



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

COMMON COUNCIL MEETING AGENDA

SEPTEMBER 19, 2023

7:00 P.M.

Daniel Bukiewicz - Mayor
Steven Kurkowski - 1st District
Greg Loreck - 2nd District
James Ruetz - 3rd District
Lisa Marshall - 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: 9/5/2023

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.

4. **Municipal Code:** Consider a Charter Ordinance relating to the Government and Administration of the City of Oak Creek to repeal and recreate Sections 2.01, 2.02, 2.04, 2.05(a)(2)a., 2.05(a)(6)b., 2.07(a)(4)(b), 2.07(a)(5)(b), 2.07(a)(6)(b), 2.20, 2.21(a)(1), 2.21(a)(2), 2.21(b), 2.21(c)(3), 2.22, 2.23(a), 2.23(a)(1), 2.23(a)(4), 2.23(b)(2), 2.23(c)(1), 2.23(c)(2), 2.24(g), 2.25, 2.26, 2.27, 2.28(b), 2.29, 2.31(b), 2.32(a), 2.33(a), 2.33(b), 2.34(a), 2.36(a), 2.36(b), 2.36(d)(1), 2.36(g), 2.40(a), 2.40(b), 2.40(d), 2.41(b), 2.42, 2.43(b), 2.43(c), 2.43(g)(2), 2.43(g)(5), 2.43(h)(2), 2.43(i), 2.43(k)(2), 2.43(k)(3), 2.43(l)(1), 2.43(l)(2), 2.43(l)(3), 2.44, 2.48, 2.64(b), 2.68(b)(1), 2.68(b)(3), 2.68(b)(4), 2.68(c), 2.70(a), 2.71, 2.72(a)(4), 2.80(a)(2), 2.120 (preamble only), 2.120(b)(5), 2.121 and to repeal Sections 2.45, 2.46, and 2.47.
5. **Ordinance:** Consider Charter Ordinance No. 17, relating to the Government and Administration of the City of Oak Creek to repeal and recreate Sections 2.01, 2.02, 2.04, 2.05(a)(2)a., 2.05(a)(6)b., 2.07(a)(4)(b), 2.07(a)(5)(b), 2.07(a)(6)(b), 2.20, 2.21(a)(1), 2.21(a)(2), 2.21(b), 2.21(c)(3), 2.22, 2.23(a), 2.23(a)(1), 2.23(a)(4), 2.23(b)(2), 2.23(c)(1), 2.23(c)(2), 2.24(g), 2.25, 2.26, 2.27, 2.28(b), 2.29, 2.31(b), 2.32(a), 2.33(a), 2.33(b), 2.34(a), 2.36(a), 2.36(b), 2.36(d)(1), 2.36(g), 2.40(a), 2.40(b), 2.40(d), 2.41(b), 2.42, 2.43(b), 2.43(c), 2.43(g)(2), 2.43(g)(5), 2.43(h)(2), 2.43(i), 2.43(k)(2), 2.43(k)(3), 2.43(l)(1), 2.43(l)(2), 2.43(l)(3), 2.44, 2.48, 2.64(b), 2.68(b)(1), 2.68(b)(3), 2.68(b)(4), 2.68(c), 2.70(a), 2.71, 2.72(a)(4), 2.80(a)(2), 2.120 (preamble only), 2.120(b)(5), 2.121 and to repeal Sections 2.45, 2.46, and 2.47 (by Committee of the Whole).

Visit our website at 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>.

New Business

6. **Presentation:** Joint Recreation Platform Update, Heather Ryan, Director of Oak Creek Education and Recreation (OCR).

ENGINEERING

7. **Resolution:** Consider Resolution No. 12430-091923, donating and waiving appraisal for a temporary limited easement consisting of a 24'-wide strip (0.039 acres) to Milwaukee County (2nd District).
8. **Resolution:** Consider Resolution No. 12431-091923, accepting the workmanship of Edgerton Contractors, Inc., and authorizing final contract payment under Project No. 21024 (4th District).
9. **Resolution:** Consider Resolution No. 12432-091923, approving the Milwaukee Area Technical College Truck Driving Track Development Agreement with Milwaukee Area Technical College for the design and construction of public improvements located at 6665 S. Howell Ave. (Tax Key No. 718-9961-002) (Project No. 23057) (1st District).

LICENSE COMMITTEE

10. **Motion:** Consider a motion to approve the various license requests as listed on the 9/19/23 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

11. **Motion:** Consider a motion to approve the September 13, 2023 Vendor Summary Report in the amount of \$6,439,287.09 (by Committee of the Whole).

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. 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.

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

IMPORTANT NOTICE

PURPOSE:

The purpose of this public hearing is to consider a Charter Ordinance relating to the Government and Administration of the City of Oak Creek to repeal and recreate Sections 2.01, 2.02, 2.04, 2.05(a)(2)a., 2.05(a)(6)b., 2.07(a)(4)(b), 2.07(a)(5)(b), 2.07(a)(6)(b), 2.20, 2.21(a)(1), 2.21(a)(2), 2.21(b), 2.21(c)(3), 2.22, 2.23(a), 2.23(a)(1), 2.23(a)(4), 2.23(b)(2), 2.23(c)(1), 2.23(c)(2), 2.24(g), 2.25, 2.26, 2.27, 2.28(b), 2.29, 2.31(b), 2.32(a), 2.33(a), 2.33(b), 2.34(a), 2.36(a), 2.36(b), 2.36(d)(1), 2.36(g), 2.40(a), 2.40(b), 2.40(d), 2.41(b), 2.42, 2.43(b), 2.43(c), 2.43(g)(2), 2.43(g)(5), 2.43(h)(2), 2.43(i), 2.43(k)(2), 2.43(k)(3), 2.43(l)(1), 2.43(l)(2), 2.43(l)(3), 2.44, 2.48, 2.64(b), 2.68(b)(1), 2.68(b)(3), 2.68(b)(4), 2.68(c), 2.70(a), 2.71, 2.72(a)(4), 2.80(a)(2), 2.120 (preamble only), 2.120(b)(5), 2.121 and to repeal Sections 2.45, 2.46, and 2.47.

Hearing Date:

September 19, 2023

Time:

7:00 p.m.

Place:

Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers

The Common Council may have scheduled other public hearings for September 19, 2023 at 7:00 p.m. This hearing may begin at 7:00 p.m. or as soon as possible following the conclusion of other public hearings.

Date of Notice: September 6, 2023

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 414-766-7000, or by writing City Hall, 8040 South 6th Street, Oak Creek, Wisconsin 53154.

COMMON COUNCIL REPORT

Item:	Charter Ordinance No. 17, A Charter Ordinance Relating to the Government and Administration of the City of Oak Creek.
Recommendation:	The Personnel & Finance Committee recommends the Common Council adopt Charter Ordinance No. 17.
Fiscal Impact:	N/A
Critical Success Factor(s):	<input checked="" type="checkbox"/> Active, Vibrant, and Engaged Community <input checked="" type="checkbox"/> Financial Stability and Resiliency <input type="checkbox"/> Thoughtful Growth and Prosperous Local Economy <input type="checkbox"/> Clean, Safe, and Welcoming <input checked="" type="checkbox"/> Inspired, Aligned, and Proactive City Organization <input checked="" type="checkbox"/> Quality Infrastructure, Amenities, and Services <input type="checkbox"/> Not Applicable

Background: Numerous iterations of the City's SAP including the current 2023-2027 SAP request analyses into City resources, services, and organizational structure. To further these goals, changes to City Municipal Code, Chapter 2 are being proposed.

The proposed Chapter 2 amendment before the Common Council this evening accomplishes the following:

- 1) Provides general housekeeping, corrects citations to other code and state statutes, updates polling locations, etc.;
- 2) Reflects current law, and recent changes Common Council made to residency requirements for certain staff positions and groups;
- 3) Captures the City's current administrative operations and governance system, including titles, processes, and responsibilities related to City Administrator, Statutory Officers, Appointed Officials, and Elected Officials. These provisions are intended to provide clarity, resilience, and stability for the organization;
- 4) Enables flexibility around organizational design to meet service and staffing needs as the City continues to grow and change;
- 5) Allows for the implementation of several goals and objectives in the 2023-2027 SAP, and for implementation of same to be consistent with the Ordinance;
- 6) Makes changes to the structure of the Celebrations Commission, and minor language amendments to the responsibilities of the Parks & Recreation Commission.

The Personnel & Finance Committee reviewed the proposed Chapter 2 amendment at both of its August meetings. At its August 23, 2023 meeting, the Committee unanimously recommended approval, and the Ordinance is now before the full Common Council for consideration following a public hearing.

As the Charter Ordinance No. 17 is a "repeal and recreate" it can be difficult to determine what is being changed without a side-by-side comparison. For ease of reference and transparency, staff included a redlined version of the Ordinance recommended by the Personnel & Finance Committee.

Options/Alternatives: The Common Council has the discretion to make any amendments it deems appropriate to the proposed Charter Ordinance No. 17, or choose to not act on the Ordinance.

Prepared and Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Reviewed:



Melissa L. Karls
City Attorney

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments:

Charter Ordinance No. 17.

Redlined version of Ordinance amendments (as recommended by Personnel & Finance Committee)

DRAFT CHARTER ORDINANCE NO. 17

BY: _____

A CHARTER ORDINANCE RELATING TO THE GOVERNMENT AND ADMINISTRATION OF THE CITY OF OAK CREEK TO REPEAL AND RECREATE SECTIONS 2.01, 2.02, 2.04, 2.05(a)(2)a., 2.05(a)(6)b., 2.07(a)(4)(b), 2.07(a)(5)(b), 2.07(a)(6)(b), 2.20, 2.21(a)(1), 2.21(a)(2), 2.21(b), 2.21(c)(3), 2.22, 2.23(a), 2.23(a)(1), 2.23(a)(4), 2.23(b)(2), 2.23(c)(1), 2.23(c)(2), 2.24(g), 2.25, 2.26, 2.27, 2.28(b), 2.29, 2.31(b), 2.32(a), 2.33(a), 2.33(b), 2.34(a), 2.36(a), 2.36(b), 2.36(d)(1), 2.36(g), 2.40(a), 2.40(b), 2.40(d), 2.41(b), 2.42, 2.43(b), 2.43(c), 2.43(g)(2), 2.43(g)(5), 2.43(h)(2), 2.43(i), 2.43(k)(2), 2.43(k)(3), 2.43(l)(1), 2.43(l)(2), 2.43(l)(3), 2.44, 2.48, 2.64(b), 2.68(b)(1), 2.68(b)(3), 2.68(b)(4), 2.68(c), 2.70(a), 2.71, 2.72(a)(4), 2.80(a)(2), 2.120 (preamble only), 2.120(b)(5), 2.121 AND TO REPEAL SECTIONS 2.45, 2.46 and 2.47 OF THE MUNICIPAL CODE.

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

SECTION 1: Section 2.01 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.01 CITY GOVERNMENT

- (a) **Mayor-Council Government.** The City of Oak Creek is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Oak Creek operates under the Mayor-Council form of government under Ch. 62, Wis. Stats. The Mayor shall serve in a part-time capacity.
- (b) **Division of Responsibilities.**
 - (1) Legislative Branch. The Common Council is the legislative branch of City Government. Each member shall serve in a part-time capacity. Its primary business is the passage of laws in the form of ordinances which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council may adopt resolutions of condolences, congratulations or stating official positions with respect to particular matters. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.
 - (2) Executive Branch. The Mayor shall be the chief executive officer. The Mayor, in conjunction with the City Administrator, shall ensure that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, the Mayor shall preside at the meetings of the Common Council and shall from time to time give the Council such information and recommend such measures, as they may deem advantageous to the City.

SECTION 2: Section 2.02 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.02 OFFICIAL NEWSPAER.

The *Milwaukee Journal Sentinel - South Now*, a newspaper published within the City of Oak Creek, is hereby designated as the official newspaper of the City of Oak Creek, Wisconsin, and all ordinances, notices and proceedings of the City required by law to be published shall be published herein.

SECTION 3: Section 2.04 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.04 NON-PARTISAN PRIMARY FOR CITY OFFICES.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. 8.11(1), Wis. Stats. Such candidate shall file with their nomination papers a declaration that they will qualify for the office to which they shall be elected.

SECTION 4: Section 2.05(a)(2)a. of the Municipal Code is hereby repealed and recreated to read as follows:

- a. *Place.* Discover Church, 7311 S. 13th Street.

SECTION 5: Section 2.05(a)(6)b. of the Municipal Code is hereby repealed and recreated to read as follows:

- b. *Wards.* Ward Nos. 16, 17 and 18.

SECTION 6: Section 2.07(a)(4)(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) The polling place for Ward Four shall be at the Discover Church, 7311 S. 13th St.

SECTION 7: Section 2.07(a)(5)(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) The polling place for Ward Five shall be at the Discover Church, 7311 S. 13th St.

SECTION 8: Section 2.07(a)(6)(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) The polling place for Ward Five shall be at the Discover Church, 7311 S. 13th St.

SECTION 9: Section 2.20 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.20 COMMON COUNCIL.

The Mayor and Alderpersons of the City of Oak Creek shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

SECTION 10: Section 2.21(a)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (1) The Mayor shall be the chief executive officer of the City. The Mayor shall ensure that City ordinances and the State Statutes are observed and enforced.

SECTION 11: Section 2.21(a)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The Mayor shall, from time to time, provide the Common Council such information and recommend such measures as the Mayor may deem advantageous to the City. When present, the Mayor shall preside at the meetings of the Council.

SECTION 12: Section 2.21(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Veto Power.** The Mayor shall have the veto power as to all acts of the Common Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to the Mayor by the City Clerk, and shall be enforced upon the Mayor's approval, evidenced by their signature, or upon their failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, they shall file in writing their objection with the City Clerk, who shall present it to the Common Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Common Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

SECTION 13: Section 2.21(c)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

- (3) In the event the Common Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

SECTION 14: Section 2.22 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.22 PRESIDENT OF THE COUNCIL/CHAIN OF COMMAND.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Common Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that the President shall not have power to approve an act of the Common Council which the Mayor has disapproved by filing objections with the City Clerk. The President shall, when so officiating, be styled "Acting Mayor." The President of the Common Council shall be elected for a one (1) year term of office. In the absence of both the Mayor and the President of the Common Council, the City Clerk shall call the Common Council to order and the Common Council shall select one of its members president pro-tem.

SECTION 15: Section 2.23(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Common Council President shall appoint Alderpersons to the following standing committees. Each committee shall have such duties and responsibilities as prescribed by this Code of Ordinances or as otherwise directed by the Common Council, and shall make whatever recommendations to the Common Council as it deems appropriate or as may be directed by the Common Council.

SECTION 16: Section 2.23(a)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (1) Personnel and Finance Committee. The Committee shall consist of three (3) Alderpersons annually appointed by the Common Council President. The City Administrator, City Clerk, City Treasurer and Finance Officer shall be ex-officio members of the Committee and shall not be entitled to vote on matters of the Committee. The Committee shall have charge of all matters arising under Ch. 111, Wis. Stats. and shall perform such other duties and have certain authorities as assigned by the Common Council.

SECTION 17: Section 2.23(a)(4) of the Municipal Code is hereby repealed and recreated to read as follows:

- (4) Small Claims Committee. The Small Claims Committee shall consist of the Mayor, the City Clerk, and an Alderperson representative appointed by the Mayor for a one-year term. The Committee shall be authorized to settle general non-injury claims up to \$5,000, to issue final decisions on cases brought before the Committee, and to issue legally required formal notices of disallowances when necessary.

SECTION 18: Section 2.23(b)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The Mayor may refer new business coming before the Common Council to the Committee of the Whole, or appropriate officer or appropriate committee, unless otherwise referred or disposed of by motion of the Common Council. Unless otherwise provided in the reference, the Committee or officer shall report thereon to the Common Council at its next regular meeting. The Chairperson of the Committee shall report verbally to the Common Council at the meeting at which the report of the Committee is to be made. Adoption of the Committee report shall comprise final Common Council action on any ordinance, resolution or other matter recommended for adoption by the Committee report.

SECTION 19: Section 2.23(c)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (1) The Chairperson of each committee shall be designated by the Council President. Each member shall serve as appointed unless excused by a majority of the members of the Common Council. All Alderpersons shall serve on at least one (1) standing committee.

SECTION 20: Section 2.23(c)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The Mayor may declare the entire Common Council a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall serve as Chairperson.

SECTION 21: Section 2.24(g) of the Municipal Code is hereby repealed and recreated to read as follows:

- (g) **Vacancies.** Pursuant to Section 62.09(5)(d), Wis. Stats., if any officer is incapacitated or absent for any cause, the Common Council may appoint some person to discharge the duties until they return or such disability has ended.

SECTION 22: Section 2.25 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.25 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may contract with other municipalities, as defined in Sec. 66.0301, Wis. Stats., in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

SECTION 23: Section 2.26 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.26 INTERNAL POWERS OF THE COUNCIL.

The Common Council has the power to preserve order at its meetings, compel attendance of Alderpersons and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

SECTION 24: Section 2.27 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.27 SALARIES.

The Mayor and Alderpersons who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and Alderpersons. Salaries shall not be increased or decreased during their term of office.

SECTION 25: Section 2.28(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the first and third Tuesdays of each calendar month, at a time not earlier than 6:00 p.m., or as otherwise scheduled by the Common Council. Any regular meetings falling upon a legal holiday or an election day shall be held as designated by majority vote of the Common Council. All meetings of the Council shall be held in the Oak Creek Civic Center, including special and adjourned meetings, unless another location is designated by the Common Council.

SECTION 26: Section 2.29 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.29 SPECIAL MEETINGS.

Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) Alderpersons, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at their abode at least six (6) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting

SECTION 27: Section 2.31(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) The Common Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

SECTION 28: Section 2.32(a) of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.32 PRESIDING OFFICERS.

(a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Common Council shall preside. In the absence of both the Mayor and the President of the Common Council, the City Clerk shall call the Common Council to order and the Common Council shall select one of its members president pro-tem. The President of the Council, or such other presiding officer, retains their right to vote.

SECTION 29: Section 2.33(a) of the Municipal Code is hereby repealed and recreated to read as follows:

(a) **Order of Business.** At all regular meetings, the order of business shall be according to the agenda prepared by the City Clerk. All copies of the agenda shall be forwarded by the City Clerk to members of the Common Council. Generally, the following order may be observed in the conduct of all meetings of the Council:

- (1) Call to Order by presiding officer.
- (2) Roll call.
- (3) Pledge of Allegiance.
- (4) Correction and approval of the minutes of the last preceding meeting or meetings.
- (5) Consent Agenda (if desired).
- (6) Old business.
- (7) New business, including the introduction of ordinances and resolutions.
- (8) Communications and miscellaneous business.
- (9) Any other business permitted by law.
- (10) Adjournment.

SECTION 30: Section 2.33(b) of the Municipal Code is hereby repealed and recreated to read as follows:

(b) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Common Council.

SECTION 31: Section 2.34(a) of the Municipal Code is hereby repealed and recreated to read as follows:

(a) **Ordinances to be in Writing.** All ordinances submitted to the Common Council shall be in writing and shall begin with a title and the name of the Alderperson or Mayor introducing the same. All ordinances shall be drafted by the City Attorney, or under their consultation, at the request of the Mayor or any member of the Common Council; and upon passage by the Common Council, the City Clerk shall supervise the printing of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2.23. Any member of the Common Council may require the reading in full of any ordinance or resolution at any time it is before the Common Council.

SECTION 32: Section 2.36(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **Robert's Rules of Order, Revised.** Unless otherwise provided in these rules, the Common Council in its deliberations shall be guided by Robert's Rules of Order, Revised.

SECTION 33: Section 2.36(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Recognition and Speaking.** No member shall address the Common Council until they have been recognized by the presiding officer. The member shall address themselves to the presiding officer and confine their remarks to the question under discussion and avoid all personalities. When two (2) or more members seek recognition, the presiding officer shall name the member who is to speak first.

SECTION 34: Section 2.36(d)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (1) Any member of the Common Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the proceedings (or minutes). On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City, or any fund thereof, the vote shall be by aye and nay. Every member of the Common Council shall vote when a question is put unless the Common Council by a majority vote of those present shall excuse them for special cause; however, a member of the Common Council may abstain from voting because of a conflict of interest or if voting would constitute a violation of state or local law. A member of the Common Council may not change their vote on any question after the result has been announced.

SECTION 35: Section 2.36(g) of the Municipal Code is hereby repealed and recreated to read as follows:

- (g) **Amendment of Rules.** The rules in this Section or any part thereof may be amended by a recorded vote of two-third (2/3) of all the members of the Common Council.

SECTION 36: Section 2.40(a) of the Municipal Code is hereby repealed and recreated to read as follows:

- (a) **General Powers.** Officers of the City of Oak Creek shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Mayor, shall perform such duties as shall be required by the Common Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Common Council.

SECTION 37: Section 2.40(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Rules.** All appointed officers, officials and departments may make the necessary rules for the conduct of their duties and incidental proceedings.

SECTION 38: Section 2.40(d) of the Municipal Code is hereby repealed and recreated to read as follows:

- (d) **Legal Representation.** Whenever any City official in their official capacity is proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain their official position, or because of some act arising out of the performance of their official duties, and they have prevailed in such proceedings, or the Common Council has ordered the proceedings discontinued, the Common Council may provide for payment to such official such sum as it sees fit, to reimburse them for the expenses reasonably incurred for costs and attorney's fees.

SECTION 39: Section 2.41(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Six Alderpersons.**

SECTION 40: Section 2.42 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.42 CITY ADMINISTRATOR.

- (a) **Declaration.** Whereas Article XI, Section 3 of the Wisconsin Constitution provides municipalities with home rule powers, and the right to determine their local affairs and government; and whereas Wisconsin Statutes Sec. 62.04 has granted to cities the largest measure of self-government compatible with the Constitution and general laws and further provides that the exercise of rights and powers of a city shall be liberally construed in favor of the City so as to promote the general welfare of peace, good order and prosperity of the inhabitants; and whereas Wisconsin Statutes Sec. 62.11(5) vests the management of the City in its Common Council which constitutes its Mayor and Alderpersons; and whereas it is deemed by the Common Council to be in the best interest of the management of the City to utilize the services of a professionally trained, qualified City Administrator to provide the Common Council with counsel and advice and management skills so as to foster the most effective and efficient management of the City's governmental operations and finances; and whereas a City Administrator should work closely with, be responsive to, and have the confidence of the Common Council; now, therefore, it is the declared purpose of this subsection to make clear the intent of the Common Council that the position of the City Administrator is in accordance with the authority of the City's home rule powers and is deemed to be a matter of purely local concern.
- (b) **Employment Status.** The position of City Administrator shall be full-time.

- (c) **Non-Policymaking Nature.** This position shall not be of a policy-making nature in those matters statutorily delegated to the Common Council, boards and commissions, nor shall the City Administrator be a voting member in the creation of such policy.
- (d) **Appointment Procedure.** The City Administrator shall be appointed by the Mayor from a list of five (5) candidates submitted by an ad hoc selection committee appointed by the Mayor subject to confirmation by the Common Council. The appointment of the Administrator shall be subject to confirmation by a majority vote of the Common Council on the basis of merit with due regard for training, experience, administrative ability and general fitness for the office. The City Administrator shall serve for a term as set forth in the employment contract, as provided in sub. (e).
- (e) **Contract.** An employment contract drafted by the City Attorney and approved by the Common Council and the City Attorney shall be entered into between the City and the City Administrator.
- (f) **Annual Review.** Annually, the Common Council as a whole shall conduct a review and evaluation of the job performance of the City Administrator, unless otherwise specified by the City Administrator's employment contract.
- (g) **Removal Procedure.** Removal from the position shall be effected by a majority vote of the Common Council without cause, unless otherwise specified by the City Administrator's employment contract.
- (h) **Salary.** The salary of the City Administrator shall be as the Common Council shall determine and prescribe, and shall be reviewed annually in conjunction with the City Administrator performance evaluation.
- (i) **Duties.**
 - (1) General Duties. The City Administrator shall:
 - a. Carry out directives of the Mayor and Common Council which require administrative implementation.
 - b. Be responsible for the administration of the day-to-day operations of the City government based on those directives.
 - c. Establish administrative procedures to increase the effectiveness and efficiency of City government according to current policies and practices in local government consistent with the directives of the Mayor and Common Council. Copies of administrative directives that affect major operations of the City shall be provided to the Common Council.
 - d. Collect and utilize up-to-date information regarding current Federal, State and County legislation and administrative rules affecting the City, and submit appropriate reports and recommendations thereon to the Common Council.
 - e. Collect and utilize up-to-date information regarding the availability of Federal, State, County and private funds for local programs, and assist departments and the Common Council in obtaining such funds, under the direction of the Mayor or Common Council.
 - f. Represent the City in matters involving legislative, financial and intergovernmental affairs as authorized by the Mayor or Common Council.
 - g. Act in the capacity of public relations officer for the City, as necessary, as authorized by the Mayor or Common Council.
 - h. Conduct or direct such studies, with Common Council approval, as are necessary for the internal organization and procedures of the various departments, division and offices, and implement the recommendations of such studies, as authorized by the Mayor or

Common Council, and require reports from the various departments when deemed necessary.

