



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

COMMON COUNCIL MEETING AGENDA

MAY 7, 2024
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 driving the future of the south shore.

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance.
3. Approval of Minutes: 4/16/24

Recognition

4. **Resolution:** Consider Resolution No. 12489-050724, a Resolution of Appreciation to Sandra L. Hermann, retiring Emergency Dispatcher (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 12491-050724, a Resolution of Appreciation to Thomas E. Loontjens, retiring Police Officer (by Committee of the Whole).
6. **Resolution:** Consider Resolution No. 12492-050724, a Resolution of Appreciation to Henry R. Narrai, retiring Police Officer (by Committee of the Whole).
7. **Mayoral Proclamation:** National Public Works Week, May 19-25, 2024.

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.

8. **Conditional Use Permit:** Consider a request submitted by Rich Hanson, CitySwitch-II-A, LLC, for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (1st District).
9. **Ordinance:** Consider Ordinance No. 3095, approving a Conditional Use Permit for a telecommunication tower and associated equipment on the property at 1805 E. College Ave. (1st District).
10. **Conditional Use Permit:** Consider a request submitted by Ally Arnett, Creative Dance Studios, for a Conditional Use Permit for an indoor health / athletic facility on the property at 7040 S. 13th St. (1st District).

Visit our website at www.oakcreekwi.gov 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>.

11. **Ordinance:** Consider Ordinance No. 3096, approving a Conditional Use Permit for an indoor health / athletic / recreation facility at 7040 S. 13th St. (1st District).
12. **Rezone and Text Amendment:** Consider a request submitted by Jay Craig, MSI General, to remove portions of the FF, Flood Fringe District from the property at 200 W. Drexel Ave., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment (1st District).
13. **Ordinance:** Consider Ordinance No. 3097, approving a rezone of portions of the property at 200 W. Drexel Ave. to reflect the Flood Fringe boundaries approved by FEMA, and to create Section 17.0306(e)(2)(b) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code (1st District).
14. **Rezone and Text Amendment:** Consider a request submitted by Brian and Tracy Kotecki to remove portions of the FF, Flood Fringe District from the properties at 1800, 1830, and 1900 E. Elm Rd., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment (5th District).
15. **Ordinance:** Consider Ordinance No. 3098, approving a rezone of portions of the properties at 1800, 1830, and 1900 E. Elm Rd. to reflect the Flood Fringe boundaries approved by FEMA, and to amend Section 17.0306(e)(2)(b) of Chapter 17 – Zoning and Sign Ordinance of the Municipal Code (5th District).

Old Business

16. Mayor's Aldermanic Appointments
 - a. Small Claims Committee – 1
Ald. Marshall
 - b. Library Board – 1
Ald. Loreck
17. **Motion:** Consider a motion to concur with the following Mayoral Aldermanic appointments:
 - a. Tourism Commission - 1
Ald. Ruetz
 - b. Celebrations Commission – 1
Ald. Marshall
 - c. Community Development Authority (CDA) -2
Ald. Gehl
Ald. Kurkowski
18. Common Council President Aldermanic Appointments (* denotes Chair):
 - a. Personnel & Finance Committee – 3
Ald. Gehl*
Ald. Kurkowski
Ald. Ruetz
 - b. License Committee – 3
Ald. Gehl
Ald. Kurkowski
Ald. Ruetz

- c. Plan Commission Representatives – 2
Ald. Guzikowski
Ald. Loreck
- d. Board of Health Representative – 1
Ald. Marshall
- e. Emergency Management Advisory Committee Representative – 1
Ald. Loreck
- f. Parks & Recreation Commission – 1
Ald. Guzikowski
- g. Board of Public Works and Capital Assets - 3
Ald. Gehl
Ald. Guzikowski*
Ald. Marshall

New Business

19. **Motion:** Consider a *motion* to concur with the Mayor's (re)appointments as follows (new appointment noted):
- a. Board of Public Works & Capital Assets – 3 year term to expire 4/2027
Robert Cigale
 - b. Celebrations Commission – 3 year term to expire 4/2027
Mary Guse
Kristi Maggard
 - c. Library Board – 3 year term to expire 6/2027
Pamela Aiken
Carol Sagan
 - d. Parks & Recreation Commission – 3 year term to expire 4/2027
Michael Theys
 - e. Plan Commission – 3 year term to expire 4/2027
Don Oldani
Fred Siepert
 - f. Police & Fire Commission – 5 year term to expire 4/2029
Jeff Sageser
*Maria Monteagudo - 8001 S. 6th St., Oak Creek
 - g. Tourism Commission – 1 year term to expire 4/2025
Mike Grab
Alicia Haase
*Juliana Silva – 6449 S. Pennsylvania Ave., Oak Creek
*Majlis Seisay – 9315 S. 13th St., Oak Creek
 - h. Zoning Board of Appeals / Housing Board of Appeals – 3 year term to expire 4/2027
Daniel Jakubczyk
Peter Wagner

20. **Resolution:** Consider Resolution No. 12493-050724, setting the date and time for the 2024 Board of Review (by Committee of the Whole).

TREASURER

21. **Motion:** Consider a motion to authorize the publication and write-off of the 2022 delinquent personal property tax as reported by the City Treasurer (by Committee of the Whole).

ENGINEERING

22. **Motion:** Consider a motion to award the 2024 Road Improvements unit price contract base bid, alternate 1, and alternate 2, to the lowest responsive, responsible bidder, Payne and Dolan, Inc., at the estimated cost of \$1,236,043.49 (Project No. 22003) and to authorize the expenditure of up to \$140,000 of ARPA funding for the 2024 Road Improvements (Various Districts).
23. **Resolution:** Consider Resolution No. 12494-050724, accepting the 2023 Annual Report for Oak Creek's WPDES Storm Water (NR216) permit (by Committee of the Whole).
<https://www.oakcreekwi.gov/home/showpublisheddocument/11333/638501667276041876>

LICENSE COMMITTEE

24. **Motion:** Consider a motion to approve the various license requests as listed on the 5/7/24 License Committee Report (by Committee of the Whole).

VENDOR SUMMARY

25. **Motion:** Consider a motion to approve the May 1, 2024 Vendor Summary Report in the amount of \$1,012,526.02 (by Committee of the Whole).

MISCELLANEOUS

26. **Motion:** Consider a motion to convene into closed session pursuant to Wisconsin State Statutes Section 19.85, to discuss the following:
- (a) Section 19.85(1)(c) to discuss the performance evaluation and employment contract for the City Administrator.
 - (b) Section 19.85(1)(g) to discuss a possible settlement in *Setzer Properties MKE, LLC vs. City of Oak Creek* (Milwaukee County Case No. 2023CV006017).
 - (c) Section 19.85(1)(e) to consider the purchase of approximately 2.95 acres of property located at 9060 South 5th Avenue from Union Pacific Railroad Company.
27. **Motion:** Consider a motion to reconvene into open session.
28. **Motion:** Consider a motion to take action, if required.

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 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.

RESOLUTION NO. 12489-050724
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION
TO
SANDRA L. HERRMANN

WHEREAS, Sandra L. Herrmann began her employment with the City of Oak Creek on August 23, 2004, as a full-time Emergency Dispatcher; and

WHEREAS, during her nineteen years and six months of service, Sandra L. Herrmann has been an integral part of the Police Department, serving as an emergency dispatcher; and

WHEREAS, Sandra L. Herrmann has been a valuable employee during her years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a great teammate for those she has worked with, and her dedication to the department; and

WHEREAS, Sandra L. Herrmann received fourteen combined Departmental Acknowledgements and Awards. Most notably are the two Telecommunicator Lifesaving Awards for saving the lives of citizens by use of pre-arrival instructions and her Telecommunicator Award from her actions during the Sikh Temple in 2012. Sandra L. Herrmann took the initial 911 phone calls of an active shooter and communicated critical information to responding officers, where she remained calm and ensured officers could stop the active assailant and provide critical care to one of our wounded officers. All of her actions have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Sandra L. Herrmann conducted numerous trainings throughout the State of Wisconsin and one training on the national stage in New Orleans, LA, where she shared her experiences from the Sikh Temple incident, allowing many others to learn from the tragic experience and better prepare themselves for the unknowns that come with being an Emergency Dispatcher; and

WHEREAS, Sandra L. Herrmann served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: notably serving as a Communications Training Officer, Dispatch Training Unit and Mentor to new hires. Through Sandra L. Herrmann's tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, Sandra L. Herrmann is retiring from the Oak Creek Police Department after completing nineteen years and six months of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to Sandra L. Herrmann for her years of professional, dedicated and faithful service to the City of Oak Creek and the Police Department, and that the best wishes for good health and happiness be extended to Sandra L. Herrmann and her family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Sandra L. Herrmann.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 12490-050724
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION
TO
THOMAS E. LOONTJENS

WHEREAS, Thomas E. Loontjens began his employment with the City of Oak Creek on June 1, 1999, as a full-time Police Officer; and

WHEREAS, during his twenty-four years and ten months of service, Thomas E. Loontjens has been an integral part of the Police Department, serving as a patrol officer and patrol sergeant; and

WHEREAS, Thomas E. Loontjens has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a great teammate for those he has worked with, and his dedication to the department; and

WHEREAS, Thomas E. Loontjens received twenty-six combined Departmental Acknowledgements and Awards. Most notably is his life-saving actions in 2005 where he and other officers saved a subject from jumping off the I-94 overpass at Ryan Rd. All of his actions have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Thomas E. Loontjens served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: notably serving as an undercover narcotics officer on our Drug Unit, member of our Training Unit and Field Training Officer. Through Thomas E. Loontjens' tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, Thomas E. Loontjens is retiring from the Oak Creek Police Department after completing twenty-four years and ten months of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to Thomas E. Loontjens for his years of professional, dedicated and faithful service to the City of Oak Creek and the Police Department, and that the best wishes for good health and happiness be extended to Thomas E. Loontjens and his family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Thomas E. Loontjens.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 12491-050724
BY: COMMITTEE AS A WHOLE

RESOLUTION OF APPRECIATION
TO
HENRY R. NARRAI

WHEREAS, Henry R. Narrai began his employment with the City of Oak Creek on May 29, 2008, as a full-time Police Officer; and

WHEREAS, during his nearly sixteen years of service, Henry R. Narrai has been an integral part of the Police Department, serving as a patrol officer; and

WHEREAS, Henry R. Narrai has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and has been a great teammate for those he has worked with, and his dedication to the department and co-workers as a pillar of support through his roles on the Police Officer Support Team and Career Survival Unit; and

WHEREAS, Henry R. Narrai received seventeen combined Departmental Acknowledgements and Awards. Most notably are the two Lifesaving Awards for saving the lives of citizens; one by rescuing and evacuating residents from a fully engulfed apartment building and another by providing life-saving CPR to a citizen who was pulse-less behind the wheel of a car. All of his actions have impacted both the Oak Creek Police Department and the community as a whole; and

WHEREAS, Henry R. Narrai served with honor, passion and dedication on several sub-units of the Oak Creek Police Department: notably serving as a Crisis Negotiator successfully resolving several high-risk incidents, as a member of the Honor Guard and as a member of our Career Survival Unit. Henry R. Narrai also served as a School Resource Officer establishing a connection with the youth of Oak Creek and strengthening our connection to the community. Through Henry R. Narrai's tenacity and dedication, the Oak Creek Police Department is more prepared, capable, and ready to serve the citizens of Oak Creek; and

WHEREAS, Henry R. Narrai is retiring from the Oak Creek Police Department after completing nearly sixteen years of full-time service to the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek, for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to Henry R. Narrai for his years of professional, dedicated and faithful service to the City of Oak Creek and the Police Department, and that the best wishes for good health and happiness be extended to Henry R. Narrai and his family for future years.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of this meeting and that the City Clerk is hereby directed to transmit a suitable copy thereof to Henry R. Narrai.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

**Mayoral Proclamation
National Public Works Week
May 19 - 25, 2024**

“Advancing Quality of Life for All”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Oak Creek; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the City of Oak Creek to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE, BE IT RESOLVED, that I, Daniel J. Bukiewicz, Mayor of the city of Oak Creek, do hereby designate the week May 19–25, 2024 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life for all.

