



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

## COMMON COUNCIL MEETING AGENDA

OCTOBER 4, 2022

7:00 P.M.

Daniel Bukiewicz - Mayor  
Steven Kurkowski - 1<sup>st</sup> District  
Greg Loreck - 2<sup>nd</sup> District  
Richard Duchniak - 3<sup>rd</sup> District  
Lisa Marshall - 4<sup>th</sup> District  
Kenneth Gehl - 5<sup>th</sup> District  
Chris Guzikowski - 6<sup>th</sup> 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. Cub Scout Pack 251 will perform an Opening Flag Ceremony.
3. Approval of Minutes: 9/20/22

### Recognition

4. **Mayoral Proclamation:** White Cane Safety Day, October 15, 2022.
5. **Mayoral Proclamation:** Pregnancy and Infant Loss Awareness Day, October 15, 2022.

### New Business

6. **Presentation:** 2023 Executive Draft Operating and Capital Improvement Projects Budget.

### POLICE

7. **Resolution:** Consider Resolution No. 12356-100422, approving the Greenfield Police Department Digital Forensic Task Force Memorandum of Understanding (by Committee of the Whole).

### ENGINEERING

8. **Motion:** Consider a motion to reject the bids received for the Abendschein Park Pavilion Project and to direct staff to explore alternative design options (Project No. 22008) (1<sup>st</sup> District).

### PUBLIC WORKS & UTILITY

9. **Motion:** Consider a motion to approve the project award for the Forest Hill Manor Water Relay to Willkomm in the amount of \$726,159.50, and to amend the 2022 Capital Improvement Budget by \$200,000 (3rd District).

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying common council reports.  
This meeting will be live streamed on the City of Oak Creek YouTube page via <http://ocwi.org/livestream>.

## **LICENSE COMMITTEE**

10. **Motion:** Consider a motion to approve the various license requests as listed on the 10/4/22 License Committee Report (by Committee of the Whole).

## **VENDOR SUMMARY**

11. **Motion:** Consider a motion to approve the September 28, 2022 Vendor Summary Report in the amount of \$589,752.20 (by Committee of the Whole).

## **MISCELLANEOUS**

12. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes to discuss the following:
  - (a) Section 19.85(1)(e) to discuss a possible amendment to the Tax Incremental District No. 13 Finance Development Agreement for the Lakeshore Commons Development.
  - (b) Section 19.85(1)(e) and (g) to consider the subrogation claim of Erie Insurance on behalf of their insured, Eric Staat, regarding a January 5, 2022 automobile accident involving a City vehicle.
  - (c) Section 19.85(1)(e) to consider a Purchase and Sale Agreement between the City of Oak Creek and Fifth Property LLC regarding approximately 2.66 acres located at 4301 East Depot Road.
13. **Motion:** Consider a motion to reconvene into open session.
14. **Motion:** Consider a motion to take action, if required.
15. **Resolution:** Consider Resolution No. 12357-100422, approving a Purchase and Sale Agreement between the City of Oak Creek and Fifth Property LLC (4<sup>th</sup> 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 414-766-7000, by fax at 414-766-7976, or by mail at 8040 S. 6<sup>th</sup> 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**

**WHITE CANE SAFETY DAY**

**OCTOBER 15, 2022**

WHEREAS, White Cane Safety Day is a national observance in the United States, celebrated annually on October 15 of each year since 1964; and

WHEREAS, blindness and severe visual impairment affect approximately 100,000 Wisconsin residents; and

WHEREAS, the majority of these persons use travel aids, such as a white cane or a service animal to get around public streets and sidewalks and places of public accommodation; and

WHEREAS, these travel aids are universally recognized as symbols representing vision loss; and

WHEREAS, Wisconsin's White Cane Law requires that motorists come to a full stop before approaching closer than 10 feet of a pedestrian who is using a white cane or service animal; and

WHEREAS, careful driving and fully stopping when pedestrians are in the crosswalk is beneficial to all residents, including children, elders and people with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel Bukiewicz, Mayor of the City of Oak Creek, do hereby proclaim Saturday, October 15, 2022 as WHITE CANE SAFETY DAY in Oak Creek and hereby also acknowledge the importance of pedestrian safety year-round.

Dated this 4<sup>th</sup> day of October, 2022.

*Daniel J. Bukiewicz*  
Daniel J. Bukiewicz, Mayor

ATTEST:

*Catherine A. Roeske*  
Catherine A. Roeske, City Clerk

**MAYORAL PROCLAMATION  
DECLARING OCTOBER 15, 2022  
AS PREGNANCY AND INFANT LOSS AWARENESS DAY  
IN THE CITY OF OAK CREEK, WISCONSIN**

WHEREAS, pregnancy is a time of excitement and anticipation for parents as they prepare for the arrival of a new baby; and

WHEREAS, sadly, thousands of families within the United States are affected by pregnancy and infant loss each year, presenting them with a unique and tragic type of grief; and

WHEREAS, Pregnancy and Infant Loss Awareness Day serves to promote awareness, remembrance and support of the families whose lives are irrevocably altered as a result of the death of a child, during pregnancy, at birth, or in infancy; and

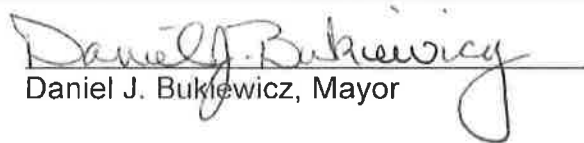
WHEREAS, pregnancy and infant loss awareness is critical to helping families receive support and increases educational and prevention efforts; and

WHEREAS, Pregnancy and Infant Loss Awareness Day calls attention to the need to recognize grief and to honor and remember the babies who have passed away due to miscarriage, stillbirth, neonatal death, and other causes of infant loss; and


WHEREAS, Pregnancy and Infant Loss Awareness Day is recognized each year, on October 15, with the International Wave of Light, where families, friends, loved ones and supporting organizations light a candle in the memory of babies gone too soon.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel J. Bukiewicz, Mayor for the City of Oak Creek, do hereby proclaim Saturday, October 15, 2022, as PREGNANCY AND INFANT LOSS AWARENESS DAY in the City of Oak Creek, Wisconsin.

