M. ST. P. & P. RR right-of-way; thence North 4°45'24" West along the East line of said right-of-way 834.65 feet to a point; thence South 88°27'29" East, 905.39 feet to a point on the East line of said ¼ Section; thence South 0°22'35" West along the East line of said ¼ Section 827.68 feet to the point of beginning.

PARCEL IV:

A strip of land One Hundred Fifty (150) feet in width across the South Forty (40) acres of the North One-half (1/2) of the Northeast One-quarter (1/4) of Section Five (5), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin,

being Seventy-five (75) feet on each side of the center line of the Former Chicago, North Shore and Milwaukee Electric Railroad as said center line had been surveyed and staked out across Section Five (5).

PARCEL V:

A strip of land One Hundred (150) feet in width across the South One-half (1/2) of the Northeast One-quarter (1/4) of Section Five (5), in Township Five (5) North, Range Twenty-two (22) East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, being Seventy-five (75) feet on each side of the center line of the former Chicago, North Shore and Milwaukee Railway (formerly the Chicago and Milwaukee Electric Railroad) as said center line had been surveyed and staked out across Section Five (5).

hereinafter called the "Property".

WHEREAS, the Owner is developing the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as MATC Artificial Turf Baseball Field, hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the City, provides for on-site storm water management practices within the confines of the Property; and

WHEREAS, the City and the Owner, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Oak Creek, require that on-site storm water management practices as defined in Section 13.103 of the Oak Creek Municipal Code be constructed and maintained on the Property; and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site storm water management practices shall be constructed by the Owner, its successors and assigns, including any homeowners association, in accordance with the plans and specifications identified in the Plan. The storm water management practices shall serve the drainage area designated in the Plan.
2. The Owner, its successors and assigns, including any homeowners association, shall regularly inspect the storm water management practices as often as conditions require, but in any event at least once each year. The standard Operation and Maintenance Report attached to this agreement as Exhibit A and by this reference made a part hereof shall be used for the purpose of the regular inspections of the storm water management practices. The Owner, its successors and assigns shall keep the Operation and Maintenance Reports from past inspections as well as a log of maintenance activity indicating the date and type of maintenance completed. The Reports and maintenance log shall be made available to the City for review. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all facilities including but not limited to berms, outlet structures, subsurface structures, infiltration areas, pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report.

3. The Owner, its successors and assigns, including any homeowners association, shall adequately maintain the storm water management practices, including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water. Adequate maintenance is herein defined as keeping the storm water management facilities in good working condition so that these facilities are performing their design functions and are in accordance with the Underground Detention Basin Maintenance Standards attached to this agreement as Exhibit B and by this reference made a part hereof.
4. The Owner, its successors and assigns, including any homeowners association, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the storm water management practices whenever the City deems necessary. The purpose of inspection is to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, including any homeowners association, copies of the inspection findings and a directive to commence with the repairs if necessary. Corrective actions shall be taken within a reasonable time frame as established by the City Engineer.
5. If the Owner, its successors and assigns, including any homeowners association, fails to maintain the storm water management practices in good working condition acceptable to the City and does not perform the required corrective actions in the specified time, the City may:
 - a) Issue a citation to the Owner, its successors and assigns. The penalty for violation of this section shall be not less than \$50.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns for the cost of such work. The cost of such work shall be specially assessed against the Property pursuant to Wisconsin Statutes Section 66.0703. If the facilities are located on an outlot owned collectively by a homeowners association, the City may assess each member of the homeowners association according to the ownership interest in the facilities located on the property. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the storm water management practices. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices, and in no event shall this Agreement be construed to impose any such obligation on the City.
6. The Owner, its successors and assigns, including any homeowners association, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the storm water management practices (including sediment removal) is outlined on the approved plans, the schedule will be followed. The minimal amount of maintenance on the storm water management practices shall be in accordance with the Underground Detention Basin Maintenance Standards (Exhibit B).
7. In the event the City pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, including any homeowners association, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to hold the City harmless from any liability in the event the storm water management practices fail to operate properly.
9. This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the storm water management practices and be recorded at the Milwaukee County Register of Deeds, and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association. The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the storm water management practices.

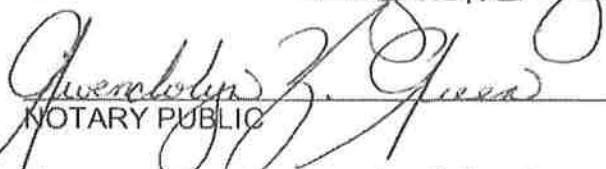
WITNESS the following signatures and seals:

MILWAUKEE AREA TECHNICAL COLLEGE



Raymond Zukauskas, Manager of Construction

The foregoing Agreement was acknowledged before me this 16 day of June, 2021,
by the above named Raymond Zukauskas_____.



NOTARY PUBLIC
My Commission Expires: 6.29.2022

CITY OF OAK CREEK, WISCONSIN

Daniel J. Bukiewicz, Mayor

Catherine A. Roeske, City Clerk

The foregoing Agreement was acknowledged before me this ____ day of _____, 2021,
by the above named DANIEL J. BUKIEWICZ and CATHERINE A. ROESKE.