Dated this 7th day of May, 2024.

Daniel J. Bukiewicz
Mayor, City of Oak Creek

ATTEST:

Catherine A. Roeske
City Clerk

TO BE PUBLISHED APRIL 17 & 24, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Rich Hanson, CitySwitch-II-A, LLC, for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave.

Hearing Date:

May 7, 2024

Time:

7:00 PM

Place:

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

Applicant(s):

Rich Hanson, CitySwitch-II-A, LLC

Property Owner(s):

C & NW TRANS CO

Property Location(s):

1805 E. College Ave

Tax Key(s):

721-8992-000

Legal Description:

LANDS OWNED AND USED FOR ROW BY C&NW TRANSPORTATION CO THROUGH NW1/4 SEC. 3-5-22 CONT.

The Common Council has scheduled other public hearings for May 7, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: April 10, 2024

CITY OF OAK CREEK COMMON COUNCIL

By: Daniel J. Bukiewicz, Mayor

PUBLIC NOTICE

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COMMON COUNCIL REPORT

Item: Conditional Use Permit - 1805 E. College Ave. - CitySwitch-II-A

Recommendation: That the Council considers Ordinance 3095, an ordinance to approve a Conditional Use Permit for a telecommunication tower and associated equipment on the property at 1805 E. College Ave. (1st Aldermanic District)

Fiscal Impact: Approval will allow for the construction of a monopole, associated appurtenances, and extended driveway to serve the gated leased area on the property. There is no direct fiscal impact anticipated with this proposal other than review and permit fees. This property is not currently part of a TID.

- 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 Applicant is requesting approval for a Conditional Use Permit for a 95-foot-tall multi-carrier wireless communications monopole tower (with 5-foot lightning rod) and associated equipment on the property at 1805 E. College Ave. Wireless telecommunications sites are Conditional Uses in the City. A copy of Section 17.0413(a) is included with this report for reference. Due to State legislation, the City has extremely limited authority over such uses. A copy of Wis. Stats. 66.0404 is also included with this report for reference.

CitySwitch-II-A, LLC, with signed approval from the landowner, will construct the tower and equipment enclosure on the northern portion of the property owned by the Chicago & North Western Transportation Co. (railroad). This property currently contains the railroad tracks and an associated building, which is accessed via a shared driveway over the property to the east (owned by WE Energies). Included in the application is a 20' x 100' lease area to be accessed off the existing shared driveway. Staff have requested a copy of the access agreement, which is forthcoming.

Additional improvements to the existing access to the leased area include a 12-foot-wide gravel drive as shown on the plans included with this report. The fence around the leased area is proposed to be seven (7) feet tall with one (1) foot of barbed wire on top, and includes a 12-foot-wide gate on the north. Within the enclosure will be the pole, equipment, and future carrier lease areas. However, plans show an additional 20' x 25' graveled area just outside of the lease area to the south. Staff have requested information regarding this additional area, which is forthcoming. Within the recommended Conditions and Restrictions is a requirement that all equipment and appurtenances (besides the ice bridge) be located within the fenced area and below the height of the fence.

Due to the addition of impervious surface, staff have requested the details for the existing and proposed area of impervious surface to determine whether a Green Infrastructure (GI) permit will be required. The net increase in impervious area must be included on the plans.

Submissions per Wisconsin Statutes are included with this report, including the approval by Milwaukee County for compliance with General Mitchell International Airport siting and safety requirements.

After careful consideration at their March 26 and April 9, 2024 meetings, the Plan Commission recommended Common Council approval of the request subject to attached Conditions and Restrictions and upon favorable Findings of Fact for the criteria in the Options/Alternatives section below.

Options/Alternatives: Council has the discretion to approve or not approve the proposed Conditional Use Permit request. Per Section 17.0804(e)(3) of the Municipal Code: A conditional use permit may be granted upon finding in the review of the application that all applicable use specific provisions per Article 4 of [this] Zoning Ordinance as well as the following criteria are met. A negative finding of fact on any of the following criteria shall require a negative vote on the application as a whole.

- o Section 17.0804(e)(3)(a) - The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- o Section 17.0804(e)(3)(b) - The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- o Section 17.0804(e)(3)(c) - Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
- o Section 17.0804(e)(3)(d) - Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
- o Section 17.0804(e)(3)(e) - The conditional use conforms to all applicable regulations of the district in which it is located.

Should the Council determine that the proposed request for a Conditional Use Permit on the property at 1805 E. College Ave. is acceptable, the suggested motion is to approve Ordinance 3095 as stated.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gaggin, MPA
Assistant City Administrator / Comptroller

Approved:



Kristi Porter
Community Development Director

Attachments:

Ord. 3095

Location Map

Section 17.0413(a) (7 pages)

Wis. Stats. 66.0404 (3 pages)

Narrative (5 pages)

Engineer Sworn Statement (2 pages)

Airport Director Waiver dated January 22, 2024 (1 page)

Plans (7 pages)

Draft Conditions and Restrictions (7 pages)

Excerpted Plan Commission Minutes (3 pages)

ORDINANCE NO. 3095

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
A TELECOMMUNICATION TOWER AND ASSOCIATED EQUIPMENT ON THE
PROPERTY AT 1805 E. COLLEGE AVE.

(1st Aldermanic District)

WHEREAS, CITYSWITCH-II-A, has applied for a Conditional Use Permit that would allow for a telecommunication tower and associated equipment on the property at 1805 E. College Ave.; and

WHEREAS, the property is more precisely described as follows:

LANDS OWNED AND USED FOR ROW BY C&NW TRANSPORTATION CO
THROUGH NW1/4 SEC. 3-5-22 CONT. 5.843 ACS.

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on May 7, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use, and which conditions and restrictions are incorporated by reference into the Conditional Use Permit (see Exhibit A); and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Common Council hereby authorizes and grants a Conditional Use Permit for a telecommunication tower and associated equipment on the property at 1805 E. College Ave., which shall include the aforementioned conditions and restrictions (see Exhibit A).

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the telecommunication tower and associated equipment on the property at 1805 E. College Ave. (see Exhibit A).

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT A: CONDITIONS AND RESTRICTIONS

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

Applicant: Rich Hanson, CitySwitch-II-A, LLC	Approved by Plan Commission: 4-9-24
Property Address: 1805 E. College Ave.	Approved by Common Council: 5-7-24
Tax Key Number(s): 712-8992-000	(Ord. 3095)
Conditional Use: Telecommunication tower & appurtenances	

1. LEGAL DESCRIPTION

LANDS OWNED AND USED FOR ROW BY C&NW TRANSPORTATION CO THROUGH NW1/4 SEC. 3-5-22 CONT. 5.843 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use Permit shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) General Development Plan</p> <ul style="list-style-type: none">a) Detailed building/structure location(s) with setbacksb) Square footage of all buildings/structures
c) Area(s) for future expansion/phasesd) Area(s) to be pavede) Access drive(s) (width and location)f) Sidewalk location(s)g) Parking layout and traffic circulation<ul style="list-style-type: none">i) Location(s) and future expansionii) Number of employeesiii) Number of all parking spacesiv) Dimensionsv) Setbacks & buffersh) Location(s) of loading berth(s)
i) Location of sanitary sewer (existing & proposed)j) Location of water (existing & proposed)
k) Location of storm sewer (existing & proposed)
l) Location(s) of wetlands (field verified)m) Location(s) and details of sign(s)n) Location(s) and details of proposed fences/gates | <p>2) Landscape Plan</p> <ul style="list-style-type: none">a) Screening plan, including parking lot screening/berming & buffer areasb) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement planc) Percentage open/green space <p>3) Building Plan</p> <ul style="list-style-type: none">a) Architectural elevations (w/dimensions)b) Building floor plans (w/dimensions)c) Materials of construction (including colors) <p>4) Lighting Plan</p> <ul style="list-style-type: none">a) Types & color temperature(s) of fixturesb) Mounting heightsc) Types & color of polesd) Photometrics of proposed fixtures <p>5) Grading, Drainage and Stormwater Management Plan</p> <ul style="list-style-type: none">a) Contours (existing & proposed)b) Location(s) of storm sewer (existing and proposed)c) Location(s) of stormwater management structures and basins/green infrastructure (if required) <p>6) Fire Protection</p> <ul style="list-style-type: none">a) Locations of existing & proposed fire hydrantsb) Interior floor plan(s)
c) Materials of constructiond) Materials to be stored (interior & exterior) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.

EXHIBIT A: CONDITIONS AND RESTRICTIONS

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the A-1, Limited Agricultural zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the wireless telecommunications site.
- C. No signs, other than those required by law, are allowed for this use.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. ACCESS AND PARKING

Access shall be via the existing shared curb cut on College Avenue. No new curb cuts or access points are allowed. A copy of the shared access agreement with the property at 1815 E. College Ave. shall be provided to the City prior to the issuance of permits.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in conformance with Sec. 17.0509 of the Municipal Code (as amended).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

<i>Lot Standards (Minimum)</i>	
Lot Area	5 acres
Lot Width	150 ft
<i>Yard Setbacks (Minimum) (1)</i>	
Front	30 ft
Street Facing Side	30 ft
Interior Side	10 ft
Rear	100 ft
<i>Building Standards (Maximum)</i>	
Height	35 ft
Building Coverage	10%
Lot Coverage	N/A
<i>Use (Maximum)</i>	

EXHIBIT A: CONDITIONS AND RESTRICTIONS

Pole Height (inclusive of lightning rod)	100 ft
Fence Height (inclusive of barbed wire)	10 ft
Parking (Minimum)	
Stalls and pavement to property lines	5 ft
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

10. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

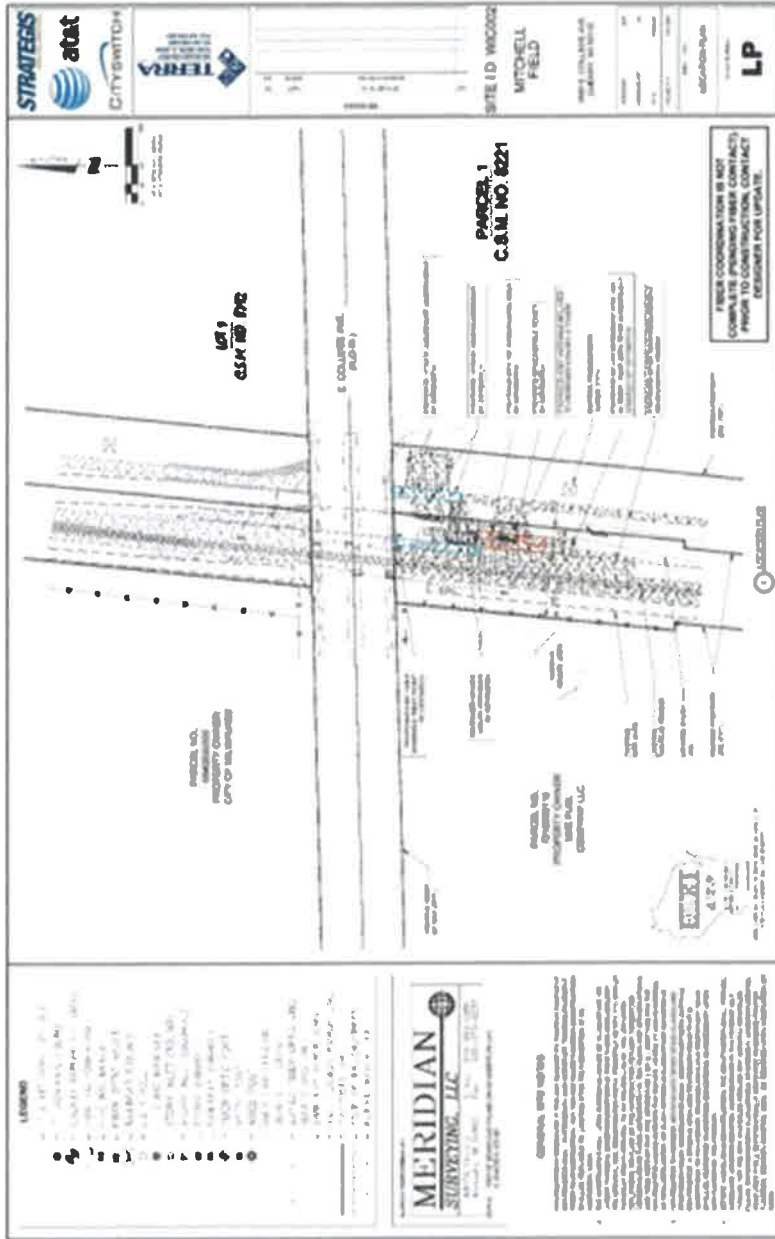
Owner / Authorized Representative Signature

Date

(please print name)

EXHIBIT A: CONDITIONS AND RESTRICTIONS

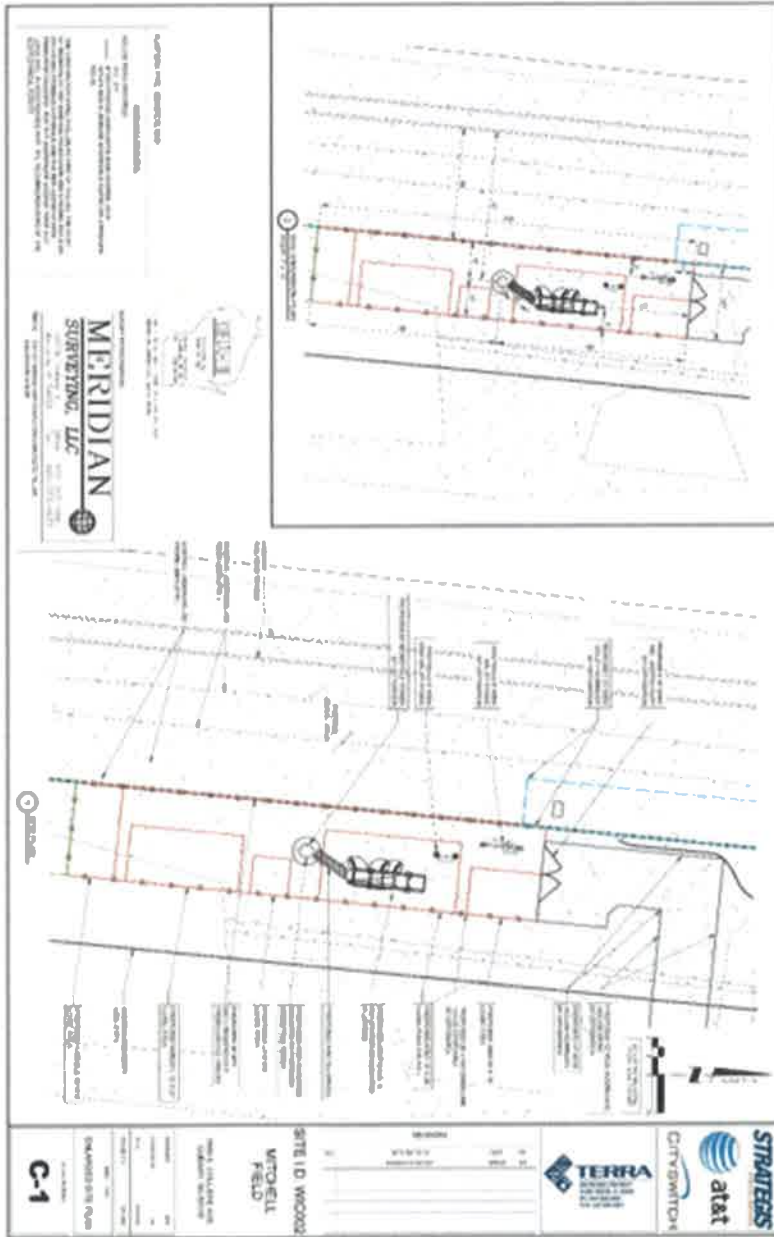
EXHIBIT A:
CONCEPTUAL SITE PLAN¹



¹ (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

EXHIBIT A: CONDITIONS AND RESTRICTIONS

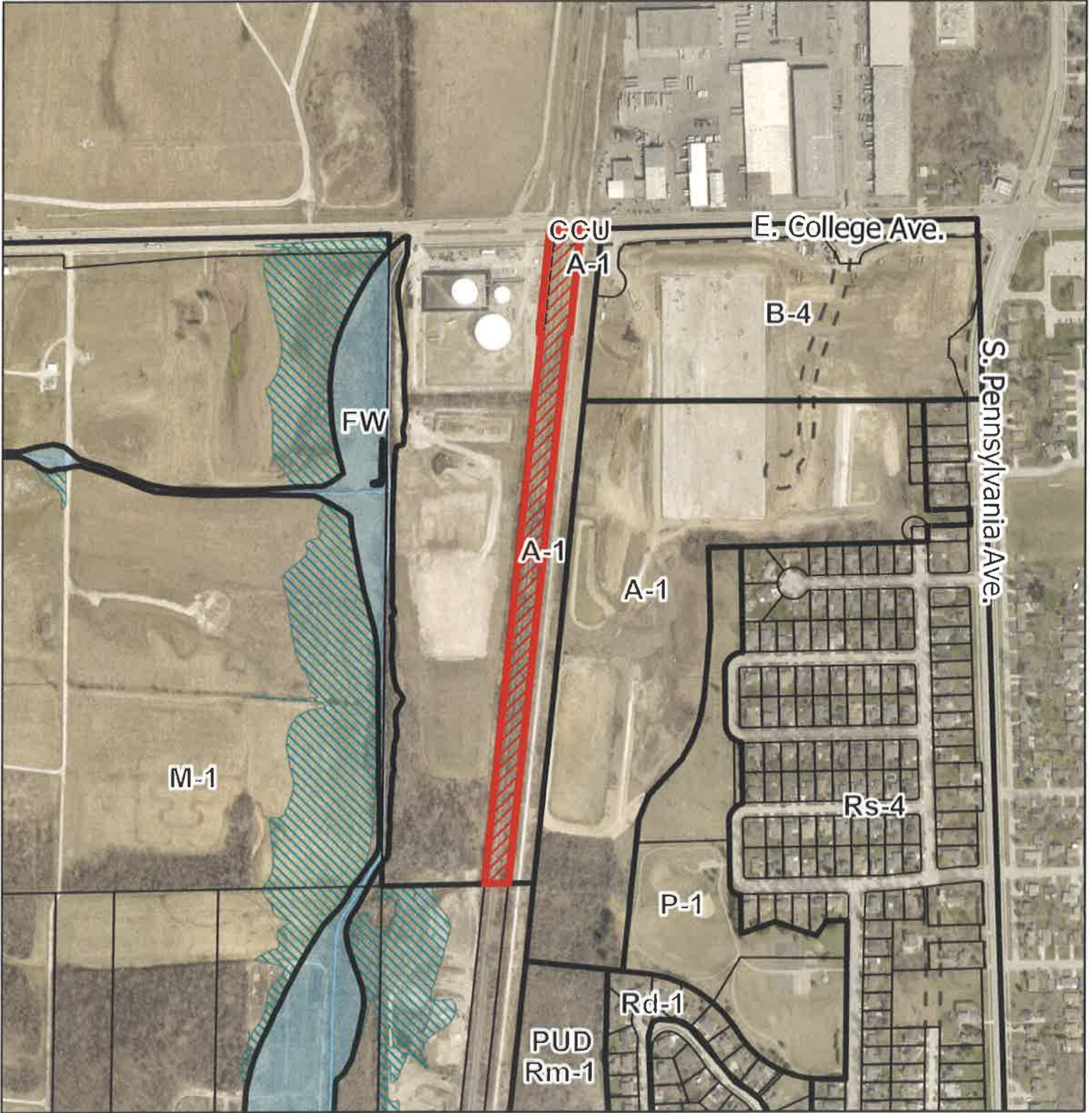
**EXHIBIT A:
CONCEPTUAL SITE PLAN (ENLARGED)**



2 (For illustrative purposes only. Detailed plans in accordance with these conditions and restrictions and the City of Oak Creek Municipal Code must be approved by the Plan Commission.)

Location Map

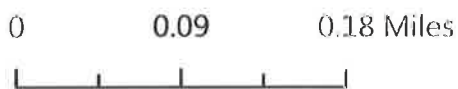
1805 E. College Ave.



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

Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 1805 E. College Ave.



Community Development

City of Oak Creek, WI
Tuesday, March 19, 2024

Chapter 17. Zoning

Article IV. Use Specific Standards

§ 17.0413. Public/institutional use standards.

(a) Telecommunication towers. The purpose of this section is to regulate by zoning permit the siting and construction of any new mobile service support structure and facilities; with regard to a Class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and with regard to a Class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(1) Generally, the regulations of this section are designed to:

- a. Facilitate the efficient provision of mobile services to the residents of the City, as well as to other persons, firms, and/or corporations in the vicinity of the City;
- b. Minimize adverse visual effects of mobile service support structures and mobile service facilities, through careful design, siting, screening, and landscape buffering standards;
- c. Minimize the impacts of mobile service support structures and mobile service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of historic structures and districts designated by the federal, state and local governments;
- d. Avoid potential damage to adjacent properties from falling ice and tower failure through structural standards and setback requirements;
- e. Promote, encourage and maximize the shared use of existing and approved mobile service support structures to accommodate new mobile service facilities in order to reduce the number of mobile service support structures needed to serve the community; and
- f. Promote, encourage and maximize the use of existing tall structures that have been established within the community for the collocation of new mobile service facilities.

(2) This section shall be interpreted to comply with Wis. Stats. § 66.0404, as the same may be amended from time to time. Any provision within the Code that unavoidably conflicts with the City's authority under Wis. Stats. § 66.0404 shall not be applied to new mobile service support structure and facilities, Class 1 collocation, or Class 2 collocation. All definitions contained in Wis. Stats. § 66.0404(1), as the same may be amended from time to time, are incorporated by reference and apply to this section.

a. Interpretation.