Dated this 4<sup>th</sup> day of October, 2022.

  
Daniel J. Bukiewicz, Mayor

ATTEST:

  
Catherine A. Roeske, City Clerk

## COMMON COUNCIL REPORT

**Informational:** Presentation of the 2023 Executive Draft Operating & CIP Budget

**Fiscal Impact:** N/A

**Critical Success Factor(s):**

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

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**Background:** The City's Department and Division leadership has been crafting the *2023 Executive Draft Budget* for several weeks. A huge "thank you" to all staff having a hand in putting this financial plan together! This year, the management team is providing a presentation of the *2023 Executive Draft Budget* at a regular Common Council meeting. Typically, staff would give a similar presentation at the Common Council's first budget workshop. A more public presentation of the 2023 budget aids in educating both the public and our workforce on the common operating and financial picture of the City. It will also allow the Common Council to directly enter budget deliberations at its first Budget Workshop, which is scheduled for Friday, October 7, 2022.

A main component of using our budget as a communication tool is the Letter of Transmittal, which is attached to this report. This Letter is a summary of the challenges, themes, finance considerations, and outstanding Common Council discussion points regarding the *2023 Executive Draft Budget*. Staff will also distribute the comprehensive *2023 Executive Draft Budget* document, complete with department narratives, goals, activity measures, and the "numbers", to the Common Council prior to this presentation.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review:



Maxwell Gaglin, MPA  
Assistant City Administrator / Comptroller

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**Attachments:** Letter of Transmittal- 2023 Executive Draft Budget



## **LETTER OF TRANSMITTAL 2023 EXECUTIVE DRAFT BUDGET**

September 30, 2022

Dear Honorable Mayor and Oak Creek Common Council:

City management is pleased to distribute the attached *2023 Executive Draft Budget* to the Common Council for its review. In a series of public workshops in October, the Common Council will walk through 2023 budget constraints, strategies, and discussion/decision points. Department staff will be on hand to discuss any budgetary requests and will also welcome any questions regarding their City operations.

The Common Council will find staff transmitted the "department/division narratives" with the *Executive Draft Budget* this year. The narratives include an overview of services performed within the department/division/fund, relevant activity measures, and annual goals and objectives. Typically, the comprehensive narratives accompany the final budget document, which staff annually submits for peer review to the Government Finance Officers' Association (GFOA) Distinguished Budget Presentation Award program. Especially with this increased effort, we sincerely thank the Department Directors, Division Managers, and all staff that helped craft this draft budget. We are very proud to present it.

The cornerstones of any municipal budget document revolve around two things: 1) the needs and interests of our taxpayers and visitors; and 2) providing our dedicated employees with quality wages and benefits so the City can continue to perform essential public services. To the first point, this Draft provides resources to continue similar programs and services as the City traditionally has. Nothing in this draft budget strategy curtails any City services. In fact, management staff is recommending additional funding to elevate certain City programs.

To the second point, the City is a busier place not only out in the community, but also within our organization. We have a very active and dedicated workforce. This draft budget prioritizes a fair annual wage adjustment for all positions within the City. Additionally, the City is not requiring additional employee contribution to costs for health insurance premiums. The 2023 employee costs will be the same as they were in 2022.

Importantly, the draft budget accommodates the market adjustments approved by Common Council in 2022 for several employee groups. This significant investment in wages was long overdue and well-deserved. The effects of inflation, the global economy, and labor shortages are real, even at the local government level. Our goal is to continue working through analyses for other employee groups in 2023 to determine other weaknesses in our compensation

structure. The Common Council should continue discussions regarding an independent and organization-wide classification and compensation analysis as called for in the Strategic Action Plan (SAP).

While the Common Council does have control over certain local policy and financial matters, the City is also a creation of the State of Wisconsin. Requirements imposed by the State constrain the Common Council's ability to budget totally for the level of services and staffing it deems acceptable. The major factor in determining resources from one annual budget to the next revolves around levy limits.

Wisconsin municipalities are restricted to a certain amount of property taxes via these state-imposed levy limits. Municipal property tax levies can only be increased by the amount of "net new construction" experienced in the previous year. Oak Creek is fortunate to be in a period of construction activity that affords the Common Council some flexibility with new spending without raising the tax burden on its taxpayers. This period of growth will not continue forever. The ongoing budget recommendations of City management will always be mindful of the fact the community cannot continue to grow at the same pace forever.

In addition to levy limits, other state aid programs inform our municipal budgets on an annual basis via State Shared Revenue. These come in the form of a General Transportation Aid (GTA) program, Utility Aid program, Expenditure Restraint program (ERP), and a general shared revenue payment. These can all fluctuate from one budget to the next given the nature and formula on which they were created. The levy limits, State Shared Revenue, as well as other cost and revenue variables represent the puzzle pieces staff need to fit in a balanced budget proposal.