NOTARY PUBLIC
My Commission Expires: _____

This document was prepared by Philip J. Beiermeister, P.E. of the City of Oak Creek Engineering
Division.

Approved as to Form:

City Attorney _____
Date



EXHIBIT A OPERATION AND MAINTENANCE INSPECTION REPORT STORM WATER MANAGEMENT PONDS

Inspector Name: _____

Tax Key No.: _____

Inspection Date: _____

Location: _____

Detention Basin Type: Wet Pond _____ Underground _____
 Extended Dry _____ Bioretention _____
 Artificial Wetland _____

Watershed _____

Items Inspected (Pond components)	Checked (Yes/ No/ NA)	Maintenance Needed (Yes/ No/ NA)	Remarks
Embankment and Emergency spillway			
1. Trash and debris			
2. Vegetation and ground cover adequate			
3. Embankment erosion			
4. Animal burrows			
5. Unauthorized plantings/tree growth			
6. Cracking, bulging, or sliding of embankment			
a. Upstream face and toe of slope			
b. Downstream face and toe of slope			
7. Settlement			
8. Seeps/leaks on downstream face			
9. Emergency spillway			
a. Clear of trash and debris			
b. Settlement			
c. Slope protection or riprap failures			
10. Other (specify)			
Inlet/Outlet Structures			
Type: Pipe (RCP/CMP/Plastic)			
Stand pipe/inlet box with orifice			
Weir (V-notch/Rectangular)			
Other _____			
1. Erosion/scouring/undermining at inlet or outlet			
2. Primary outlet structure			
a. Debris or sediment removal necessary			
b. Damaged			
c. Orifice plate damaged, out of place or missing			
3. Trash rack/hood maintenance			
a. Trash or debris removal necessary			
b. Damaged or missing			
c. Corrosion/rust control			
Pond Bottom/Pool Area			
1. Sediment accumulation (estimate depth)			
2. Water level at normal pool elevation			
3. Oil sheen on water			

EXHIBIT B
UNDERGROUND DETENTION MAINTENANCE STANDARDS

Maintenance Component	Defect	Conditions When Maintenance Is Needed	Results Expected When Maintenance Is Performed
Wet vault/tank/pipe	Trash & Debris accumulation	Trash and debris accumulated in vault, pipe or inlet/outlet, (includes floatables and nonfloatables).	Remove trash and debris from vault/pipe.
	Sediment Accumulation in Vault/tank	Sediment accumulation in vault/pipe bottom exceeds 8-inches in depth.	Remove sediment from vault/pipe.
	Damaged Pipes	Inlet/ outlet piping damaged or broken and in need of repair.	Pipe repaired and/ or replaced.
	Joints Between Tank Sections	Any crack allowing material to be transported into facility.	All joints between tank sections are sealed.
	Vault/tank Structure Damaged	Vault: Cracks wider than 1/4-inch and any evidence of soil particles entering the structure through the cracks, or maintenance/ inspection personnel determines that the vault is not structurally sound.	Repair cracks wider than 1/4-inch at the joint of the inlet/ outlet pipe. Make repairs so that vault/pipe is structurally sound.
	Baffles	Baffles corroding, cracking, warping and/ or showing signs of failure as determined by maintenance/ inspection staff.	Repair or replace baffles to specifications.
	Oil Accumulation	Oil accumulation that exceeds 1-inch at the water surface or inspection/cleanout port.	Extract oil from vault by vactoring methods. Clean coalescing plates by thoroughly rinsing and flushing. Should be no visible oil depth on water.
Manhole	Cover Not in Place	Cover is missing or only partially in place. Any open manhole requires maintenance.	Manhole is closed.
	Cover Difficult to Remove	One maintenance person cannot remove lid after applying 80 pounds of lift. Intent is to keep cover from sealing off access to maintenance.	Cover can be removed and reinstalled by one maintenance person.
	Access Ladder Damage	Ladder is corroded or deteriorated, not functioning properly, missing rungs, has cracks and/ or misaligned. Confined space warning sign missing.	Ladder replaced or repaired to specifications, and is safe to use as determined by inspection personnel. Replace sign warning of confined space entry requirements.

COMMON COUNCIL REPORT

Item: Local/County Agreement for W. Rawson Avenue

Recommendation: That the Common Council approves Resolution No. 12255-072021, a resolution entering into a Local/County Agreement between the City and Milwaukee County for cost sharing of the County's W. Rawson Avenue reconstruction project. (2nd Aldermanic District)

Fiscal Impact: There is currently sufficient funding reserved for the EVP work reserved under CIP # 16010. The Water & Sewer Utility would pay the estimated \$2,400.00 for the sewer manhole adjustments.

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: Milwaukee County plans to reconstruct W. Rawson Avenue (CTH BB) from 27th Street to 20th Street in 2022. There are a few work items that will not be covered fully by the federal grant, nor by Milwaukee County funds. These items pertain to Oak Creek municipality-owned local facilities that must be worked on under the reconstruction project. This agreement outlines these cost responsibilities.