1. The provisions of this section are not intended to and shall not be interpreted or applied so as to prohibit or have the effect of prohibiting the provision of mobile services, nor shall the provisions of this section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent mobile services.
2. All deadlines described in this section for issuing a final decision on an application for a mobile service support structure or mobile service facility shall be tolled during any

time the applicant needs to respond to reasonable requests for additional information.

3. No decision to deny an application for a conditional use permit or a zoning variation for the construction or installation of a mobile service facility may be based on the environmental effects of radio frequency emissions to the extent that the applicant demonstrates such facility complies with the most current FCC's regulations concerning such emissions at the time the application is submitted to the City.
 4. Nothing in this section shall be construed to release any applicant from compliance with all applicable, federal, state and local building, electrical and occupational safety laws, regulations, codes and rules.
- b. New towers: and Class 1 collocations.
1. Application process. A City zoning approval is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and mobile service facilities is a conditional use in the City obtainable with this permit.
 - [a] A conditional use permit application must be completed by both the applicant and property owner and submitted to the City. The application must contain the following information:
 - [1] The name and business address of, and the contact individual for, the applicant.
 - [2] The location of the proposed support structure and contact information for the property owner.
 - [3] The location of the proposed mobile service facility.
 - [4] A construction plan. For a Class 1 collocation, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - [5] For a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - [6] Coverage area maps showing the existing and proposed coverage. The application should demonstrate whether a significant gap in coverage exists in the applicant's coverage area for the provision of mobile service. A "gap in coverage" exists when a remote user of such services is unable to either connect with the land-based national telephone network or to maintain a connection capable of supporting a reasonably uninterrupted communication. This standard shall be applied separately to each mobile service provider.
 - [7] A drawing or diagram showing the fall zone of the proposed tower with a licensed engineer's certification.

- [8] An explanation whether the means chosen to fill a significant gap in coverage are the least intrusive on the conditions set forth in this section.
- [9] An explanation whether the proposed site would encroach on a building or district with historical significance.
2. A permit application will be provided by the City upon request to any applicant.
 3. If an applicant submits an application for a permit to site and construct a new mobile service support structure and facilities and the application contains all of the information required under Subsection (b)(1)a1 through 5, the City shall consider the application complete. If the City finds the application incomplete, the City shall notify the applicant, in writing, within 10 business days of receiving the application that the application is incomplete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is properly completed in accordance with this section.
 4. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the ninety-day period:
 - [a] Review the application to determine whether it complies with all applicable aspects of the City's building code and this section.
 - [b] Make a final decision whether to approve or disapprove the application.
 - [c] Notify the applicant, in writing, of its final decision.
 - [d] If the decision is to disapprove the application, include with the written notification a description of substantial evidence contained in the public record which supports the decision to disapprove.
 5. The City may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection (a)(2)b1[a][5].
 6. If an applicant provides the City with an engineering certification showing that the new mobile service support structure is designed to collapse within a smaller area than the setback or fall zone required in this section, then the City may not disapprove the application based on a violation of the setback or fall zone required in this section unless the City provides the applicant with substantial evidence contained in the public record that the engineering certification is flawed.
 7. The fee for the permit shall be set in the City's Fee Schedule, as amended.
 8. To ensure compliance with this section, including, but not limited to, the requirements set forth in Subsection (a)(2)b9[e], the applicant shall provide a letter of credit or surety bond in an amount to be determined when the application is filed, but which amount shall not exceed \$20,000.
 9. Conditional use regulations (all districts).
 - [a] The mobile service support structure shall be placed on property in a location ensuring its fall zone is completely within the property's boundaries.
 - [b] The support structure must be located to minimize its visual impact. The support structure should be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options. An applicant for a new mobile services support structure or a Class 1 collocation will use its best efforts to comply, to the extent feasible, with the aesthetic standards described in Subsection (a)(2)e, but such standards will not be the sole basis for the City to deny an application for a new mobile services support structure or a Class 1 collocation. A Class 1

collocation that meets all the aesthetic standards described in Subsection (a)(2)e will be treated as a Class 2 collocation.

- [c] The applicant shall present evidence of how it will comply with all federal, state, and local laws, ordinances, rules and regulations (including laws and ordinances relating to health and radio frequency emissions) in connection with the use of the permit granted hereunder and the operation, maintenance, construction and/or installation of the mobile service support structure and facilities. The applicant's construction plan shall be approved by the City zoning administrator and building inspector to ensure compliance.
- [d] The applicant shall, at all times, maintain and repair the mobile service support structure and facilities in a clean, safe and workmanlike condition.
- [e] If the applicant ceases using the mobile service support structure and facilities, the applicant shall remove the mobile service support structure and facilities within 30 days of the date upon which its use ceases at a cost to the applicant.
- [f] The equipment compound must have sufficient area to accommodate equipment sheds or cabinets of each carrier operating on a property. Outdoor storage of equipment or other items is prohibited.
- [g] Applicant shall comply with § 17.0804(e), standards and procedures applicable to all conditional uses and shall submit answers to the Zoning Administrator's findings per § 17.0804(e)(3).

c. Class 2 collocation.

1. Application process.

- [a] A City zoning permit is required for a Class 2 collocation. A Class 2 collocation is a permitted use in the City but still requires the issuance of the city permit. An applicant for a Class 2 collocation will use its best efforts to comply, to the extent feasible, with the aesthetic standards described in Subsection (a)(2)e, but such standards will not be the basis for the City to deny an application for Class 2 collocation.
- [b] A mobile service facility that would otherwise be considered a Class 1 collocation shall be considered a Class 2 collocation if:
 - [1] A greater height is necessary to avoid interference with an existing antenna; or
 - [2] If a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- [c] The applicant must submit a sworn statement, stamped by a licensed engineer, to verify the application of this subsection.
- [d] A permit application must contain the following information:
 - [1] The name and business address of, and the contact individual for, the applicant and contact and approval information for the property owner;
 - [2] The location of the affected support structure;
 - [3] The location of the proposed mobile service facility; and
 - [4] Confirmation from a structural engineer that the existing structure can withstand additional weight of another facility.
- [e] A Class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use

development is subject, pursuant to the Code.

- [f] If an applicant submits an application for a Class 2 collocation permit with all of the information required under this section, the City shall consider the application complete. If any of the required information is not in the application, the City shall notify the applicant, in writing within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- [g] Within 45 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the five-day period:
 - [1] Make a final decision whether to approve or disapprove the application.
 - [2] Notify the applicant, in writing, of its final decision.
 - [3] If the application is approved, issue the applicant the relevant permit.
 - [4] If the decision is to disapprove the application, include with the written notification a description of substantial evidence contained in the public record which supports the decision to disapprove.
- [h] The fee for the permit shall be set in the City's Fee Schedule, as amended \$500.
- [i] To ensure compliance with this section, including, but not limited to, the requirements set forth in Subsection (a)(2)c, the applicant shall provide a letter of credit or surety bond in an amount to be determined when the application is filed, but which amount shall not exceed \$20,000.

2. Permitted by right (all districts).

- [a] The applicant shall comply with all federal, state, and local laws, ordinances, rules and regulations (including laws and ordinances relating to health and radio frequency emissions) in connection with the use of the permit granted hereunder and the operation, maintenance, construction and/or installation of the mobile service facilities on the existing structure or existing mobile service support structure. The applicant's construction and design plan shall be approved by the City Zoning Administrator and building inspector to ensure compliance.
- [b] The applicant shall maintain and repair the mobile service facilities in a safe and workmanlike condition.
- [c] If the applicant ceases using the mobile service support facilities, the applicant shall remove the mobile service support facilities within 30 days of the date upon which its use ceases at a cost to the applicant. Such removal shall be done in a workmanlike and careful manner.

d. Small cell wireless facilities.

- 1. Definitions. All definitions contained in Wis. Stats. § 66.0414(1), and as may be amended in the future, are hereby incorporated by reference and apply to § 17.0413(a)(2)d.
- 2. Permitted by right or conditional use. A City zoning permit is required for a small wireless facility. Small wireless facilities shall be classified as permitted uses, and not require the issuance of the City zoning permit, if they are collocated outside a right-of-way on property which is not zoned exclusively for single-family residential use. A small wireless facility collocated outside the right-of-way on property which is zoned exclusively for single-family residential use shall be considered a Class 2 collocation

and, except to the extent described in this Subsection (a)(2)d, shall comply with the provisions of Subsection (a)(2)c.

3. Permit conditions.

[a] Small wireless facilities shall comply with the aesthetic standards described in Subsection (a)(2)e to the extent they are technically feasible.

[b] If the applicant ceases using the small wireless facilities, the applicant shall remove the small wireless facilities within 30 of the date upon which its use ceases at a cost to the applicant. Such removal shall be done in a workmanlike and careful manner.

[c] In a historic or underground district any collocation on or replacement of an existing structure shall reasonably conform to the design aesthetics of the original structure. In this subsection, a historic district is an area designated as historic by the City, listed on the national register of historic places in Wisconsin, or listed on the state register of historic places. An underground district is an area designated by the City in which all pipes, pipelines, ducts, wires, lines, conduits, or other equipment, which are used for the transmission, distribution, or delivery of electrical power, heat, water, gas, sewer, or telecommunications equipment, are located underground.

e. Aesthetic standards. Designs for mobile service support structures, as well as designs for associated mobile service facilities, shall be part of an application for a conditional use permit, by reference to the standards described in this subsection. Applicants to erect mobile service facilities that are permitted uses shall use their best efforts to comply with the following standards. These standards avoid or remedy the intangible public harm of unsightly or out-of-character deployments.

1. Mobile service support structures shall be of a monopole design unless the City Council determines that an alternate design would better blend into the surrounding environment.
2. Mobile service support structures and facilities shall be designed to blend into the surrounding environment as closely as possible through the use of color, camouflaging and/or stealth architectural treatment, where possible. A mobile service support structure shall be painted a single, neutral color. Mobile service facilities shall be well maintained at all times.
3. Mobile service support structures and facilities shall not be illuminated by artificial means and shall not display lights unless such lights are specifically required by a federal or state authority. Lights are permitted to be operated during on-going maintenance activities.
4. Site location and development shall preserve the existing character of the building or property as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized.
5. Mobile services facilities erected on property where there are structures composed of masonry materials and having gabled or other peaked-roof type features are required to enclose ground-mounted facilities and equipment within a structure using the same building materials unless the City Council determines that an alternate design would better blend into the surrounding environment. All other facilities shall be enclosed within a solid six-foot-high wooden board-on-board style fence. To the extent the feasible, equipment enclosures should be sized to accommodate collocation of additional facilities.
6. Landscaping screening a minimum of five feet in height at installation should be installed and maintained so as to screen any proposed ground-mounted structure or

transmission equipment and to discourage vandalism.

2. A permit affecting the property is terminated under sub. (9).

3. An agreement affecting the property is filed under sub. (10).

(b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.

(8) **APPEALS.** Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review.

(9) **TERMINATION OF SOLAR OR WIND ACCESS RIGHTS.** (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:

1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

2. Not installed and functioning within 2 years after the date of issuance of the permit.

(b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).

(c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.

(10) **WAIVER.** A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded under sub. (6) (b).

(11) **PRESERVATION OF RIGHTS.** The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) **CONSTRUCTION.** (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

Discussing the common law right to solar access. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Numrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00-1643.

Wisconsin Recognizes the Power of the Sun: *Prah v. Maretti* and the Solar Access Act. *Gruirow*, 1983 WLR 1263.

66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing sup-

port structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(L) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is

designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

(a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

(b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

(c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

(d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

(e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

(f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

(g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

(gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

(h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

(i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

(j) Prohibit the placement of emergency power systems.