#### **VARIABLES AFFECTING THE 2023 BUDGET PROPOSAL:**

The City's operating revenues and expenditures all work together to determine the amount of levy support (the shortage of revenue after all revenues and expenditures are determined) needed from the general property tax levy. The factors influencing the 2023 budget proposal include, but are not limited to:

- A net new construction increase of 2.477% which yields an available levy increase of **\$581,886**;
- A reduction in the City's Expenditure Restraint payment, or ERP, of **\$29,425** primarily due to a decrease in the City's equalized tax rate;
- A reduction in the City's General Transportation Aid payment, or GTA, of **\$227,311** due to significant decrease in the six-year rolling average of transportation-related spend;
- An increase in various General Fund revenues like interest earnings, court fines, and development-related fees of **\$260,398** primarily due to increased interest rates and activities;
- A realized savings in the debt service levy of **\$309,143** as previously approved with the G.O. Debt Levy Reduction Strategy;
- Significant increases in the City's required WRS contributions rate, primarily for protective service positions, resulting in about **\$150,000** of additional costs;

- The aforementioned investments in wages through both market adjustments and an annual wage adjustment for 2023;
- An increase in \$10,000 for Parks Maintenance activities and \$10,000 for general Building Maintenance activities;
- A modest increase in several operating line items to reflect actual expenses;

**HUMAN RESOURCE ENHANCEMENTS INCLUDED IN BUDGET PROPOSAL:**

Given the loss of General Fund revenue and significant compensation adjustments for existing staff as described above, the addition of new personnel, particularly for public safety, was difficult to achieve. The main budget priority among management was to ensure all existing employees received an equitable annual pay adjustment. This is the case every year when piecing together the budget puzzle.

Additional staffing enhancements included in the 2023 budget proposal encompass the following:

- An overall 2.0% wage adjustment for all police and fire union employees. These wage adjustments are distributed 1.0% on January 1, 2023 and 1.0% on July 1, 2023 per those collective bargaining agreements;
- A 2.5% annual wage adjustment effective January 1, 2022 for all other part-time and full-time City employees;
- An additional, one-time payment to all police and fire union employees to compensate for the difference of 0.5% annual wage adjustment granted to non-represented employees. Mechanics of this payment are still to be determined;
- The reclassification of the current part-time Leisure Services Assistant to a full-time status to oversee City events coordination. Additionally, the budget recommends a new part-time Social Media/Marketing position. Both positions are split between the City's General Fund and the Tourism Fund;
- The addition of one Police Aid position;
- The inclusion of additional wage capacity for DPW and Dispatch positions to allow for pay progression;

Public service is very people-oriented and having skilled staff to fulfill these responsibilities is important. The City also has physical assets to plan for, address, and maintain. The largest of these physical assets are included in the City's Capital Improvement Plan (CIP).

**2023 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET**

Despite the limitations for staffing and other resources the City experiences annually in its *operating* budget, the 2023 CIP budget accomplishes much for the Common Council to be proud of. Within the body of the draft budget, the Common Council will see the narratives that accompany CIP requests as well as the funding allocations and strategies recommended by the City Administrator and the Board of Public Works & Capital Assets (BoPWACA). The Parks & Recreation Commission also made its recommendations on certain park and open space improvements, which are also included.

On Wednesday, September 14, the BoPWACA met to review Department/Division requests for capital projects and equipment - requests totaled **\$23,633,715**. Contained herein, the



plan advanced to Common Council includes a recommendation for a CIP totaling **\$20,988,209**. The chart below details the Summary of Funding Sources for the proposed 2023 CIP budget.

2023 CIP BUDGET - SUMMARY OF FUNDING SOURCES				
Funding Source	Funding Request	City Admin.	BOPWACA	Common Council
WE Energies (\$1M Cash)	\$ 1,085,618	\$ 1,000,112	\$ 1,000,112	
TID 11 / TID 12	\$ 4,800,000	\$ 2,500,000	\$ 2,500,000	
TBD	\$ 939,630	\$ 939,630	\$ 939,630	
Stormwater Fund (38)	\$ 940,000	\$ 940,000	\$ 940,000	
Park Impact Fees	\$ 552,200	\$ 482,200	\$ 482,200	
Equipment Replacement Fund	\$ 371,000	\$ 371,000	\$ 371,000	
Building Replacement Fund	\$ 130,000	\$ 130,000	\$ 130,000	
TID 13	\$ 10,545,383	\$ 10,325,383	\$ 10,325,383	
EMS Fund Balance	\$ 380,000	\$ 380,000	\$ 380,000	
Fire Impact Fees	\$ 750,000	\$ 750,000	\$ 750,000	
TID 11	\$ 350,000	\$ 350,000	\$ 350,000	
American Rescue Plan Funds (Grant)	\$ 2,819,884	\$ 2,819,884	\$ 2,819,884	
<b>Grand Total</b>	<b>\$ 23,663,715</b>	<b>\$20,988,209</b>	<b>\$20,988,209</b>	

It is important to note not one CIP project requires the use of general property tax levy. They are funded through a variety of revenue sources, but with most of the largest investments paid through various tax increment district (TID) finances. The 2023 CIP budget’s funding strategies will comprise the majority of decision points Common Council will consider this budget cycle.

The largest investments in the 2023 CIP budget include items related to the redevelopment of the City’s lakefront through TID No. 13. The 2023 CIP budget includes a North Bluff Stabilization and Revetment project (\$8,075,383) along with the North Lake Vista Park (Phase 1) Design and demolition of the remaining Peter Cooper structures (\$2,250,000).

The BoPWACA also recommended \$2,500,000 for an initial phase of Drexel Avenue gateway/streetscape construction. The Common Council identified both the lakefront redevelopment and Drexel Avenue projects as priorities in the City’s SAP. This request, which will be funded through a combination of TID Nos. 11 and 12, was the one project request significantly reduced (from \$4,800,000 to \$2,500,000) in the CIP development process.