Work that would be the city's cost share responsibility includes:

1. Emergency vehicle pre-emption (EVP) for the new traffic signals at Rawson/20th. Estimated local cost share is \$10,350.00
2. Sanitary sewer manhole adjustments. Estimated local cost share is \$2,400.00
3. Street lighting for the signalized intersection. Estimated local cost share is \$6,700.00
4. Right-of-way acquisition. Estimated local cost share of \$10,000.00

Total estimated local cost share is \$32,367.50 (incl. 15% E & C)

It is common under these intergovernmental projects that required local facility work is charged back to the municipality.

Options/Alternatives: There is no attractive alternative, as not entering into this agreement could result in the County's Rawson Avenue reconstruction project not being completed.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator/Comptroller

Prepared:



Michael C. Simmons, PE
City Engineer

Approved:



Mike Kressuk
Fire Chief

Approved:



Brian Johnston, PE
Utility Engineer

Attachments: Resolution No. 12255-072021, Local/County Agreement

RESOLUTION NO. 12255-072021

BY: _____

**RESOLUTION ENTERING INTO A LOCAL/COUNTY AGREEMENT BETWEEN
THE CITY AND MILWAUKEE COUNTY FOR COST SHARING OF THE COUNTY'S
W. RAWSON AVENUE (CTH BB) RECONSTRUCTION PROJECT**

(2ND ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek (City) and Milwaukee County (MCDOT) are entering into a Local/County Agreement (Agreement) for cost sharing of MCDOT's reconstruction of W. Rawson Avenue (CTH BB) from 27th Street to 20th Street, and;

WHEREAS, the Agreement establishes that the City will pay the costs for required project work performed on local municipality-owned facilities.

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

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit three (3) City-signed documents to MCDOT for its execution and the return of one fully-executed document back to the City.

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

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

Approved this 20th day of July, 2021.

Kenneth Gehl, Common Council President

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____



LOCAL/COUNTY AGREEMENT FOR A HIGHWAY IMPROVEMENT PROJECT

DATE: June 25, 2021
ID: WH095012 (Milwaukee County)
2050-04-70 (Wisconsin Department of Transportation)
HIGHWAY: CTH BB (West Rawson Avenue)
LIMITS: South 27th Street to South 20th Street

THIS AGREEMENT is made and entered into and between Milwaukee County, a body corporate, and the City of Oak Creek, a municipal corporation.

The portion of West Rawson Avenue from South 27th Street to South 20th Street has been designated County Trunk Highway "BB" pursuant to Section 83.025 of the Wisconsin Statutes.

The County has budgeted funds for the improvement of CTH "BB" with construction anticipated to begin in 2022.

The Milwaukee County Department of Transportation (MCDOT), hereinafter called the County, through its undersigned duly authorized officers or officials, hereby requests the City of Oak Creek, hereinafter called the Municipality, to participate in the street improvements hereinafter described in the estimated cost summary.

The authority for the Municipality to enter into this agreement with the County is provided by Section 86.25(1), (2) and (3) of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

Existing Facility – Describe and give reason for request:

West Rawson Avenue (CTH BB) is an urban 6-lane divided highway. To increase the service life of the pavement structure and improve the safety and operation of West Rawson Avenue (CTH BB) is the reason for this request.

Proposed Improvement – Nature of work:

The West Rawson Avenue (CTH BB) roadway is scheduled for reconstruction by the County. The roadway would be reconstructed to the same cross section with the addition of bicycle accommodations and sidewalk on the north side. In addition, a new traffic signal will be installed at the intersection of South 20th Street.

As requested by the municipality, sanitary sewer, street lighting and Emergency Vehicle Preemption System (EVP) work will be included with the West Rawson Avenue (CTH BB) proposed improvement project designated in the project as Category 0020. A corresponding City of Oak Creek resolution was passed and adopted on March 2, 2021. Right-of-way acquisition costs requested by the City of Oak Creek are also included in this agreement.

WH095012 (2050-04-70)
City of Oak Creek
Category 0020
6-25-2021

Project No. WH095012 (2050-04-70)
West Rawson Avenue from South 27th Street to South 20th Street
ESTIMATED COST SUMMARY*

RIGHT-OF-WAY (R/W) ACQUISITION ESTIMATED COSTS (SEE TABLE BELOW):

Project R/W Acquisition Parcel No.					Total Estimated Cost
CITY OF OAK CREEK RIGHT-OF-WAY (R/W)					
7					\$ 10,000.00

TOTAL Estimated Right-of-Way Acquisition City of Oak Creek Costs: \$10,000.00

CONSTRUCTION ESTIMATED COSTS (SEE TABLE BELOW):

- **CATEGORY 0020- City of Oak Creek Sanitary sewer, Street Lighting and Emergency Vehicle Preemption System (EVP) work**