(k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(4e) SETBACK REQUIREMENTS. (a) Notwithstanding sub. (4) (r), and subject to the provisions of this subsection, a political subdivision may enact an ordinance imposing setback requirements related to the placement of a mobile service support structure that applies to new construction or the substantial modification of facilities and support structures, as described in sub. (2).

(b) A setback requirement may apply only to a mobile service support structure that is constructed on or adjacent to a parcel of land that is subject to a zoning ordinance that permits single-family residential use on that parcel. A setback requirement does not apply to an existing or new utility pole, or wireless support structure in a right-of-way that supports a small wireless facility, if the pole or facility meets the height limitations in s. 66.0414 (2) (e) 2. and 3.

(c) The setback requirement under par. (b) for a mobile service support structure on a parcel shall be measured from the lot lines of other adjacent and nonadjacent parcels for which single-family residential use is a permitted use under a zoning ordinance.

(d) A setback requirement must be based on the height of the proposed mobile service support structure, and the setback requirement may not be a distance that is greater than the height of the proposed structure.

(5) APPLICABILITY. If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173; 2019 a. 14.
An ordinance that prohibits a mobile service support structure where the structure is not compatible with the adjacent land's current use does not violate sub. (4) (c). *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

Denial of a conditional use permit on the basis of lost property values and the detrimental effect on public health and safety and general welfare does not equate to a denial based on aesthetic concerns, which is prohibited by sub. (4) (g) if it is the sole reason. *Eco-Site, LLC v. Town of Cedarburg*, 2019 WI App 42, 388 Wis. 2d 375, 933 N.W.2d 179, 18–0580.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmis-

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J. Michael Long
Senior Counsel

511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5622
Fax: 414.233.5000
mike.long@huschblackwell.com

February 21, 2024

VIA EMAIL

Ms. Kari Papelbon
Senior Planner
City of Oak Creek
Department of Community Development
8040 S. 6th Street
Oak Creek, WI 53154

Re: Application for Conditional Use Permit to Construct Monopole Type Tower
Property Address | Parcel ID: 1805 E. College Avenue | 7218992000
Applicant: CitySwitch-II-A, LLC
Parcel Owner: C & NW Transport Co. / Union Pacific Railroad

Dear Ms. Papelbon:

Enclosed for your review and consideration please find from CitySwitch-II-A, LLC (“**CitySwitch**”), an Application for a Conditional Use Permit (the “**Application**”) to construct a multi-carrier wireless communications monopole tower (the “**Communications Facility**”) in the City of Oak Creek. Our firm serves as counsel to CitySwitch. The initial tenant on the Communications Facility will be AT&T Mobility, a federally licensed wireless communications carrier.

Besides AT&T Mobility, the proposed Communications Facility has been designed to accommodate additional providers (carriers, wireless internet providers and E911) interested in improving service within the City of Oak Creek and surrounding communities. CitySwitch actively markets its tower sites for co-location to all communications providers and offers competitive business terms, which are attractive to its customers. We have approached this project deliberately, with an emphasis on blending the needs of the community with the technical goals of CitySwitch and its carrier tenants.

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The proposed facility meets the guidelines in Wis. Stat. § 66.0404 (the “Wireless Siting Law”).¹ It includes a 95 foot monopole, with a 5-foot lightning rod, for an overall structure height of 100 feet AGL (the “Monopole”).

WIRELESS SITING LAW

As you may be aware, Wisconsin’s Wireless Siting Law sets forth the six (6) requirements which must be included in an application to construct a new communications tower.² Those requirements, and the CitySwitch responses to those requirements, follow. It is our belief that this information and related enclosures fulfill the requirements of the Wireless Siting Law.

1. The name and business address of, and the contact individual of, the applicant.

Applicants:	Contact Individual:
Central States Tower V, LLC 323 S Hale Street, Suite #100 Wheaton, IL 60187	Michael Long Husch Blackwell LLP 511 N. Broadway Milwaukee, Wisconsin 53202 Email: mike.long@huschblackwell.com (414) 978-5622 (262) 470-3193

2. The location of the proposed or affected support structure.

CitySwitch proposes to construct a mobile service facility and related mobile support service structure, as defined by the Wireless Siting Law, at 1805 E. College Avenue, Oak Creek, WI, which bears Parcel ID 7218992000 (the “Property”). The Property is existing railroad right-of-way owned by the Chicago & North Western Transportation Co. and its parent company Union Pacific. This railroad right-of-way runs perpendicular to E. College Avenue.

The Communications Facility, including the Monopole, will be constructed by CitySwitch, and located within a 20’ x 100’ leased area which will be fenced-in (the “Leased Premises”)

¹ The Wireless Siting Law provides that a political subdivision may regulate the siting and construction of a new mobile service support structure and facilities only as provided in Wis. Stat. § 66.0404 and further provides that any ordinances in effect that are inconsistent with Wis. Stat. § 66.0404 may not be applied to, or enforced against, the activity. Wis. Stat. § 66.0404(h) & (i).

² The six requirements are found at Wis. Stat. § 66.0404(2)(b).

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Page 3

pursuant to the enclosed plans (the “**Site Plans**”). CitySwitch and its communications carrier tenants will access the Leased Premises from E. College Avenue and use the existing access point used by the Property owner.

3. The location of the proposed mobile service facility.

The Wireless Siting Law defines “mobile service facility” as:

the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.³

The Site Plan depicts the mobile service facility will be located on the Property (the mobile service facility and the Monopole, are collectively, the “**Installation**”). AT&T Mobility will attach its equipment on the Monopole as depicted in the Site Plan. AT&T Mobility will route its coax/cabling through the interior of the Monopole and install its equipment near the base of the Monopole within the Leased Premises. The Installation is designed to accommodate three (3) additional wireless communications carriers.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

CitySwitch proposes the installation of a new monopole; therefore, the requirements of this section are not applicable.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile services support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

The Site Plan and other construction drawings are included with this Application.

³ Wis. Stat. § 66.0404(1)(L).

Ms. Kari Papelbon

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- 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.**

Enclosed is a sworn statement from a representative of AT&T Mobility (the "**Sworn Statement**"). The Sworn Statement attests there are no existing structures of sufficient height available for co-location within the search ring, making co-location technically infeasible. Both AT&T and CitySwitch are aware that there are existing structures which support the electrical transmission lines which run parallel to the right-of-way. Some of these structures are within the vicinity of the Monopole. Unfortunately, the owner of these structures, WeEnergies and/or American Transmission Co. no longer make these structures available for wireless communications carrier co-locations.

ADDITIONAL DISCUSSION

CitySwitch is a national owner and operator of wireless communications infrastructure. It constructs communications towers on railroad rights-of-way throughout the country. CitySwitch proposes to operate the Installation within the Leased Premises and will own the Monopole. AT&T Mobility will install its equipment on the Monopole and place ground equipment within the Leased Premises. It is not uncommon for wireless telecommunications service providers such as AT&T Mobility to partner with companies like CitySwitch in tower site development projects.

The proposed Installation results from the needs of AT&T Mobility as it has determined it has a deficit in its wireless service offerings within the vicinity of the proposed Monopole. The Installation will correct this service deficit. The Installation will also enhance E-911 services, further protecting public health, safety, and welfare within the City of Oak Creek. Once constructed, the Installation will also negate requests for additional towers in the area.

The Installation will conform to all applicable laws and regulations, including those regulations of the Federal Communications Commission and Federal Aviation Administration ("**FAA**"). Enclosed is the FAA Determination of No Hazard, which further negates any risk posed by the Monopole. Furthermore, CitySwitch has received a waiver from the director of the Milwaukee

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County Airport to the structure height limits established by Milwaukee County's height limitation zoning ordinance ("HLZO" – see enclosed letter).

The Property is in the City's A-1 Limited Agriculture zoning district. Pursuant to Table 17.0304 (c) of the City's Zoning Ordinance, communications towers are allowed on properties with the A-1 designation with a conditional use permit. The Leased Premises has been positioned upon the Property in a location to best fit with the current uses of the Property and neighboring land uses. The Installation will be adjacent to a set of existing electrical utility lines and other utility and industrial uses. The Installation will require no new street access, public financial contribution or result in any additional public facilities and services.

The Installation will be unmanned. No parking or employee facilities are required. AT&T Mobility technicians will visit the site periodically, typically for a few hours once per month, for security monitoring, testing, and maintenance of its communications equipment. CitySwitch will also visit the site periodically to monitor the maintenance and security of the facility. The facility will not generate recognizable traffic.

CONCLUSION

We look forward to working with your office to advance this project. Please contact me at (414) 978-5622 or by e-mail at mike.long@huschblackwell.com if you have questions or require additional information about this Application.

Very truly yours,

HUSCH BLACKWELL LLP



J. Michael Long

Enclosures

**Sworn Statement to the City of Oak Creek
in Support of New Tower Construction**

State of Wisconsin)
) ss.
County of Milwaukee)

Chas Gualberto, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Illinois and serve as the Radio Access Network Engineer for the Greater Milwaukee Area for AT&T. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6 and in support of CitySwitch's conditional use permit application to construct a mobile service support structure (the "Proposed Communications Facility") located upon a property in the City of Oak Creek with a Tax Key Number of 7218992000 and an address of 1805 E. College Avenue, Oak Creek, Wisconsin. AT&T desires to co-locate its communications equipment on the Proposed Communications Facility.

2. My job duties include, among other things, the review and evaluation of real estate and existing structures to determine suitability for the placement of AT&T wireless communications facilities for use within its wireless communications network including the Proposed Communications Facility.

3. AT&T identified a technical need to improve its wireless communications services within the City of Oak Creek (the "City"). To accomplish this improvement, AT&T concluded that it would need to install its wireless communications equipment in an area near College Avenue and South Pennsylvania Avenue. Thereafter, AT&T issued a search ring defining the precise geographic area where the Proposed Communications Facility should be placed to address its technical needs (the "Search Ring"). To obtain the height needed by AT&T to accomplish its required wireless functionality, coverage, and capacity and to avoid an undue proliferation of additional wireless

tower developments within the City, the Proposed Communications Facility is to be 95 feet above ground level (AGL).

4. Upon issuing the Search Ring, I commenced my investigation of properties within and proximity to the Search Ring to determine if any properties had existing structures tall enough to accommodate AT&T's network needs.

5. Upon completing this investigation, I concluded that the height of any existing structures within and in proximity to the Search Ring were insufficient to accommodate AT&T's technical and network needs. Given this, co-location of AT&T's wireless communications equipment upon existing structures within or in proximity to the Search Ring would not result in the same mobile service functionality, coverage, and capacity as what could be achieved by AT&T co-locating upon the Proposed Communications Facility.

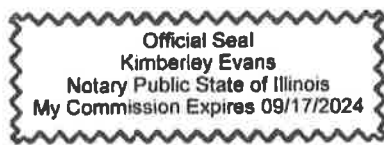
6. The lack of any adequate existing structures within and in proximity to the Search Ring upon which AT&T can co-locate its wireless communications equipment requires that the Proposed Communications Facility be constructed for AT&T to establish its required levels of mobile service functionality, coverage, and capacity.

Chas Qualberto

Professional - RAN Engineer

State of ILLINOIS)
) ss.
County of DuPage)

This instrument was acknowledged, subscribed, and sworn to before me on May 11, 2023.