The recommended 2023 CIP budget also addresses critical Fire Department needs. The proposal includes funds to purchase a new ladder truck (\$1,735,000) and a new ambulance (\$380,000). A new fire engine is also critical, and staff will present some options to the Common Council on how to fund that apparatus as well. Perhaps most importantly, staff also recommended a location assessment and potential purchase of land for future Fire Station No. 2 (\$750,000). This CIP budget request and upcoming SAP workshops are designed to induce Common Council conversations regarding next steps with the outdated Fire Station No. 2.

Other more routine, yet costly items include purchases of vehicles and equipment, continuation of accumulating funds for bridge replacement and larger storm water-related purchases, as well as continuous funding for replacing technology. In all, the 2023 CIP budget is the most robust CIP budget in terms of funding for projects and equipment than has been proposed within the last six budget cycles. Many of these CIP requests directly result from strategic priorities adopted by the Common Council.

**2023 BUDGET COMMON COUNCIL DISCUSSION & DECISION POINTS:**

A general summary of the larger strategies and Council discussion points surrounding this budget cycle include the following:

- **Use of City ARPA Funds for CIP Requests.** The City received approximately \$3,900,000 in American Rescue Plan Act (ARPA) dollars from the federal government. The proposed 2023 CIP recommends using ~\$2,820,000 of ARPA funds for the purchase of a Ladder Truck (\$1,735,000), road improvements (\$1,000,000), and a vehicle barrier system (\$85,000). Using ARPA in this manner allows us to streamline financial reporting requirements and gives us more flexibility to have funds available past the December 31, 2024 deadline to commit ARPA funds. The Common Council will note the \$1,000,000 for roads typically comes from \$1,000,000 in WE Energies Mitigation funds. Essentially the City will reserve that \$1,000,000 payment for future capital projects instead of ARPA dollars;
- **Use of Cash-on-Hand for CIP Requests.** The CIP recommends a usage of \$501,000 from Building Replacement and Equipment Replacement funds cash-on-hand. Staff is confident most, if not all, of this cash-on-hand can be replenished to previous amounts with anticipated yearend fund balance. This is exactly how the Common Council established these funds to work.

Additionally, the 2023 CIP recommends \$380,000 in cash from the EMS Fund for the purchase of a replacement ambulance. Staff will provide Common Council an overview of that fund's position to demonstrate the financial comfort for this recommendation;

- **Future Funding for Fire Engine Replacement.** The City is in dire need of a fire engine replacement. The long lead times for ordering and then receiving this equipment does not afford the Common Council a delay on this decision. Staff will discuss future funding options so the Fire Chief can order the apparatus so it can be manufactured. Anticipated delivery is 24-30 months out;
- **Abendschein Park Pavilion Pivot to Infrastructure Work.** Given the cost overages of the bids received for the Abendschein Park Pavilion, staff recommends focusing 2023 efforts on infrastructure work, namely, a parking lot expansion and enhancement to the Park's entrance road. Staff requested \$400,000, to be funded by Park Impact Fees, for this work. City management will continue to assess next moves and contingency plans for the pavilion structure itself, presuming building a structure is still Common Council's goal;

- **Drexel Avenue Gateway/Streetscape Project.** As demonstrated with the scope and budget relationship with the Abendschein pavilion costs, this SAP initiative should be discussed. The all-phases budget request for this work was \$4,800,000; however, the budget requested by the City Administrator and BoPWACA reduces the allocation to \$2,500,000. The staff believes the City can achieve a meaningful gateway project by crafting a specific project within the requested budget, and if necessary, adding incrementally to the design elements over time;
- **Public Safety Personnel:** Despite recent budget cycles funding incremental growth of public safety personnel, the *2023 Executive Draft Budget* does not include additional police officer or firefighter/paramedic positions. Without additional levy support, the *2023 Executive Draft Budget* could not accommodate these costs without significant cost-cutting from other program areas, and/or a Common Council policy directive to increase the levy beyond the allowable, state-mandated limit. We suspect Common Council will have a robust discussion on public safety staffing in its October 17 strategic action plan workshop. Staff needs short and long-term direction on this question, and the SAP workshops are a great venue for these discussions;
- **Future of City Participation in the State Expenditure Restraint Program (ERP).** The City experienced a one-year reduction of \$29,000 from the State from the State Expenditure Restraint Program (ERP), and staff is projecting this will continue to decrease significantly in years to come. Management will provide the Common Council with an overview of this program as well as why revenues are expected to decrease each year moving forward;
- **Storm Water Fees:** The *2023 Executive Draft Budget* does not recommend any increase to Storm Water fees, a separate, special charge on the property tax bill. The Board of Public Works and Capital Assets (BoPWACA) discussed various ways of funding a major Storm Water lift station project (Drexel Avenue). Common Council has a couple options to consider, and staff will target this item for discussion during budget workshops.

#### **CONCLUSION:**

City Management and Common Council have taken a very progressive approach to the City's budget and financial planning. To be quite frank, the City's 2023 budget outlook would have looked much worse not taking a multi-year budget strategy approach as directed by Common Council in our City SAP. Staff had already anticipated and planned for the large reduction in General Transportation Aid (GTA). This was largely offset by the City's General Obligation Debt Levy Reduction Strategy, as one example.

We will continue to look out several years into the future to plan for structural budgetary threats to mitigate budget volatility from year-to-year. The forthcoming discussion on ERP revenue losses is a great example of how forecasting is critical in minimizing budget surprises in any year.

Overall, the staff is proud to put forward the figures, strategies, analyses, and recommendations contained in this *2023 Executive Draft Budget* for Common Council review.

Importantly, this transmittal is also intended to guide the public's review of the City's spending plan and is written as a communication tool to aid in that review. The recommended financial plan contained herein continues to drive the City in pursuit of our vision and mission, which are as follows:

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

**MISSION** We are a dedicated organization providing high quality services that positively impact Oak Creek residents, business, and visitors.