Item No.	Item Description	Unit	Estimated Quantity	Estimated Unit Cost	Total Estimated Cost
CATEGORY 0020-CITY OF OAK CREEK Sanitary sewer, Street Lighting and Emergency Vehicle Preemption System (EVP) work					
611.8110	Adjusting Manholes	EACH	3	\$400.00	\$1,200.00
655.0210	Cable Traffic Signal 3-14 AWG	LF	900	\$1.00	\$900.00
655.0305	Cable Type UF 2-12 AWG Grounded	LF	1000	\$1.50	\$1,500.00
655.0900	Traffic Signal EVP Detector Cable	LF	900	\$1.50	\$1,350.00
657.0614	Luminaire Arms Single Member 4" Clamp 8-FT	EACH	2	\$150.00	\$300.00
659.1125	Luminaires Utility LED C	EACH	6	\$400.00	\$2,400.00
SPV.0060	Internal Sanitary Manhole Seals	EACH	3	\$400.00	\$1,200.00
SPV.0060	Transport and Install Luminaire Arms Steel 10-FT	EACH	4	\$400.00	\$1,600.00
SPV.0060	Emergency Vehicle Preemption System 20 th St	LS	1	\$9,000.00	\$9,000.00

Estimated Construction City of Oak Creek Category 0020 Costs: \$19,450.00

+15% Construction Engineering & Contingency: \$2,917.50

TOTAL Estimated Construction City of Oak Creek Category 0020 Costs: \$22,367.50

TOTAL ESTIMATED PROJECT (R/W Acquisition and Construction) City of Oak Creek Costs: \$32,367.50

* The above costs reflect the County's best estimates to-date. The actual number of units installed may vary from this estimate depending on field conditions. The Municipality will be billed for each item at the actual construction cost.

This agreement is subject to the terms and conditions that follow and is executed by the undersigned under proper authority to execute such an agreement for the designated Municipality and upon acceptance by the County shall constitute an agreement between the Municipality and the County.

Signed for and on behalf of Milwaukee County:

_____	Director, Department of Transportation	_____
Signature	Title	Date

Donna Brown-Martin		
Name (Written Clearly)		

Signed for and on behalf of the City of Oak Creek:

_____	Mayor	_____
Signature	Title	Date

Daniel Bukiewicz		
Name (Written Clearly)		

-Terms and Conditions Begin on the Next Page-

TERMS AND CONDITIONS

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal, State and County regulations.
2. The Municipality will pay to the County such related costs for items as outlined below and listed in the Estimated Cost Summary.
3. Funding of each project phase (preliminary engineering, real estate, construction, other) is subject to inclusion in an approved program. County financing will be limited to participation in the costs of the following items as specified in the Estimated Cost Summary:
 - a. Preliminary Engineering and review services (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - b. The grading, base, pavement, and curb and gutter (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - d. Construction Engineering incidental to inspection and supervision of actual construction work (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - e. Signing and pavement marking, including detour routes (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - f. Surfacing of private driveways due to change in grade of the improvement (100%), unless otherwise agreed as specified in the Estimate Cost Summary.
 - g. New installations or alterations of traffic signals (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - h. Real Estate for the improvement, if required (100%), unless otherwise agreed as specified in the Estimated Cost Summary.
 - i. Installation of new sidewalk required for the project to meet Federal funding requirements or replacement of any sidewalk removed as a result of a change in street grade (100%) or condition to meet ADA requirements, unless otherwise agreed as specified in the Estimated Cost Summary.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner or other responsible party (not including the County) includes, but is not limited to, the following items:
 - a. New installations of or alterations of sanitary sewers or connections, water, gas, electric, telephone, telegraph, fiber optic, fire or police alarm facilities, parking meters, pipelines, and similar utilities.
 - b. Repair of damages to roads and streets caused by reason of their use in hauling materials incidental to the improvement.
 - c. New installations of or alterations of sidewalks that do not meet the conditions defined in 3i above, unless agreed as specified in the Estimated Cost Summary.
5. As the work progresses, the Municipality will be billed for work completed as outlined above and as listed in the Estimated Cost Summary. Upon completion of the project, a final audit will be made to determine the final division of costs.

6. If the Municipality should withdraw from the project, it will reimburse the County its proportionate local share of all construction and construction engineering costs incurred by the County to complete the construction phase of the project, up to the date the notification of withdrawal is received by the County.
7. The work will be administered by the County or its designee and may include items not eligible for County participation. The County shall notify the Municipality of such items prior to inclusion of the work and get written authorization for their inclusion and cost participation by the Municipality.
8. The Municipality at its own cost and expense and using its own labor forces and equipment will:
 - a. Prohibit angle parking.
 - b. Regulate parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - c. Regulate parking at all times in the vicinity of the proposed improvements during their construction.
 - d. Remove, reinstall and/or relocate street lighting poles, bases, luminaries, and other appurtenances necessary to accommodate the proposed improvement, including coordinating work, unless otherwise agreed as specified in the Estimated Cost Summary.

(End of Document)

COMMON COUNCIL REPORT

Item: Traffic Signal Agreement - Rawson/20th

Recommendation: That the Common Council adopts Resolution No. 12253-072021, approving an agreement between the City of Oak Creek and Milwaukee County for the installation, operation and maintenance of traffic signals at the intersection of Rawson Avenue (CTH BB)/20th Street. (2nd Aldermanic District)

Fiscal Impact: The City's cost for the EVP installation is estimated at \$10,350.00 and would come from funds reserved under CIP 16010. The City's share of the on-going power costs would be paid from the energy account as is the current practice. The City's share of maintenance costs would be paid for under the normal street light/traffic signal maintenance account.