Kimberley Evans
NOTARY PUBLIC FOR 09-17-2024
My Commission Expires: 09-17-2024



January 22, 2024

Mike Long
Senior Counsel, Husch Blackwell LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202

RE: Proposed Antenna Tower, AT&T Site WIC002 Mitchell Field

Dear Mr. Long:

Airport staff has reviewed your request for a waiver to the terms and limitations of Chapter 84 of the Milwaukee County Code of Ordinances, Height Limitations at Airports. The above referenced proposal, located at 42-55-46.01N, 87-53-15.40W (NAD 83), falls within the 35 foot above ground level maximum-height zone, and your proposal is for a structure measuring 105 feet above ground level.

This proposed structure was analyzed by the Federal Aviation Administration's Obstruction Evaluation Group under Aeronautical Study No. 2023-AGL-21150-OE, dated 10/27/2023. This study found that the proposed structure does not exceed FAR Part 77 obstruction standards and would not be a hazard to air navigation, provided that several conditions are met. These conditions include, but are not limited to, adherence to the parameters established by the FAA 5G C band compatibility evaluation process and immediate corrective action upon receipt of notification that harmful interference is being caused.

Under the authority granted to the Airport Director in Section 84.04 of Chapter 84, Enforcement, waiver, and special exceptions, I am granting a waiver to the terms and limitations of Chapter 84 for the above referenced structure.

If the location, height, or operating frequencies of the proposed structure changes, or if the terms and conditions detailed in Aeronautical Study No. 2023-AGL-21150-OE are not followed, or if a new Aeronautical Study is issued by the Federal Aviation Administration for this proposed structure, this waiver is void and a new request must be submitted for consideration.

Thank you,

A handwritten signature in black ink, appearing to read "Brian Dranzik", is written over a white background.

Brian Dranzik, A.A.E.
Airport Director
MKE – Milwaukee Mitchell International Airport
MWC - Timmerman Airport

LEGEND

- = 1" x 18" IRON PIPE SET
- = 1" IRON PIPE FOUND
- ⊕ = COUNTY MONUMENT FOUND
- ⊔ = EXISTING POWER POLE
- ⊞ = ELECTRIC METER
- ⊠ = FIBER OPTIC VAULT
- ⊞⊞ = RAILROAD SIGNALS
- ⊙ = LIGHT POLE
- ⊙ = ELECTRIC MANHOLE
- ⊙ = STORM INLET (ROUND)
- ⊞ = STORM INLET (SQUARE)
- ⊞ = STORM MANHOLE
- ⊞ = SANITARY MANHOLE
- ⊞ = FIBER OPTIC POST
- ⊙ = METAL POST
- ⊙ = WOOD POST
- = OVERHEAD ELECTRIC
- = BURIED ELECTRIC
- = BURIED FIBER OPTIC LINE
- = BURIED GAS LINE
- = SANITARY SEWER MAIN
- = HIGH TENSION POWER LINE
- = PROPERTY LINE
- = EDGE OF BRUSH/TREES
- w — w = BURIED WATER LINE

SURVEY PERFORMED BY:

MERIDIAN
SURVEYING, LLC

N8774 Firelane 1 Office: 920-993-0881
Menasha, WI 54952 Fax: 920-273-6037

BMM A) TOP OF BRASS CAP FOUND ON CONCRETE PILLAR
ELEVATION: 679.08'

GENERAL SITE NOTES

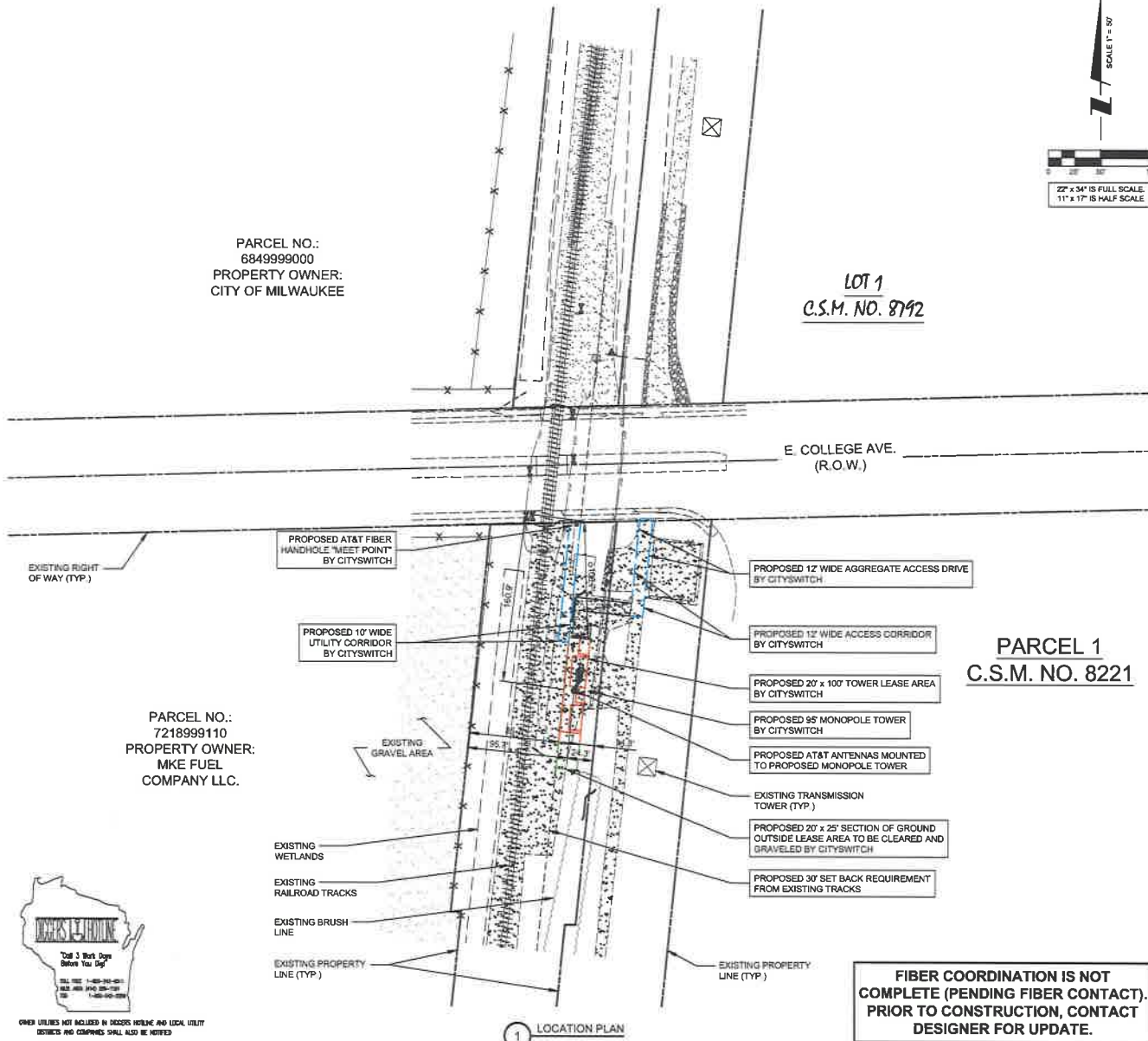
1. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING PAVEMENT. CONTRACTOR SHALL PHOTOGRAPH AND VIDEOTAPE EXISTING PAVEMENT PRIOR TO CONSTRUCTION. ANY DAMAGE CAUSED DURING CONSTRUCTION SHALL BE REPLACED TO EXISTING OR BETTER CONDITION AT NO ADDITIONAL COST.
2. THE CONTRACTOR WILL, UPON BECOMING AWARE OF SUBSURFACE OR LATENT PHYSICAL CONDITIONS DIFFERING FROM THOSE DISCLOSED BY THE ORIGINAL SOIL INVESTIGATION WORK, PROMPTLY NOTIFY THE OWNER VERBALLY AND IN WRITING, AS TO THE NATURE OF THE DIFFERING CONDITIONS. NO CLAIM BY THE CONTRACTOR FOR ANY CONDITIONS DIFFERING FROM THOSE ANTICIPATED IN THE PLANS AND SPECIFICATIONS AND DISCLOSED BY THE SOIL STUDIES WILL BE ALLOWED UNLESS THE CONTRACTOR HAS SO NOTIFIED THE OWNER, VERBALLY AND IN WRITING, AS REQUIRED ABOVE, OF SUCH DIFFERING SUBSURFACE CONDITIONS.
3. CONTRACTOR TO PROVIDE APPROXIMATE 50X50' STAGING AREA AND TEMPORARY ROAD. CONTRACTOR SHALL COORDINATE WITH ANTENNA CONTRACTOR, A STAGING AREA AND TEMPORARY ROAD THAT IS ACCEPTABLE TO THE OWNER. STAGING AREA AND TEMPORARY ROAD SHALL BE RESTORED TO EXISTING CONDITIONS AS NECESSARY UPON COMPLETION OF THE PROJECT.
4. BEFORE AND DURING CONSTRUCTION, THE CONTRACTOR SHALL PROVIDE ADEQUATE EROSION CONTROL AS NECESSARY IN THE FORM OF SILT FENCES FOR THE SITE AND BALES AROUND ANY EXISTING MANHOLES, INLETS, OR CATCH BASINS SUSCEPTIBLE TO EROSION. EROSION CONTROL MEASURES SHALL BE PERIODICALLY INSPECTED TO ENSURE PROPER FUNCTION. EROSION CONTROL SHALL BE REMOVED UPON COMPLETION OF WORK.



OTHER UTILITIES NOT SHOWN IN DECORS, RECORDS AND LOCAL UTILITY DISTRICTS AND COMPANIES SHALL ALSO BE NOTIFIED

PARCEL NO.:
6849999000
PROPERTY OWNER:
CITY OF MILWAUKEE

LOT 1
C.S.M. NO. 8792

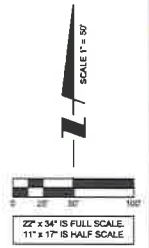


PARCEL NO.:
7218999110
PROPERTY OWNER:
MKE FUEL
COMPANY LLC.

PARCEL 1
C.S.M. NO. 8221

1 LOCATION PLAN

FIBER COORDINATION IS NOT COMPLETE (PENDING FIBER CONTACT). PRIOR TO CONSTRUCTION, CONTACT DESIGNER FOR UPDATE.