(2) **Responsibilities to the Common Council.** The City Administrator shall:

- a. Assist the Mayor and Common Council in establishing and executing a strategic vision for the community and organization, and organize resources and work to achieve policy directives and program goals.
- b. Attend all meetings of the Common Council, unless excused by the Mayor, or Council President in the absence of the Mayor.
- c. In coordination with the Mayor, Council President and City Clerk, review Common Council agendas for the appropriateness of items thereon, and to ensure that required supporting materials are available to the Common Council.
- d. Assist in the preparation of ordinances and resolutions as requested by the Mayor or Common Council, or as needed.
- e. Provide an Administrator's Report to the Common Council at a frequency and in a manner determined by the Common Council.
- f. Take necessary emergency action to protect persons or property consistent with existing City Emergency Management plans and policies, under the direction of the Mayor, if the Common Council due to time constraints, is unable to meet to authorize such action.
- g. Inform the Mayor and Common Council concerning any proposed change in services rendered to City residents, taxpayers or City-located businesses which shall appreciably affect the extent, quality or cost effectiveness of such services.

(3) **Personnel.** The City Administrator shall:

- a. Exercise administrative oversight over all appointed officers and officials subject to the limitations of applicable state statutes. Be responsible for the administrative direction and coordination of all employees of the City, according to the established organizational procedures, subject to statutory and ordinance limits which apply. Conduct periodic performance evaluations of appointed officers and officials and provide a written summary of the evaluations to the Mayor and Common Council upon request.
- b. Organize departments, staff, and deploy the human resources and capital resources of the City in a manner promoting the most effective and efficient public services and public works.
- c. Serve as personnel officer for the City with responsibilities to see that complete and current personnel records, including specific job descriptions for all City employees are kept. Oversee, in conjunction with appointed officers and officials, the evaluation of performance of all employees on a regular basis. Appointed officers and officials shall be required to report to the Administrator or their designee any corrective actions, disciplinary actions, suspensions or terminations of any employee within their department. The Administrator shall report critical personnel activities or actions to the Mayor and Common Council.
- d. The Administrator shall recommend salary and wage scales, benefits and working conditions for City employees not covered by collective bargaining agreements; develop work rules for high standards of performance by City employees.
- e. Work closely with departments to promptly resolve personnel problems or grievances.
- f. Consult with the Personnel and Finance Committee and conduct whatever research is necessary for the proper conduct of negotiations with the various bargaining units. The Administrator shall conduct preliminary meetings with departments and make recommendations to the Personnel and Finance Committee regarding union negotiations and

other personnel issues. The Administrator shall assist departments in attempting to resolve grievances.

- g. Work closely with departments to ensure employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training school, etc., provided that funds have been budgeted for these activities.
- h. Conduct monthly meetings with the management staff.

(4) **Budgeting and Purchasing.** The City Administrator shall:

- a. Administer the preparation of the annual City budget in a program budget format and in accordance with guidelines as provided by the Mayor and Common Council, and in coordination with departments.
- b. Administer the budget as adopted by the Common Council.
- c. Supervise the purchasing and contracting for the City's supplies and services.

(j) **Qualifications.** The qualifications for the position of City Administrator shall be as follows.

- (1) The minimum requirement shall be a Bachelor's Degree from an accredited college or university with a specialization in public or business administration and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.
- (2) The optimum requirement shall be a Master's Degree in a related field and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.
- (3) The City Administrator shall be bondable.
- (4) The City Administrator shall have considerable knowledge of the functions, policies, laws and regulations of the state of Wisconsin.
- (5) The City Administrator shall pass a physical examination and a job trait assessment prior to employment.

SECTION 41: Section 2.43(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the City of Oak Creek. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Common Council therefore.

SECTION 42: Section 2.43(c) of the Municipal Code is hereby repealed and recreated to read as follows:

- (c) **Election; Qualifications.** The Municipal Judge shall be elected at large as prescribed in Section 2.41. No person shall be elected by the people to the office of Municipal Judge who is not at the time of their election and is not during the entire tenure of their term a citizen of the United States, and of this state, a resident of Oak Creek and an attorney licensed to practice law in the State of Wisconsin. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.

SECTION 43: Section 2.43(g)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The Municipal Judge shall keep their office and hold court in a location designated by the Common Council.

SECTION 44: Section 2.43(g)(5) of the Municipal Code is hereby repealed and recreated to read as follows:

- (5) The procedure in Municipal Court for the City shall be as provided by this Section and State law, including, without limitation because of enumeration, Chapters 755, 800, and Sec. 23.66 to Sec 23.99, 778.14, 778.15, 778.18 and 345.20 to 345.53, Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the City Attorney shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

SECTION 45: Section 2.43(h)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before them and shall pay over such moneys to the City Treasurer not later than the seventh (7th) business day succeeding their receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Treasurer the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Treasurer shall disburse the fees as provided in Sec. 814.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.0114, Wis. Stats.

SECTION 46: Section 2.43(i) of the Municipal Code is hereby repealed and recreated to read as follows:

- (i) **Common Council May Abolish Municipal Court.** The Common Council may, by ordinance or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.

SECTION 47: Section 2.43(k)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in their defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.

SECTION 48: Section 2.43(k)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

- (3) The Municipal Court may, for contempt of court, under the provisions of Sec. 800.12, Wis. Stats., impose a forfeiture of up to Two Hundred Dollars (\$200.00), plus statutory assessments, a jail sentence not to exceed seven (7) days and a forfeiture, or a warrant to testify with a forfeiture of up to Two Hundred Dollars (\$200.00) and apprehension costs.

SECTION 49: Section 2.43(l)(1) of the Municipal Code is hereby repealed and recreated to read as follows:

- (1) Deposit Schedule to Be Established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. 800.037, Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. 345.26, Wis. Stats., and boating violations governed by Ch. 30, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and City Police Department.

SECTION 50: Section 2.43(l)(2) of the Municipal Code is hereby repealed and recreated to read as follows:

- (2) Stipulation and Deposit of Lieu of Court Appearance. Persons cited for violations of City ordinances, resolutions or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. 800.035, and 800.09, Wis. Stats.

SECTION 51: Section 2.43(l)(3) of the Municipal Code is hereby repealed and recreated to read as follows:

- (3) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. 30 and 345, Wis. Stats., shall apply to stipulations and deposits for violation of traffic regulations enacted in accordance with Sec 345.26 and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.

SECTION 52: Section 2.44 of the Municipal Code is hereby repealed and recreated to read as follows:

SEC. 2.44 APPOINTED OFFICERS AND OFFICIALS

All appointed officers and officials shall perform those duties prescribed in state statutes, this Code of Ordinances, and their position descriptions. The appointed officers of the City shall be as follows: Treasurer, Clerk, Attorney, Engineer, Assessor, Health Officer, Chief of Police, Chief of the Fire Department, and Library Director. Non-officer appointed officials include management positions styled as Director, Deputy Administrator, and Assistant Administrator.

(a) **Appointment of Officers and Officials.**

- (1) Pursuant to Sections 66.0101 and 62.09, Wisconsin Statutes, the City elects that the method of choosing the above officers and officials shall be pursuant to Section 62.09(3)(b)2, except as otherwise provided by subsections (2) and (3) below.
- (2) The Chief of Police and Chief of the Fire Department shall be appointed by the Police and Fire Commission, pursuant to Section 62.13(3), Wisconsin Statutes.
- (3) The Library Director shall be appointed by the Library Board, pursuant to Section 43.58(4), Wisconsin Statutes.

(b) **Elimination of Several Officer Positions.** The officer positions of comptroller, constable, and street commissioner, are hereby eliminated.

(c) **Procedure for Filling Vacancies of Appointed Officers and Officials.**

- (1) At such time as any officer or official position becomes vacant, the City Administrator or designee shall begin the recruitment process, except that vacancies in the positions of Police Chief, Chief of the Fire Department and Library Director shall be filled as provided by applicable Wisconsin Statutes. If there are significant changes to the position description or approved salary range, the City Administrator will communicate the proposed changes to the Mayor and Common Council, or a committee, board, or commission thereof.
- (2) The Mayor, at their discretion, can elect to participate in the recruitment process and provide their recommendations on candidates.
- (3) Following the recruitment process, and on the basis of merit, training, experience, administrative ability, efficiency, general qualifications, fitness for performing the duties of the position, and after considering the general recommendation of the City Administrator, the Mayor shall offer an appointment to the Common Council pursuant to Section 62.09(3)(b)2.

(d) **Terms of Office.** The term of office for appointed officers and officials shall be indefinite unless removed from said position for cause by majority vote of the Common Council or as otherwise provided by state statute.

SECTION 53: Section 2.48 of the Municipal Code is hereby repealed recreated to read as follows:

SEC. 2.48 RESIDENCY REQUIREMENTS.

Notwithstanding the provisions of any other ordinances, rules or regulations, no employee of the City of Oak Creek shall be and is required to be a resident of the City, subject to the following provisions and conditions:

- (a) **Full Time Employees Under Labor Contract.** Any full time union employee who is not required to be a resident of the City of Oak Creek shall comply with the residency provisions of the labor contract for that union in which they are a member, provided that the contract's provisions are consistent with Wis. Stats. Sec. 66.0502 and any future amendment thereto
- (b) **Fire Department Non-Union Full-Time Emergency Employees.** All non-union fire emergency employees shall comply with residency requirements contained in the City Personnel Policy Manual, as may be amended from time to time.
- (c) **Police Department Non-Union Full-Time Emergency Employees.** All non-union emergency employees of the Police Department shall comply with residency requirements contained in the City Personnel Policy Manual, as may be amended from time to time.

- (d) **Contract Employees.** Any employee who is required to be a resident of Oak Creek by virtue of a contract with the City is required to comply with the residency requirements of the contract while the contract is in effect.
- (e) **Noncompliance.** Failure to comply with the provisions of this Section shall be grounds for termination.

SECTION 54: Section 2.64(b) of the Municipal Code is hereby repealed recreated to read as follows:

- (b) **Powers and Duties.** The Zoning Board of Appeals shall have those powers and duties prescribed by City ordinance and Sec. 62.23(7)(e), Wis. Stats.

SECTION 55: Section 2.68(b)(1) of the Municipal Code is hereby repealed recreated to read as follows:

- (1) Advise the responsible management staff in the execution of their parks improvement, and joint community recreation platform responsibilities.

SECTION 56: Section 2.68(b)(3) of the Municipal Code is hereby repealed recreated to read as follows:

- (3) Develop a five-year parks and open space capital improvement plan, and review and recommend parks-related capital expenditures in each annual budget cycle.

SECTION 57: Section 2.68(b)(4) of the Municipal Code is hereby repealed recreated to read as follows:

- (4) Make whatever recommendations they may see fit to the Mayor and Common Council towards the improvement of the operation of park and recreational activities and facilities.

SECTION 58: Section 2.68(c) of the Municipal Code is hereby repealed recreated to read as follows:

- (c) **Meetings.** The Parks and Recreation Commission shall meet annually in June of each year and will further meet monthly at such times and places as they determine. At the annual meeting, a Chairperson and Secretary shall be elected. In the absence of the Chairperson, the members of the Commission shall elect one of its members to preside and exercise the functions of the Chairperson.

SECTION 59: Section 2.70(a) of the Municipal Code is hereby repealed recreated to read as follows:

- (a) **Composition.** There is hereby created the City of Oak Creek Board of Health. It shall consist of eight (8) members: the Health Officer, Sanitarian, Medical Advisor, an Alderperson and four (4) citizen members. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall hold office as members of the Board for three (3) years and until their successors are appointed and qualified, the first appointments to be for three (3), two (2) and one (1) years respectively. The terms of office of the citizen members shall commence on October 1. The Alderperson member of the Board of Health shall be appointed by the Common Council President at its regular meeting held on the third Tuesday of April and shall serve for one (1) year. The Board of Health shall appoint a licensed physician who shall be a member of such Board. If a vacancy in the position of medical advisor occurs, the Board of Health shall immediately fill the same.

SECTION 60: Section 2.71 of the Municipal Code is hereby repealed recreated to read as follows:

SEC. 2.71 CELEBRATIONS COMMISSION.

- (a) **Composition.** There is hereby created a Celebrations Commission consisting of not more than ten (10) members, of which one (1) member is an Alderperson and one (1) member is a staff representative. The members of the Celebrations Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, and vacancies shall be filled in the same manner. Members appointed as vacancies appear shall serve only for the unexpired term of the vacated members. All appointments, except in vacancies, shall be for three (3) years and shall be made on the third Tuesday in April in each year. Terms shall be staggered so that no more than four (4) members are appointed annually.
- (b) **Powers and Duties.** The Celebrations Commission shall coordinate and supervise the annual Fourth of July celebration and any other celebration authorized and/or directed by the Common Council. The Commission is authorized to expend funds allocated to it by the annual budget of the Common Council.

SECTION 61: Section 2.72(a)(4) of the Municipal Code is hereby repealed recreated to read as follows:

- (4) Health Officer.

SECTION 62: Section 2.80(a)(2) of the Municipal Code is hereby repealed recreated to read as follows:

- (2) The City Administrator, Director of Community Development and Finance Officer shall act as advisory to the Standing Joint Review Board without the authority to vote.

SECTION 63: Section 2.120 of the Municipal Code, preamble only, is hereby repealed recreated to read as follows:

SEC. 2.120 EMERGENCY MANAGEMENT.

Pursuant to Sec. 323.14, Wis. Stats., the following program of emergency management is hereby adopted:

SECTION 64: Section 2.120(b)(5) of the Municipal Code is hereby repealed recreated to read as follows:

- (5) The Police Chief shall be the Deputy Emergency Management Director who shall have the powers and duties of the Emergency Management Director in their absence.

SECTION 65: Section 2.121 of the Municipal Code is hereby repealed recreated to read as follows:

SEC. 2.121 DECLARATION OF EMERGENCIES.

- (a) Pursuant to Sec. 62.11(5), Wis. Stats., to act for the government and good order of the City and for the health, safety and welfare of the public, and notwithstanding any other provision of law to the contrary, the Common Council may declare, by ordinance or resolution, an emergency existing within the City of Oak Creek whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation or restriction because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the City. The period of such emergency shall be limited by such ordinance or resolution to the time during which such emergency conditions exist or are likely to exist.
- (b) The emergency power of the Common Council herewith conferred shall include such general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of the City in such emergency and shall include such authority as is necessary and expedient without limitation or restriction because of enumeration and shall include the power to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the local highways, notwithstanding any provisions of Chs. 341 to 349, Wis. Stats.
- (c) If because of such emergency conditions the Common Council shall be unable to meet with promptness, the Mayor or President of the Common Council shall exercise by proclamation all the powers herewith conferred upon the Common Council which, within the discretion of the Mayor, are necessary and expedient for the purposes herein set forth, but such proclamation of the Mayor shall be subject to ratification, alteration, modification or repeals by the Common Council as soon as the Common Council shall be able to meet, but such ratification, alteration, modification or repeal by the Common Council shall not affect the prior validity or force or effect of such proclamation by the Mayor.

SECTION 66: Section 2.45 of the Municipal Code is hereby repealed.

SECTION 67: Section 2.46 of the Municipal Code is hereby repealed.

SECTION 68: Section 2.47 of the Municipal Code is hereby repealed.

SECTION 69: All ordinances contravening the provisions of this Ordinance are hereby repealed.

SECTION 70: This Charter Ordinance shall take effect sixty (60) days after its passage and publication, unless within sixty (60) days of passage and publication a referendum petition shall be filed as provided in Section 66.0101(5) of the Wisconsin Statutes, in which event this ordinance shall not take effect until submitted to a referendum vote and approved by a majority of the electors voting thereon.

Introduced this ____ day of _____, 2023.

Passed and adopted this ____ day of _____, 2023.

President, Common Council

Approved this ____ day of _____, 2023.

ATTEST:

Mayor

City Clerk

VOTE: Ayes ____ Noes ____

CHAPTER 2. GOVERNMENT AND ADMINISTRATION

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CITY GOVERNMENT AND ELECTIONS

State Law Reference: Sec. 985.06, Wis. Stats.
Ordinance 2731, A 08/04/14, Sec. 2.02

SEC. 2.01 CITY GOVERNMENT.

(a) **Mayor-Council Government.** The City of Oak Creek is a body corporate and politic with the powers of a municipality at common law and governed by the provisions of Chs. 62 and 66, Wis. Stats., laws amending those chapters, other acts of the legislature and the Constitution of the State of Wisconsin. The City of Oak Creek operates under the Mayor-Council form of government under Ch. 62, Wis. Stats. The Mayor shall serve in a part-time capacity.

(b) Division of Responsibilities.

(1) **Legislative Branch.** The Common Council is the legislative branch of City Government. Each member shall serve in a part-time capacity. Its primary business is the passage of laws in the form of ordinances which shall prescribe what the law shall be, not only in relation to the particular facts existing at the time, but as to all future cases arising under it. The Common Council may adopt resolutions of condolences, congratulations or stating official positions with respect to particular matters. The Common Council shall fix the salaries of all officers and employees of the City, and be charged with the official management of the City's financial affairs, its budget, its revenues and the raising of funds necessary for the operation of the City.

(2) **Executive Branch.** The Mayor shall be the chief executive officer. He The Mayor, in conjunction with the City Administrator, shall ensure that all City ordinances and state laws are observed and enforced and that all City officers, boards, committees and commissions discharge their duties. When present, he the Mayor shall preside at the meetings of the Common Council. He and shall from time to time give the Council such information and recommend such measures, as hethey may deem advantageous to the City.

State Law Reference: Wis. Const., Art. XI, Sec. 3.

SEC. 2.02 OFFICIAL NEWSPAPER.

The Milwaukee Journal Sentinel - Oak Creek South Now, a newspaper published within the City of Oak Creek, is hereby designated as the official newspaper of the City of Oak Creek, Wisconsin, and all ordinances, notices and proceedings of the City required by law to be published shall be published herein.

SEC. 2.03 ELECTION OFFICIALS.

- (a) **Qualifications.** At every election held in the City, there shall be in each polling place of each aldermanic district five (5) Inspectors of Election; the Common Council may change the number by resolution pursuant to Sec. 7.32, Wis. Stats.
- (b) **Appointment.** The election officials herein shall be chosen in accordance with Sec. 7.30, Wis. Stats., and acts amendatory thereto.
- (c) **Chairperson.** The Inspectors of each ward in each aldermanic district shall elect their own chairperson.
- (d) **Vacancies.** When an election official is unable to be present on Election Day, said election official shall notify the City Clerk immediately. Failure to do so constitutes forfeiture of office. The City Clerk shall fill vacancies from an eligible list on file in said office, as required by statute.
- (e) **Compensation.** The compensation for services rendered by each of the Inspectors shall be at such times and in such manner as prescribed by ordinance.

State Law Reference: Sec. 7.30, Wis. Stats.

SEC. 2.04 NON-PARTISAN PRIMARY FOR CITY OFFICES.

Whenever three (3) or more candidates file nomination papers, candidates for elective City offices shall be nominated by a non-partisan primary conducted pursuant to Sec. ~~8.05(4)~~ 8.11(1), Wis. Stats. Such candidate shall file with histheir nomination papers a declaration that hethey will qualify for the office to which hethey shall be elected.

State Law Reference: Secs. ~~8.05(4)~~ and 8.11, Wis. Stats.

SEC. 2.05 POLLING PLACES.

- (a) **Polling Places Designated.** The following locations are designated City polling places:
- (1) **First Aldermanic District.**
 - a. *Place.* School Administration Building, 7630 S. 10th Street.
 - b. *Wards.* Ward Nos. 1, 2 and 3.
 - (2) **Second Aldermanic District.**
 - a. *Place.* ~~Oak Creek Assembly of God-~~ **Discover Church**, 7311 S. 13th Street.
 - b. *Wards.* Ward Nos. 4, 5 and 6.
 - (3) **Third Aldermanic District.**

- a. *Place.* American Legion Post 434, 9327 S. Shepard Avenue.
- b. *Wards.* Ward Nos. 7, 8 and 9.
- (4) **Fourth Aldermanic District.**
 - a. *Place.* National Guard Armory, 8520 S. Howell Avenue.
 - b. *Wards.* Ward Nos. 10, 11 and 12.
- (5) **Fifth Aldermanic District.**
 - a. *Place.* Parkway Church, 10940 South Nicholson Road.
 - b. *Wards.* Ward Nos. 13, 14 and 15.
- (6) **Sixth Aldermanic District.**
 - a. *Place.* Community Center, 8580 S. Howell Avenue
 - b. *Wards.* Ward Nos. 16, 17; ~~and 18 and~~ 19.
- (b) **Polling Hours.** The polls on each Election Day shall remain open for voting from 7:00 a.m. until 8:00 p.m.
- (c) **Political Party Committees.** Pursuant to the authority of Sec. 8.17(1)(b), Wis. Stats., each party shall elect one committeeman or committeewoman for each election district.

Ordinance 2471, A 08/21/07, Sec. 2.05(a)(1)-(6)
Ordinance 2481, A 11/20/07, Sec. 2.05(a)(2)
Ordinance 2654, A 06/05/12, Sec. 2.05(a)(1)-(6)
Ordinance 2805, A 06/21/16, Sec. 2.05
Ordinance 2862, A 08/15/17, Sec. 2.05(a)(1)-(6)

SEC. 2.06 ALDERMANIC DISTRICT BOUNDARIES.

- (a) The City of Oak Creek shall be divided into six (6) aldermanic districts, comprised of eighteen (18) wards, and the respective boundaries of the aldermanic districts shall be as follows:

(1) Aldermanic District One.

- (a) District One shall be bounded as follows:

Commencing at the intersection of East College Avenue and South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Forest Hill Avenue; thence west on Forest Hill Avenue to its intersection with the Union Pacific Railroad; thence southeasterly along the Union Pacific Railroad to its intersection with East Puetz Road; thence west on Puetz Road to its intersection with South Nicholson Road; thence south on Nicholson Road to its intersection with East Falcon Glen; thence west on Falcon Glen to its intersection with South Knollhaven; thence north on Knollhaven to its intersection with East Buckwood Drive;

thence west on Buckwood Drive to its intersection with South Clemson Drive; thence northwesterly on Clemson Drive to its intersection with East Puetz Road; thence west on Puetz Road to its intersection with South Maize Drive; thence north on Maize Drive to its intersection with East Groveland Drive; thence west on Groveland Drive to its intersection with South Golden Fields Drive; thence north on Golden Fields Drive to its intersection with East Deer Ridge Pass; thence west on Deer Ridge Pass to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Forest Hill Avenue; thence west on Forest Hill Avenue to its intersection with South Verdev Drive; thence north on Verdev Drive to its intersection with East Drexel Avenue; thence west on Drexel Avenue to its intersection with Interstate 94; thence north on Interstate 94 to its intersection with the City limits of the City of Milwaukee; thence following the City limits of the City of Milwaukee northerly and easterly to the point of beginning.

- (b) District One shall be comprised of Ward One, Ward Two and Ward Three.

(2) Aldermanic District Two.

- (a) District Two shall be bounded as follows:

Commencing at the intersection of South 27th Street and West College Avenue; thence east on College Avenue to its intersection with the City limits of the City of Milwaukee; thence south and east along the City limits with the City of Milwaukee to their intersection with Interstate 94; thence south along Interstate 94 to its intersection with West Drexel Avenue; thence east on Drexel Avenue to its intersection with South Verdev Drive; thence south on Verdev Drive to its intersection with East Forest Hill Avenue; thence west on Forest Hill Avenue to its intersection with South Liberty Lane; thence south on Liberty Lane to its intersection with West Puetz Road; thence west on Puetz Road to its intersection with West Violet Drive; thence south and west on Violet Drive to its intersection with South 13th Street; thence north on 13th Street to its inter-

section with West Puetz Road; thence west on Puetz Road to its intersection with South 27th Street and the City limits of the City of Franklin; thence following the City limits of the City of Franklin north along 27th Street to the point of beginning.

- (b) District Two shall be comprised of Ward Four, Ward Five and Ward Six.

(3) Aldermanic District Three.

- (a) District Three shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Deer Ridge Pass; thence east on Deer Ridge Pass to its intersection with South Golden Fields Drive; thence south on Golden Fields Drive to its intersection with East Groveland Drive; thence east on Groveland Drive to its intersection with South Maize Drive; thence south on Maize Drive to its intersection with East Puetz Road; thence east on Puetz Road to its intersection with South Clemson Drive; thence southeasterly on Clemson Drive to its intersection with East Buckwood Drive; thence east on Buckwood Drive to its intersection with South Knollhaven; thence south on Knollhaven to its intersection with East Falcon Glen; thence east on Falcon Glen to its intersection with South Nicholson Road; thence south on Nicholson Road to its intersection with East Ryan Road; thence east on Ryan Road to its intersection with South Kinney Lane; thence north on Kinney Lane to its intersection with East Woodview Avenue; thence west on Woodview Avenue to its intersection with South Shire Place; thence north on Shire Place to its intersection with East Kender Lane; thence east on Kender Lane to its intersection with South Regency Drive; thence southeasterly along Regency Drive to its intersection with East Northbrook Boulevard; thence southeasterly along Northbrook Boulevard to its intersection with East Ryan Road; thence east on Ryan Road to its intersection with South Chicago Road;

thence southeasterly on Chicago Road to its intersection with East Oakwood Road; thence west on Oakwood Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Arthur Drive; thence west on Arthur Drive to its intersection with South Shepard Hills Drive; thence south on Shepard Hills Drive to its intersection with East Estates Place; thence west on Estates Place to its intersection with South Austin Street; thence south on Austin Street to its intersection with East Estates Place; thence west on Estates Place to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with West Ryan Road; thence west on Ryan Road to its intersection with the Oak Creek; thence northeasterly along the Oak Creek to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with West Oak Leaf Drive; thence west on Oak Leaf Drive to its intersection with South Aspen Drive; thence north on Aspen Drive to its intersection with West Centennial Drive; thence east on Centennial Drive to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with East Groveland Drive; thence east on Groveland Drive to its intersection with South Verdev Drive; thence north on Verdev Drive to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

- (b) District Three shall be comprised of Ward Seven, Ward Eight and Ward Nine.