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 intersection of Rawson Avenue (CTH BB)/20th will be improved as part of Milwaukee County's 2022 reconstruction of Rawson Avenue from 27th Street to 20th Street. This includes the addition of traffic signals at the intersection of Rawson/20th. Milwaukee County requires that a traffic signal agreement be entered into; outlining shared costs, including ongoing maintenance and operating costs, as well as maintenance and replacement responsibilities for City-specific components (emergency vehicle preemption (EVP) and street lighting) of the overall traffic signal system.

The agreement outlines that:

1. Traffic signal construction costs under this project shall be Milwaukee County's responsibility.
2. The signals shall be owned and maintained by the County, with maintenance and ongoing power costs to be shared equally by the City and the County.
3. Costs for future upgrades to the traffic signals shall be shared equally by the City and the County.
4. Costs for the street lighting and the EVP installations, and their respective ongoing maintenance and eventual replacements shall be the City's responsibility.

Options/Alternatives: Milwaukee County requires traffic signal agreements with the local municipalities. The intersection improvement project could be in jeopardy if the agreement is not entered into.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Michael C. Simmons, PE
City Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Approved:



Mike Kressuk
Fire Chief

Attachments:

1. Resolution No. 12253-072021 (Approval of Agreement)
2. Traffic Signal Agreement

RESOLUTION NO. 12253-072021

BY: _____

**RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF OAK CREEK
AND MILWAUKEE COUNTY FOR THE INSTALLATION, OPERATION AND
MAINTENANCE OF TRAFFIC SIGNALS AT THE INTERSECTION OF
RAWSON AVENUE (CTH BB)/20TH STREET**

(2ND ALDERMANIC DISTRICT)

WHEREAS, In 2022 Milwaukee County will be reconstructing Rawson Avenue (CTH BB) from 27th Street to 20th Street; and

WHEREAS, the highway improvement project will include addition of traffic signals at the intersection of Rawson Avenue (CTH BB)/20th Street; and

WHEREAS, Milwaukee County requires traffic signal agreements with local municipalities defining responsibilities between the County and the local municipality regarding installation, maintenance and operation of the traffic signals and appurtenances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Traffic Signal Agreement between the City of Oak Creek and Milwaukee County for the installation, operation and maintenance of traffic signals at the intersection of Rawson Avenue (CTH BB)/20th Street; in such form and content as annexed hereto, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute and deliver said agreement.

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

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

Common Council President

Approved this 20th day of July, 2021.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

**AGREEMENT FOR TRAFFIC SIGNALS AT WEST RAWSON AVENUE (CTH "BB")
AND SOUTH 20TH STREET**

THIS AGREEMENT is made and entered into between Milwaukee County, a body corporate, hereinafter called "The County", and the City of Oak Creek, a municipal corporation, hereinafter called "The City", relating to the operation and maintenance of the traffic control signals and related traffic control facilities at the Intersection of West Rawson Avenue (CTH "BB") and South 20th Street, hereinafter called "The Intersection".

WHEREAS, the Intersection is under the jurisdiction of Milwaukee County, and

WHEREAS, the County obtained funding in the form of Federal Highway Surface Transportation Program for a new Traffic Signal at the Intersection, hereinafter call "The Project".

NOW, THEREFORE, in consideration of the mutual promises of each agency made to the other, and the fulfillment of the terms and conditions, agreements and understandings hereinafter set forth,

IT IS MUTUALLY AGREED by and between the parties that:

Traffic signals and equipment be designed, operated and maintained, emergency vehicle signal preemption equipment be designed, operated and maintained, and street lighting integrated with the traffic signals be designed, operated and maintained, at the Intersection.

CONDITIONS OF THIS AGREEMENT ARE TO BE AS FOLLOWS:

- I. The County hereby agrees:
 - (a) That the County will design, construct and pay the total cost of the traffic signal installation currently proposed for the Intersection under The Project including electrical service installation cost but excluding emergency vehicle preemption equipment and street lighting. The County will pay for any future upgrades to the Intersection and bill the City for one half (1/2) the cost of the upgrades.
 - (b) That the County will operate and maintain the traffic control signals, necessary underground conduit and related traffic control facilities at the Intersection; and will bill the City annually for one half (1/2) the cost of such maintenance.
 - (c) That the County as subscriber for service with We Energies, will pay the total cost of energy for the traffic signals at the Intersection and will bill the City annually for one half (1/2) the cost of energy for the traffic control signals at the Intersection.