The staff and Common Council will now move forward as one in a series of public budget workshops. Staff welcomes the opportunity to discuss ways to modify this draft budget in favor of the policy decisions, community desires, and other directives of the Common Council.

Respectfully Submitted:



Andrew J. Vickers, M.P.A.  
City Administrator



Maxwell C. Gagin, M.P.A.  
Assistant City Administrator/Comptroller

## COMMON COUNCIL REPORT

- Item:** Greenfield PD Digital Forensic Task Force Memorandum of Understanding
- Recommendation:** The Common Council approves Resolution No. 12356-100422, a Resolution Approving the Greenfield PD Digital Forensic Task Force Memorandum of Understanding.
- Fiscal Impact:** \$4,000 annually, however there is no cost for the remainder of 2022, and there is no additional request for the 2023 budget, it will be absorbed into the operating budget of the Police Department.
- 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

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**Background:** Digital evidence has exploded in the availability and use over the past several years. Everyone with an electronic device has at least a minimum level of digital evidence in that device. Often times electronic devices are used in the commission of crimes; these devices can be cellular phones, tablets, etc. A security function of these devices is the ability to secure such devices against others easily opening them and easily searching them.

We currently have the ability to process the majority of these devices with our Cellebrite program. This does a good job of this, however, it does not do everything we need. Cellebrite also requires the device to be 'open' or the owner to provide us their passcode to access the device. Most times, those who commit crimes do not openly provide us their passcode. We obtain warrants in these instances and need to 'break' into the device to access the information.

We do not currently have a way to 'break' into these devices in these cases, and need to request the assistance of other agencies (Milwaukee County DA Investigators office or WI State Crime lab in Madison). This means we need to wait in a queue to get these devices processed. This requires time that takes a Detective away from other work/tasks they can work on while in the building, or closer to the City. We have processed nearly 50 devices this year so far, and 30 of them required this additional technology.

Greenfield PD offers this technology, and much more, as part of this MOU. It allows two of our Detectives 24/7 access to their building, the computers and technology. The value we obtain with this MOU is great in comparison to what it would cost us to have all of this technology ourselves. We will pay \$4,000 annually with this MOU, where it would cost us approximately \$100,000 in start-up costs, and then approximately another \$60,000 annually with license fees.

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The MOU allows this 'sharing of services', which allows us to utilize technology we normally need to wait for and/or drive a distance to use. It also allows us to have access at a much lower cost point than if we did this ourselves. Greenfield PD will allow us to use this at no cost for the remainder of 2022, and pay starting in 2023. Costs will then be absorbed into our 2023 operating budget, so I am not requesting any additional monies for 2023.

**Options/Alternatives:** The Common Council could decide not to approve this MOU, which would result in the Oak Creek Police Department not participating in or receiving technical access provided by the Greenfield PD. This action would limit our investigative abilities. Or, we could attempt to obtain all of these items internally at the Oak Creek PD, which would have a cost in excess of \$60,000 annually.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



David Stecker  
Police Chief

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments:

Exhibit #1 - 2022 Greenfield PD Digital Forensic Task Force Memorandum of Understanding

Exhibit #2 - 2022 Greenfield PD Digital Forensic Task Force - MOU Exhibit A

Exhibit #3 - Resolution No. 12356-100422

## EXHIBIT A

### FORENSIC LAB COSTS/DUES/BILLING NOTICE

#### I. CURRENT EQUIPMENT PROVIDED (HARDWARE AND SOFTWARE ESTIMATES)

- ❖ 3 Forensic Workstations with Dual Monitors, \$6,000.00
- ❖ Write Blockers: Tablua SATA/IDE and Forensic Bridges, \$3,199.00
- ❖ Two Laptops for Internal/External Use, \$5,000.00
- ❖ Cellebrite UFED Touch2 Device, with Physical Analyzer, \$12,000 Hardware costs, Physical Analyzer/UFED 4PC Software Licenses, \$7,600.00 Annually
- ❖ Magnet AXIOM Software (No Cloud Option Yet), \$3,600 Annually
- ❖ GrayKey Hardware/Software, \$10,000 Annually (30 Advanced Unlocks)
- ❖ Cellebrite Premium Hardware, \$10,000 Annually (35 Advanced Unlocks) **New for 2023**
- ❖ Susteen Data Pilot, \$1,300.00
- ❖ Access to AFR(Facial Recognition) Software

#### II. COSTS PER AGENCY

- ❖ The Greenfield Police Department has established a flat fee per agency in the amount of \$4,000.00, based upon initial assessment and projected agency participation. The hardware/software costs noted in section I, will remain in the lab inventory for the next calendar year and will be available to any and all participating Agencies.
- ❖ All hardware equipment and software licenses purchased with Lab funds are the sole property of the Greenfield Police Department.
- ❖ All equipment, including hardware and software licenses, purchased by any Agency with its separate funds shall remain that Agency's sole property. Use of such equipment, and the introduction to and storage of such equipment in the Lab, including hardware and software licenses, shall be subject to the Lead Agency approval.

**Payments may be dropped off or mailed to:**

**Greenfield Police Department**

**Attn: Heather Zagorski**

**5300 W Layton Ave**

**Greenfield, WI 53220**

# GREENFIELD POLICE DEPARTMENT

Pledged to Progress

5300 W Layton Avenue  
Greenfield, WI 53220  
Phone: 414-761-5300 • Fax: 414-761-5323  
www.greenfieldpolice.org



## DIGITAL FORENSIC TASK FORCE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF OAK CREEK AND THE CITY OF GREENFIELD

The City of Oak Creek and the City of Greenfield, and their respective police departments, enter into this Memorandum of Understanding (“MOU”), which becomes effective with the signatures of both parties and remains in effect until terminated hereunder.