(4) Aldermanic District Four.

- (a) District Four shall be bounded as follows:

Commencing at the intersection of South Nicholson Road and East Puetz Road; thence east on Puetz Road to its intersection with the Union Pacific Railroad; thence northwesterly along the Union Pacific Railroad to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to its intersection with the City limits with the

City of South Milwaukee; thence east along the City limits with the City of South Milwaukee to the shoreline of Lake Michigan; thence southeasterly along the shoreline of Lake Michigan to the City limits with Racine County; thence west along the City limits with Racine County to its intersection with South Chicago Road; thence north on Chicago Road to its intersection with East Elm Road; thence west on Elm Road to its intersection with South Shangri-La Court; thence north on Shangri-La Court to its intersection with East Alpine Drive; thence east on Alpine Drive to its intersection with South Rosemont Lane; thence north on Rosemont Lane to its intersection with East Stargrass Lane; thence east on Stargrass Lane to its intersection with South Grimm Drive; thence north on Grimm Drive to its intersection with East Oakwood Road; thence east on Oakwood Road to its intersection with South Chicago Road; thence northwesterly on Chicago Road to its intersection with East Ryan Road; thence west on Ryan Road to its intersection with East Northbrook Boulevard; thence north and west on Northbrook Boulevard to its intersection with South Regency Drive; thence north and west on Regency Drive to its intersection with East Kender Lane; thence west on Kender Lane to its intersection with South Shire Place; thence south on Shire Place to its intersection with East Woodview Avenue; thence east on Woodview Avenue to its intersection with South Kinney Lane; thence south on Kinney Lane to its intersection with East Ryan Road; thence west on Ryan Road to its intersection with South Nicholson Road; thence north on Nicholson Road to the point of beginning.

- (b) District Four shall be comprised of Ward Ten, Ward Eleven and Ward Twelve.

(5) Aldermanic District Five.

- (a) District Five shall be bounded as follows:

Commencing at the intersection of East Oakwood Road and South Grimm Drive; thence south on Grimm Drive to its intersection with East Stargrass Lane;

thence west on Stargrass Lane to its intersection with South Rosemont Lane; thence south on Rosemont Lane to its intersection with East Alpine Drive; thence west on Alpine Drive to its intersection with South Shangri-La Court; thence south on Shangri-La Court to its intersection with East Elm Road; thence east on Elm Road to its intersection with South Chicago Road; thence south on Chicago Road to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to its intersection with the City limits with the City of Franklin; thence north along the City limits with the City of Franklin to its intersection with West Ryan Road; thence east on Ryan Road to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with East Estates Place; thence east on Estates Place to its intersection with South Austin Street; thence north on Austin Street to its intersection with East Estates Place; thence east on Estates Place to its intersection with South Shepard Hills Drive; thence north on Shepard Hills Drive to its intersection with East Arthur Drive; thence east on Arthur Drive to its intersection with South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Oakwood Road; thence east on Oakwood Road to the point of beginning.

- (b) District Five shall be comprised of Ward Thirteen, Ward Fourteen and Ward Fifteen.

(6) Aldermanic District Six.

- (a) District Six shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South Verdev Drive; thence south on Verdev Drive to its intersection with East Groveland Drive; thence west on Groveland Drive to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with West Centennial Drive; thence west on Centennial Drive to its intersection with South Aspen Drive; thence south on Aspen Drive to its intersection with West Oak Leaf Drive; thence east on Oak Leaf Drive to

its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with the Oak Creek; thence southwesterly along the Oak Creek to its intersection with West Ryan Road; thence west on Ryan Road to its intersection with the City limits with the City of Franklin; thence north along the City limits with the City of Franklin to its intersection with West Puetz Road; thence east on Puetz Road to its intersection with South 13th Street; thence south on 13th Street to its intersection with West Violet Drive; thence east and north on Violet drive to its intersection with West Puetz Road; thence east on Puetz Road to its intersection with South Liberty Lane; thence north on Liberty Lane to its intersection with West Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

- (b) District Six shall be comprised of Ward Sixteen, Ward Seventeen, and Ward Eighteen.

Ordinance 2146, A 09/04/01, Sec. 2.06

Ordinance 2634, A 11/01/11, Sec. 2.06

Ordinance 3021, A 12/21/21, Sec. 2.06

SEC. 2.07 WARD BOUNDARIES.

- (a) The City of Oak Creek shall be divided into eighteen (18) wards, the respective boundaries of which shall be as follows:

- (1) **Ward One.**

- (a) Ward One shall be bounded as follows:

Commencing at the intersection of East College Avenue and South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Rawson Avenue; thence west on Rawson Avenue to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with Drexel Avenue; thence west on Drexel Avenue to its intersection with Interstate 94; thence north along Interstate 94 to the City limits with the City of Milwaukee; thence following easterly along the City limits with the City of Milwaukee to the point of beginning.

- (b) The polling place for Ward One shall be at the Oak Creek-Franklin School Administration Building (7630 S. 10th Street).

- (2) **Ward Two.**

- (a) Ward Two shall be bounded as follows:

Commencing at the intersection of East Rawson Avenue and the Union Pacific Railroad; thence southwesterly along the Union Pacific Railroad to its intersection with East Drexel Avenue; thence west on Drexel Avenue to its intersection with South Clement Avenue; thence north on Clement Avenue to its intersection with East Mackinac Avenue; thence west on Mackinac Avenue to its intersection with South Quincy Avenue; thence south on Quincy Avenue to its intersection with East Drexel Avenue; thence west on Drexel Avenue to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with Rawson Avenue; thence east on Rawson Avenue to the point of beginning.

- (b) The polling place for Ward Two shall be at the Oak Creek-Franklin School Administration Building (7630 S. 10th Street).

- (3) **Ward Three.**

- (a) Ward Three shall be bounded as follows:

Commencing at the intersection of East Rawson Avenue and South Pennsylvania Avenue; thence south along Pennsylvania Avenue to its intersection with East Forest Hill Avenue; thence west along Forest Hill Avenue to its intersection with the Union Pacific Railroad; thence southerly along the Union Pacific Railroad to its intersection with East Puetz Road; thence west on Puetz Road to its intersection with South Nicholson Road; thence south on Nicholson Road to its intersection with East Falcon Glen; thence west on Falcon Glen to its intersection with South Knollhaven; thence north on Knollhaven to its intersection with East Buckwood Drive; thence west on Buckwood Drive to its intersection with South Clemson Drive; then northwesterly along Clemson Drive to its intersection with East Puetz Road; thence west on Puetz Road to its intersection with South Maize Drive; thence north on Maize Drive to its intersection with East Groveland Drive;

thence west on Groveland Drive to its intersection with South Golden Fields Drive; thence north on Golden Fields Drive to its intersection with East Deer Ridge Pass; thence west on Deer Ridge Pass to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Forest Hill Avenue; thence west on Forest Hill Avenue to its intersection with South Verdev Drive; thence north on Verdev Drive to its intersection with East Drexel Avenue; thence east on Drexel Avenue to its intersection with South Quincy Avenue; thence north on Quincy Avenue to its intersection with East Mackinac Avenue; thence east on Mackinac Avenue to its intersection with South Clement Avenue; thence south on Clement Avenue to its intersection with East Drexel Avenue; thence east on Drexel Avenue to its intersection with the Union Pacific Railroad; thence northeasterly along the Union Pacific Railroad to its intersection with East Rawson Avenue; thence east along Rawson Avenue to the point of beginning.

(b) The polling place for Ward Three shall be at the Oak Creek-Franklin School Administration Building.

(4) **Ward Four.**

(a) Ward Four shall be bounded as follows:

Commencing at the intersection of West Drexel Avenue and the north branch of the Oak Creek; thence south along said creek to its intersection with West Puetz Road; thence west along Puetz Road to its intersection with West Violet Drive; thence south and west along Violet Drive to its intersection with South 13th Street; thence north on 13th Street to its intersection with West Puetz Road; thence west on Puetz Road to its intersection with the City limits with the City of Franklin; following the City limits with the City of Franklin to its intersection with West Drexel Avenue; thence east on Drexel Avenue to the point of beginning.

(b) The polling place for Ward Four shall be at the ~~Oak Creek Assembly of God~~ Discover Church, 7311 S. 13th St.

(5) **Ward Five.**

(a) Ward Five shall be bounded as follows:

Commencing at the intersection of West Drexel Avenue and Interstate 94; thence north along Interstate 94 to the City limits with the City of Milwaukee; thence following the City limits with the City of Milwaukee westerly to its intersection with South 27th Street; thence south on 27th Street to its intersection with West Drexel Avenue; thence east on Drexel Ave to the point of beginning.

(b) The polling place for Ward Five shall be at ~~the Oak Creek Assembly of God~~ Discover Church, 7311 S. 13th St.

(6) **Ward Six.**

(a) Ward Six shall be bounded as follows:

Commencing at the intersection of East Drexel Avenue and South Verdev Drive; thence south along Verdev Drive to its intersection with East Forest Hill Avenue; thence west along Forest Hill Avenue to its intersection with South Liberty Lane; thence south on Liberty Lane to its intersection with West Puetz Road; thence west on Puetz Road to its intersection with the north branch of the Oak Creek; thence north along said creek to its intersection with West Drexel Avenue; thence east on Drexel Avenue to the point of beginning.

(b) The polling place for Ward Six shall be at the ~~Oak Creek Assembly of God~~ Discover Church, 7311 S. 13th St.

(7) **Ward Seven.**

(a) Ward Seven shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Deer Ridge Pass; thence east on Deer Ridge Pass to its intersection with South Golden Fields Drive; thence south on Golden Fields Drive to its intersection with East Groveland Drive; thence east on Groveland Drive to its intersection with South Maize Drive; thence south on Maize Drive to its intersection with East Puetz Road; thence east on Puetz Road to

its intersection with South Clemson Drive; thence southeasterly on Clemson Drive to its intersection with East Buckwood Drive; thence east on Buckwood Drive to its intersection with South Knollhaven; thence south on Knollhaven to its intersection with East Falcon Glen; thence east on Falcon Glen to its intersection with South Nicholson Road; thence south on Nicholson Road to its intersection with East Parkside Drive; thence southwesterly along Parkside Drive to its intersection with East Park Boulevard; thence west on Park Boulevard to its intersection with East Centennial Drive; thence continuing west on Centennial Drive to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with East Groveland Drive; thence east on Groveland Drive to its intersection with South Verdev Drive; thence north on Verdev Drive to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

(b) The polling place for Ward Seven shall be at the American Legion Post 434, 9327 S. Shepard Ave.

(8) **Ward Eight.**

(a) Ward Eight shall be bounded as follows:

Commencing at the intersection of East Ryan Road and South Chicago Road; thence southeasterly along Chicago Road to its intersection with East Oakwood Road; thence west along Oakwood Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Overlook Way; thence east on Overlook Way to its intersection with South Wintergreen Drive; thence south on Wintergreen Drive to its intersection with East Prairie View Drive; thence east on Prairie View Drive to its intersection with South Nicholson Drive; thence north on Nicholson Drive to its intersection with East Ryan Road; thence east on Ryan Road to its intersection with South Kinney Lane; thence north on Kinney Lane to its intersection with E Woodview Avenue; then west on Woodview Avenue to its intersection with South Shire Place; thence north on Shire Place to its intersection

with East Kender Lane; thence east on Kender Lane to its intersection with South Regency Drive; thence south and east on Regency Drive to its intersection with East Northbrook Boulevard; thence east and south on Northbrook Boulevard to its intersection with East Ryan Road; thence east on Ryan Road to the point of beginning.

(b) The polling place for Ward Eight shall be at the American Legion Post 434, 9327 S. Shepard Ave.

(9) **Ward Nine.**

(a) Ward Nine shall be bounded as follows:

Commencing at the intersection of East Parkside Drive and South Nicholson Road; thence south on Nicholson Road to its intersection with East Prairie View Drive; thence west on Prairie View Drive to its intersection with South Wintergreen Drive; thence north on Wintergreen Drive to its intersection with East Overlook Way; thence west on Overlook Way to its intersection with South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Arthur Drive; thence west on Arthur Drive to its intersection with South Shepard Hills Drive; thence south on Shepard Hills Drive to its intersection with East Estates Place; thence west on Estates Place to its intersection with South Austin Street; thence south on Austin Street to its intersection with East Estates Place; thence west on Estates Place to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with West Ryan Road; thence west on Ryan Road to its intersection with the Oak Creek; thence north along said creek to its intersection with South Howell Avenue; thence north on Howell Avenue to its intersection with West Oak Leaf Drive; thence west on Oak Leaf Drive to its intersection with South Aspen Drive; thence north on Aspen Drive to its intersection with West Centennial Drive; thence east on Centennial Drive to its intersection with East Park Boulevard; thence continuing east on Park Boulevard to its intersection with South Parkside Drive; thence north and east on Parkside Drive to the point of beginning.

- (b) The polling place for Ward Nine shall be at the American Legion Post 434, 9327 S. Shepard Ave.

(10) **Ward Ten.**

- (a) Ward Ten shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South 15th Avenue, said point being located on the City limits with the City of South Milwaukee; thence east along the City limits with the City of South Milwaukee to their intersection with South 5th Avenue; thence south on 5th Avenue to its intersection with East Puetz Road; thence west on Puetz Road to its intersection with the C & NW Trans Co Railroad; thence southeasterly along the C & NW Trans Co Railroad to its intersection with East American Avenue; thence west on American Avenue to its intersection with South Chicago Road; thence northwesterly on Chicago road to its intersection with East Madeira Drive; thence west on Maderia Drive to its intersection with South Carrollton Drive; thence north and west on Carrollton Drive to its intersection with South 15th Avenue; thence north on 15th Avenue to the point of beginning.

- (b) The polling place for Ward Ten shall be at the National Guard Armory at 8529 S. Howell Avenue.

(11) **Ward Eleven.**

- (a) Ward Eleven shall be bounded as follows:

Commencing at the intersection of East Puetz Road and South 5th Avenue; thence north on 5th Avenue to the City limits with the City of South Milwaukee; thence east along the City limits with the City of South Milwaukee to the shoreline of Lake Michigan; thence southeasterly along the shoreline of Lake Michigan to the City limits with Racine County; thence west along the City limits with Racine County to its intersection with South Chicago Road; thence north on Chicago Road to its intersection with East Elm Road; thence west on Elm Road to its intersection with South Shan-

gri-La Court; thence north on Shangri-La Court to its intersection with East Alpine Drive; thence east on Alpine Drive to its intersection with South Rosemont Lane; thence north on Rosemont Lane to its intersection with East Stargrass Lane; thence east on Stargrass Lane to its intersection with South Grimm Drive; thence north on Grimm Drive to its intersection with East Oakwood Road; thence east on Oakwood Road to its intersection with South Chicago Road; thence northwesterly on Chicago Road to its intersection with East American Avenue; thence east on American Avenue to its intersection with the C & NW Trans Co Railroad; thence northwesterly on the C & NW Trans Co Railroad to its intersection with East Puetz Road; thence east on Puetz Road to the point of beginning.

- (b) The polling place for Ward Eleven shall be at the National Guard Armory at 8520 S. Howell Avenue.

(12) **Ward Twelve.**

- (a) Ward Twelve shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South 15th Street; thence south on 15th Street to its intersection with East Carrollton Drive; thence east on Carrollton Drive to its intersection with East Madeira Drive; thence continuing east on Madeira Drive to its intersection with South Chicago Road; thence southeasterly along Chicago Road to its intersection with East Ryan Road; thence west on Ryan Road to its intersection with East Northbrook Boulevard; thence north and west on Northbrook Boulevard to its intersection with South Regency Drive; thence north and west on Regency Drive to its intersection with East Kender Lane; thence west on Kender Lane to its intersection with South Shire Place; thence south on Shire Place to its intersection with East Woodview Avenue; thence east on Woodview Avenue to its intersection with South Kinney Lane; thence south on Kinney Lane to its intersection with East Ryan Road; thence west on Ryan Road to its intersection with South Nicholson Road; thence north on Nicholson Road to its intersection with East Puetz Road; thence east on Puetz

Road to its intersection with the Union Pacific Railroad; thence northwesterly along the Union Pacific Railroad to its intersection with East Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

- (b) The polling place for Ward Twelve shall be at the National Guard Armory at 8520 S. Howell Avenue.

(13) **Ward Thirteen.**

- (a) Ward Thirteen shall be bounded as follows:

Commencing at the intersection East Arthur Drive and South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Oakwood Road; thence west on Oakwood Road to its intersection with the City limits with the City of Franklin; thence north along the City limits with the City of Franklin to its intersection with West Ryan Road thence east on Ryan Road to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with East Estates Place; thence east on Estates Place to its intersection with South Austin Street; thence north on Austin Street to its intersection with East Estates Place; thence east on Estates Place to its intersection with South Shepard Hills Drive; thence north on Shepard Hills Drive to its intersection with East Arthur Drive; thence east on Arthur Drive to the point of beginning.

- (b) The polling place for Ward Thirteen shall be at the Parkway Church at 10940 S. Nicholson Road.

(14) **Ward Fourteen.**

- (a) Ward Fourteen shall be bounded as follows:

Commencing at the intersection of East Oakwood Road and South Shepard Avenue; thence south on Shepard Avenue to its intersection with East Elm Road; thence east on Elm Road to its intersection with South Richard Road; thence south on Richard Road to its intersection with East Randy Road; thence east on Randy Road to its intersection with South

Nicholson Road; thence south on Nicholson Road to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to its intersection with the City limits with the City of Franklin; thence north along the City limits with the City of Franklin to its intersection with West Oakwood Road; thence east on Oakwood Road to the point of beginning.

- (b) The polling place for Ward Fourteen shall be at the Parkway Church at 10940 S. Nicholson Road.

(15) **Ward Fifteen.**

- (a) Ward Fifteen shall be bounded as follows:

Commencing at the intersection of East Oakwood Road and South Grimm Drive; thence south on Grimm Drive to its intersection with East Stargrass Lane; thence west on Stargrass Lane to its intersection with South Rosemont Lane; thence south on Rosemont Lane to its intersection with East Alpine Drive; thence west on Alpine Drive to its intersection with South Shangri-La Court; thence south on Shangri-La Court to its intersection with East Elm Road; thence east on Elm Road to its intersection with South Chicago Road; thence south on Chicago Road to its intersection with the City limits with Racine County; thence west along the City limits with Racine County to its intersection with South Nicholson Road; thence north on Nicholson Road to its intersection with East Randy Road; thence west on Randy Road to its intersection with South Richard Road; thence north on Richard Road to its intersection with East Elm Road; thence west on Elm Road to its intersection with South Shepard Avenue; thence north on Shepard Avenue to its intersection with East Oakwood Road; thence east on Oakwood Road to the point of beginning.

- (b) The polling place for Ward Fifteen shall be at the Parkway Church at 10940 S. Nicholson Road.

(16) **Ward Sixteen.**

- (a) Ward Sixteen shall be bounded as follows:

Commencing at the intersection of West Puetz Road and South 13th Street; thence south on 13th Street to its intersection with West Ryan Road; thence west on Ryan Road to its intersection with the City limits with the City of Franklin; thence north along the City limits with the City of Franklin to its intersection with West Puetz Road; thence east on Puetz Road to the point of beginning.

- (b) The polling place for Ward Sixteen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

(17) **Ward Seventeen.**

- (a) Ward Seventeen shall be bounded as follows:

Commencing at the intersection of West Puetz Road and South Wood Creek Drive; thence south on Wood Creek Drive to its intersection with West Sunnyview Drive; thence east on Sunnyview Drive to its intersection with South Country Drive; thence south on Country Drive to its intersection with West Centennial Drive; thence east on Centennial Drive to its intersection with South Aspen Drive; thence south on Aspen Drive to its intersection with West Oak Leaf Drive; thence east on Oak Leaf Drive to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with the Oak Creek; thence southwesterly along the Oak Creek to its intersection with West Ryan Road; thence west on Ryan Road to its intersection with South 13th Street; thence north on 13th Street to its intersection with West Violet Drive; thence east and north on Violet Drive to its intersection with West Puetz Road; thence east on Puetz Road to the point of beginning.

- (b) The polling place for Ward Seventeen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

(18) **Ward Eighteen**

- (a) Ward Eighteen shall be bounded as follows:

Commencing at the intersection of East Forest Hill Avenue and South Verdev

Drive; thence south on Verdev Drive to its intersection with East Groveland Drive; thence west on Groveland Drive to its intersection with South Howell Avenue; thence south on Howell Avenue to its intersection with West Centennial Drive; thence west on Centennial Drive to its intersection with South Country Drive; thence north on Country Drive to its intersection with West Sunnyview Drive; thence west on Sunnyview Drive to its intersection with South Wood Creek Drive; thence north on Wood Creek Drive to its intersection with South Liberty Lane; thence continuing north on Liberty Lane to its intersection with West Forest Hill Avenue; thence east on Forest Hill Avenue to the point of beginning.

- (b) The polling place for Ward Eighteen shall be at the Oak Creek Community Center at 8580 S. Howell Avenue.

Ordinance 2145, A 08/06/01, Sec. 2.07

Ordinance 2481, A 11/20/07, Sec. 2.07

Ordinance 2633, A 10/04/11, Sec. 2.07

Ordinance 2812, A 07/19/16, Sec. 2.07(a)(10)(b),

(a)(11)(b), (a)(12)(b), (a)(13)(b), (a)(14)(b),

(a)(15)(b)

Ordinance 2966, A 03/17/20, Sec. 2.07(a)(4)(b),

(a)(5)(b), (a)(6)(b), (a)(7)(b), (a)(8)(b), and

(a)(9)(b).

Ordinance 3020, A 11/16/21, Sec. 2.07

MAYOR AND COMMON COUNCIL

SEC. 2.20 COMMON COUNCIL.

The Mayor and ~~Aldermen~~ Alderpersons of the City of Oak Creek shall constitute the Common Council. The Common Council shall be vested with all the powers of the City not specifically given some other officer, as well as those powers set forth elsewhere throughout this Code.

State Law Reference: Sec. 62.11, Wis. Stats.

SEC. 2.21 MAYOR.

(a) Duties.

- (1) The Mayor shall be the ~~Chief~~ Executive officer of the City. ~~He~~ The Mayor shall ensure that City ordinances and the State Statutes are observed and enforced.
- (2) The Mayor shall, from time to time, provide the Common Council such information and recommend such measures as ~~he~~ the Mayor may deem advantageous to the City. When present, ~~he~~ the Mayor shall preside at the meetings of the Council.
- (3) The Mayor shall have such other duties and responsibilities as are prescribed in the Wisconsin Statutes.

(b) **Veto Power.** ~~He~~ The Mayor shall have the veto power as to all acts of the Common Council except such as to which it is expressly or by necessary implications otherwise provided. All such acts shall be submitted to ~~him~~ the Mayor by the City Clerk, and shall be enforced upon ~~his~~ the Mayor's approval, evidenced by ~~his~~ their signature, or upon ~~his~~ their failing to approve or disapprove within five (5) days, which fact shall be certified thereon by the City Clerk. If the Mayor disapproves, ~~he~~ they shall file in writing ~~his~~ their objection with the City Clerk, who shall present it to the Common Council at its next regular meeting. A two-thirds (2/3) vote of all the members of the Common Council shall be necessary to make the act effective, notwithstanding the objection of the Mayor.

(c) Mayoral Appointments.

- (1) In the event, the Common Council rejects a Mayor's appointment, the same name may not be submitted for the same position for a period of twelve (12) months after the refusal of such appointment.
- (2) In the event a vacancy occurs in any committee, board or commission requiring the appointment of a citizen member and the Mayor does not nominate a successor thereof for a period of sixty (60) days after the vacancy oc-

curs, the Common Council may then nominate an appointee to such position, subject to the approval of the Mayor.

- (3) In the event the Common Council, by parliamentary practice, tables an appointment by the Mayor, such tabling action shall be effective for that meeting, but at the next regular meeting of the Common Council, such appointment shall be on the meeting agenda for further consideration, and the particular appointment involved may not be tabled a second time.

State Law Reference: Sec. 62.09(8), Wis. Stats.

SEC. 2.22 PRESIDENT OF THE COUNCIL/CHAIN OF COMMAND.