- (d) That the County will assume routine maintenance responsibility (lamp renewal, cleaning, lens replacement, traffic control signals and control cabinet, controller service, malfunction management unit service, detector service, etc.) excluding the emergency vehicle and street lighting equipment for the entire traffic control signal installation and will bill the City annually for one half (1/2) the cost of said maintenance.
- (e) That the County will make all necessary repairs and replacements to all equipment that fails to function properly as a result of normal wear and deterioration and will bill the City annually for one half (1/2) the cost of said repairs and replacements.
- (f) That the County will make all necessary repairs and replacements to all equipment damaged by accident, vandalism, or act of God, and pursue collection of damages against the responsible party. In the event the damages are not paid within ninety (90) days of the original billing, it will bill the City for one half (1/2) the cost of repairing said damages. It will reimburse the City for one half (1/2) the recovered cost of the damages if the responsible party pays for the damages within ninety (90) days of recovery. If the County is unable to determine the responsible party, the County will bill the City for one half (1/2) the cost of repairs and replacements at the time all costs for the occurrence are known.
- (g) That the County will, after notification and concurrence by the City, make any necessary equipment additions or revisions deemed necessary by changed laws, changed traffic conditions, revised standards or changed Intersection geometry, and within ninety (90) days of completion of said work, bill the City for one half (1/2) the cost of said additions or revisions.
- (h) That the County will make all necessary repairs and replacements to all emergency vehicle preemption equipment and street lighting integrated with the traffic signals, and bill the City for the entire cost of said additions or revisions.
- (i) That the County will operate and adjust the traffic signal timing and equipment in such a manner as to best meet prevailing traffic conditions as determined by the County Traffic Engineering Section.
- (j) If discovered by City forces, the City agrees to promptly notify the County through its Highway Maintenance Division (at the phone number listed below), of any damage, lamp outage, lens breakage, or seeming malfunctions of traffic control equipment or related traffic control facilities.

Highway Maintenance Division (414) 257-6566

II. The City hereby agrees:

- (a) That the County will pay for the upgrades currently proposed for the Intersection. The County will pay for any future upgrades to the Intersection and bill the City for one half (1/2) the cost of the upgrades.
- (b) That the County as subscriber for service with We Energies, will pay the total cost of energy for the traffic signals at the Intersection and will bill the City for one half (1/2) the cost of energy for the traffic control signals at the Intersection.
- (c) That the County is to perform routine maintenance for the entire traffic control signal installation as indicated in I. (d), necessary repairs and replacements to all traffic control signal equipment which fails to function as indicated in I. (e), necessary repairs and replacements to all traffic control signal equipment which is damaged as indicated in I. (f) and I. (h), and any necessary additions or revisions as indicated in I. (g). The City agrees to pay the costs as stated in items I. (a), I. (b), I. (c), I. (d), I. (e), I. (f), I. (g) and I. (h), when billed by the County.
- (d) That the County is to perform all work related to the operation of the traffic control signals at the subject Intersection, including engineering, except such immediate emergency measures as may need to be taken when County forces are not present and the public safety may be in jeopardy.
- (e) That the County shall operate and adjust the traffic signal controller in such a manner as to best meet prevailing traffic conditions as determined by the County Traffic Engineering Section.
- (f) If discovered by City forces, the City agrees to promptly notify the County through its Highway Maintenance Section (at the phone number listed below), of any damage, lamp outage, lens breakage, or seeming malfunctions of traffic control equipment or related traffic control facilities.

Highway Maintenance Division (414) 257-6566

III. Ownership and Responsibility

After the design and construction work outlined in this agreement is completed by the County, all of the traffic signal materials installed shall become the property of the County with the exception of all emergency vehicle preemption equipment and street lighting equipment. If it becomes necessary, removal of City-owned materials will be accomplished by the County and the total cost billed to the City. City-owned materials shall be returned to the City.

IV. Liability

The County shall request layouts of the City underground structures and facilities before performing work of such nature that existing underground facilities must be

avoided. The County shall be required to take precautionary measures to avoid damage to such underground facilities. The City shall supply the County with a complete record of the existing underground material structures at the Intersection and any change or revision thereto as may take place in the future.

In the event that any person or persons make claim for injury or damages arising from alleged malfunctioning of the traffic control facilities at the Intersection, each agency shall defend itself against any claim made against it. In the event that liability and consequent damages are awarded any person or persons from alleged malfunctioning of traffic control facilities at the Intersection, each agency shall pay that portion of said claim as it may be found liable therefore. No agency shall be required to pay any damages assessed against the other agency.

V. Payments

All payments due under this agreement shall be paid within thirty (30) days after receipt of an invoice of same.

VI. Duration

This agreement shall continue to be in force indefinitely unless and until it is superseded by a revised agreement at a later date.

This agreement supersedes, rescinds, and replaces any and all previous agreements that may have been entered into by the County and the City regarding the design, construction, operation, and maintenance of traffic control signals and related traffic control facilities at the Intersection.