### I. PURPOSE/MISSION

In an increasingly digital world, the need for effective digital forensics and gathering of electronic evidence is of paramount importance. However, the costs associated with software/hardware licenses to digital forensic programs like Cellebrite Premium and GrayKey are largely unaffordable for small law enforcement agencies. The purpose of this MOU is to create one collective association or task force of law enforcement agencies (“Task Force”) to provide a productive framework and collaborative crime-fighting environment in which the resources of its participants (including funding, manpower and expertise) can be combined to effectively and efficiently make a significant impact on crimes involving electronic evidence. While the Greenfield Police Department (“GFPD”) leads this innovative effort, GFPD believes that partnerships with other law enforcement agencies will result in more cost-effective access to the necessary tools necessary to provide a higher probability of obtaining the electronic evidence needed to fight crime. The City of Oak Creek Police Department (“Agency”) concurs with this assessment and desires to participate in the Task Force.

### II. RESPONSIBILITIES

#### ❖ *GFPD will:*

- Provide a digital forensic lab (Presently in Room A033, located on the lower level of the GFPD building).
- Provide an RFID badge to Agency’s personnel to provide 24/7 access to the forensic lab.
- Provide and maintain software/hardware licenses for all resources based upon GFPD’s forensic needs.
- Provide training and resources for all personnel using the forensic lab.



❖ **Agency will:**

- Participate in the Task Force and timely pay the required dues as shown on the attached Exhibit A.
- Agree to work together and co-operate in good faith with all members of the Task Force.
- Provide the names and contact information of personnel requesting access to the forensic lab upon signing this MOU. A maximum of two personnel per outside agency will be allowed access.
- Ensure that its personnel will visibly display the provided RFID badge while inside the GFPD building.
- Ensure that its personnel will advise GFPD dispatchers upon arriving and leaving the forensic lab.
- Immediately notify GFPD's point of contact of any issues with the forensic equipment or RFID badges.

### **III. POINTS OF CONTACT**

GFPD's System Administrator/Forensic Analyst, Stephen Turnacliff, shall serve as the primary point of contact.

### **IV. INDEMNIFICATION & LIABILITY**

- ❖ All members of the Task Force are governmental entities entitled to governmental immunity under law, including Wis. Stat. § 893.80. Nothing contained herein shall waive the rights and defenses to which each Task Force Member may be entitled under law, including all of the immunities, limitations, and defenses under Wis Stat. § 893.80, or any subsequent amendments thereof. Nothing contained within this agreement is intended to be a waiver or estoppel of any participating municipality or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law
- ❖ Each Task Force member shall bear the risk of its own actions, as it does with its day-to-day operations.
- ❖ The employees of a Task Force member shall be covered by his or her employing agency for purposes of worker's compensation, unemployment insurance, and benefits under ch. 40 of the Wisconsin statutes.
- ❖ Task Force members shall maintain an insurance policy or maintain a self-insurance program that covers activities that it may undertake by virtue of membership in the Task Force.
- ❖ The obligations set forth in this Article IV shall survive the termination or expiration of this MOU.

## **V. OTHER PROVISIONS**

- A. GFPD shall not provide storage for any devices under forensic investigation and/or any data retrieved from such devices. Agency shall maintain such devices and/or data at its own facility and consistent with its own policies.
- B. At all times and under all circumstances under this MOU, all personnel shall remain under the sole command of each agency's respective supervisors, and shall remain employees of their respective agencies.
- C. All agencies under this MOU shall operate within their own operating policy/procedure in respect to the usage of their equipment/software at their agency and shall be solely liable for all acts undertaken by their employees.
- D. This MOU shall be construed in accordance with the laws of the State of Wisconsin.
- E. The undersigned represent that they are empowered to undertake the covenants, promises, and agreements set forth herein, and that they are duly authorized to enter into this agreement on behalf of their respective entities.
- F. This MOU sets forth all of the covenants, provisions, agreements, conditions, and understandings between the agencies, and there are no covenants, promises, agreements, conditions, or understandings, either oral or written, other than are herein set forth.
- G. Any data observed/obtained from another sharing agency is deemed property of the providing or originating agency, therefore any other agency shall not disclose said data to any persons or entities.
- H. All requests for open records will be referred to the agency that owns the data.

## **VI. TERM & TERMINATION**

The term of this MOU will become effective on the last date it is signed by the parties, for a term of one calendar year. It shall automatically renew for successive one-year terms unless either party provides written notice of non-renewal at least 30 days prior to the end of the then-current term. GFPD may terminate this MOU at any time if licensing terms of any forensic tool utilized are changed such that the purpose of this MOU is frustrated.

## **VII. MODIFICATIONS:**

The terms of this MOU may be amended upon mutual written consent of both the Greenfield Police Department and the Oak Creek Police Department.

**GFPD**

**AGENCY**

\_\_\_\_\_  
Michael Neitzke  
Mayor

\_\_\_\_\_  
Daniel Bukiewicz  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTEST:**

**ATTEST:**

\_\_\_\_\_  
Jennifer Goergen  
Clerk

\_\_\_\_\_  
Catherine Roeske  
Clerk

\_\_\_\_\_  
Jay Johnson  
Chief of Police  
Greenfield Police Department

\_\_\_\_\_  
David Stecker  
Chief of Police  
Oak Creek Police Department

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Brian C. Sajdak  
City Attorney

RESOLUTION NO. 12356-100422

RESOLUTION APPROVING THE GREENFIELD POLICE DEPARTMENT  
DIGITAL FORENSIC TASK FORCE  
MEMORANDUM OF UNDERSTANDING

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Greenfield Police Department Digital Forensic Task Force Memorandum of Understanding (MOU) is hereby approved.