The Common Council at its first meeting subsequent to the regular election and qualification of new members shall, after organization, annually choose from its members a President who, in the absence of the Mayor, shall preside at meetings of the Common Council and, during the absence or inability of the Mayor, shall have the powers and duties of the Mayor, except that ~~he~~ the President shall not have power to approve an act of the Common Council which the Mayor has disapproved by filing objections with the City Clerk. ~~He~~ The President shall, when so officiating, be styled "Acting Mayor." The President of the Common Council shall be elected for a one (1) year term of office. In the absence of ~~both~~ the Mayor and the President of the Common Council, the next-presiding Common Council member, as determined by continuous service seniority, shall have the powers and duties of the Mayor City Clerk shall call the Common Council to order and the Common Council shall select one of its members president pro-tem.

State Law Reference: Sec. 62.0809(98)(e), Wis. Stats.

SEC. 2.23 STANDING COMMITTEES

(a) **Standing Committees.** At the organizational meeting of the Common Council in each year following the annual election, the Common Council President shall appoint Alderpersons to the following standing committees. Each committee shall have such duties and responsibilities as prescribed by this Code of Ordinances or as otherwise directed by the Common Council, and shall make whatever recommendations to the Common Council as it deems appropriate or as may be directed by the Common Council:

- (1) Personnel and Finance Committee. The Committee shall consist of three (3) Alderpersons annually appointed by the Common Council President. The City Administrator, City Clerk, City Treasurer and Comptroller

Finance Officer shall be ex-officio members of the Committee and shall not be entitled to vote on matters of the Committee. The Committee shall have charge of all matters arising under Ch. 111, Wis. Stats. and shall perform such other duties and have certain authorities as assigned by the Common Council.

(2) **Board of Public Works and Capital Assets.**

The Board shall consist of three (3) Alderpersons annually appointed by the Council President, and two (2) citizen members (and one (1) alternate to vote when either of the citizen members is not in attendance) appointed by the Mayor and approved by the Common Council. The citizen members shall serve for a three (3) year term. The initial term of appointment for the citizen members and alternate shall be staggered so that no more than one (1) member is appointed annually. The City Administrator, City Engineer, and Utility Manager, or their designees, shall be ex-officio members of the Board and shall not be entitled to vote on matters of the Board. The Board shall have charge of all matters arising under Sec. 62.14(6), Wis. Stats., including but not limited to the operation of the Water and Sewer Utility as authorized under Sec. 66.0805(6), Wis. Stats. The Board shall perform such other duties and have certain authorities as assigned by the Common Council.

(3) **License Committee.** The License Committee shall consist of three (3) Alderpersons annually appointed by the Council President. The License Committee shall review licensing matters and perform such other duties and have certain authorities as assigned by the Council.

(4) **Small Claims Committee.** The Small Claims Committee shall consist of the Mayor, the City Clerk, and an Alderperson representative appointed by the Mayor for a one-year term.

~~In addition, the City Administrator shall be an ex-officio member of the Small Claims Committee and shall not be entitled to vote on matters before the Committee.~~ The Committee shall be authorized to settle general non-injury claims up to \$5,000, to issue final decisions on cases brought before the Committee, and to issue legally required formal notices of disallowances when necessary.

(b) **Committee of the Whole.**

(1) The Mayor shall be the presiding officer of the Committee. The Committee of the Whole shall consist of the Mayor and all Alderpersons. The Committee of the Whole shall meet

at such times as the Common Council shall direct.

(2) The Mayor may refer new business coming before the Common Council to the Committee of the Whole, or appropriate officer or appropriate committee, unless otherwise referred or disposed of by motion of the **Common Council**. Unless otherwise provided in the reference, the Committee or officer shall report thereon to the **Common Council** at its next regular meeting. The Chairperson of the Committee shall report verbally to the **Common Council** at the meeting at which the report of the Committee is to be made. Adoption of the Committee report shall comprise final **Common Council** action on any ordinance, resolution or other matter recommended for adoption by the Committee report.

(c) **Committee Appointments.**

(1) The Chairperson of each committee shall be designated by the Council President. Each member shall serve as appointed unless excused by a majority of the members of the **Common Council**. All Alderpersons shall serve on at least one (1) standing committee.

(2) The Mayor may declare the entire **Common Council** a Committee of the Whole for informal discussion at any meeting or for any other purpose, and shall serve as Chairperson.

(d) **Special Committees.** The Mayor may, from time to time, appoint such special committee or committees as may be deemed advisable or as provided for by motion or resolution stating the number of members and object thereof to perform such duties as may be assigned to them. Residency shall not be a requirement for appointment to said special committees.

(e) **Cooperation of City Officers.** All City officers shall, upon request of the Chairperson of the committee, confer with the committee and supply to it such information as may be requested in connection with any matter pending before the committee.

Ordinance 2268, A 09/16/03, Sec. 2.23(a)(4)

Ordinance 2620, A 03/15/11, Sec. 2.23(a)(5)

Ordinance 2722, A 05/06/14, Sec. 2.23(a)(5)

Charter Ord. 16, A 10/20/20, Sec. 2.23

Ordinance 3036, A 05/03/22, Sec. 2.23(a)(2)

SEC. 2.24 GENERAL POWERS OF THE COMMON COUNCIL.

(a) **General.** The Common Council shall be vested with all the powers of the City not specifically given some other officer. Except as otherwise provided by law, the Common Council shall have the management and control of the City property, finances, highways, streets, navigable waters and the public service, and shall have the power to act for

the government and good order of the City, for its commercial benefit and for the health, safety, welfare and convenience of the public, and may carry its powers into effect by license, regulation, suppression, borrowing, taxation, special assessment, appropriation, fine, imprisonment and other necessary or convenient means. The powers hereby conferred shall be in addition to all other grants and shall be limited only by express language.

- (b) **Acquisition and Disposal of Property.** The Common Council shall have the sole and exclusive authority to acquire or convey real property within or without the City for parks, libraries, historic places, recreation, beautification, streets, waterworks, sewerage or waste disposal, harbors, improvement of water courses, public grounds, vehicle parking areas and for any other purpose. No ordinance of the City of Oak Creek or any other municipal ordinance, rule or regulation shall require the approval of any person or entity other than the Common Council for the borrowing for, expenditure of funds on, or acquisition or conveyance of real property by the City through the Common Council. The Common Council may acquire real property within or contiguous to the City, by means other than condemnation, for industrial sites; may improve and beautify the same; may construct, own, lease and maintain buildings on such property for instruction, recreation, amusement and other public purposes; and may sell and convey such city-owned property in its sole and exclusive authority as set forth in this Section, except dedicated, platted parks.
- (c) **Acquisition of Easements and Property Rights.** Confirming all powers granted to the Common Council and in furtherance thereof, the Council is expressly authorized to acquire by gift, purchase or condemnation under Ch. 32, Wis. Stats., any and all property rights in lands or waters, including rights of access and use, negative or positive easements, restrictive covenants, covenants running with land, scenic easements and any rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public or for any public purpose, including the exercise of powers granted under Sec. 62.23, Wis. Stats.; and may sell and convey such easements or property rights when no longer needed for public use or protection.
- (d) **City Finances.** The Common Council may levy and provide for the collection of taxes and special assessments; may refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; and generally may manage the City finances.
- (e) **Construction of Powers.** Consistent with the purpose of giving to cities the largest measure of self-

government in accordance with the spirit of the home rule amendment to the Constitution, the grants of power to the Common Council in this Section and throughout this Code of Ordinances shall be liberally construed in favor of the rights, powers and privileges of cities to promote the general welfare, peace, good order and prosperity of the City and its inhabitants.

(f) **Public Construction**

The Common Council shall have the sole and exclusive authority to approve Public Construction projects and their funding in the City of Oak Creek provided that the City complies with all requirements of state and local law with respect to approved Public Construction. No ordinance of the City of Oak Creek or any other municipal ordinance, rule, or regulations shall require the approval of any person or entity other than the Common Council for the borrowing for, expenditure of funds on, or initiation or completion of Public Construction. "Public Construction" is construction funded in whole or in part by the City and subject to the competitive bidding requirements of Section 62.15 Wis. Stats. as amended. This ordinance does not prohibit state and federal statutory and regulatory approval requirements that otherwise apply to Public Construction.

- (g) **Vacancies.** Pursuant to Section 62.09 5(5)(d), Wis. Stats., if any officer is incapacitated or absent for any cause, the Common Council may appoint some person to discharge the duties until he returns or such disability has ended.

Ordinance 2482, A 12/18/07, Sec 2.24(f)

Ordinance 2490, A 02/05/08, Sec. 2.24(g)

Ordinance 2578, A 01/19/10, Sec. 2.24(b), (f)

SEC. 2.25 COOPERATION WITH OTHER MUNICIPALITIES

The Common Council, on behalf of the City, may ~~join contract~~ with other ~~villages, towns, or cities or other governmental entities municipalities, as defined in Sec. 66.0301, Wis. Stats.~~ in a cooperative arrangement for executing any power or duty in order to attain greater economy or efficiency, including joint employment of appointive officers and employees and joint purchasing programs.

State Law Reference: Secs. ~~66.3066.0301-66.0317~~, Wis. Stats.

SEC. 2.26 INTERNAL POWERS OF THE COUNCIL.

The Common Council has the power to preserve order at its meetings, compel attendance of ~~AldermenAlderpersons~~ and punish nonattendance. The Common Council shall be judge of the election and qualification of its members.

State Law Reference: Sec. 62.11, Wis. Stats.

SEC. 2.27 SALARIES.

The Mayor and ~~Aldermen~~ ~~Alderpersons~~ who make up the Common Council, whether operating under general or special law, may, by majority vote of all the members of the Common Council, determine that an annual salary or per diem compensation be paid the Mayor and ~~Aldermen~~ ~~Alderpersons~~. Salaries shall not be increased or decreased during their term of office.

State Law Reference: Secs. ~~61.193, 62.09(6)~~ and ~~66.196~~ 66.0505, Wis. Stats.

SEC. 2.28 MEETINGS OF THE COMMON COUNCIL.

- (a) **Annual Organization Meeting.** Following a regular City election, the Common Council shall meet on the third Tuesday of April for the purpose of organization.
- (b) **Regular Meetings.** Regular meetings of the Common Council shall be held on the first and third Tuesdays of each calendar month, ~~at the hour of 7:00 p.m. at a time not earlier than 6:00 p.m.~~, or as otherwise scheduled by the Common Council. Any regular meetings falling upon a legal holiday ~~or an election day~~ shall be held as designated by majority vote of the Common Council. All meetings of the Council shall be held in the Oak Creek ~~City Hall~~ Civic Center, including special and adjourned meetings, unless another location is designated by the Common Council.

State Law Reference: Sec. 62.11(2), Wis. Stats.

Ordinance 2213, A 09/03/02, Sec. 2.28(b)

Ordinance 2249, A 05/20/03, Sec. 2.28(b)

SEC. 2.29 SPECIAL MEETINGS.

Special meetings shall comply with the notice provisions of the Wisconsin Open Meeting Law. In addition, a special meeting may be called by a written request signed by two (2) ~~Aldermen~~ ~~Alderpersons~~, which written notice for said special meeting shall be delivered to every member of the Council and the Mayor personally, or left at their abode at least six (6) hours before said meeting being called. If written consent is obtained, it shall be filed with the City Clerk prior to the beginning of the meeting.

State Law Reference: Sec. 62.11(2), Wis. Stats.

SEC. 2.30 OPEN MEETINGS.

Except as provided in Sec. 19.85, Wis. Stats., all meetings of the Common Council, committees thereof, and City boards, committees and commissions, shall be open to the public.

State Law Reference: Sec. 62.11(3)(c) and Ch. 19, Subch. IV, Wis. Stats.

SEC. 2.31 QUORUM.

- (a) Two-thirds (2/3) of the members of the Common Council shall constitute a quorum, but a lesser number may adjourn if a majority is not present or compel the attendance of absent members. The Mayor shall not be counted in computing a quorum. No action shall be taken unless a quorum is present.
- (b) The Common Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour.

State Law Reference: Sec. 62.11(3)(b), Wis. Stats.

SEC. 2.32 PRESIDING OFFICERS.

- (a) **Presiding Officer.** The Mayor shall preside over all meetings of the Common Council. In the absence of the Mayor, the President of the Common Council shall preside. In the absence of both the Mayor and the President of the Common Council, the City Clerk shall call the Common Council to order and the Common Council shall select one of its members president pro-tem. The President of the Council, or such other presiding officer, retains ~~his/her~~ their right to vote.
- (b) **Duties.** The presiding officer shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order, (Revised), unless otherwise provided by statute or by this Chapter. Any member shall have the right to appeal from a decision of the presiding officer. An appeal shall be sustained by a two-thirds (2/3) vote of the members present excluding the Mayor. In the absence of the City Clerk, the presiding officer shall appoint a clerk pro tem.

State Law Reference: Sec. 62.09(8), Wis. Stats.

SEC. 2.33 ORDER OF BUSINESS.

- (a) **Order of Business.** At all regular meetings, the order of business shall be according to the agenda prepared by the City Clerk. All copies of the agenda shall be forwarded by the City Clerk to members of the Common Council. Generally, the following order may be observed in the conduct of all meetings of the Council:
 - (1) Call to Order by presiding officer.
 - (2) Roll call.
 - (3) Pledge of Allegiance.
 - (4) Correction and approval of the minutes of the last preceding meeting or meetings.
 - (5) Consent Agenda (if desired).
 - (6) Old business.
 - (67) New business, including the introduction of ordinances and resolutions.

(78) Communications and miscellaneous business.

(89) Any other business permitted by law.

(910) Adjournment.

- (b) **Citizen Comments.** The Mayor or presiding officer shall determine at what point in a meeting citizens will be called upon to speak and may impose a limit on the length of time a citizen may address the Common Council.

SEC. 2.34 INTRODUCTION OF ORDINANCES.

- (a) **Ordinances to be in Writing.** All ordinances submitted to the Common Council shall be in writing and shall begin with a title and the name of the Alderman-Alderson or Mayor introducing the same. All ordinances shall be drafted by the City Attorney, or under his-their consultation, at the request of the Mayor or any member of the Common Council; and upon passage by the Common Council, the City Clerk shall supervise the printing of the same. Any written material introduced may be referred to the appropriate committee pursuant to Section 2.23. Any member of the Common Council may require the reading in full of any ordinance or resolution at any time it is before the Common Council.
- (b) **Subject and Numbering of Ordinances.** Each ordinance shall be related to no more than one (1) subject. Amendment or repeal of ordinances shall only be accomplished if the amending or repealing ordinance contains the number and title of the ordinance to be amended or repealed, and title of amending and repealing ordinances shall reflect their purpose to amend or repeal.
- (c) **Notice.** The Common Council may take action on an ordinance only if it appears on the written agenda for the meeting at which action is requested.

SEC. 2.35 PUBLICATION AND EFFECT OF ORDINANCES.

- (a) All general ordinances of the City shall be published in the official paper of the City once and shall be immediately recorded, with the affidavit of publication, by the City Clerk in a book kept for that purpose. A printed copy of such ordinance or regulation in any book, pamphlet or newspaper and published or purporting to be published therein by direction of the Common Council shall be prima facie proof of due passage, publication and recording thereof.
- (b) All ordinances shall take effect and be in force from and after passage and publication, unless otherwise provided and published copies thereof shall have appended the date of first publication.

State Law Reference: Sec. 62.11(4), Wis. Stats.

SEC. 2.36 CONDUCT OF DELIBERATIONS.

- (a) **Robert's Rules of Order, Revised.** Unless otherwise provided in these rules, the Common Council in its deliberations shall be guided by Robert's Rules of Order, Revised.
- (b) **Recognition and Speaking.** No member shall address the Common Council until he-has-they have been recognized by the presiding officer. He-The member shall address himself-themselves to the presiding officer and confine his-their remarks to the question under discussion and avoid all personalities. When two (2) or more members seek recognition, the presiding officer shall name the member who is to speak first.
- (c) **Motions.**
- (1) No motion shall be discussed or action taken upon the motion until it has been seconded. No motion shall be withdrawn or amended without the consent of the person making the same and the person seconding it. If a person seconding a motion withdraws his second, another second shall be required in order for action to be taken on the motion.
 - (2) When a question is under discussion, the following motions shall have precedence in the order listed:
 - a. To adjourn.
 - b. To recess.
 - c. To lay on the table.
 - d. To move the previous question.
 - e. To postpone to a day certain.
 - f. To refer to a committee.
 - g. To amend.
 - h. To postpone indefinitely.
 - (3) Any member wishing to terminate debate may move the previous question, which shall require a two-thirds (2/3) vote of the members present.
- (d) **Voting.**
- (1) Any member of the Common Council may demand an aye and nay vote on any matter, and all aye and nay votes shall be recorded in the proceedings (or minutes). On confirmation of appointments and on the adoption of any measure assessing or levying taxes, appropriating or disbursing money, or creating any liability or charge against the City, or any fund thereof, the vote shall be by aye and nay. Every member of the Common Council shall vote when a question is put unless the Common Council by a majority vote of those present shall excuse himthem for special cause; however, a member of the Common Council may abstain from voting because of a conflict of interest or if voting would constitute a violation of state or local law. A member of the

Common Council may not change ~~his~~-their vote on any question after the result has been announced.

- (2) The Mayor shall not vote except in the case of tie, or in the case of a tie on a confirmation vote. Except as otherwise provided, a majority vote of those present shall prevail in all cases.
- (e) **Reconsideration of Questions.** Any member voting in the majority may move reconsideration of any question, except confirmation of the appointment of a City official, at the same meeting or at the next succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed.
- (f) **Suspension of Rules.** These rules or any part thereof may be temporarily suspended by a recorded vote of two-thirds (2/3) of the members present.
- (g) **Amendment of Rules.** The rules in this Section or any part thereof may be amended by a recorded vote of two-third (2/3) of all the members of the Common Council.

State Law Reference: Sec. 62.11, Wis. Stats.

MUNICIPAL OFFICERS AND EMPLOYEES

SEC. 2.40 GENERAL PROVISIONS.

- (a) **General Powers.** Officers of the City of Oak Creek shall have generally the powers and duties prescribed for like officers of cities, towns and villages, except as otherwise provided, and such powers and duties as are prescribed by law and, except as to the Mayor, shall perform such duties as shall be required by the Common Council. Officers whose powers and duties are not enumerated in Chapter 62 of the Wisconsin Statutes shall have such powers and duties as are prescribed by law for like officers or as are directed by the Common Council.
- (b) **Rules.** All appointed officers, officials and departments may make the necessary rules for the conduct of their duties and incidental proceedings.
- (c) **Applicability of Ethics Statutes.** The general laws for the punishment of bribery, misdemeanors and corruption in office shall apply to City officers.
- (d) **Legal Representation.** Whenever any City official in ~~his~~their official capacity is proceeded against or obliged to proceed before any civil court, board, committee or commission, to defend or maintain ~~his~~their official position, or because of some act arising out of the performance of ~~his~~their official duties, and ~~he~~they have prevailed in such proceedings, or the Common Council has ordered the proceedings discontinued, the Common Council may provide for payment to such official such sum as it sees fit, to reimburse ~~him~~them for the expenses reasonably incurred for costs and attorney's fees.
- (e) **Personnel Policies; Compensation.** All officers and employees of the City of Oak Creek are subject to the personnel policies approved by the Common Council and entitled to such wages and benefits as approved by the Common Council.

State Law Reference: Sections 62.09(7) and 62.115, Wis. Stats.

- (f) **Conflict.** If the provisions of the City or departmental rules conflict with any provision of this Code, the provisions of this Code shall control. Nothing in this Code shall circumvent the provisions of any labor contract between the City and its employees.

SEC. 2.41 ELECTED OFFICIALS.

The elected officials of the City shall be as follows:

- (a) **Mayor.**
- (1) When Elected. Every three (3) years, commencing in 1982.

(2) Term. Three (3) years.

- (b) **Six ~~Aldermen~~Alderpersons.**

(1) When Elected.

- a. 1st, 3rd and 5th aldermanic districts: odd-numbered years.
- b. 2nd, 4th and 6th aldermanic districts: even-numbered years.

(2) Term. Two (2) years.

- (c) **Municipal Judge.**

(1) When Elected. Every four years commencing in 2012.

(2) Term. Four (4) years.

Ordinance 2607 A 11/16/10 2.41(e)

Charter Ord 14, A 08/16/11 2.41(c), (d)

Charter Ord 15, A 11/19/19, recreate 2.41(c), delete 2.41(d) and (e)

SEC. 2.42 CITY ADMINISTRATOR.

- (a) **Declaration.** Whereas Article XI, Section 3 of the Wisconsin Constitution provides municipalities with home rule powers, and the right to determine their local affairs and government; and whereas Wisconsin Statutes Sec. 62.04 has granted to cities the largest measure of self-government compatible with the Constitution and general laws and further provides that the exercise of rights and powers of a city shall be liberally construed in favor of the City so as to promote the general welfare of peace, good order and prosperity of the inhabitants; and whereas Wisconsin Statutes Sec. 62.11(5) vests the management of the City in its Common Council which constitutes its Mayor and Alderpersons; and whereas it is deemed by the Common Council to be in the best interest of the management of the City to utilize the services of a professionally trained, qualified City Administrator to provide the Common Council with counsel and advice and management skills so as to foster the most effective and efficient management of the City's governmental operations and finances; and whereas a City Administrator should work closely with, be responsive to, and have the confidence of the Common Council; now, therefore, it is the declared purpose of this subsection to make clear the intent of the Common Council that the position of the City Administrator is in accordance with the authority of the City's home rule powers and is deemed to be a matter of purely local concern.
- (b) **Employment Status.** The position of City Administrator shall be full-time ~~in the unclassified service of the City.~~
- (c) **Non-Policymaking Nature.** This position shall not be of a policy-making nature in those matters statutorily delegated to the Common Council, boards and commissions, nor shall the City Ad-

ministrator be a voting member in the creation of such policy.

- (d) **Appointment Procedure.** The City Administrator shall be appointed by the Mayor from a list of five (5) candidates submitted by an ad hoc selection committee appointed by the Mayor subject to confirmation by the Common Council. The appointment of the Administrator shall be subject to confirmation by a majority vote of the Common Council on the basis of merit with due regard for training, experience, administrative ability and general fitness for the office. The City Administrator shall serve for a term as set forth in the employment contract, as provided in sub. (e).
- (e) **Contract.** An employment contract drafted by the City Attorney and approved by the Common Council and the City Attorney shall be entered into between the City and the City Administrator ~~and reviewed on an annual basis.~~
- (f) **Annual Review.** ~~Annually, prior to renewal of the Administrator's employment contract, the Common Council, as a Committee of the Whole as a whole, shall conduct a review and evaluation of the job and job performance of the City Administrator, unless otherwise specified by the City Administrator's employment contract.~~
- (g) **Removal Procedure.** Removal from the position shall be effected by a majority vote of the Common Council without cause, ~~unless otherwise specified by the City Administrator's employment contract.~~
- (h) **Residency.** ~~The City Administrator shall be subject to Section 2.48(a) of the Municipal Code, or any subsequent amendments thereto.~~
- (i) **Salary.** The salary of the City Administrator shall be as the Common Council shall determine and prescribe, and shall be reviewed annually in conjunction with ~~his/her the City Administrator~~ performance evaluation.
- (j) **Duties.**
 - (1) **General Duties.** The City Administrator shall:
 - a. Carry out directives of the Mayor ~~or and~~ Common Council, which require administrative implementation.
 - b. Be responsible for the administration of the day-to-day operations of the City government based on those directives.
 - c. Establish administrative procedures to increase the effectiveness and efficiency of City government according to current policies and practices in local government consistent with the directives of the Mayor ~~or and~~ Common Council. ~~Copies of all administrative directives shall be provided to the Mayor and a~~ Copies of administrative directives that affect major

operations of the City shall ~~also~~ be provided to the Common Council.

- d. Collect and utilize up-to-date information regarding current Federal, State and County legislation and administrative rules affecting the City, and submit appropriate reports and recommendations thereon to the Common Council.
 - e. Collect and utilize up-to-date information regarding the availability of Federal, State, County and private funds for local programs, and assist ~~department managers~~ departments and the Common Council in obtaining such funds, under the direction of the Mayor or Common Council.
 - f. Represent the City in matters involving legislative, financial and intergovernmental affairs as authorized by the Mayor or Common Council.
 - g. Act in the capacity of public relations officer for the City, as necessary, as authorized by the Mayor or Common Council.
 - h. Conduct or direct such studies, with Common Council approval, as are necessary for the internal organization and procedures of the various departments, division and offices, and implement the recommendations of such studies, as authorized by the Mayor or Common Council, and require reports from the various departments when deemed necessary.
- (2) **Responsibilities to the Common Council.** The City Administrator shall:
- a. ~~Assist the Mayor and Common Council in establishing and executing a strategic vision for the community and organization, and organize resources and work to achieve policy directives and program goals.~~
 - b. ~~Attend all meetings of the Common Council as required by the Mayor or Common Council, unless excused by the Mayor, or Council President in the absence of the Mayor.~~
 - bc. In coordination with the Mayor, Council President and City Clerk, review Common Council agendas for the appropriateness of items thereon, and to ensure that required supporting materials are available to the Common Council.
 - ed. Assist in the preparation of ordinances and resolutions as requested by the Mayor or Common Council, or as needed.
 - de. Provide an Administrator's Report ~~at regular or special Common Council~~

~~meetings to the Common Council at a frequency and in a manner determined by the Common Council.~~

- ef. Take necessary emergency action to protect persons or property consistent with existing City Emergency Management plans and policies, under the direction of the Mayor, if the Common Council due to time constraints, is unable to meet to authorize such action.
- fg. Inform the Mayor and Common Council concerning any proposed change in services rendered to City residents, taxpayers or City-located businesses which shall appreciably affect the extent, quality or cost effectiveness of such services.