NO.	DATE	BY	REVISIONS
	02/25/22	AK	

SITE I.D. WIC002

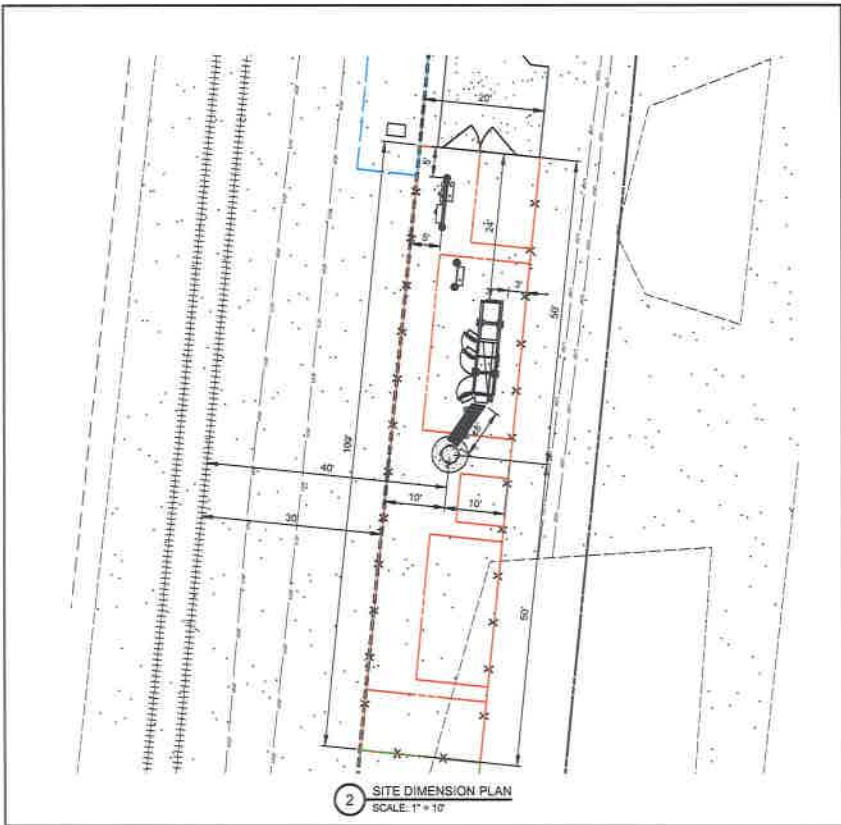
MITCHELL FIELD

1850 E. COLLEGE AVE.
CUDAHY, WI 53110

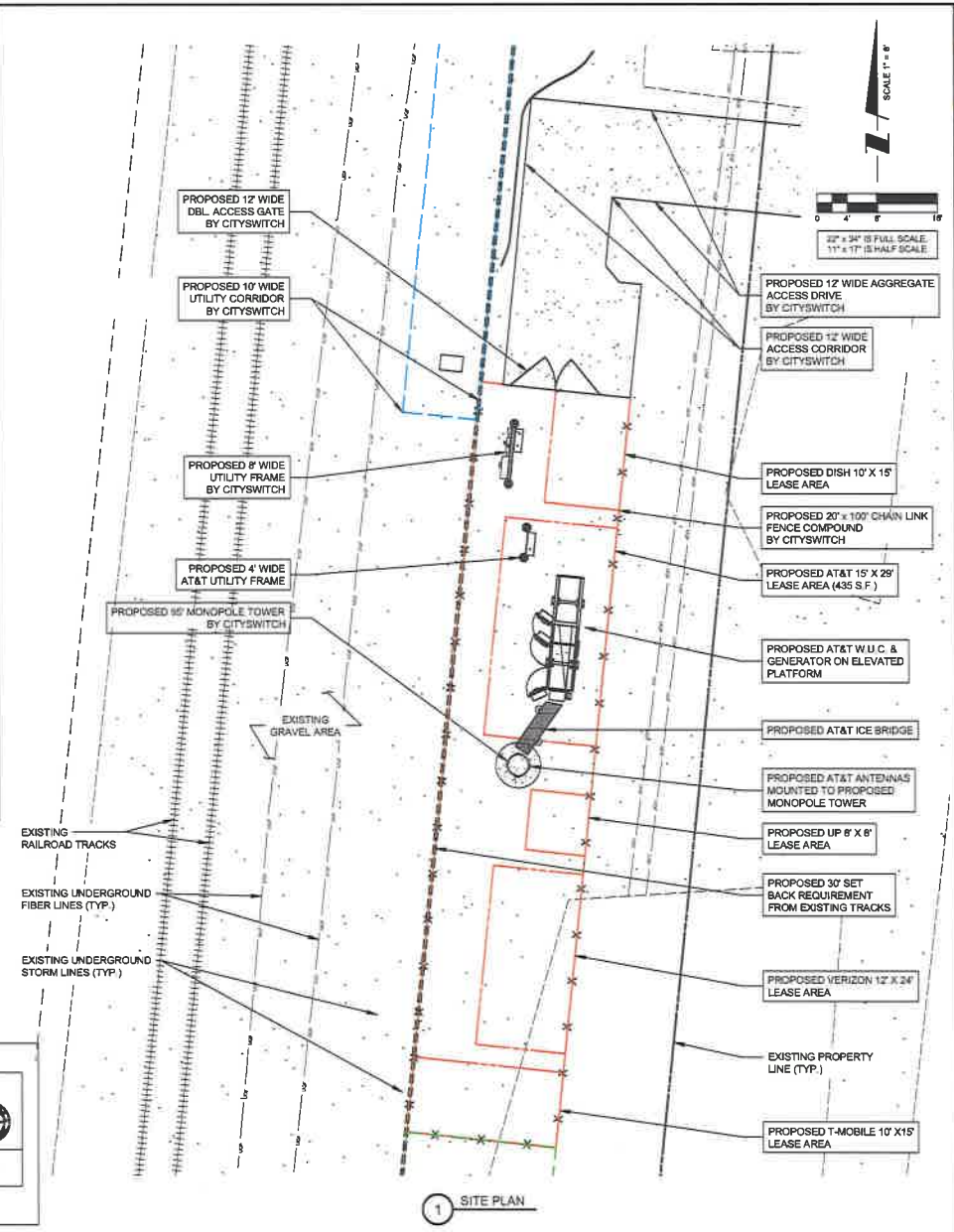
DRAWN BY:	JUR
CHECKED BY:	CG
DATE:	02/25/22
PROJECT #:	191-000

SHEET TITLE
LOCATION PLAN

SHEET NUMBER
LP



2 SITE DIMENSION PLAN
SCALE: 1" = 10'



1 SITE PLAN



OTHER UTILITIES NOT INCLUDED IN DIGGING NOTICE ARE: LOCAL UTILITY SERVICES AND COMPANIES SHALL ALSO BE NOTICED

PLATFORM TYPE: CONCRETE SKID

PAVEMENT MATERIAL

ACCESS ROAD (HATCHED)

240 S.Y.
8" COMPACTED AGGREGATE BASE COURSE, CA-6
MIRAFI 500X SUBGRADE GEOTEXTILE FABRIC OR APPROVED EQUAL

THE CONTRACTOR SHALL INCLUDE AS PART OF THE BID, THE COST OF REMOVAL OF ANY SURFACE VEGETATION AND ORGANIC SOILS OR OTHER DELETERIOUS MATERIALS AND THE REPLACEMENT WITH ENGINEERED BACKFILL FOR THE AGGREGATE ACCESS DRIVE AND LEASE SITE, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT.

SURVEY PERFORMED BY:

MERIDIAN SURVEYING, LLC

N8774 Freiqne 1 Office: 920-993-0881
Menasha, WI 54952 Fax: 920-273-6037

BM# A) TOP OF BRASS CAP FOUND ON CONCRETE PILLAR
ELEVATION: 679.08'

STRATEGIS
CONSULTING ENGINEERS

at&t

CITYSWITCH

TERRA
800 BOBBIE HIGHWAY
MILWAUKEE, WI 53214
PH: 414-488-4100
FAX: 414-488-4041

DATE	BY	REVISION			
			DATE	BY	REVISION

SITE I.D. WIC002

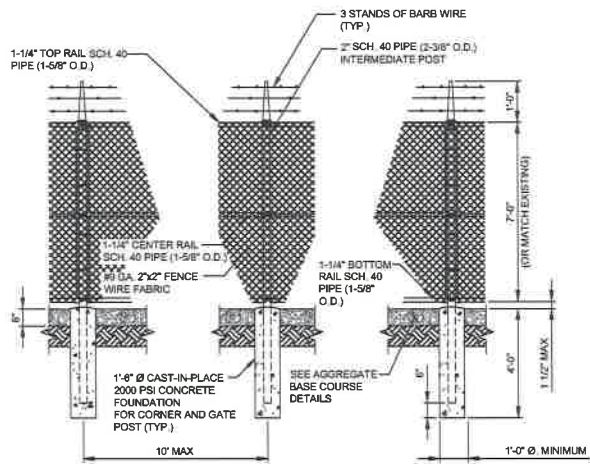
MITCHELL FIELD

1850 E. COLLEGE AVE.
CUDAHY, WI 53110

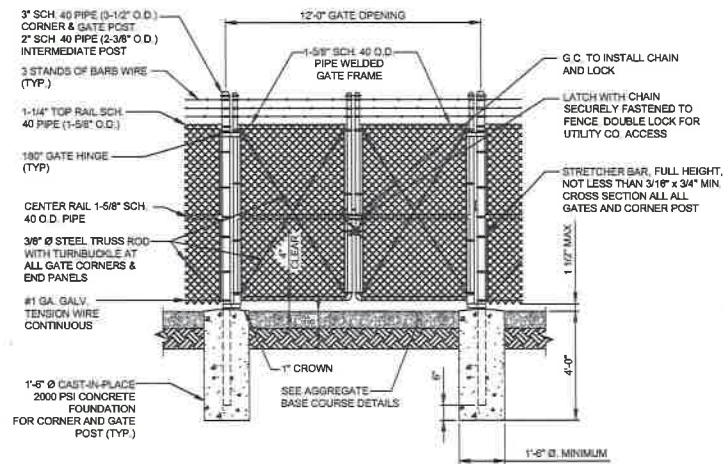
DRAWN BY: JLR
CHECKED BY: DS
DATE: 02/25/22
PROJECT #: 191-000

SHEET TITLE
ENLARGED SITE PLAN

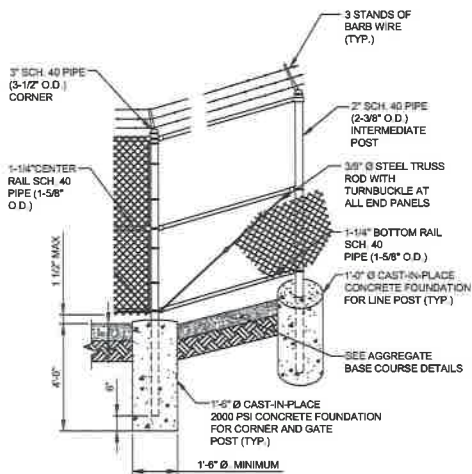
SHEET NUMBER
C-1



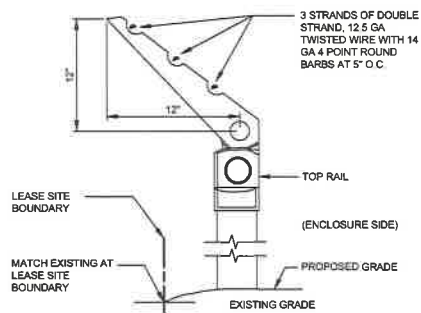
1 FENCE POST DETAILS
N.T.S.



2 12'-0" DOUBLE SWING GATE
N.T.S.

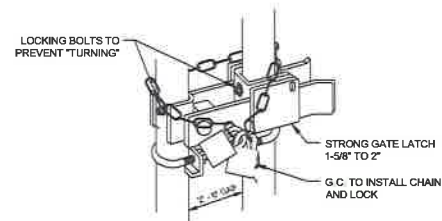


3 CORNER POST DETAIL
N.T.S.



4 BARBED WIRE DETAIL
N.T.S.

NOTE:
GATE HINGE BOLTS SHALL HAVE THEIR
THREADS PEENED OR WELDED TO
PREVENT UNAUTHORIZED REMOVAL.