BE IT FURTHER RESOLVED that the City of Oak Creek Police Chief is hereby authorized to execute the MOU on behalf of the City.

BE IT FURTHER RESOLVED that, pending review and approval, modifications to the MOU that may be reasonably necessary in order to preserve and maintain the general intent thereof and that are approved by the Police Chief and the City Attorney are hereby authorized.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 4<sup>th</sup> day of October, 2022.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Common Council President Kenneth Gehl

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor Daniel J. Bukiewicz

ATTEST:

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

VOTE: Ayes \_\_\_\_ Noes \_\_\_\_



## COMMON COUNCIL REPORT

**Item:** Abendschein Park Pavilion Project Bid Rejection

**Recommendation:** That the Common Council considers a motion to reject the bids for the Abendschein Park Pavilion Project and to direct staff to explore alternative design options. (Project No. 22008) (1<sup>st</sup> Aldermanic District).

**Fiscal Impact:** There is currently \$1,230,332.48 allocated for this project under the CIP # 22008 (\$659,000 ARPA Funds and \$571,332.48 Impact Fees). \$400,000 of the allocated funds from the Impact Fees could be used for the entrance road improvements that are included in the recommended 2023 Capital Budget. The remaining allocated funds can be reallocated for other projects.

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

**Background:** The City worked with architects Plunkett and Raysich on the planning and design of the Abendschein Park Pavilion project. The park project was initiated through a series of meetings with the Parks & Recreation Commission starting in late 2021. In fact, such a structure was contemplated in the Abendschein Park Master Plan adopted by the Common Council in 2019. Through its planning phases, the scope of building evolved from a standard open-air pavilion to a closed pavilion the City could utilize through all four seasons. The plan was further refined by a volunteer ad-hoc committee until the concept plan was complete. The committee was comprised of select members of the Common Council and the Parks & Recreation Committee, and was guided by City staff alongside Plunkett and Raysich consulting staff. Upon Plan Commission site and building approval, staff/consultants developed the final project plans and specifications and advertised for bid.

Due to the desired scope changes and factoring in present building materials issues and labor costs/shortage, design level estimates created budgetary concerns. Staff partially addressed these factor by applying for and receiving funding for parking lot improvements through the Green Infrastructure Programs by MMSD. This program would reimburse the City the cost to install permeable pavement in the parking lot expansion. Staff and consultants also restructured the construction bidding as a base bid along with several alternates bids. The intent was to provide Council the ability to select preferred alternatives after the bids were received and as budget allowed.

The City received four bids as outlined in the attachment to this report. Despite the cost saving steps taken and the bid being structured with alternate contract items, the bids have come in beyond budget, even when considering an award of only the base bid work and no alternates. It is staff's recommendation

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to reject the bids and explore alternative building designs options. Included in the recommended 2023 Capital Budget, Common Council will note staff will plan for the parking lot expansion and entrance road improvements in 2023 while also attempting to get a revised pavilion building project back in the queue for 2024 construction. Among other benefits, this strategy would allow the City to still take advantage of the MMSD grant funds.

**Options/Alternatives:** The Common Council could move forward with an award to the lowest bidder or could re-advertise the project as currently designed in hopes of receiving more favorable bids. In this building materials and labor environment, it is unlikely the City would receive a better outcome with the re-advertising option.

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Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared/Approved:



Matthew J. Sullivan, PE  
City Engineer

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator / Comptroller

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Attachments: Abendschein Park Pavilion Bid Tab

ITEM DESCRIPTION	BUKACEK CONSTRUCTION	J.H. HASSINGER	SCHERRER CONSTRUCTION	CATALYST CONSTRUCTION
<b>BASE BID</b>	\$ 4,900,627.00	\$ 4,578,121.00	\$ 4,596,365.00	\$ 4,557,500.00
<b>PERMEABLE PRECAST CONCRETE UNIT PAVING SYSTEM</b>	\$ 410,000.00	\$ 586,606.00	\$ 322,895.00	\$ 532,500.00
<b>ALTERNATE #1: Change Roofing Material to Asphalt Roofing Shingles</b>	\$ (30,000.00)	\$ (25,000.00)	\$ (30,000.00)	\$ (25,750.00)
<b>ALTERNATE #2: Change to Overhead Coiling Doors</b>	\$ 2,793.00	\$ 3,052.00	\$ (14,400.00)	\$ 3,140.00
<b>ALTERNATE #3: Change to Prefinished Metal Soffit Panels</b>	\$ -	\$ (20,000.00)	\$ -	\$ (149,860.00)
<b>ALTERNATE #4: Change to Premanufactured Dumpster Enclosures</b>	\$ -	\$ -	\$ -	\$ (62,100.00)
<b>ALTERNATE #5: Change to Wall-mounted Lavatory</b>	\$ 17,598.00	\$ (270.00)	\$ 18,477.00	\$ (270.00)
<b>ALTERNATE #6: Change SS-1 Faucet</b>	\$ 84.00	\$ (70.00)	\$ 88.00	\$ (70.00)
<b>ALTERNATE #7: Change Flush Valves</b>	\$ (212.00)	\$ (118.00)	\$ (212.00)	\$ (120.00)
<b>ALTERNATE #8: Change Water Closet</b>	\$ (2,462.00)	\$ (1,848.00)	\$ (2,400.00)	\$ (1,850.00)
<b>ALTERNATE #9: Eliminate Fans, Controls, and all associated work</b>	\$ (1,216.00)	\$ (2,400.00)	\$ (2,000.00)	\$ (3,200.00)
<b>ALTERNATE #10: Provide DMX Controller and Conduit to Y1A Fixtures</b>	\$ 8,330.00	\$ 5,000.00	\$ 7,200.00	\$ 5,640.00
<b>ALTERNATE #11: Provide Color Changing Y1A Fixtures</b>	\$ 10,258.00	\$ 5,000.00	\$ 7,900.00	\$ 6,085.00
<b>ALTERNATE #12: Add HVAC System Lockouts</b>	\$ 11,500.00	\$ 4,500.00	\$ 2,625.00	\$ 8,765.00
<b>TOTAL: BASE BID PLUS ALTERNATES 1-12)</b>	\$ 4,917,300.00	\$ 4,545,967.00	\$ 4,583,643.00	\$ 4,337,910.00