(3) **Personnel.** The City Administrator shall:

- a. Exercise ~~authority—administrative oversight~~ over all ~~department heads in conjunction with the Mayor~~ appointed officers and officials ~~subject to the limitations of applicable state statutes.~~ Be responsible for the administrative direction and coordination of all employees of the City, according to the established organizational procedures, subject to statutory and ordinance limits which apply. ~~In conjunction with the Mayor, according to the established organizational procedures,~~ Conduct annual periodic performance evaluations of all ~~department managers appointed officers and officials~~ and provide a written summary of the evaluations to the Mayor and Common Council ~~upon request.~~
- b. ~~Organize departments, style, and deploy the human resources and capital resources of the City in a manner promoting the most effective and efficient public services and public works.~~
- c. Serve as personnel officer for the City with responsibilities to see that complete and current personnel records, including specific job descriptions for all City employees are kept. Oversee, in conjunction with ~~department managers appointed officers and officials,~~ the evaluation of performance of all employees on a regular basis. ~~Department heads~~ ~~Appointed officers and officials~~ shall be required to report to the Administrator ~~or their designee~~ any corrective actions, disciplinary actions, suspensions or terminations of any employee within ~~his/her/their~~ department, ~~and~~ The Administrator shall report ~~any such critical personnel activities or actions~~ activity or action to the Mayor and Common Council.
- ed. The Administrator shall recommend salary and wage scales, benefits and working conditions for City employees not covered by collective bargaining agreements; develop work

rules for high standards of performance by City employees.

- de. Work closely with ~~department managers departments~~ to promptly resolve personnel problems or grievances.
- ef. Consult with the Personnel ~~and Finance~~ Committee and conduct whatever research is necessary for the proper conduct of negotiations with the various bargaining units. The Administrator shall conduct preliminary meetings with ~~department heads departments~~ and make recommendations to the Personnel ~~and Finance~~ Committee regarding union negotiations and other personnel issues. The Administrator shall assist ~~department managers departments~~ in attempting to resolve grievances.
- fg. Work closely with ~~department managers departments in conjunction with the Mayor~~ to ~~assure ensure that~~ employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training school, etc., provided that funds have been budgeted for these activities.
- gh. Conduct monthly ~~department manager~~ meetings ~~with the management staff.~~

(4) **Budgeting and Purchasing.** The City Administrator shall:

- a. Administer the preparation of the annual City budget in a program budget format and in accordance with guidelines as provided by the Mayor and Common Council, and in coordination with departments ~~heads.~~
- b. Administer the budget as adopted by the Common Council.
- c. Supervise the purchasing and contracting for the City's supplies and services.

(ik) **Qualifications.** The qualifications for the position of City Administrator shall be as follows:

- (1) The minimum requirement shall be a Bachelor's Degree from an accredited college or university with a specialization in public or business administration and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.
- (2) The optimum requirement shall be a Master's Degree in a related field and at least five (5) years of prior administrative, managerial, public relations and employee relations experience.
- (3) The City Administrator shall be bondable.
- (4) The City Administrator shall have considerable knowledge of the functions, policies, laws

and regulations of the ~~offices of the City Clerk and City Treasurer~~state of Wisconsin.

- (5) The City Administrator shall pass a physical examination and a job trait assessment prior to employment.

Ordinance 2278, A 11/14/03, Sec. 2.42
Ordinance 2585, A 03/16/10, Sec. 2.42

SEC. 2.43 MUNICIPAL JUDGE; MUNICIPAL COURT.

- (a) **Established.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby established a Municipal Court for the City of Oak Creek.
- (b) **Office of Municipal Judge Created.** Pursuant to the authority granted by Chapter 755, Wis. Stats., there is hereby created the office of Municipal Judge for the Municipal Court for the City of Oak Creek. Mid-term vacancies in the office of Municipal Judge shall be filled by special election to be held not less than fifty-five (55) nor more than seventy (70) days after the order of the Common Council therefore.
- (c) **Election; Qualifications.** The Municipal Judge shall be elected at large as prescribed in Section 2.41. No person shall be elected by the people to the office of Municipal Judge who is not at the time of his-their election and is not during the entire tenure of his-their term a citizen of the United States, and of this state, a resident of Oak Creek and an attorney licensed to practice law in the State of Wisconsin. The Municipal Judge shall be subject to the Wisconsin Code of Judicial Ethics and shall file an annual financial statement.
- (d) **Salary.** The salary of the Municipal Judge may be increased for a new term prior to the beginning of the term for the Judge, or for the second year of a term before the start of the second year of the term of the Judge, but the salary shall not be decreased during the term of the Judge. No Judge may be paid a salary for that portion of any term during which portion the Judge has not executed the official bond or official oath as required by Sec. 755.03, Wis. Stats., and filed under Sec. 19.01(4)(c) of the Wisconsin Statutes, as amended.
- (e) **Bond; Oath.** The Municipal Judge shall execute and file with the Clerk of the Circuit Court for Milwaukee County the oath prescribed by Sec. 755.03, Wis. Stats., and an official bond in such an amount determined by the Common Council.
- (f) **Jurisdiction.** The Municipal Judge shall have jurisdiction as provided by law and Section 755.045, Wis. Stats., and exclusive jurisdiction of violations of City ordinances and resolutions.
- (g) **Procedure in Municipal Court.**

- (1) The Municipal Court shall be open as determined by order of the Municipal Judge.
- (2) The Municipal Judge shall keep his-their office and hold court in City Hall or other designated location location designated by the Common Council.
- (3) If the Municipal Judge is temporarily absent, sick, or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable, or fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Common Council. The Municipal Judge shall satisfy all continuing education requirements for municipal judges.
- (4) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- (5) The procedure in Municipal Court for the City shall be as provided by this Section and State law, including, without limitation because of enumeration, Chapters 755, 800, and Sec. 23.66 to Sec. 23.99, 778.14, 778.15, 778.18 and 345.20 to 345.53, Wis. Stats. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. In non-traffic matters, the City Attorney shall draft a bond schedule, which shall become effective upon approval by the Common Council. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.
- (h) **Fees.**
- (1) Bonds for appearance, partial payments, and other funds collected by the Court shall be treated as escrow funds and deposited with the City Treasurer.
- (2) The Clerk of the Municipal Court shall collect all forfeitures and costs in any action or proceeding before him or her and shall pay over such moneys to the City Treasurer not later than the seventh (7th) business day succeeding his or her receipt thereof. At the time of payment, the Municipal Court Clerk shall report to the City Treasurer the total amount of the forfeiture, fees, penalty assessments and costs, if any. The City Treasurer shall disburse the fees as provided in Sec. 824.65814.65, Wis. Stats., and disburse any penalty assessments pursuant to Sec. 66.12(1)(b)66.0114, Wis. Stats.
- (i) **Common Council May Abolish Municipal Court.** The Common Council may, by ordinance

or by law, abolish the Municipal Court at the end of any term for which the Judge has been elected.

(j) **Statutes Adopted by Reference.** Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

(k) **Contempt of Court.**

(1) The Municipal Judge may punish for contempt of Municipal Court for the City of Oak Creek persons guilty of either of the following acts:

- a. Intentional misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the due respect for the Court.
- b. Intentional disobedience, resistance or obstruction of authority, process or order of the Municipal Court.

(2) No person may be punished for contempt before a Municipal Judge until an opportunity has been given the person to be heard in ~~his or her~~ defense. If the contempt alleged involves disrespect or criticism of a Municipal Judge, that judge is disqualified from presiding at the trial of contempt unless the person charged consents to the judge presiding at the trial. For the purpose of hearing a person's defense, the Municipal Judge may, if the alleged defendant does not appear for trial, issue a warrant for the person to be brought before the Municipal Judge.

(3) The Municipal Court may, for contempt of court, under the provisions of Sec. 800.12, Wis. Stats., impose a forfeiture of up to ~~Fifty Two Hundred Dollars (\$50.00200.00)~~, plus statutory assessments, ~~for failure to pay said forfeiture and assessments the Court may impose a jail sentence not to exceed seven (7) days and a forfeiture, or a warrant to testify with a forfeiture of up to Two Hundred Dollars (\$200.00) and apprehension costs.~~

(l) **Stipulation and Deposits in Municipal Court.**

(1) Deposit Schedule to Be Established. The Municipal Judge shall establish and submit to the Common Council for approval in accordance with Sec. ~~800.03(3)800.037~~, Wis. Stats., a schedule of deposits for violations of City ordinances, resolutions and bylaws except traffic regulations which are governed by Sec. ~~345.27345.26~~, Wis. Stats., and boating violations governed by ~~Sec. 33.67Ch. 30~~, Wis. Stats. When approved by the Council, such deposit schedule shall be posted in the office of the Municipal Court Clerk and City Police Department.

(2) Stipulation and Deposit of Lieu of Court Appearance. Persons cited for violations of City

ordinances, resolutions or bylaws for which a deposit has been established under this Subsection shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Secs. ~~800.03800.035, 800.04~~ and 800.09, Wis. Stats.

(3) Traffic and Boating Deposits. The deposit schedule established by the Wisconsin Board of County Judges and the procedures set forth in Chs. ~~3330~~ and 345, Wis. Stats., shall apply to stipulations and deposits for violation of traffic regulations enacted in accordance with Sec. ~~345.27345.26~~ and boating regulations enacted in accordance with Sec. 30.77, Wis. Stats.

(4) When Not Permitted. Stipulations and deposits shall not be permitted after initial appearance or in cases of contempt under Subsection (k).

State Law Reference: Chapters 755 and 800, Wis. Stats.

SEC. 2.44 APPOINTED OFFICERS AND OFFICIALS

All appointed officers and officials shall perform those duties prescribed in state statutes, this Code of Ordinances, and their position descriptions. The appointed officers of the City shall be as follows: Treasurer, Clerk, Attorney, Engineer, Assessor, Health Officer, Chief of Police, Chief of the Fire Department, and Library Director. Non-officer appointed officials include management positions styled as Director, Deputy Administrator, and Assistant Administrator.

(a) Appointment of Officers and Officials.

(1) Pursuant to Sections 66.0101 and 62.09, Wisconsin Statutes, the City elects that the method of choosing the above officers and officials shall be pursuant to Section 62.09(3)(b)2, except as otherwise provided by subsections (2) and (3) below.

(2) The Chief of Police and Chief of the Fire Department shall be appointed by the Police and Fire Commission, pursuant to Section 62.13(3), Wisconsin Statutes.

(3) The Library Director shall be appointed by the Library Board, pursuant to Section 43.58(4), Wisconsin Statutes.

(b) Elimination of Several Officer Positions.
The officer positions of comptroller, constable, and street commissioner, are hereby eliminated.

(c) Procedure for Filling Vacancies of Appointed Officers and Officials.

(1) At such time as any officer or official position becomes vacant, the City Administra-

~~or or designee shall begin the recruitment process, except that vacancies in the positions of Police Chief, Chief of the Fire Department and Library Director shall be filled as provided by applicable Wisconsin Statutes. If there are significant changes to the position description or approved salary range, the City Administrator will communicate the proposed changes to the Mayor and Common Council, or a committee, board, or commission thereof.~~

~~(2) The Mayor, at their discretion, can elect to participate in the recruitment process and provide their recommendations on candidates.~~

~~(3) Following the recruitment process, and on the basis of merit, training, experience, administrative ability, efficiency, general qualifications, fitness for performing the duties of the position, and after considering the general recommendation of the City Administrator, the Mayor shall offer an appointment to the Common Council pursuant to Section 62.09(3)(b)2.~~

~~(d) Terms of Office. The term of office for appointed officers and officials shall be indefinite unless removed from said position for cause by majority vote of the Common Council or as otherwise provided by state statute.~~

SEC. 2.44 APPOINTED OFFICIALS

All employees and appointed officials shall perform those duties prescribed in their position descriptions, in addition to responsibilities prescribed herein. The appointed officials of the City shall be as follows:

(a) City Attorney.

~~(1) Appointment. The City Attorney shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term. The City Attorney shall hold office for an indefinite term.~~

(b) Assistant City Attorney.

~~(1) Appointment. The Assistant City Attorney shall be appointed by the City Attorney.~~

~~(2) Term. The Assistant City Attorney shall serve at the pleasure of the City Attorney.~~

~~(c) Weed Commissioner. The Weed Commissioner shall be appointed by the Mayor pursuant to Sec. 66.97, Wis. Stats.~~

(d) City Clerk.

~~(1) Appointment. The City Clerk shall be an employee of the City appointed by the Mayor, with consideration given to minimum qualifications and education as established by the City, subject to approval by the Common Council.~~

~~(2) Term. The City Clerk shall serve for an indefinite term.~~

~~(3) Removal Procedure. Removal from the position shall be effected by a majority vote of the Common Council. The City Clerk may be suspended by the City Administrator pending removal by the Common Council.~~

(e) City Treasurer.

~~(1) Appointment. The City Treasurer shall be an employee of the City appointed by the Mayor, with consideration given to minimum qualifications and education as established by the City, subject to approval by the Common Council.~~

~~(2) Term. The City Treasurer shall serve for an indefinite term.~~

~~(3) Removal Procedure. Removal from the position shall be effected by a majority vote of the Common Council. The City Treasurer may be suspended by the City Administrator pending removal by the Common Council.~~

Ordinance 2061, A 06/20/00, Sec. 2.44(e)

Ordinance 2444, A 02/06/07, Sec. 2.44(d)

Ordinance 2764, A 06/16/15, Sec. 2.44

Charter Ordinance 15, A 11/19/19, Section 2.44(d) and (e)

SEC. 2.45 DEPARTMENT MANAGERS

(a) Police Chief.

~~(1) Appointment. The Police Chief shall be appointed by the Police and Fire Commission.~~

~~(2) Term. The Police Chief shall hold office for an indefinite term.~~

(b) Fire Chief.

~~(1) Appointment. The Fire Chief shall be appointed by the Police and Fire Commission.~~

~~(2) Term. The Fire Chief shall hold office for an indefinite term.~~

(c) Director of Community Development.

~~(1) Appointment. The Director of Community Development shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term. The Director of Community Development shall hold office for an indefinite term.~~

(d) Community Public Health Officer.

~~(1) Appointment. The Community Public Health Officer (CPHO) shall be appointed by the Mayor, subject to confirmation by the Common Council, and shall be the full-time Health Officer of the City.~~

~~(2) Term. The term of said position shall be indefinite.~~

(e) City Engineer

~~(1) Appointment. The City Engineer shall be appointed by the Mayor subject to confirmation by the Common Council.~~

~~(2) Term. The City Engineer shall hold office for an indefinite term.~~

~~(f) Utility Manager.~~

~~(1) Appointment. The Manager of the Water and Sewer Utility shall be appointed by the Board of Water Works and Sewer Utility Commission.~~

~~(2) Term. The Utility Manager shall hold office for an indefinite term.~~

~~(g) City Librarian.~~

~~(1) Appointment. The City Librarian shall be appointed by the Library Board solely on the basis of merit, training, experience, administrative ability, efficiency and general qualifications and fitness for performing the duties of the position.~~

~~(2) Term. The City Librarian shall hold office for an indefinite term subject to removal for cause by the Library Board.~~

~~(h) Director of Parks and Recreation.~~

~~(1) Appointment. The Director of Parks and Recreation shall be appointed by the Mayor subject to confirmation by the Common Council.~~

~~(2) Term of Office. The Director of Parks and Recreation shall serve an indefinite term of office.~~

~~(i) Assessor.~~

~~(1) Appointment. The City Assessor shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term. The City Assessor shall serve an indefinite term of office.~~

~~(j) Building Commissioner.~~

~~(1) Appointment. The Building Commissioner shall be appointed by the Mayor, subject to confirmation by the Common Council. The Building Commissioner shall supervise the Inspection Department.~~

~~(2) Term. The Building Commissioner shall serve for an indefinite term.~~

~~(k) Street Superintendent~~

~~(1) Appointment. The Street Superintendent shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term of office. The Street Superintendent shall serve an indefinite term of office.~~

~~(l) Finance Director/Comptroller.~~

~~(1) Appointment. The Finance Director/Comptroller shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term of Office. The Finance Director/Comptroller shall serve an indefinite term of office.~~

~~(m) Information Technology Manager~~

~~(1) Appointment. The Information Technology Manager shall be appointed by the Mayor, subject to confirmation by the Common Council.~~

~~(2) Term of Office. The Information Technology Manager shall serve an indefinite term of office.~~

~~Ordinance 2205, A 07/16/02, Sec. 2.45(j)~~

~~Ordinance 2274, A 09/16/03, Sec. 2.45(e)~~

~~Ordinance 2357, A 06/07/05, Sec. 2.45(k)~~

~~Ordinance 2359, A 07/19/05, Sec. 2.45(j)~~

~~Ordinance 2408, A 06/06/06, Sec. 2.45(d)~~

~~Ordinance 2546, A 02/16/09, Sec. 2.45(1) and (m)~~

~~Ordinance 2679, A 05/07/13, Sec. 2.47(l)~~

~~SEC. 2.46 NON-UNION EMPLOYEES BELOW DEPARTMENT-MANAGER STATUS.~~

~~(a) Positions Designated. The following employment positions, classified by department manager, are hereby created:~~

~~(1) City Clerk. The following positions shall be filled by appointment by the City Clerk:~~

~~a. Deputy Clerk~~

~~(2) City Administrator. The following positions shall be filled by the City Administrator:~~

~~a. Personnel Specialist~~

~~b. Facilities Maintenance Supervisor~~

~~c. Human Resources Manager~~

~~(3) City Treasurer. The following positions shall be filled by the City Treasurer:~~

~~a. Deputy Treasurer~~

~~(4) Engineering Department. The following positions shall be filled by the City Engineer:~~

~~a. Assistant City Engineer~~

~~b. Municipal Design Engineer~~

~~c. Environmental Design Engineer~~

~~d. Environmental Engineer~~

~~(5) Department of Community Development. The following positions shall be filled by appointment by the Director of Community Development:~~

~~a. Planner~~

~~b. Zoning Administrator/Planner~~

~~(6) Water and Sewer Utility. The following positions shall be filled by appointment by the Board of Water Works and Sewer Utility Commission:~~

~~a. Field Operations Supervisor~~

~~b. Chief Operator, Water Treatment Plant~~

~~c. Administrative Supervisor~~

~~d. Utility Engineer~~

~~(7) Recreation Department. The following positions shall be filled by appointment by the Parks and Recreation Director:~~

~~a. Parks Maintenance Supervisor~~

~~b. Urban Forester~~

~~c. Recreation Supervisor~~

- ~~(8) Library. The following positions shall be filled by appointment by the City Librarian:~~
 - ~~a. Assistant City Librarian~~
 - ~~b. Reference Librarian~~
 - ~~c. Children/Young Adult Librarian~~
 - ~~d. Library Services Assistant~~
- ~~(9) Police Department:~~
 - ~~a. The following positions shall be filled by appointment of the Police Chief, subject to Police and Fire Commission confirmation:~~
 - ~~1. Captain~~
 - ~~2. Lieutenant~~
 - ~~b. The following positions shall be filled by appointment of the Police Chief:~~
 - ~~1. Dispatch Manager~~
 - ~~2. Dispatch Supervisor~~
- ~~(10) Fire Department. The following positions shall be filled by appointment of the Fire Chief, subject to Police and Fire Commission confirmation:~~
 - ~~a. Assistant Fire Chief~~
 - ~~b. Battalion Chief~~
- ~~(11) Health Department. The following positions shall be filled by the Community Public Health Officer:~~
 - ~~a. Public Health Nurse Supervisor/Deputy Health Officer~~
 - ~~b. Public Health Nurses~~
 - ~~c. Registered Sanitarian~~
- ~~(12) Street Department. The following positions shall be filled by appointment of the Street Superintendent:~~
 - ~~a. Street Supervisor~~
- ~~(13) Inspection Department:~~
 - ~~a. The following position shall be filled by appointment by the Building Commissioner:~~
 - ~~1. Inspection Supervisor, who shall be selected from a position identified at sub(b)(1)-(4).~~
 - ~~b. The following positions shall be filled by appointment by the Building Commissioner:~~
 - ~~1. Building Inspector~~
 - ~~2. Electrical Inspector~~
 - ~~3. Plumbing Inspector~~
 - ~~4. Plumbing/Building Inspector~~
- ~~(14) Information Technology Department. The following positions shall be filled by appointment of the Information Technology Manager:~~
 - ~~a. Computer Specialist~~
- ~~(15) Finance Department. The following positions shall be filled by the Finance Director:~~
 - ~~a. Deputy Comptroller / Payroll Coordinator~~

- ~~(b) Duties. The duties to be performed by the employees in the above positions shall be as prescribed in the pertinent position description.~~
- ~~(c) Procedure for Appointments. All appointments under this Section shall be pursuant to personnel policies adopted by the Common Council.~~
- ~~(d) Compensation. All employees and officers appointed pursuant to this Section shall receive such compensation as may be determined by the Common Council from time to time.~~

~~Ordinance 2357, A 06/07/05, Sec. 2.46(a)(12)~~
~~Ordinance 2359, A 07/19/05, Sec. 2.46(a)(13)~~
~~Ordinance 2361, A 08/01/05, Sec. 2.46(a)(11)~~
~~Ordinance 2394, A 05/02/06, Sec. 2.46(a)(5)~~
~~Ordinance 2444, A 02/06/07, Sec. 2.46(a)(11)~~
~~Ordinance 2547, A 02/16/09, Sec. 2.46~~
~~Ordinance 2720, A 05/06/14, Sec. 2.46(a)(2)c~~
~~Ordinance 2727, A 06/17/14, Sec. 2.46(a)(3)a, 2.46(a)(3), 2.46(a)(4), 2.46(a)(15)~~
~~Ordinance 2764, A 06/16/15, Sec. 2.46~~

SEC. 2.47 COMPLIANCE WITH FAIR LABOR STANDARDS ACT.

The City of Oak Creek shall comply with all provisions of the Federal Fair Labor Standards Act. The City Clerk/Comptroller shall develop and establish record keeping payment inclusions and payroll practices to ensure good faith compliance with the Act. The following positions shall be exempt from the provision of the Fair Labor Standards Act:

- ~~(a) Parks and Recreation Department. Director of Parks and Recreation.~~
- ~~(b) Public Works Department; Highway Division. Street Superintendent and Street Division Supervisor.~~
- ~~(c) Community Development Department. Director of Community Development and Assistant Director of Planning.~~
- ~~(d) Inspection Department. Building Commissioner, Inspection Supervisor, Building Inspector, Building/Fire Inspector, Plumbing Inspector and Electrical Inspector.~~
- ~~(e) Public Works Department; Engineering Division. City Engineer, Design Engineers, Construction Engineer and Development Engineer.~~
- ~~(f) Water and Sewer Utility. Utility Manager, Operations Supervisor, Field Operations Supervisor, Chief Operator, and Administrative Supervisor.~~
- ~~(g) Police Department. Police Chief, Captain, Lieutenants and Sergeants.~~
- ~~(h) Fire Department. Fire Chief, Assistant Fire Chiefs, Captains and Lieutenants.~~
- ~~(i) Health Department. Community Public Health Officer and Public Health Nurses.~~
- ~~(j) General Government. City Administrator, City Clerk, City Assessor, City Treasurer, Finance Director/Comptroller, IT Manager, City Attorney, Municipal Judge, Mayor and Aldermen.~~

Ordinance 2359, A 07/19/05, Sec. 2.47(d)

Ordinance 2408, A 06/06/06, Sec. 2.47(i)

Ordinance 2679, A 05/07/13, Sec. 2.47(j)

SEC. 2.48 RESIDENCY REQUIREMENTS.

Notwithstanding the provisions of any other ordinances, rules or regulations, no employee of the City of Oak Creek shall be and is required to be a resident of the ~~city of City of Oak Creek City~~, subject to the following provisions and conditions:

- (a) **Full Time Employees Under Labor Contract.** Any full time union employee who is not required to be a resident of the City of Oak Creek shall comply with the residency provisions of the labor contract for that union in which ~~he/she is~~ they are a member, provided that the contract's provisions are consistent with Wis. Stats. ~~§~~ Sec. 66.0502 and any future amendment thereto.
- (b) **Fire Department Non-Union Full-Time Emergency Employees.** All non-union fire emergency employees shall ~~reside within twenty (20) miles of the jurisdictional boundaries of the City of Oak Creek~~ comply with residency requirements contained in the City Personnel Policy Manual, as may be amended from time to time.
- (c) **Police Department Non-Union Full-Time Emergency Employees.** All non-union emergency employees of the Police Department shall ~~reside within (20) miles of the jurisdictional boundaries of the City of Oak Creek~~ comply with residency requirements contained in the City Personnel Policy Manual, as may be amended from time to time.
- (d) ~~Other Emergency Personnel. All other non-union emergency employees of the City of Oak Creek as defined by the applicable employee handbook shall reside within twenty (20) miles of the jurisdictional boundaries of the City of Oak Creek.~~
- (e) **Contract Employees.** Any employee who is required to be a resident of Oak Creek by virtue of a contract with the City is required to comply with the residency requirements of the contract ~~until the contract is terminated, extended, nullified or renewed~~ while the contract is in effect.
- (f) **Noncompliance.** Failure to comply with the provisions of this Section shall be grounds for termination.