COMMON COUNCIL REPORT

- Item:** License Committee Report
- Recommendation:** That the Common Council grant the various license requests as listed on the 7/20/21 License Committee Report.
- Fiscal Impact:** License fees in the amount of \$4,730.00 were collected. Additional fees in the amount of \$100.00 will be collected prior to the release of Class B Beer license as noted below.
- 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:

Old Business

1. Grant an Operator’s license to Andrew T. Zielinski (Victor’s Again) (held 6/15/2021)

New Business

2. Grant an Operator’s license to:

<ul style="list-style-type: none"> * Christopher M. Dricken (Classic Lanes) * Ronald E. Hansen (South Shore Cinemas) * Ian M. MacDonald (Classic Lanes) * Kimberly M. Puschnig (Kwik Trip) * Jack J. Miralrio Inez (Aldi) * Caleb J. Yang (Walgreens) * Austin T. Clark (Kwik Trip) * Shawn M. Peabody (Classic Lanes) * Lizbeth B. Nunez (Aldi) * Elisabeth D. Kamprath (Aldi) * Jenna L. Gehring (Aldi) * Austin J. Tackman (Kwik Trip) * Katelyn K. Piirto (Pick ‘n Save) * Megan D. Bramer (Kwik Trip) * Simon T. Kornacki (Kwik Trip) * Alyssa M. Ciardo (Aldi) * Marina C. Thomas (Aldi) * Patricia M. Rivera Morales (Cubanitas) * Mark E. Mierow (Miejer) * Derrick M. Regalia (Walgreens) 	<ul style="list-style-type: none"> * Anne C. Dricken (Classic Lanes) * Jacob D. Pung (Kwik Trip) * Ryan T. Bartelt (BelAir) * Richard D. Verhein (Classic Lanes) * Amy E. Marquardt (Aldi) * Mason D. Vander Heyden (Woodland Golf) * Shawn M. Peabody (Classic Lanes) * Michael L. Schmieden (Walgreens) * Alana M. Gilbert (Walgreens) * Brennan R. Ray (Classic Lanes) * Steven F. May (Kwik Trip) * Angelique A. Rivera-Legaspi (Kwik Trip) * Ginger R. Girouard (Walgreens) * Scott A. Wilkowski (South Shore Cinemas) * Samantha L. West (Walgreens) * Yarilyn G. Mercado (Walgreens) * Luis E. Montes (Aldi) * Jacob M. Hince (Legion) * Noemi I. Moralez (Meijer)
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3. Grant a 2021-22 Class B Beer license to Rachel M. Proeber, Agent, BWG Designs LLC dba Board & Brush, LLC, 8880 S. Howell Ave., #860, with release of license subject to payment of license fees and final departmental approval.
 4. Grant a 2021-22 Class B Combination license to Italia Bhargav, Agent, Melrose Foods, Inc., dba Melrose, 6840 S. 27th St., with release of license subject to final departmental approval(s).
 5. Grant a Temporary Class "B" Beer / "Class B" Wine license to the Oak Creek OJ's for the Oak Creek OJ's 54th Annual Softball Tourney to be held on August 7-8, 2021 at the Shepard Hills Softball Complex, with a waiver of fees. (Rain dates 8/14-15/2021).
 6. Grant a Change of Premise to Robert A. Patterson, Agent, Hillside Coffee House, LLC, dba Hillside Coffee House, 237 E. Ryan Road, from "237 E. Ryan Rd. (building)" to "237 E. Ryan Rd. (building and grounds)".

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Attachments: none



COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the June 30, 2021 Vendor Summary Report in the total of \$726,360.86.

Fiscal Impact: Total claims paid of \$726,360.86.

- 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. \$68,986.70 to Benistar (pg #6) for July Medicare supplement insurance.
2. \$5,040.00 to Center for Public Safety (pg #7) for FD strategic planning consultation, Project #20002.
3. \$26,047.18 to Cudahy Health Department (pg #8) for South Shore COVID-19 vaccine expenses, contracts, startup costs, and operations.
4. \$19,936.15 to E. H. Wolf & Sons, Inc. (pg #10) for fuel inventory.
5. \$6,760.00 to Edgewater Resources, LLC (pg #10) for work done on bluff stability site permit and design.
6. \$6,150.20 to Filtration Concepts, Inc. (pg #11) for air filters.
7. \$106,919.32 to GFL Environmental (pg #13) for June trash and recycling.
8. \$10,945.00 to Godfrey & Kahn S.C. (pg #13) for legal services regarding F Street and redevelopment of lakefront site.
9. \$10,022.65 to GOVHR, USA LLC (pg #13) for professional fees relating to the recruitment of a Neighborhood Preservation Officer.
10. \$6,272.09 to Holz Motors, Inc (pg #14) for Police Department vehicle maintenance.
11. \$78,470.00 to Hunger Skateparks (pg #15) for progress payment #1 on Abendschein Skatepark, Project #19020.
12. \$12,949.00 to The Knox Company (pg #16) for Knox KeySecure system, Project #21005.
13. \$6,000.00 to Metropolitan Milwaukee Association of Commerce (pg #19) for Milwaukee 7 regional economic development campaign contribution.
14. \$13,035.09 to MADACC (pg #19) for 3rd quarter operating costs & capital projects.