**\*\* The posting of bids in no way confirms award of this contract. \*\***

## COMMON COUNCIL REPORT

<b>Item:</b>	Project Approval for the Forest Hill Manor Water Relay Project and Capital Improvement Budget Amendment
<b>Recommendation:</b>	That the Council consider a motion to approve the project award for the Forest Hill Manor Water Relay to Willkomm in the amount of \$726,159.50 and amend the 2022 Capital Improvement Budget by \$200,000.
<b>Fiscal Impact:</b>	The project was budgeted \$700,000 in 2022 and an additional \$200,000 will be required to be added to the 2022 Capital Improvement Budget to fund the project.
<b>Critical Success Factor(s):</b>	<input type="checkbox"/> Vibrant and Diverse Cultural Opportunities <input type="checkbox"/> Thoughtful Development and Prosperous Economy <input type="checkbox"/> Safe, Welcoming, and Engaged Community <input type="checkbox"/> Inspired, Aligned, and Proactive City Leadership <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

**Background:** The project includes directional boring approximately 878 LF of 8" water main in S. Verdev Drive and E. Valbeth Drive and open cut installation of 1,612 LF of 8" water main in S. Griffin Drive and S. Verdev Drive. This project will relay the existing 1962 cast iron water main. We have had roughly 31 breaks on this section of main over the years. The proposed alignment will run in the road and terrace. This is a priority main for replacement per the Water Master Plan. The project was bid in April and the low bid was \$866,823. Willkomm had bid \$893,052.40 in April. We changed the asphalt replacement from the entire road way to just the trench width. The city is looking to add these streets to the annual paving program in 2023.

Contractor	Bid
Willkomm	\$726,159.50
A.W. Oakes	\$749,694.00
Globe Contractors	\$833,430.00
Reeseman's	\$833,558.00
UPI, LLC	\$858,344.00
Mid City	\$1,111,181.00

**Options/Alternatives:** The Council could not award the project and the Utility can continue to repair the main as needed.



Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



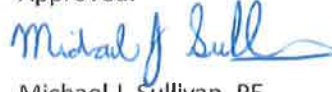
Brian L. Johnston, PE  
Utility Engineer

Fiscal Review:



Michael J. Sullivan, PE  
General Manager

Approved:



Michael J. Sullivan, PE  
General Manager

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Attachments:



# COMMON COUNCIL REPORT

**Item:** License Committee Report

**Recommendation:** That the Common Council grant the various license requests as listed on the 10/04/2022 License Committee Report.

**Fiscal Impact:** License fees in the amount of \$430.00 were collected.

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

**Background:**

1. Grant an Operator’s license to (favorable background reports received):
  - \* Charles A. Hecker (Charcoal Grill)
  - \* Caleb E. Poffenberger (Gastrau’s Golf)
  - \* Ian B. Cabell (Kwik Trip)
  - \* Jacob A. Koenigsreiter (BelAir)

**Options/Alternatives:** None

Respectfully submitted:

Andrew J. Vickers, MPA  
City Administrator

Prepared:

Christa J. Miller CMC/WCMC  
Deputy City Clerk

Fiscal Review:

Maxwell Gaggin, MPA  
Assistant City Administrator / Comptroller

Attachments: none



# COMMON COUNCIL REPORT

**Item:** Vendor Summary Report

**Recommendation:** That the Common Council approve the September 28, 2022 Vendor Summary Report in the total of \$589,752.20.

**Fiscal Impact:** Total claims paid of \$589,752.20.

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

**Background:** Of note are the following payments:

1. \$6,000.00 to ABT Mailcom (pg #2) for advance postage for 2022 tax bill mailing.
2. \$66,324.90 to Bestco UA (pg #4) for October retiree insurance.
3. \$16,087.50 to Core BTS, Inc. (pg #5) for EntW On-Premises calling.
4. \$162,966.06 to Edgerton Contractors, Inc. (pg #5) for Clean Soil Capping at Lake Vista North. Project #21024.
5. \$5,080.00 to Edgewater Resources, LLC (pg #6) for work done on bluff stability permit and design.
6. \$10,682.91 to Ehlers Investment Partners, LLC (pg #7) for review of Barret Lo Proforma for Drexel Square and August, 2022, monthly management fee.
7. \$100,978.42 GFL Environmental (pg #8) for September trash and recycling.
8. \$5,000.00 to Pitney Bowes Bank Reserve Account (pg #14) for postage refill.
9. \$7,126.00 to Rock River Arms, Inc. (pg #15) for rifles.
10. \$7,364.29 to Securian Financial Group, Inc. (pgs #16-17) for October employee life insurance.
11. \$20,200.00 to Spielbauer Fireworks Co., Inc. (pg #18) for fireworks.
12. \$35,171.75 to WE Energies (pgs #1-2) for street lighting, electricity & natural gas.
13. \$76,251.43 to WI Dept. of Transportation (pg #19) for construction services relating to W. Drexel Ave. Project #21017.

**Options/Alternatives:** None

Respectfully submitted:



Andrew J. Vickers, MPA  
City Administrator

Prepared:



Rory T. Vircks  
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA  
Assistant City Administrator/Comptroller

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Attachments: 9/28/2022 Invoice GL Distribution Report