Ordinance 2408, A 06/06/06, Sec. 2.48(a)

Ordinance 2627, A 06/07/11, Sec. 2.48(a)

Ordinance 2701, A 11/19/13, Sec. 2.48

BOARDS, COMMISSIONS AND CITIZEN COMMITTEES

SEC. 2.60 BOARDS AND COMMISSIONS GENERALLY.

- (a) **Officers.** Unless otherwise specified, City boards, commissions and committees established by this Chapter shall annually elect from their membership a Chairperson and Secretary.
- (b) **Compensation.** Members of boards, commissions and committees established by this Chapter shall receive such compensation as established by the Common Council.
- (c) **Meetings.**
 - (1) Unless otherwise specified, City boards, commissions and committees established by this Chapter shall meet upon the call of their respective Chairpersons.
 - (2) Every board, committee and commission created by or existing under the ordinances of the City shall fix a regular date, time and place for its meeting.
- (d) **Notice of Meetings.**
 - (1) Every meeting of any board or commission of the City of Oak Creek and/or any committee appointed or created by the Mayor or Common Council of the City of Oak Creek shall be preceded by public notice and shall be held in open session at a place acceptable to the public in accordance with the provisions of Chapter 19, Subchapter V, Open Meetings of Governmental Bodies, Wis. Stats., unless otherwise authorized by law.
 - (2) Such notice shall be given in writing to the official newspaper and to those news media who have filed a written request for such notice, and in addition thereto, shall be posted in at least one (1) location likely to give notice to the public of such meeting.
 - (3) A separate public notice shall be given for each meeting at a time and date reasonably proximate to the time and date of the meeting, but not less than twenty-four (24) hours prior to the commencement of such meeting unless otherwise authorized by law.
 - (4) Such notice shall set forth the time, date, place and subject matter of the meeting, including that intended for consideration at any contemplated closed session, which may be authorized by law
- (e) **Notice to Members.** Every member of any board, commission or committee of the City of Oak Creek shall be notified by the Secretary thereof that a meeting is to be held, and the time and place of such meeting and the subject to be considered thereat. No member shall be intentionally excluded from any meeting by a failure to give proper notice

or a reasonable attempt to give proper notice to such member.

- (f) **Minutes to Be Kept.** Every board, commission and committee shall keep a record of the minutes of its proceedings and shall cause a signed copy thereof to be filed by its Secretary with the City Clerk within two (2) weeks of the meeting date. All such minutes shall be public records. For all boards, commissions and citizen committees, the City Clerk shall serve as legal custodian of their records.
- (g) **Terms.** Except as otherwise provided, the terms of members of boards, commissions and citizen committees shall commence on May 1st.
- (h) **Oath of Office.** Each member of boards, commissions and citizen committees shall take and file the official oath within 10 days of receipt of written notice of appointment.

Charter Ord. 16 – A 10/20/20, Sec. 2.60(a), (c)(1), (d)(1), (e), (f), (h)

SEC. 2.61 BOARD OF REVIEW.

- (a) **Composition.** The Board of Review shall be composed of five (5) regular members and two (2) alternate members who shall be residents of the City, none of whom shall occupy any public office. Members shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of five (5) years, and shall hold office until their successors are appointed and qualified. The term of office shall commence on June 1st.
- (b) **Clerk to Keep Records.** The City Clerk shall act as the Clerk of the Board and shall keep an accurate record of all proceedings as required by law.
- (c) **Meetings.**
 - (1) The Board of Review shall meet annually during the seven (7) day period beginning on the second Monday of May. The Common Council, on or before its second meeting in April each year, shall establish the specific date and times for the first meeting for that year, provided that it shall be for not fewer than two (2) hours on the first meeting day between 8:00 a.m. and 12:00 midnight. In the event that the Common Council fails to adopt a resolution establishing the date and time of the first meeting of the Board of Review by its second meeting in May, the first meeting of the Board of Review shall be on the first Monday in May between 8:00 a.m. and 12:00 noon. The purpose of the first meeting is for the Board to receive the assessment roll and sworn statements from the Clerk, for taxpayers to appear and examine the assessment roll and other assessment data, and to schedule for hearing each written objection that it receives during the first two hours of the meeting or

that it received prior to the first meeting. A majority of the Board shall constitute a quorum.

- (2) If the assessment roll is not completed, the Board may, at its first meeting, adjourn after a roll call for such time as is necessary to complete the roll and shall put written notice on the outer door of the Common Council chambers stating to what time the meeting is adjourned.
- (d) **Powers and Duties.** The powers and duties of the Board of Review shall be as those set forth in Secs. 70.46 and 70.47, Wis. Stats.
- (e) **Confidentiality of Information.** Whenever the Assessor, in the performance of the Assessor's duties, requests or obtains income and expense information pursuant to Sec. 70.47(7)(af), Wis. Stats., or any successor statute thereto, then, such income and expense information that is provided to the Assessor shall be held by the Assessor on a confidential basis, except, however that said information may be revealed to and used by persons: in the discharging of duties imposed by law; in the discharge of duties imposed by office (including, but not limited to, use by the Assessor in performance of official duties of the Assessor's office and use by the Board of Review in performance of official duties); or pursuant to order of a court. Income and expense information provided to the Assessor under Sec. 70.47(7)(af), Wis. Stats., unless a court determines that it is inaccurate, is, per Sec. 70.47(7)(af), Wis. Stats., not subject to the right of inspection and copying under Sec. 19.35(1), Wis. Stats.

State Law Reference: Secs. 70.46 and 70.47, Wis. Stats.

Ordinance 2038, A 10/19/99, Sec. 2.61(e)
Ordinance 2073, A 06/06/00, Sec. 2.61(a) and (c)(1)
Charter Ord. 16, A 10/20/20, Sec. 2.61(e)

SEC. 2.62 POLICE AND FIRE COMMISSION.

- (a) **Composition.** The Police and Fire Commission shall consist of five (5) citizens of recognized standing, character and integrity, three (3) of whom shall constitute a quorum. The Mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the Secretary of the Board, one (1) member for a term of five (5) years, subject to confirmation by the Common Council.
- (b) **Powers and Duties.** The Board of Police and Fire Commissioners shall perform such duties as are imposed by Sec. 62.13, Wis. Stats., except sub. (6) therein.

Charter Ord. 16, A 10/20/20, Sec. 2.62(a)

State Law Reference: Sec. 62.13, Wis. Stats.

SEC. 2.63 PLAN COMMISSION.

- (a) **Composition.** The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, the Building Commissioner or their designee, two (2) Alderpersons who shall be chosen by the Common Council President at the second meeting in April of each year, and five (5) citizens of recognized experience and qualifications. In addition, a representative of the Planning Department shall be an ex-officio member of the Plan Commission, and shall not be entitled to vote on matters before the Plan Commission. The citizen members of the Plan Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years commencing on May 1st of each year.
- (b) **Powers and Duties.** The Plan Commission shall perform such duties as are prescribed by Sec. 62.23, Wis. Stats., and has such further powers as may be delegated to it by the Wisconsin Statutes and City ordinances.

State Law Reference: Sec. 62.23, Wis. Stats.
Ordinance 2062, A 04/18/00, Sec. 2.63(a)
Ordinance 2245, A 05/06/03, Sec. 2.63(a)
Charter Ord. 16, A 10/20/20, Sec. 2.63(a)

SEC. 2.64 ZONING BOARD OF APPEALS.

- (a) **Composition.** A Zoning Board of Appeals shall be appointed as specified in Sec. 62.23(7)(e), Wis. Stats. The Zoning Board of Appeals shall consist of five (5) members, and two (2) alternate members, appointed by the Mayor, subject to confirmation by the Common Council, for staggered terms of three (3) years, commencing on May 1st of each year.
- (b) **Powers and Duties.** The Zoning Board of Appeals shall have those powers and duties prescribed by City ordinance and Sec. 62.23(7)(e), Wis. Stats.

State Law Reference: Sec. 62.23(7)(e), Wis. Stats.
Cross Reference: Section 2.69 and ~~Ch. 1717.1101-17.1110~~.

SEC. 2.65 CIVIL SERVICE COMMISSION.

This section repealed by the adoption of Ordinance 2764 on 6/16/15; which recreated sections 2.44 and 2.46.

SEC. 2.66 LIBRARY BOARD.

- (a) **Composition.** The Library Board shall consist of seven (7) members, five (5) citizen members, one (1) school district administrator or their representative to represent the public school district, and one (1) Alderperson. The five citizen members shall be appointed for three (3) year terms to begin July 1, by the Mayor and confirmed by the Common Council. The school district administrator or

their representative shall be appointed by the Mayor for a three-year term to begin July 1. All three-year terms shall be staggered so that no more than two (2) citizen appointments are appointed annually. The Alderperson member shall be appointed annually by the Mayor on the third Tuesday in April. The Library Board shall annually in June elect from its membership a President, a Vice-President and a Secretary. A majority of the membership of the Library Board shall constitute a quorum.

- (b) **Compensation.** No compensation shall be paid to any Library Board member for their service as such, but they may be reimbursed for their actual and necessary expenses incurred in performing their duties outside the City if so authorized by the Library Board.
- (c) **Power and Duties.** The Library Board shall have the powers and duties as prescribed under Sec. 43.58, Wis. Stats.

Charter Ord. 16, A 10/20/20, Sec. 2.66(a)

State Law Reference: Sec. 43.58, Wis. Stats.

SEC. 2.67 WATER & SEWER UTILITY COMMISSION

This section repealed by the adoption of Charter Ord. 16 on 10/20/20

Ordinance 2119, A 4/2/2001, Sec. 2.67

Ordinance 2473, A 9/4/2007, Sec. 2.67(b) & (c)

Charter Ord. 16, A 10/20/20, repealed Section 2.67

SEC. 2.68 PARKS AND RECREATION COMMISSION.

- (a) **Composition.** The Oak Creek Parks and Recreation Commission shall consist of eight (8) members: six (6) citizen members, one (1) member of the Board of Education of the Oak Creek-Franklin Joint School District, and one (1) Alderperson. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall serve as members of the Commission for three (3) years and until their successors are appointed. Terms shall be staggered so that no more than two (2) citizen members are appointed annually. The Alderperson member of the Commission shall be appointed by the Common Council President and shall serve for one (1) year. The Board of Education member may be appointed by the Board of Education, but with the consent of the Mayor, and shall serve for a one-year term. All appointments, except vacancies, shall be made on the third Tuesday in April in each year. Members appointed as vacancies occur shall serve only for the unexpired term of the vacated members. Vacancies shall be filled in the same manner as appoint-

ments. Members of the Commission shall receive no compensation for their services.

- (b) **Powers and Duties.** The Parks and Recreation Commission shall:
 - (1) Advise the responsible management staff in the execution of their parks improvement, ~~maintenance~~, and joint community recreation platform responsibilities.
 - (2) Suggest administrative regulations for the operation of park and recreation facilities and programs.
 - (3) ~~Plan-Develop a program of five-year parks and open space capital improvements plan,~~ and review and recommend parks-related capital expenditures in each annual budget cycle.
 - (4) Make whatever recommendations they may see fit to the Mayor and ~~Common~~ Council towards the improvement of the operation of park and recreational activities and facilities.
 - (5) Coordinate the various social segments of the community into a unified pattern of activity.
 - (6) Recommend policies for its own guidance and for the administration of joint community recreation platform activities.
 - (7) Advise the Common Council on other matters relating to parks and recreation.
 - (8) Assist the responsible management staff in keeping the general public informed, and for soliciting public input, as to the development of park improvement and joint community recreation platform activities.
 - (9) The Commission shall perform such other duties and assume such other responsibilities as may be assigned to it by the Common Council.
- (c) **Meetings.** The Parks and Recreation Commission shall meet annually in June of each year and ~~shall will~~ further meet monthly at such times and places as they ~~shall~~ determine. At the annual meeting, a Chairperson and Secretary shall be elected. In the absence of the Chairperson, the members of the Commission shall elect one of its members to preside and exercise the functions of the Chairperson.

Charter Ord. 16, A 10/20/20, Sec. 2.68(a), (b)(1), (c)

Ord. 3017, A 9/7/21, Section 2.68

State Law Reference: Sec. 27.08, Wis. Stats.

SEC. 2.69 HOUSING BOARD OF APPEALS.

- (a) **Composition.** The members of the Zoning Board of Appeals shall also serve as the Housing Board of Appeals. Terms of office shall coincide with terms on the Zoning Board of Appeals.

- (b) **Powers and Duties.** The Board shall conduct hearings requested by any person affected by any notice, which is issued in connection with the enforcement of any provision of the City's Minimum Housing Codes. The concurring vote of four (4) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant on any matter upon which it is required to pass under such Code, or to effect any variation in such Code. The grounds of every such determination shall be stated. The Board may transcribe the testimony given at such hearing and payment therefor shall be made by the City.
- (c) **Quorum.** The quorum for meetings or hearings of the Board shall consist of four (4) members.

State Law Reference: Sec. 67.23(7)(e), Wis. Stats.
Cross-Reference: Section 2.64 and ~~Section 16.01-16.14~~ Ch. 16.

SEC. 2.70 BOARD OF HEALTH.

- (a) **Composition.** There is hereby created the City of Oak Creek Board of Health. It shall consist of eight (8) members: the ~~Community Public Health Administrator~~ Officer, Sanitarian, Medical Advisor, an Alderperson and four (4) citizen members. The citizen members shall be appointed by the Mayor with the approval of the Common Council and shall hold office as members of the Board for three (3) years and until their successors are appointed and qualified, the first appointments to be for three (3), two (2) and one (1) years respectively. The terms of office of the citizen members shall commence on October 1. The Alderperson member of the Board of Health shall be appointed by the Common Council President at its regular meeting held on the third Tuesday of April and shall serve for one (1) year. The Board of Health shall appoint a licensed physician who shall be a member of such Board. If a vacancy in the position of medical advisor occurs, the Board of Health shall immediately fill the same.
- (b) **Powers and Duties.**
- (1) The members of the Board shall meet at a place on any day as the Board, by its own rules, shall prescribe.
 - (2) The Board shall take such measures and make such rules and regulations as shall be most effectual for the preservation of the public health. All orders and regulations shall be published in the official newspaper of the City and they shall have the force and effect of ordinances, including penalty for violation.

Charter Ord. 16, A 10/20/20, Sec. 2.70(a)
State Law Reference: Chapter 251, Wis. Stats.

SEC. 2.71 CELEBRATIONS COMMISSION.

- (a) **Composition.** There is hereby created a Celebrations Commission consisting of ~~not more than~~ ten (10) members, ~~of which one (1) member is an Alderperson and one (1) member is a staff representative.~~ The members of the Celebrations Commission shall be appointed by the Mayor, subject to confirmation by the Common Council, and vacancies shall be filled in the same manner. Members appointed as vacancies appear shall serve only for the unexpired term of the vacated members. All appointments, except in vacancies, shall be for three (3) years and shall be made on the third Tuesday in April in each year. Terms shall be staggered so that no more than four (4) members are appointed annually.
- (b) **Powers and Duties.** The Celebrations Commission shall coordinate and supervise the annual Fourth of July celebration and any other celebration, ~~which may be~~ authorized and/or directed by the Common Council. The Commission is authorized to expend funds allocated to it by the annual budget of the Common Council ~~for celebrations and shall have the power to appoint any number of persons to committees and/or subcommittees to aid in carrying out its duties.~~

Ordinance 1120, A 05/21/85, Sec. 1.08(14) creation
Ordinance 1249, A 10/06/87
Ordinance 1393, A 08/15/89
Charter Ord. 16, A 10/20/20, Sec. 2.71(a), 2.71(b)

SEC. 2.72 EMERGENCY MANAGEMENT ADVISORY COMMITTEE.

- (a) **Composition.** There is hereby created an Emergency Management Advisory Committee consisting of the following:
- (1) Fire Chief (as Director of Emergency Management Services).
 - (2) Chief of Police (as Deputy Emergency Management Director).
 - (3) Director of Public Works.
 - (4) ~~Community Public Health Administrator~~ Officer.
 - (5) City Administrator.
 - (6) Utility Manager.
 - (7) One (1) Alderperson, annually appointed by the Council President.
- (b) **Powers and Duties.** The Emergency Management Advisory Committee shall act in an advisory capacity on matters pertaining to City government's response to emergency situations.

Charter Ord. 16, A 10/20/20, repealed Section 2.72(a)(7)

SEC. 2.73 TRAFFIC & SAFETY COMMISSION

This section repealed by the adoption of Charter Ord. 16 on 10/20/20.

SEC. 2.74 THIS SECTION INTENTIONALLY LEFT BLANK.

Ordinance 2125, A 04/17/01 Sec. 2.74

SEC. 2.75 LANDSCAPE AND BEAUTIFICATION COMMISSION.

This section repealed by the adoption of Charter Ord. 16 on 10/20/20.

*Ordinance 2706 Repealed A 02/04/14 Sec 2.75 & 2.76
Ordinance 2712, A 02/17/14, Sec 2.75
Ordinance 2732, A 08/04/14, Sec. 2.75
Charter Ord. 16, A 10/20/20, repealed Section 2.75*

SEC. 2.77 TOURISM COMMISSION

- (a) **Composition.** The Tourism Commission shall consist of five (5) voting members who shall be appointed for a one year term commencing May 1 by the Mayor subject to confirmation by the Common Council., including
 - a. one (1) Alderperson
 - b. at least one of the commission members shall represent the Wisconsin hotel and motel industry.
- (b) **Ex-Officio Members.** The Mayor, City Administrator and Director of Community Development shall serve as ex-officio members and shall not be entitled to vote on matters before the Commission.
- (c) **Powers and Duties.** The Tourism Commission shall have those powers or duties as prescribed by State statute.

*Ordinance 2190, A 05/22/02, Sec 2.77
Ordinance 2620, A 03/15/11, Sec. 2.77
Ordinance 2741, A 11/05/14, Sec. 2.77
Ordinance 2826, A 10/04/16, Sec. 2.77
Charter Ord. 16, A 10/20/20, Sec. 2.77(a)*

SEC. 2.78 COMMUNITY DEVELOPMENT AUTHORITY

- (a) **Composition.** There shall be seven (7) voting members of the Community Development Authority, consisting of five (5) citizens and two (2) Alderpersons appointed by the Mayor, subject to confirmation by the Common Council.
- (b) **Ex-Officio Members.** The Mayor, City Attorney, City Administrator, and Director of Community Development shall service as ex-officio members and shall not be entitled to vote on matters before the Committee
- (c) **Powers and Duties.** The Community Development Authority shall have those powers or duties as prescribed by State statute.

*Ordinance 2060, A 04/03/00, Sec. 2.78(a)
Ordinance 2084, A 09/19/00, Sec. 2.78(a)*

*Ordinance 2190, A 05/22/02, Sec. 2.78
Ordinance 2275, A 10/07/03, Sec. 2.78(b)
Ordinance 2721, A 05/06/14, Section 2.78(b)
Charter Ord. 16, A 10/20/20, Sec. 2.78(a)*

SEC. 2.79 BOARD OF ABSENTEE BALLOT CANVASSERS

- (a) **Purpose.** Pursuant to Secs. 7.52 and 7.53(2m), Wis. Stats., there is created a Board of Absentee Ballot Canvassers.
- (b) **Composition.** The Board of Absentee Ballot Canvassers shall be composed of the City Clerk, or a qualified elector of the City designated by the City Clerk, and two (2) other qualified electors of the city appointed by the City Clerk for a term of two (2) years commencing on January 1 of each odd-numbered year, except that any member who is appointed to fill a permanent vacancy shall serve for the unexpired term of the original appointee.
- (c) **Canvassing of Absentee Ballots.** In lieu of canvassing absentee ballots at polling places under Sec. 6.88, Wis. Stats., the Board of Absentee Ballot Canvassers shall, at each election held in the City, canvass all absentee ballots received by the City Clerk by 8:00 p.m. on election day.
- (d) **Counting of Absentee Ballots.** At every election held in the City, the Board of Absentee Ballot Canvassers shall, any time after the opening of polls and before 10:00 p.m. on Election Day, publicly convene to count the absentee ballots for the City. The City Clerk shall give at least 48 hours' notice of any meeting under this subsection.

*Ordinance 2784, A 12/15/15 Sec. 2.79
Charter Ord. 16, A 10/20/20, Sec. 2.79(d)*

SEC. 2.80 STANDING JOINT REVIEW BOARD

- (a) **Composition.**
 - (1) There shall be five (5) voting members of the Standing Joint Review Board, consisting of one (1) representative of the City, one (1) representative chosen by the Oak-Creek Franklin School District, (1) one representative chosen by the Milwaukee Area Technical College District, (1) one representative chosen by Milwaukee County, and (1) one public member that shall be selected by a majority of the other board members before the public hearing.
 - (2) The City Administrator, ~~Finance Director and~~ Director of Community Development ~~Development and Finance Officer~~ shall act as advisory to the Standing Joint Review Board without the authority to vote.

- (3) The City's representative to the Standing Joint Review Board shall be appointed by the Mayor, subject to confirmation by the Common Council at the second meeting in April for a term lasting two (2) years commencing on May 1.

(b) Purpose

Members of the Standing Joint Review Board are designated to represent a taxing jurisdiction (municipal, county, school, technical college) having the responsibility to approve, deny or amend a Tax Incremental District (TID).

(c) Powers and Duties

- (1) The Standing Joint Review Board shall have all of the powers and duties as prescribed by Wisconsin Statutes 66.1105(4m).
- (2) The Standing Joint Review Board shall remain in existence for the entire time that any tax incremental district exists in the City.

Ordinance 2806, A 05/17/16 Sec. 2.80

CODE OF ETHICS

SEC. 2.100 CODE OF ETHICS.

The provisions of Secs. 19.42 and 19.59, Wis. Stats., dealing with a code of ethics for local public officials is adopted by reference, provided that the provisions of Secs. 19.42 and 19.59, Wis. Stats., shall apply to all local public officials and all City employees, including members of the Police Department and Fire Department. Any future amendments, revisions or modifications of Secs. 19.42 and 19.59, Wis. Stats., are intended to be made a part of this Code.

EMERGENCY MANAGEMENT

SEC. 2.120 EMERGENCY MANAGEMENT.

Pursuant to Sec. 166.03(4)323.14, Wis. Stats., the following program of emergency management is hereby adopted:

- (a) **Overall Control.** The Mayor and Common Council shall have overall control of the program of emergency management for the City.
- (b) **Head of Emergency Management Services.**
 - (1) The Fire Chief shall be the head of emergency management services for the City and shall be designated as the Director of Emergency Management Services. The Director shall have the powers and duties specified in Sec. 323.15, Wis. Stats., and shall be responsible to the Mayor and Common Council.
 - (2) The Director (by authority of the Mayor, Council President or the Common Council member with authority to act in the absence of the Mayor or Common Council President pursuant to Sec. 2.22 may, during time of disaster, enter into contract and incur obligations necessary to combat such disaster, protecting the lives and safety of persons and property and providing emergency assistance to the victims of such disasters. The Director may exercise the powers invested in him or her in the light of the exigencies of the extreme emergency situation without regarding the time-consuming procedures and formalities prescribed by other provisions of law pertaining to the performance of public work, entering into contracts, the employment of temporary workers, the rental of equipment and the purchase of supplies and materials. The liability of the City shall not exceed the fair and reasonable value of the services rendered or supplies, equipment or materials furnished.
 - (3) The Director may, in collaboration with other public and private agencies within the state and the nation, develop or cause to be developed, mutual aid arrangements for reciprocal emergency management and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the state emergency management and disaster plan and program of the federal government.
 - (4) The Director of Emergency Management Services may, subject to the approval of the Common Council, enter into mutual aid agreements with civil defense and disaster agencies or organizations in other political subdivisions or in the state or in other states for reciprocal emergency management and

disaster aid and assistance in case of war or disaster too great to be dealt with unassisted.

- (5) The Police Chief shall be the Deputy Emergency Management Director who shall have the powers and duties of the Emergency Management Director in ~~his or her~~ their absence.
- (c) **Operation.** The emergency management services of the City shall operate in accordance with the City emergency operations plan which has been adopted by resolution of the Common Council and with any operational survival plan established by the Director of Emergency Management Services, approved by the administrator of the division of emergency management, Wisconsin Department of Development and adopted by resolution of the Common Council. A copy of the current State of Wisconsin emergency operations plan and operational survival plan of the City as adopted by the Common Council shall be kept on file in the office of the City Clerk.

Ordinance 2625, A 05/17/11, Sec. 2.120(b)(1)

SEC. 2.121 DECLARATION OF EMERGENCIES.