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15. \$10,000.00 to Moore Construction, LLC (pg #19) for BD Bond refund.
 16. \$5,120.00 to Professional Service Industries (pg #21) for semi-annual monitoring of Drexel landfill.
 17. \$15,518.19 to Ray O'Herron Co., Inc. (pg #20) for body armor replacement, Project #19011.
 18. \$13,644.46 to Sherwin Industries, Inc. (pg #23) for road maintenance supplies.
 19. \$5,203.76 to The Sherwin-Williams Co. (pg #23) for road maintenance supplies.
 20. \$43,407.37 to Stryker Sales Corporation (pg #24) for power cot, Project #21007.
 21. \$6,685.83 to Tobacco Outlet & Vape Outlet Plus, Inc. (pg #25) for tax overpayment refund.
 22. \$24,511.00 to Trane (pg #25) for Station 3, PD & DPW HVAC controls upgrade, Projects #20006, #21001 & #21002.
 23. \$16,833.33 to Tyler Technologies, Inc. (pg #25) for consulting services.
 24. \$49,372.93 to WE Energies (pgs #1, 2, 3 & 26) for street lighting, electricity & natural gas.

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: 6/30/2021 Invoice GL Distribution Report

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the July 14, 2021 Vendor Summary Report in the total of \$314,799.08.

Fiscal Impact: Total claims paid of \$314,799.08.

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. \$8,410.95 to Ascension Wisconsin at Work (pgs #1-2) for Fire Department physicals.
2. \$5,567.50 to Buelow Vetter (pgs #2-3) for legal services.
3. \$9,830.00 to Cimcon Lighting, Inc. (pgs #3-4) for street light maintenance, Project #17024.
4. \$19,404.73 to E. H. Wolf & Sons, Inc. (pg #5) for fuel inventory.
5. \$14,476.89 to Enterprise FM Trust (pg #5) for DPW vehicle lease monthly payment, Project #19024.
6. \$8,509.00 to Godfrey & Kahn S.C. (pg #6) for legal services regarding F Street, bluff, and redevelopment of lakefront site.
7. \$13,827.87 to Kansas City Life Insurance Co. (pgs #8-9) for August disability insurance.
8. \$5,000.00 to Lily Drive Development LLC (pg #10) for escrow refund for administrative costs.
9. \$7,694.43 to Oak Creek Water & Sewer Utility (pg #13) for digger's hotline and water & sewer quarterly fees.
10. \$5,337.13 to Reliant Fire Apparatus, Inc. (pg #14) for Fire Department vehicle maintenance.
11. \$7,581.93 to Securian Financial Group, Inc. (pgs #15-16) for August employee life insurance.
12. \$16,833.33 to Tyler Technologies, Inc. (pg #18) for consulting services.
13. \$54,802.01 to US Bank (pgs #23-31) 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.
14. \$18,058.29 to WE Energies (pgs #1 & 19) for street lighting, electricity & natural gas.

15. \$12,013.08 to WI Court Fines & Surcharges (pg #19) for June court fines.

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: 7/14/2021 Invoice GL Distribution Report



COMMON COUNCIL REPORT

Item: Authorizing payment of bills, debts and obligations.

Recommendation: That the Common Council adopt Resolution No. 12250-072021, a Resolution authorizing payment of bills, debts and obligations.

Fiscal Impact: There is no further fiscal impact other than potentially saving on interest charges or late fees.

- 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 voted to hold only one meeting in the month of August 2021, on August 17, 2021. This leaves four weeks before the August 17, 2021 meeting and would put some of our bills past due if not paid. Per State Statute 62.12(6), "unless otherwise provided by law, City funds should be paid out only by authority of the Council." The attached resolution will allow the Finance Department to create a vendor summary report and cut and release checks as if there were still a meeting on August 3, 2021. At the August 17, 2021 meeting, we will provide the Council with a vendor summary report from August 3 as well as a vendor summary report for August 17.

Options/Alternatives: Hold all bills until August 17, 2021 and potentially incur interest charges or late fees.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kristina Strmsek
Staff Accountant

Fiscal Review:

Maxwell Gagin, MPA
Assistant City Administrator/Comptroller

Attachments: Resolution No. 12250-072021

RESOLUTION NO. 12250-072021

RESOLUTION AUTHORIZING PAYMENT OF BILLS, DEBTS AND OBLIGATIONS

WHEREAS, the Common Council has decided to cancel the Common Council meeting that had been scheduled for August 3, 2021; and,

WHEREAS, Wis Stats §62.12(6) provides that “unless otherwise provided by law, City funds should be paid out only by authority of the Council”; and,

WHEREAS, City bills, debts and obligations may become delinquent because of the cancellation of the August 3, 2021 Common Council Meeting; and,

WHEREAS, Common Council desires to ensure that all bills, debts and obligations of the City are paid in a timely manner.

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the payment of City bills, debts and obligations that become due during the month of July 2021 to be paid in accordance with state and local law prior to the approval of the vendor summary report for the August 17, 2021 Common Council meeting.

BE IT FURTHER RESOLVED that any bills, debts and obligations that are paid pursuant to this Resolution after the July 20th vendor summary report has been approved, but prior to approval of the vendor summary report by the Common Council for the August 17th meeting be included in the vendor summary report for the August 17, 2021 Common Council meeting.

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

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

Kenneth Gehl, Common Council President

Approved this 20th day of July, 2021.

Mayor Daniel Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____