- (a) Pursuant to Sec. 62.11(5), Wis. Stats., to act for the government and good order of the City and for the health, safety and welfare of the public, and notwithstanding any other provision of law to the contrary, the Common Council may declare, by ordinance or resolution, an emergency existing within the City of Oak Creek whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot or civil commotion, acts of God, and including conditions, without limitation or restriction because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the City. The period of such emergency shall be limited by such ordinance or resolution to the time during which such emergency conditions exist or are likely to exist.
- (b) The emergency power of the Common Council herewith conferred shall include such general authority to order, by ordinance or resolution, whatever is necessary and expedient for the health, safety, welfare and good order of the City in such emergency and shall include such authority as is necessary and expedient without limitation or restriction because of enumeration and shall include the power to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from the local highways, notwithstanding any provisions of Chs. 341 to 349, Wis. Stats.
- (c) If because of such emergency conditions the Common Council shall be unable to meet with promptness, the Mayor or President of the Com-

mon Council shall exercise by proclamation all the powers herewith conferred upon the Common Council which, within the discretion of the Mayor, are necessary and expedient for the purposes herein set forth, but such proclamation of the Mayor shall be subject to ratification, alteration, modification or repeals by the Common Council as soon as the Common Council shall be able to meet, but such ratification, alteration, modification or repeal by the Common Council shall not affect the prior validity or force or effect of such proclamation by the Mayor.

ADMINISTRATION

SEC. 2.130 MANDATING OF EMPLOYEE WAGES AND BENEFITS FOR PRIVATE BUSINESSES. Except to the extent required by State or Federal law, no ordinance of the City of Oak Creek, nor any other municipal ordinance, rule, resolution or regulation shall require that any private employer provide particular wages or benefits to its employees or set forth the amount or type of an employee wages or benefits provided an employee working for a private employer within the City or doing business within the City.

Ordinance 2545, A 02/03/09, Sec. 2.130



oocr
OAK CREEK COMMUNITY
EDUCATION & RECREATION

An update of the 2022-23 school year





“Delivering
high **quality programs**
in **safe and engaging**
environments for our
community
to learn and grow”





7,287
people



**Registered for OCR programs in the
2022-23 school year**





SEEKING INPUT

Surveys

Conversations

Memberships



ALIGNING RESOURCES

Staffing - 293 employees

Training - (online, seasonal, retreats)

Facilities - (schools, city hall, DO, off-site)

JOIN THE
OCR
TEAM



Learn More

www.ocpsd.org

h.ryan@ocpsd.org



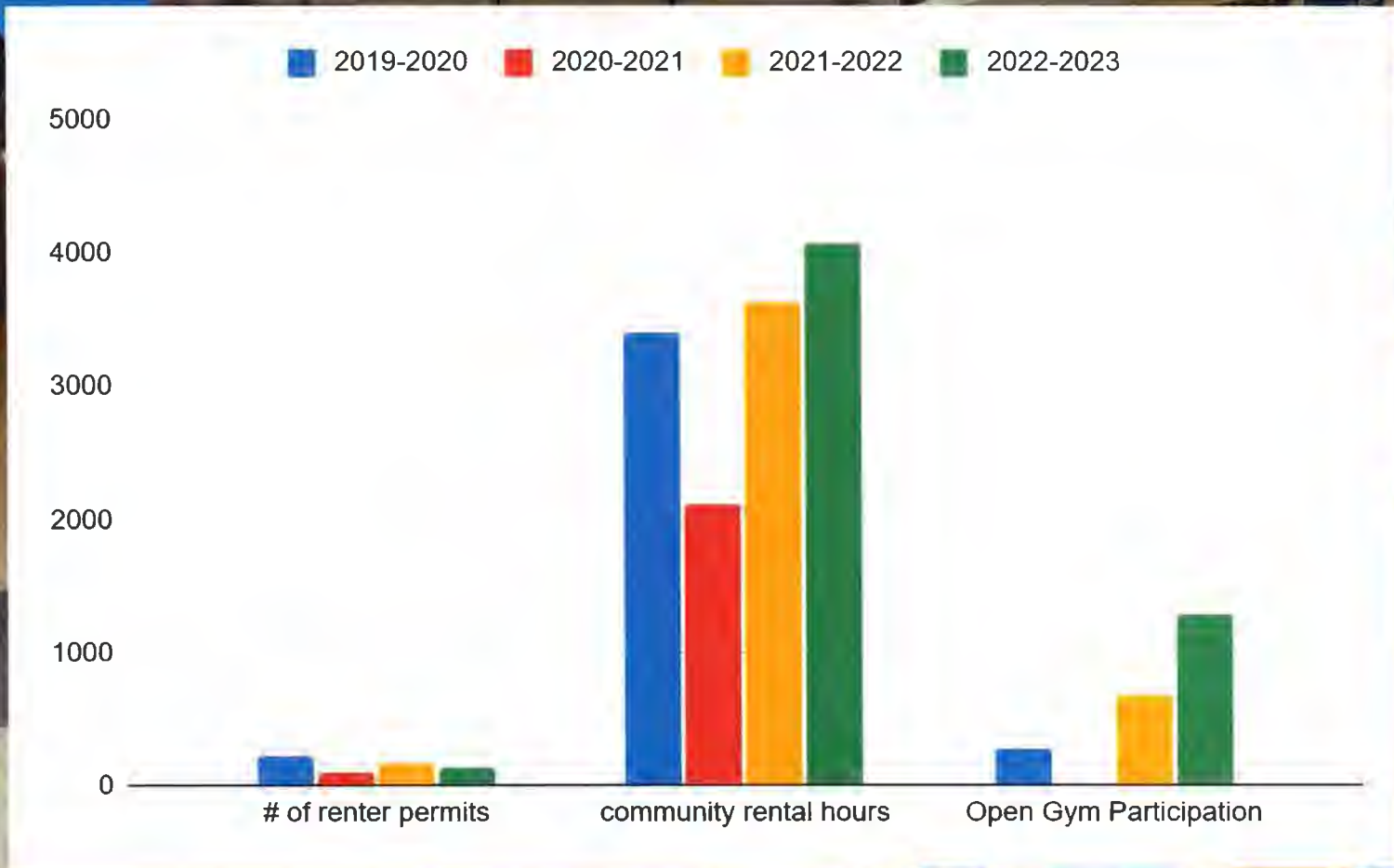
We are looking for our ASPIRE
before and after school care.

MEASURING IMPACT

OCR Scorecard



COMMUNITY FACILITY USE



Next Steps

Opportunities - Adults, Little Tykes

Challenges - Staffing, Facilities





Balanced Scorecard

KEY:	Baseline	Trending Up	Trending Down	Awaiting Data	No data available	Red = Goal
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UPDATED: 7/27/23

Area	Metrics	2019-2020	2020-2021*	2021-2022	2022-23
Enrichment programming <i>Increase growth in each metric of this area by 5% in 2022-23</i>	# of student programs	No data	24	131	81
	# of student participants	No data	94	586	803
	# of adult programs	No data	10	56	57
	# of adult participants	No data	169	452	472
Childcare & Development <i>Realize continuous growth in each metric of this area</i>	# of students enrolled	583	6,130 School Day Camp	2,258	2,440
	Camp OC	641	757	1,250	1,482
	School Days Out	296	204	460	429
	# ASPIRE students	574	431	548	529
Aquatic Services <i>Serve with consistent programs and participation</i>	# of participants	591	120	1,017	1,421
	# of programs	80	11	120	161
Sports & Wellness Programs <i>Increase growth in each metric of this area by 5% in 2022-23</i>	# of student programs	60	77	100	145
	# of student participants	931	1,078	1,494	2,170
	# of adult programs	No data	No data	59	64
	# of adult participants	No data	No data	580	474
Community Facility Access <i>Realize continuous growth in each metric of this area</i>	# of renter permits	218	97	160	132
	community rental hours	3,406	2,101	3,627	4,067
	Open Gym Participation	269	No data	674	1,282

* covid pandemic impacted program offerings/participation



COMMON COUNCIL REPORT

Item: Donation and Waiver of Appraisal - Temporary Limited Easement for S. 13th Street Reconstruction Project

Recommendation: That the Common Council approves Resolution No. 12430-091923, donating and waiving appraisal for a temporary limited easement consisting of a 24'-wide strip (0.039 acres) to Milwaukee County (2nd Aldermanic District).

Fiscal Impact: Donation will forgo payment of an estimated \$1,450 for the easement.

- Critical Success Factor(s):**
- Active, Vibrant and Engaged Community
 - Financial Stability and Resiliency
 - Thoughtful Growth and Prosperous Local Economy
 - Clean, Safe & Welcoming
 - Inspired, Aligned, and Proactive City Organization
 - Quality Infrastructure, Amenities, and Services
 - Not Applicable

Background: Milwaukee County (MCDOT) is finishing design of its 13th Street (CTH V) reconstruction project. The road will be reconstructed from Puetz to Drexel in 2024. The project necessitates that MCDOT acquire additional right-of-way and temporary easements from the various adjacent property owners.

MCDOT requires the acquisition of a 24'-wide strip of land along the frontage of City owned property as a temporary limited easement. The property contains a main drainage channel and the easement will allow for proper grading to match existng ground. MCDOT's real estate consultant has found it difficult to find comparable sales for a similar property which is required for an appraisal to provide fair market value of the TLE. The City Engineer has reviewed the easement documents and waiver of appraisal and is recommending that the Common Council approve the donatation of the land interests.

Options/Alternatives: The Council could opt to not donate the TLE and require an appraisal and just compensation which may cause the project to be delayed.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared/Approved:

Matthew J. Sullivan, PE
City Engineer

Fiscal Review:

Maxwell Gaglin, MPA
Assistant City Administrator / Comptroller

RESOLUTION NO. 12430-091923

BY: _____

RESOLUTION DONATING A TEMPORARY LIMITED EASEMENT CONSISTING OF AN ADJACENT 24'-WIDE STRIP (0.039 ACRES) TO MILWAUKEE COUNTY

(2nd ALDERMANIC DISTRICT)

WHEREAS, Milwaukee County has a need to acquire a Temporary Limited Easement along the frontage of the City owned parcel (Tax Key 812-0169-000) to reconstruct S. 13th Street (CTH V); and

WHEREAS, the City of Oak Creek is waiving their right for appraisal; and

WHEREAS, the City of Oak Creek agrees to donate the Temporary Limited Easement to Milwaukee County Department of Transportation as listed below;

Owner	Tax Key Number	Acquisition Type	Size	Amount
City of Oak Creek	812-0169-000	TLE	0.079 Ac	DONATION

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Donation -Waiver of Appraisal and Temporary Limited Easement be approved and the same is hereby accepted; and

BE IT FURTHER RESOLVED, the Mayor and City Clerk are hereby authorized and directed to execute the Donation – Waiver of Appraisal, and the Mayor is hereby authorized and directed to executed the Temporary Limited Easement and any necessary accompanying documents.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of September, 2023.

Passed and adopted this _____ day of September, 2023.

President, Common Council

Approved this _____ day of September, 2023.

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

**DONATION - WAIVER OF APPRAISAL
RECOMMENDATION AND APPROVAL**

Milwaukee County

RE1896 01/2023 Ch. 32 Wis. Stats.

Owner
City of Oak Creek

Acres/sq. ft. required
0.000 acres

Interest required
0.039 acres of Temporary Limited Easement (TLE)

24.67% of 0.039 acre @ \$150,00/acre = \$1,443. Rounded to \$1,450

The undersigned owner(s) of the above lands declare an intent to donate said lands.

Having been fully informed of the right to have the property appraised and to receive just compensation based upon an appraisal, the undersigned further state that the decision to donate said lands was made without any undue influence or coercive action of any nature, and that the right to an appraisal and to just compensation is hereby waived.

It is intended that the instrument of conveyance will be executed upon presentation by Milwaukee County agents or representatives.

CITY OF OAK CREEK

Signature

Date

Print Name and Title

Signature

Date

Print Name and Title

APPROVING AUTHORITY RECOMMENDATION:

Agent Signature

Date

Print Name and Title

APPROVING AUTHORITY APPROVAL:

Management Signature

Date

Print Name and Title



Project
2505-03-21

County
Milwaukee

Parcel
59

TEMPORARY LIMITED EASEMENT

Exempt from fee: s. 77.25(2r) Wis. Stats.
Exempt from filing transfer form [s. 77.21(1), 77.22(1) Wis. Stats.]
RE1577 03/2019

THIS EASEMENT, made by the **City of Oak Creek, Milwaukee County, Wisconsin**, GRANTOR, conveys a temporary limited easement as described below to **Milwaukee County**, GRANTEE, for the sum of **One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged (\$1.00)** for construction purposes.

Any person named in this conveyance may make an appeal from the amount of compensation within six months after the date of recording of this conveyance as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the conveyance shall be treated as the award, and the date the conveyance is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property:

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

City of Oak Creek

This space is reserved for recording data

Return to
The Highland Group
110 N. Third St
Watertown, WI 53094

Parcel Identification Number/Tax Key Number
812-0169

Signature _____ Date _____

Print Name and Title _____

Date _____
State of _____ }
_____ County) SS

On the above date, this instrument was acknowledged before me by the named person(s).

The signer was: ____ Physically in my presence. **OR** ____ In my presence involving the use of communication technology.

Signature, Notary Public, State of Wisconsin _____

Print or Type Name, Notary Public, State of Wisconsin _____

Date Commission Expires _____



Project ID
2505-03-21

This instrument was drafted by
Milwaukee County

Parcel No.
59

LEGAL DESCRIPTION

A **Temporary Limited Easement** for the right to construct side slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Milwaukee County, State of Wisconsin, described as follows:

That part of the Southwest 1/4 of the Northwest 1/4 of Section 17, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Commencing at the southwest corner of said Northwest 1/4; thence North 00°06'34" East, on and along the west line of said Northwest 1/4, 1262.07 feet; thence South 89°53'26" East, 40.00 feet to the point of beginning; thence North 00°06'34" East, 70.00 feet; thence South 89°23'16" East, 24.00 feet; thence South 00°06'34" West, 70.00 feet; thence North 89°23'16" West, 24.00 feet to the point of beginning.

The above easement expires at the completion of the construction project for which this instrument is given.

This Temporary Limited Easement contains 0.039 acres, more or less.



COMMON COUNCIL REPORT

Item: Final Payment - Clean Soil Import Management from MMSD at Peter Cooper

Recommendation: That the Common Council approves Resolution No. 12431-091923, accepting the workmanship of Edgerton Contractors, Inc., and authorizing final contract payment under Project No. 21024 (4th Aldermanic District).

Fiscal Impact: Final payment of \$48,772.21 is to be paid with funding provided in Project No. 21024.

Critical Success Factor(s):

- Active, Vibrant, and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe, and Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: On November 2, 2021, the Common Council awarded this project to the lowest responsive bidder, Edgerton Contractors, for an estimated cost of \$878,000.00 which was funded in Project 21024.

The contract was awarded as professional services to manage the approximately 200,000 cubic yards of clean soil being delivered to the City by Milwaukee Metropolitan Sewerage District (MMSD) under an Intergovernmental Cooperation Agreement (ICA) between the City and MMSD. The clean soil is to be used for environmental capping and other uses at Peter Cooper and other areas of the City owned lakefront, as well as being used on the north bluff stabilization.

A key component of the contract was the acknowledgement that the schedule of the MMSD and their selected contractor would determine the pace and duration of the soil hauling/delivery operation. The original contract price was based on stated assumptions for a standard industry timeline to haul the estimated amount of soil.

The MMSD's selected contractor took longer than the original assumptions to complete their soil excavation and hauling, which included working Saturdays toward the end of the project. The ICA committed the City to be available to accept the clean soil delivery whenever the MMSD contractor was working resulting in the increased cost to complete the work. The increased cost is attributed to the actual hours required for management of the soil, including other operations to control impacts to the public (dust control).

Attached to this report is the final project payment cost invoice. In the end the final project cost comes out to about 11% (\$97,443.92) over the awarded bid price.

Options/Alternatives: The Council could opt to not accept the work and thus not approve final payment.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Susan A. Winnen, PE
Environmental Engineer

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Matthew J. Sullivan, PE
City Engineer

Attachments: 12431-091923 Resolution, Project No. 21024 Final Project Payment

RESOLUTION NO. 12431-091923

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
EDGERTON CONTRACTORS INC.
AND AUTHORIZING FINAL PAYMENT**

**PROFESSIONAL SERVICES INCLUDING ENGINEERING, SURVEY, DUST
MANAGEMENT, SITE MANAGEMENT, AND GRADING
PETER COOPER MANAGEMENT OF SOIL FROM MMSD**

PROJECT NO. 21024

(4TH ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Edgerton Contractors Inc., hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain professional services including grading under Project No. 21024 for the management of incoming clean soil delivered to the Peter Cooper site from the Milwaukee Metropolitan Sewerage District (MMSD) in the City of Oak Creek, in accordance with a Request for Professional Services prepared by the City Engineer for the agreed price of \$878,000.000; and,

WHEREAS, said total final contract price has been determined to be \$975,443.92 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

WHEREAS, the Contractor has completed all of the work set out in the specifications; and,

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$48,772.21.

NOW, THEREFORE, BE IT RESOLVED that the recommendation and report prepared by the City Engineer be accepted.

BE IT FURTHER RESOLVED that the City of Oak Creek does hereby accept the workmanship furnished by the Contractor, subject, however, to all guarantees and other obligations set out in the contract which the City of Oak Creek hereby reserves, if any, and subject to the right of the City of Oak Creek to commence an action or file a third party claim against the Contractor in the event that an action is commenced by anyone against the City of Oak Creek as a result of alleged injuries or wrongful death as a result of the condition of the work site or any other condition related to this project.

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on work for a period of 12 months after the acceptance of the work, the performance

or contract bond, which has been made a part of the contract, shall be in effect until 12 months after the passage of the resolution.

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$48,772.21 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 19th day of September, 2023.

Passed and adopted this 19th day of September, 2023.

President, Common Council

Approved this 19th day of September, 2023.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

APPLICATION AND CERTIFICATE FOR PAYMENT

TO :
City of Oak Creek
8040 S 6th St
Oak Creek, WI 53154

PROJECT:
Peter Cooper Site
Oak Creek WI

FROM:
Edgerton Contractors, Inc.
545 W Ryan Road; PO Box 901
Oak Creek, WI 53154
CONTRACT FOR:

VIA (ARCHITECT):

AIA DOUCUMENT G702

APPLICATION NO **21083-015**

PERIOD: **06/30/23**

ARCHITECT'S

City Job # 21024

CONTRACT DATE: 11/19/2021

Distribution to

	OWNER
	ARCHITECT
	CONTRACTOR
	OWNER'S REP

INVOICE # **21083-015**

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY		
Change Orders approved in previous months by Owner	ADDITIONS	DEDUCTIONS
TOTAL	256,507.93	
Approved this Month		
Number	Date Approved	
		159,064.01
TOTALS		0.00
Net change by Change Orders		97,443.92

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and the current payments shown herein is now due.

CONTRACTOR: Edgerton Contractors, Inc

By: *[Signature]* Date: **6-23-23**

1. ORIGINAL CONTRACT SUM.....	\$	878,000.00
2. Net change by Change Orders.....	\$	97,443.92
3. CONTRACT SUM TO DATE (Line 1 + 2).....	\$	975,443.92
4. TOTAL COMPLETED & STORED TO DATE.....	\$	975,443.92
(Column G on G703)		
5. RETAINAGE:		
a. 5% of Amount Billed	\$	0.00
(Column G on G703)		
b. 0 % of Stored Material	\$	
(Column J on G703)		
Total Retainage (Line 5a + 5b or		
Total in Column 1 of G703).....	\$	0.00
6. TOTAL EARNED LESS RETAINAGE.....	\$	975,443.92
(Line 4 less Line 5 Total)		
7. LESS PREVIOUS CERTIFICATES FOR		
PAYMENT (Line 6 from prior Certificate).....	\$	-926,671.71
8. CURRENT PAYMENT DUE.....	\$	77,223.92
9. BALANCE TO FINISH, PLUS RETAINAGE.....	\$	0.00
(Line 3 less Line 6)		

State of: **Wisconsin** County of: **Milwaukee**

Subscribed and sworn to before me this **23** day of **June**, 20**23**
Notary Public: _____ County of: **Milwaukee**
My Commission expires **7-12-2024**

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents and the Contractor is entitled to payment of the AMOUNT CERTIFIED

Amount Certified _____ \$

(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT:

By: _____

Date: _____

This Certificate is not negotiable. The AMOUNTS CERTIFIED is payable only the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract



Charge to 40-21-40-02470-21024 which is City Project #21024 GL number
For RETAINAGE final of project to manage incoming soil from MMSD
Authorized SAW 6/23/23

CONTINUATION SHEET

AIA DOCUMENT G703

APPLICATION NO.

21083-015

PERIOD:

June 30, 2023

Page 1

City of Oak Creek

21024

Edgerton Contractors, Inc. Job # 21083

ITEM NO	DESCRIPTION OF WORK	SCHEDULED VALUE	EXECUTED C.O.'S & REVISIONS	REVISED CONTRACT AMOUNT	APPROVED PREVIOUS REQUEST	WORK IN PLACE THIS PERIOD	TOTAL COMPLETED TO DATE	% CMLPT	BALANCE TO FINISH	5% RETAIN.
	Mobilization	\$ 63,000.00	\$ 27,301.40	\$ 90,301.40	\$ 90,301.40		\$ 90,301.40	100.0%	\$ -	
	Bluff Monitoring & Geotechnical Eng Expertise	\$ 33,000.00	\$ (25,833.00)	\$ 7,167.00	\$ 7,167.00		\$ 7,167.00	100.0%	\$ -	
	Construct Cap Subgrade	\$ 82,000.00	\$ (24,536.58)	\$ 57,463.42	\$ 57,463.42		\$ 57,463.42	100.0%	\$ -	
	Manage Soil Import to Construct Cap and Stockpiles	\$ 315,000.00	\$ 11,368.29	\$ 326,368.29	\$ 326,368.29		\$ 326,368.29	100.0%	\$ -	
	Place Topsoil	\$ 72,000.00	\$ (72,000.00)	\$ -	\$ -		\$ -	#DIV/0!	\$ -	
	Dust Control	\$ 252,000.00	\$ (46,771.39)	\$ 205,228.61	\$ 205,228.61		\$ 205,228.61	100.0%	\$ -	
	Survey Documentation	\$ 11,000.00	\$ 2,594.50	\$ 13,594.50	\$ 13,594.50		\$ 13,594.50	100.0%	\$ -	
	Subsurface Structure Demolition	\$ 10,000.00	\$ (5,164.58)	\$ 4,835.42	\$ 4,835.42		\$ 4,835.42	100.0%	\$ -	
	Debris Relocation	\$ 12,000.00	\$ 78.00	\$ 12,078.00	\$ 12,078.00		\$ 12,078.00	100.0%	\$ -	
	Vertical Pipe Modification	\$ 20,000.00	\$ (20,000.00)	\$ -	\$ -		\$ -	#DIV/0!	\$ -	
CO 1	Accommodate Capping of Existing Structures	\$ 3,000.00	\$ 470.00	\$ 3,470.00	\$ 3,470.00		\$ 3,470.00	100.0%	\$ -	
	Utility Structures on Trucking Access Route	\$ 5,000.00	\$ (5,000.00)	\$ -	\$ -		\$ -	#DIV/0!	\$ -	
CO 1	Granular Cap Area		\$ 9,658.60	\$ 9,658.60	\$ 9,658.60		\$ 9,658.60	100.0%	\$ -	
CO 2	Install Shoulder Widener		\$ 7,316.50	\$ 7,316.50	\$ 7,316.50		\$ 7,316.50	100.0%	\$ -	
	Standby Time (TM002)		\$ 8,475.27	\$ 8,475.27	\$ 8,475.27		\$ 8,475.27	100.0%	\$ -	
	Labor Assistance for Load Tracking (TM003)		\$ 206,560.74	\$ 206,560.74	\$ 206,560.74		\$ 206,560.74	100.0%	\$ -	
	Grading Changes NW Parcel		\$ 13,914.26	\$ 13,914.26	\$ 13,914.26		\$ 13,914.26	100.0%	\$ -	
	Added Erosion Control at Lake Outfall Manhole		\$ 8,260.22	\$ 8,260.22	\$ 8,260.22		\$ 8,260.22	100.0%	\$ -	
	Plow snow for WE Energies Access		\$ 751.69	\$ 751.69	\$ 751.69		\$ 751.69	100.0%	\$ -	
	TOTAL	\$ 878,000.00	\$ 97,443.92	\$ 975,443.92	\$ 975,443.92	\$ -	\$ 975,443.92	100.0%	\$ -	\$ -

COMMON COUNCIL REPORT

Item: Milwaukee Area Technical College Truck Driving Track Development Agreement

Recommendation: That the Common Council adopts Resolution No. 12432-091923 approving the Milwaukee Area Technical College Truck Driving Track Development Agreement with Milwaukee Area Technical College for the design and construction of public improvements located at 6665 S. Howell Avenue. (Tax Key No. 718-9961-002) (Project No. 23057) (1st District).

Fiscal Impact: Developer will be responsible for their established share of the costs related to the work covered under this Development Agreement.

Critical Success Factor(s):

- Active, Vibrant, and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe, and Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: Milwaukee Area Technical College (MATC) is proposing to modify their parking lot for the Commercial Driver's License (CDL) training which requires relocations of the existing fire hydrant, so it is out of the parking lot. This Development Agreement establishes the developer's responsibilities and obligations for the installation of the public infrastructure. The public infrastructure includes water main only. The water main will be extended outside of the existing parking lot pavement, within an existing 20-ft wide public utility easement. The agreement outlines that the design and construction of these facilities will be in accordance with all City and other applicable local and state codes, and that they will be inspected by the City during construction and funded by the developer.

Options/Alternatives: If the Development Agreement is not approved modifications to the MATC parking lot for CDL training would be restricted.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Prepared:



Ashley Kiepczynski, PE
Assistant City Engineer

Approved:



Matthew J. Sullivan, PE
City Engineer

RESOLUTION NO. 12432-091923

BY: _____

**RESOLUTION APPROVING THE
MILWAUKEE AREA TECHNICAL COLLEGE TRUCK DRIVING TRACK
DEVELOPMENT AGREEMENT**

TAX KEY NO. 718-9961-002

(1st ALDERMANIC DISTRICT)

WHEREAS Chapter 14 of the City of Oak Creek Municipal Code requires that a Development Agreement be entered into prior to the required public improvements being installed.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that the Development Agreement, attached hereto and incorporated herein by reference, by and between MILWAUKEE AREA TECHNICAL COLLEGE and the CITY OF OAK CREEK, is hereby approved.

BE IT FURTHER RESOLVED that any necessary technical corrections to the Development Agreement that are approved by the City Engineer and City Attorney are hereby authorized.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said Development Agreement on behalf of the City, and upon execution by both the City and the Developer, the City Clerk is hereby 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 19th day of September, 2023.

Passed and adopted this 19th day of September, 2023.

Kenneth Gehl, Common Council President

Approved this 19th day of September, 2023.

Daniel J. Bukiewicz, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

12432-091923

Document Number

MILEWAUKEE AREA
TECHNICAL COLLEGE
TRUCK DRIVING TRACK
INFRASTRUCTURE
DEVELOPMENT AGREEMENT
Document Title

Recording Area

Name and Return Address:
Douglas W. Seymour, Director
Department of Community Development
8040 South 6th Street
Oak Creek, WI 53154

718-9961-002

Parcel Identification Number (Pin)

THIS AGREEMENT, made and entered into this ___ day of _____, 2023, by and between Milwaukee Area Technical College (MATC) hereinafter referred to as the "Developer", and the City of Oak Creek, hereinafter referred to as the "City", each a "Party" and both the "Parties";

WITNESSETH:

WHEREAS, the Developer proposes to develop the following described lands situated in the City of Oak Creek, County of Milwaukee and State of Wisconsin, to-wit:

MATC S1/2 OF NE1/4 SEC. 5-5-22 EXC COM SE COR OF SD1/4 SEC TH W 759 FT N 132 FT E 495 FT S 49.5 FT E 264 FT TH S 82.5 FT TO BEG & EXC E 60 FT FOR AVE ALSO: S 40 ACS OF N1/2 OF NE1/4 SEC 5-5-22 LYING WLY OF ELY LI OF FORMER CNS&M RR ROW ALSO: 150 FT FORMER CNS&M RR ROW IN THE 40 ACS OF NE1/4 SEC 5-5-22 ALSO: S 50 ACS OF NW1/4 SEC 5-5-22 LYING E OF CMSTP&P RR ROW EXEMPT, City of Oak Creek, Milwaukee County, Wisconsin.

Said parcel containing 109.883 acres, hereinafter called the "Property"; and

WHEREAS, the Developer has submitted a proposed plan titled "MATC Water Main Improvements", Tax Key No. 718-9961-002, encompassing the hereinabove described lands in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the City Municipal Code for the purpose of creating a truck driving track, hereinafter called the "Development"; and

WHEREAS, the water main plan was conditionally approved by the City of Oak Creek Water & Sewer Utility, subject, however, to the Developer entering into an agreement with the City relative to certain undertakings and/or actions to be performed by the Developer prior to final approval of the Development by the City; and

WHEREAS, Sec. 236.13(2)(a), Wis. Stats., and Chapter 14 of the City Municipal Code provide that, as a condition of approval, the City Common Council may require that the Developer make and install any public improvements reasonably necessary for the Development; and

WHEREAS, Developer will submit to the City final engineering plans which, when approved by the City, shall set forth the final plans and specifications of the improvements necessary for the Development; and

WHEREAS, the City's Capital Improvement plan and budget does not now include funds necessary to install improvements for the Development; and

WHEREAS, the City believes that the orderly, planned development of the Property will best promote the health, safety and general welfare of the community, and hence is willing to approve the Development providing that the Developer agrees to undertake and assume certain obligations and conditions as hereinafter described.

NOW, THEREFORE, in consideration of the payment of \$1.00, and in consideration of the mutual covenants listed below, the parties agree:

1. Final Engineering Plans. Any reference herein to "Final Engineering Plans" shall mean those certain engineering plans prepared by Short Elliot Hendrickson Inc. (SEH) with the latest revision date, to be approved and signed by the City Engineer.
2. Existing Improvements. The Development is served and will benefit by the existing water main as installed within S. Howell Avenue.
3. Project Construction Sequence. The proposed development will be constructed in its entirety as shown in Exhibit C. Before construction of improvements commences, the Developer must receive the City Engineer's written approval to proceed, which approval shall not be unreasonably withheld, delayed, or conditioned for all public infrastructure,

grading and drainage, erosion control, and DNR approval for the Development. Sequencing related to the construction of certain improvements is specified below.

- A. All site utility work will be continuous and not phased.
 - B. Following Developer's execution and City Common Council approval of this Agreement and the City Engineer's written approval of the plans, grading and erosion control may proceed.
 - C. Access for emergency equipment shall be maintained.
4. Deferred Special Assessments – There are no outstanding special assessment payments required for this Agreement. Developer shall also sign the Waiver of Special Assessment Notice and Hearing attached at Exhibit B.
5. Conditions and Time Period to Install Improvements - The Developer, entirely at its expense, shall, upon receipt of the notice to proceed from the City, complete the public improvements in accordance with the requirements set forth in Exhibit A and as set forth in the Final Engineering Plans.
- A. Public improvements, hereinafter called the "Improvements", shall include the following;
 - 1) All work required for the water main
 - B. The Developer shall, without charge to the City and upon certification by the City Engineer, unconditionally grant and fully dedicate the public improvements.
 - C. In the event the Developer does not complete the installation of the Improvements in accordance with the Final Engineering Plans or the terms of Exhibit A, the City shall, upon written notice to the Developer and the expiration of a reasonable cure period (3 months from certified receipt of notice, to be reasonably extended due to force majeure or other factors beyond Developer's control), have the authority to complete same and take title to said Improvements. Upon the City's completion thereof, without notice of hearing, the City may impose a special assessment for the reasonable actual cost of said completion upon the Property, payable with the next succeeding tax roll.
 - D. In accordance with Sections 3.200 through 3.222 of the City Municipal Code and under Sections 66.0701 through 66.0733 of the Wisconsin Statutes and other applicable statutory provisions, the City may exercise its power to levy special assessments for the public improvements that have not been installed by the Developer.

6. Items Required Prior to installation of Erosion Control - Prior to the commencement of construction consistent with the required erosion control plan, the City Engineer shall ensure:
 - A. Approval of all plans required in Paragraph IV of Exhibit A.
 - B. Issuance of erosion control permit.

7. Items Required Prior to start of Site Work - Prior to the commencement of site work, including but not limited to clearing and grubbing, grading, and construction of the approved storm water management facilities, the City Engineer shall ensure:
 - A. Approval of all plans required in Paragraph II and III in Exhibit A.
 - B. Developer has issued a notice to proceed to its contractor(s).
 - C. Developer and City have arranged a preconstruction conference.

 - D. Developer has attained and provided to the City Engineer the approved Notice of Intent from the Wisconsin Department of Natural Resources.

8. Items Required Prior to start of Public Infrastructure Construction - Prior to the commencement of construction of public infrastructure construction, the City Engineer shall ensure:
 - A. Approval of all plans required in Exhibit A.
 - B. Developer has issued a notice to proceed to its contractor(s).
 - C. Developer and City have arranged a preconstruction conference.
 - D. All pertinent approvals have been obtained from the State of Wisconsin Department of Natural Resources.
 - E. Developer has arranged for the City to inspect the proposed construction of the public infrastructure.

9. Reimbursement of Costs - The Developer shall, within thirty (30) days of receipt of an itemized invoice, reimburse the City for all reasonable and outstanding fees, expenses, costs, and disbursements which were incurred by the City for the design, review, construction, inspection, dedication, administration, enforcement, or acceptance of the Improvements. In addition, the Developer shall provide copies of lien waivers from all contractors, material suppliers, or consultants who performed work or supplied materials for public improvements.

10. Workmanship Guarantee - Developer shall guarantee the public improvements described in Exhibit A against defects due to faulty materials or workmanship for a period of one year from the date of dedication of the public improvements. Pursuant to Paragraph 12.A., the Developer shall establish a security deposit, in the amount of 10% of total construction costs of the public improvements, to cover the guarantee period for each of the public improvements. The maintenance obligations regarding the private internal street is the Developer's in perpetuity. Until that time, responsibility for the adjacent public streets will be assigned as follows:
 - A. Pavement maintenance caused by the construction activities, including any repairs and street sweeping, shall be the Developer's responsibility.
 - B. If street repairs and/or street sweeping are not satisfactorily performed by the Developer; the City shall, after notice to Developer and reasonable time to cure, perform such with its own forces or hired contractors and charge the Developer accordingly for actual manpower, equipment and materials, plus 10% administration and overhead. Developer's responsibility with respect to the streets shall terminate upon approval of the building occupancy and the City Common Council acceptance of the improvements and release from the Development Agreement.
11. Hold Harmless - The Developer shall indemnify and save harmless the City, its officers, agents and employees, from all liability claims, loss, damages, interest, actions, suits, judgments, costs, expenses, attorney's fees, and the like to whomsoever is owed, which may in any manner result from the negligent construction or maintenance of public improvements by the Developer pursuant to the terms of this agreement, the violation of any law or ordinance, the infringement of any patent, trademark, trade name or copyright, prior to their formal dedication of the public improvements to the City as provided in Paragraph 5.B. hereof.
12. Financial Guarantees and Billing
 - A. Security Deposit - Prior to and as a condition of Final Engineering Plan approval, the Developer shall deposit the sum of money in cash or certified check as required under Paragraph 10 with the City as the Security Deposit (hereinafter referred to as "Collateral"), to secure the prompt, full and faithful performance by Developer of each and every provision of this Agreement and all obligations of the Developer hereunder. The City is not required to hold the Collateral in any special or trust account, but may commingle the Collateral with other funds of the City. Interest shall be paid to the Developer on the Collateral. If the Developer fails to perform any of its obligations hereunder following the expiration of any applicable notice and cure period, the City may use, apply or retain the whole or any part of the Collateral together with interest therein, if any, for payment of: (a) Sums of money due from the Developer under this Agreement; (b) Any sum

expended by the City on the Developer's behalf in accordance with this Agreement; and/or (c) Any sum which the City may expend or be required to expend by reason of the Developer's default under this Agreement.

The use, application or retention of the Collateral, or any portion thereof, by the City shall not prevent the City from exercising any other right or remedy provided by this Agreement or by law (it being intended that the City shall not first be required to proceed against the Collateral) and shall not operate as a limitation on any recovery to which the City may otherwise be entitled. If any portion of the Collateral is used, applied or retained by the City for the purposes set forth above, Developer agrees, within ten (10) days after the written demand therefore is made by the City, to deposit cash with the City in an amount sufficient to restore the Collateral to its original amount.

Without limitation as to the obligations secured, the Collateral shall also secure the following specific obligations of the Developer to make to the City:

- 1) Payment of reasonable anticipated in-house administrative and inspection fees with deposit of \$5,000.
- 2) Maintenance of public improvements as described in Paragraph 10.

The City will release to the Developer all funds from the Collateral, including interest, after the Developer fully and faithfully complies with all of the provisions of this Agreement and completes the above-listed items, all to the satisfaction of the City Engineer, which approval shall not be unreasonably withheld, delayed, or conditioned, less amounts, if any, previously applied by the City for the obligations secured hereby and after City Common Council fully releases Developer from its obligations under this Agreement. If the Developer's obligations hereunder to the City, including but not limited to, costs of the above-enumerated improvements, exceed the amount of the Collateral, the Developer is responsible for payment of the balance to the City within 30 days of billing.

B. Billing – The City shall bill the Developer quarterly as costs are incurred by the City. In the event the Developer fails to make payment to the City within 30 days of billing, interest shall accrue on the unpaid balance at the rate of 15% per annum. The City shall, without notice of hearing, impose a special assessment for the amount of said unpaid costs upon the Property, payable with the next succeeding tax roll.

13. Inspection – The City or its agents shall, at the Developer's cost, provide full-time inspection of all of the Improvements outlined in Exhibit A to the Agreement.
14. Easements – The Developer shall acquire and dedicate to the City all public easements and right-of-way necessary to install and maintain public improvements required by this

- D. This Agreement shall be binding upon the heirs, personal representatives, successors and assigns of the parties hereto.
- E. This Agreement shall be recorded by the City with the Register of Deeds of Milwaukee County.
- F. Upon Developer satisfying all of its obligations under this Agreement, the Common Council of the City of Oak Creek shall adopt a resolution releasing the Developer from the terms of this Agreement.
- G. Developer shall provide specifications in the latest Adobe pdf electronic format.
- H. Developer shall provide all construction plans in the latest Adobe pdf electronic format.
- I. Pavement repairs within the public right of way must be replaced to match the existing pavement structure.
- J. In the event of any conflict between the terms of this Agreement (inclusive of Exhibit A) and any other documents or agreements expressly referred to herein or any City codes and ordinances or the Final Engineering Plans shall be interpreted such that this Agreement controls, then the City codes and ordinances control, and then the Final Engineering Plans control.
- K. If any provision of this Agreement is found by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be fully severable from this Agreement and this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement and the remaining provisions of this Agreement shall remain fully enforceable in accordance with its remaining terms.
- L. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which when together shall constitute one and the same agreement by and among the Parties.

[Rest of page intentionally left blank. Signatures on following pages.]

CITY OF OAK CREEK

Daniel J. Bukiewicz, Mayor

Countersigned:

Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2023, DANIEL J. BUKIEWICZ, Mayor, and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument as such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. _____ adopted by its Common Council on the ____ day of _____, 2023.

Notary Public
Milwaukee County, Wisconsin
My commission: _____.

This instrument was drafted by Ashley Kiepczynski of the City of Oak Creek Engineering Department.

Approved as to form:

Melissa L. Karls, City Attorney

EXHIBIT A

CITY OF OAK CREEK CITY ENGINEER'S REPORT MILWAUKEE AREA TECHNICAL COLLEGE

I. INTRODUCTION

The detailed standards for the design and construction of all improvements required in this exhibit shall conform to the "City of Oak Creek Engineering Design Manual," adopted by the Common Council on July 18, 1995, and all incorporated amendments thereof, as provided on the Oak Creek Engineering website at the time of City's approval of the improvements.

The following are the general required improvements, plans, and conditions, all of which will be provided with greater specificity on the Final Engineering Plans, which are incorporated herein by reference:

II. EROSION AND RUN-OFF CONTROL

A. Required Improvements

Installation and construction of Best Management Practices in the proposed Development that shall conform with the most current edition of the Department of Natural Resources Technical Standards.

B. Plans and Specifications

Control plan for land-disturbing activities showing existing contours onto adjacent lands to the extent that allows the determination of drainage patterns pre and post construction. This plan will show locations and dimensions of all construction site management measures to control erosion and sedimentation.

C. The Developer shall not commence land-disturbing activities until all erosion control measures are installed and approved by the City. An erosion control permit must be obtained which requires the Developer to construct and maintain such measures in conformance with the City's erosion control ordinance.

D. Both during and after construction, the surface of exposed bare soils shall be protected in accordance with the City's Erosion Control Ordinance and all applicable State and Federal requirements. If winter shutdown prevents the establishment or maintenance of a cover crop, anionic polyacrylamide (PAM) may be permitted by the City Engineer. Anionic PAM shall not be permitted to be used in the terrace area of the public road right-of-way. If

approved, the use of the anionic PAM shall be performed under inspection and meet the Wisconsin Department of Natural Resources Technical Standards. This does not apply to the immediate building site area that is subject to workers and equipment in and around the perimeter of a new structure.

III. WATER - PUBLIC

A. Required Improvements

Design, install, and provide a complete public water distribution system and install water main designed to meet the ultimate needs of this Development and all tributary areas, in accordance with the City's water main system plan and with the rules, regulations, and procedures of the City and the State of Wisconsin Department of Natural Resources.

B. Plans and Specifications

1. Water main plans, specifications, design calculations, and copies of all easements.
2. The City will create "as-built" plans of the entire system, including hydrant and valve locations, and the location and elevation of laterals, all for the use of the City of Oak Creek Water and Sewer Utility. All other "as-built" requirements are the responsibility of the Developer.
3. Separate water main easements for the site, where appropriate, shall be recorded.

C. Upon completion, furnish and provide to the City a complete summary of the actual construction costs for water distribution, itemized in sufficient detail to satisfy the requirements of the Public Service Commission of the State of Wisconsin in establishing or revising a rate base.

D. Installation of one water lateral from the water main, to within five (5) feet of each proposed building.

E. Provide hydrant marker flags for each installed public fire hydrant.

IV. MISCELLANEOUS

DEVELOPER SHALL:

- A. be responsible to preserve existing trees, brush, or shrubs, not approved for removal. If unauthorized removal occurs, landscaping will be replaced

at the Developer's expense.

- B. repair all damage to roads and appurtenances caused by construction operations.
- D. acquire all required underground utility easements.

V. SPECIFICATIONS

The Improvements shall be constructed in accordance with the following specifications.

- A. City of Oak Creek Engineering Design Manual, most recent edition.
- B. Applicable Specifications and Regulations of MMSD.
- C. Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
- D. State of Wisconsin, Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.
- E. The Wisconsin Department of Natural Resources Erosion Control Technical Standards.

VI. SPECIAL PROVISIONS

The development process shall strictly conform to the conditions set forth in the Development Agreement. Request for building occupancy approval is subject to the City Engineer's certification (not to be unreasonably withheld or delayed) that all Improvements required to be installed are satisfactorily completed. The City will not accept deposits in lieu of completion of the Improvement prior to building occupancy approval.

Approved by:

Matthew J. Sullivan, P.E.
City Engineer

Date

EXHIBIT B

**WAIVER OF SPECIAL ASSESSMENT
NOTICES AND HEARINGS**

City of Oak Creek
8040 South 6th Street
Oak Creek, WI 53154

We, the undersigned, being the Owners of the property that shall benefit by the following proposed public improvements:

Water main contemplated under this agreement

all made in the City of Oak Creek, Milwaukee County, Wisconsin, in consideration of the construction of said improvements by the City of Oak Creek, Wisconsin, hereby admit that such public improvement will benefit our property and consent to the levying of special assessments against our premises under Sections 66.0701 through 66.0733 of the Wisconsin Statutes and Sections 3.200 through 3.222 of the Municipal Code of the City of Oak Creek for the cost of such improvement.

In accordance with Section 3.204 of the Municipal Code of the City of Oak Creek, we hereby waive all special assessment notices and hearings required by Section 66.0703 of the Wisconsin Statutes and Section 3.203 of the City Municipal Code, and we further agree and acknowledge the benefit to our properties from the construction of such improvement.

Description of premises that shall benefit:

MATC S1/2 OF NE1/4 SEC. 5-5-22 EXC COM SE COR OF SD1/4 SEC TH W 759 FT N 132 FT E 495 FT S 49.5 FT E 264 FT TH S 82.5 FT TO BEG & EXC E 60 FT FOR AVE ALSO: S 40 ACS OF N1/2 OF NE1/4 SEC 5-5-22 LYING WLY OF ELY LI OF FORMER CNS&M RR ROW ALSO: 150 FT FORMER CNS&M RR ROW IN THE 40 ACS OF NE1/4 SEC 5-5-22 ALSO: S 50 ACS OF NW1/4 SEC 5-5-22 LYING E OF CMSTP&P RR ROW EXEMPT, City of Oak Creek, Milwaukee County, Wisconsin.

Said parcel containing 109.883 acres.

Milwaukee Area Technical College

By: _____
Jeffrey J. Hollow, Vice President of Finance

Date

EXHIBIT C
PROJECT SITE





COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 9/19/23 License Committee Report.

Fiscal Impact: License fees in the amount of \$1,210.00 were collected.

Critical Success Factor(s):

- Active, Vibrant and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe & Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background:

The License Committee met on 9/13/2023. Recommendations are as follows:

1. Grant an Operator's license to Alex Laird (BP W Discount Liquor).
2. Grant an Operator's license to Evagelia Kardaris (Erv's Mug).

The following items were received after the License Committee met. Favorable background reports were received:

3. Grant Operator licenses to the following:
 - * Jill Armstrong (Community Center)
 - * Kimberly A. Barna (Classic Lanes)
 - * Christina M. Vazquez (Classic Lanes)
 - * Deborah Massalongo (Classic Lanes)
 - * Thomas R. Perkowski (Kwik Trip)
4. Grant a Temporary "Class B" (wine) license to St. Matthew Parish, 9329 S. Chicago Rd., for a Wine Tasting event scheduled for October 21, 2023.
5. Grant a Temporary Class "B" (fermented malt beverages) and "Class B" (wine) license to St. Matthew School & Parish, 9329 S. Chicago Rd., for a Music Bingo event scheduled for November 10, 2023.
6. Grant a 2023 Transient Merchant license to Advocate Construction, 3695 N. 126th St., Suite M., Brookfield, WI, selling home improvement products, and to the following solicitor:
 - * Omar Guzman

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller, CMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Attachments: none

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the September 13, 2023 Vendor Summary Report in the total of \$6,439,287.09.

Fiscal Impact: Total claims paid of \$6,439,287.09.

Critical Success Factor(s):

- Active, Vibrant and Engaged Community
- Financial Stability and Resiliency
- Thoughtful Growth and Prosperous Local Economy
- Clean, Safe & Welcoming
- Inspired, Aligned, and Proactive City Organization
- Quality Infrastructure, Amenities, and Services
- Not Applicable

Background: Of note are the following payments:

1. \$66,701.34 to Bestco UA (pg #3) for October retiree insurance.
2. \$7,877.00 to Buelow Vetter (pg #4) for legal services.
3. \$2,329,764.38 to Commerce 94 Project DST (pg #5) for Amazon payment per developer agreement.
4. \$25,877.97 to E. H. Wolf & Sons, Inc. (pgs #6 & 7) for fuel inventory.
5. \$2,041,814.26 to Edgerton Contractors, Inc. (pg #7) for Clean Soil Capping, Lakefront Bluff Stabilization and Peter Cooper Demo. Projects #21024, #23005, & #23006.
6. \$13,041.96 to Enterprise FM Trust (pg #7) for DPW vehicle lease monthly payment. Project #19024.
7. \$13,737.00 to Godfrey & Kahn S.C. (pgs #9 & 10) for legal services regarding audit response, F Street, and redevelopment of lakefront site.
8. \$29,221.02 to Graef (pg #10) for Drexel Ave Streetscape and Puetz/Liberty Intersection Improvements. Projects #22006 & #23002.
9. \$75,774.37 to ICAP Development LLC (pg #11) for payment per developer agreement.
10. \$13,936.51 to Kansas City Life Insurance Co. (pg #13) for October disability insurance.
11. \$5,000 to La Macchia Holdings, LLC (pg #14) for humanworks8 Core Values, Project #17027.
12. \$363,269.43 to Lalonde Contractors Inc (pg #14) for Safe Routes to School Phase 1. Project #20028.
13. \$176,638.36 to Masterlock (pg #17) for payment per developer agreement.
14. \$7,603.00 to Oakview Business Park Owners Association (pgs #19 & 20) for 2022 and 2023 CAM reconciliations.

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15. \$151,816.66 to Parking Lot Maintenance LLC (pg #20) for 13th Street Reconstruction. Project #18021.
 16. \$37,705.60 to Plunkett Raysich Architects, LLP (pg #21) for professional services relating to Abendschein Park Pavilion. Project #22008.
 17. \$6,764.90 to Securian Financial Group, Inc. (pg #23) for October employee life insurance.
 18. \$822,199.79 to Stark Pavement Corp. (pg #25) for Road Improvements. Project #22003.
 19. \$54,715.36 to US Bank (pgs #31-40) 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.
 20. \$12,792.94 to WE Energies (pg #38) for street lighting, electricity & natural gas.
 21. \$9,470.77 to WI Court Fines & Surcharges (pg #27) for August court fines.
 22. \$5,863.69 to WI Dept. of Transportation (pg #28) for 6th Street Bridge Design and Replacement. Projects #19029 & #23008.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Rory T. Vircks
Staff Accountant

Fiscal Review:



Maxwell Gaglin, MPA
Assistant City Administrator/Comptroller

Attachments: 09/13/2023 Invoice GL Distribution Report