5 STRONG ARM GATE LATCH DETAIL
N.T.S.

STRATEGIS
CONSULTING ENGINEERS

at&t

CITY SWITCH

TERRA
FOR THE FUTURE
P.L.L.C.
1000 W. WISCONSIN
STATE STREET, SUITE 1100
MILWAUKEE, WI 53233
TEL: 414-224-4444
FAX: 414-224-4444

NO.	DATE	BY	REVISION
			ISSUED FOR REVIEW

SITE I.D. WIC002

MITCHELL
FIELD

1850 E. COLLEGE AVE.
CUDAHY, WI 53110

DRAWN BY: JLR
CHECKED BY: DS
DATE: 02/25/22
PROJECT #: 161-000

SHEET TITLE
FENCE DETAILS

SHEET NUMBER

C-3

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

Applicant: Rich Hanson, CitySwitch-II-A, LLC
Property Address: 1805 E. College Ave.
Tax Key Number(s): 712-8992-000
Conditional Use: **Telecommunication tower
& appurtenances**

Approved by Plan Commission: 4-9-24
Approved by Common Council: TBD
(Ord. 3095)

1. LEGAL DESCRIPTION

LANDS OWNED AND USED FOR ROW BY C&NW TRANSPORTATION CO THROUGH NW1/4 SEC. 3-5-22 CONT. 5.843 ACS.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.

B. A precise detailed site plan for the area affected by the Conditional Use Permit shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion/phases
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) **Landscape Plan**

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- c) Percentage open/green space

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- c) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color temperature(s) of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) **Grading, Drainage and Stormwater Management Plan**

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins/green infrastructure (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.

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

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the A-1, Limited Agricultural zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. There shall be no outdoor storage of vehicles, equipment, merchandise, parts, supplies, or any other materials on the property unrelated to and outside of the wireless telecommunications site.
- C. No signs, other than those required by law, are allowed for this use.
- D. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. ACCESS AND PARKING

Access shall be via the existing shared curb cut on College Avenue. No new curb cuts or access points are allowed. A copy of the shared access agreement with the property at 1815 E. College Ave. shall be provided to the City prior to the issuance of permits.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in conformance with Sec. 17.0509 of the Municipal Code (as amended).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	5 acres
Lot Width	150 ft
Yard Setbacks (Minimum) (1)	
Front	30 ft
Street Facing Side	30 ft
Interior Side	10 ft
Rear	100 ft
Building Standards (Maximum)	
Height	35 ft
Building Coverage	10%
Lot Coverage	N/A
Use (Maximum)	

Pole Height (inclusive of lightning rod)	100 ft
Fence Height (inclusive of barbed wire)	10 ft
Parking (Minimum)	
Stalls and pavement to property lines	5 ft
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

9. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

10. REVOCAION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

11. ACKNOWLEDGEMENT

The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

Owner / Authorized Representative Signature

Date

(please print name)

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, MARCH 26, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Assistant City Administrator / Engineer Sullivan, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, Commissioner Siefert, and Commissioner Chandler. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, and Assistant Fire Chief Mike Havey.

**CONDITIONAL USE PERMIT
RICH HANSON, CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (see staff report for details).

Commissioner Chandler asked if the proposed chain-link fence would need any screening, to which Senior Planner Papelbon answered in the negative.

Commissioner Siefert asked if the facility will be on the railroad's property or easement.

Rod Carter, Esq., Hush Blackwell, 511 N. Broadway, Milwaukee WI, 53202, confirmed that the facility is on railroad property, and that the Applicant will be leasing the proposed space from the railroad.

Alderman Loreck asked how close to College Ave. the fence and monopole will be. Atty. Carter stated his belief the correct address of the project should be 1850 E. College Ave., to which Senior Planner Papelbon stated the address will be verified.

Commissioner Hanna asked if there is any concern about the monopole from the surrounding residents.

Andrew Flowers, Senior Real Estate and Construction Manager with AT&T, 1000 Commerce Drive, Oak Brook IL, 60523, stated that the correct address is 1805 E. College Ave., and that the location is by the mail facility and the railroad tracks. There are no residential properties in the area.

Commissioner Hanna asked if the proposed fence and barbed wire designating the area will be enough to deter people. Mr. Flowers explained that the barbed wire is usually enough - the pole itself has no climbing pegs for the first 20-25 feet, and the equipment at the base is locked. If the locks are opened, an alarm will sound, and the authorities will be automatically notified.

Commissioner Oldani confirmed with the applicant and Senior Planner Papelbon the address of the facility will be 1805 E. College Ave., and asked where along the property will the pole be located. Mr. Flowers provided a more detailed description.

The Plan Commission ruled in the affirmative for the following Findings of Fact:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
4. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
5. The conditional use conforms to all applicable regulations of the district in which it is located.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit to allow a telecommunication tower and associated equipment on the property at 1805 E. College Ave., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 9, 2024).

Alderman Loreck seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-9-24

Date

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 9, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, Assistant Fire Chief Mike Havey, and Community Development Director Kristi Porter.

CONDITIONS AND RESTRICTIONS

**CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions related to a request for a Conditional Use Permit for a proposed 100-foot-tall multi-carrier wireless communications monopole tower and associated equipment on the property at 1805 E. College Ave. (see staff report for details).

Michael Long, 511 North Broadway, Suite 1100, Milwaukee, attorney for CitySwitch-II-A, stated he reviewed the proposed conditions of approval, and they are fine with the applicant.

Commissioner Siefert asked Senior Planner Papelbon if the City normally has a time for compliance that is more than 12 months. Senior Planner Papelbon stated the time of compliance is to start the project, and suggested Commissioner Siefert was thinking of duration of permit. Senior Planner Papelbon also said there is no duration of permit because this is going to be a permanent fixture. Senior Planner Papelbon stated there is no time limit on the permit other than for obtaining building permits and that is standard.

Mayor Bukiewicz asked Mr. Long when they plan to start construction. Mr. Long stated the 12 months will not be a concern. Mr. Long also stated he would imagine that once all the other building permits are in line with the City, it would be an early to mid-fall, maybe end of September or October construction time line.

Mayor Bukiewicz asked Assistant Fire Chief Havey if there were any comments from the Fire Department. Mayor Bukiewicz relayed there were not.

Alderman Loreck moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit to allow a telecommunication tower and associated equipment on the property at 1805 E. College Ave., after a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-23-24

Date

TO BE PUBLISHED APRIL 17 & 24, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Ally Arnett, Creative Dance Studios, for a Conditional Use Permit for an indoor health/athletic facility on the property at 7040 S. 13th St.

Hearing Date:

May 7, 2024

Time:

7:00 PM

Place:

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

Applicant(s):

Ally Arnett, Creative Dance Studios

Property Owner(s):

TDW INVESTMENT LLC

Property Location(s):

7040 S. 13th

Tax Key(s):

735-9038-000

Legal Description:

CSM NO. 5598 PARCEL 1 SW 1/4 SEC 5-5-22

The Common Council has scheduled other public hearings for May 7, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: April 10, 2024
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 to City Hall, 8040 South 6th Street, Oak Creek, Wisconsin 53154.



COMMON COUNCIL REPORT

Item: Conditional Use Permit – 7040 S. 13th St. – Ally Arnett, Creative Productions Dance Studio

Recommendation: That the Council adopts Ordinance 3096, an ordinance approving a Conditional Use Permit for an indoor health/athletic/recreation facility submitted by Ally Arnett, Creative Productions Dance Studio, on the property at 7040 S. 13th St. (1st Aldermanic District).

Fiscal Impact: Approval will allow for the occupancy of an existing vacant tenant space within the existing multitenant commercial building on the property. Approval of the proposed will yield positive fiscal impacts in terms of review and permit fees. This property is not currently part of a TID.

- 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: The Applicant is requesting recommendation of Conditional Use approval for an indoor health/athletic/recreation facility within a portion of the existing multitenant commercial building on the property at 7040 S. 13th St. Indoor health/athletic/recreation facilities are Conditional Uses in the B-2, Community Business district.

Creative Productions Dance Studio will be moving their existing studio to the proposed Oak Creek location. Per information submitted, classes for students aged 2-adult will be offered between 4:30 PM and 8:30 PM Monday through Friday (operating hours are 8:00 AM - 9:00 PM). Class lengths range from 45 minutes to 1 ½ hours each. Up to 15 employees rotating with the classes are anticipated, and each class can accommodate up to 15 students. A copy of the winter class schedule is included with this report for reference.

Plans for the property were approved in 1991, but are unavailable. It appears that the existing parking configuration of 37 parking stalls for all tenants has not changed since the building was constructed in 1992. Current parking requirements for indoor health/athletic/recreation facilities are one (1) stall for every three (3) patrons at maximum capacity, which equates to approximately 15 stalls for times where three (3) classes are in session. This does not take into consideration whether the facility is for adults, children, or a combination thereof, nor does it specify parking for employees. While staff do not have a complete list of the other tenant and their hours of operation, it can be reasonably assumed that night and weekend hours for the proposed use will not dramatically affect parking needs. Parents/guardians are required to walk their children into the facility for safety reasons. No drop-off lanes are provided or anticipated. Parking

management for leased suites will be the responsibility of the landowner and/or their property management company. Class times may be adjusted to accommodate parking needs.

Options/Alternatives: Council has the discretion to approve or not approve the proposed Conditional Use Permit request. Per Section 17.0804(e)(3) of the Municipal Code: A conditional use permit may be granted upon finding in the review of the application that all applicable use specific provisions per Article 4 of [this] Zoning Ordinance as well as the following criteria are met. A negative finding of fact on any of the following criteria shall require a negative vote on the application as a whole.

- Section 17.0804(e)(3)(a) – The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
- Section 17.0804(e)(3)(b) – The establishment of the conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- Section 17.0804(e)(3)(c) – adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
- Section 17.0804(e)(3)(d) – measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-side and on the public streets.
- Section 17.0804(e)(3)(e) – the conditional use conforms to all applicable regulations of the district in which it is located.

Should the council determine that the proposed request for the Conditional Use Permit on the property at 7040 S. 13th St. is acceptable, the suggested motion is to approve Ordinance 3096 as stated. The approval would allow the Applicant to proceed to permitting.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Melanie Pérez
Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Kristi Porter
Community Development Director

Attachments:

Ord. 3096

Location Map

Narrative, Email and Winter Class Schedule (5 pages)

Floor Plans (2 pages)

Draft Conditions and Restrictions (4 pages)

Excerpted Plan Commission Minutes – 3.26.24 (2 pages)

Excerpted Plan Commission Minutes – 4.9.24

ORDINANCE NO. 3096

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR
AN INDOOR HEALTH / ATHLETIC / RECREATION FACILITY AT 7040 S. 13th ST.

(1st Aldermanic District)

WHEREAS, ALLY ARNETT, CREATIVE PRODUCTION DANCE STUDIO, has applied for a Conditional Use Permit that would allow for an indoor health / athletic / recreation facility on the property at 7040 S. 13th St.; and

WHEREAS, the property is more precisely described as follows:

CSM NO. 5598 PARCEL 1 SW 1/4 SEC 5-5-22

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on May 7, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the design, construction, location and operation of this Conditional Use, and which conditions and restrictions are incorporated by reference into the Conditional Use Permit; and

WHEREAS, following said public hearing and upon recommendation of approval of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the Conditional Use were approved and authorized for the lands hereinabove described, subject, however, to the imposition of certain conditions and restrictions on the design, construction, location and operation of the Conditional Use.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for an indoor health / athletic / recreation facility on the property at 400 W. Bell Ct., which shall include the aforementioned conditions and restrictions (see Exhibit A).

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the indoor health / athletic / recreation facility on the property at 400 W. Bell Ct.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this day of, 2024.

President, Common Council

Approved this day of , 2024.

Mayor

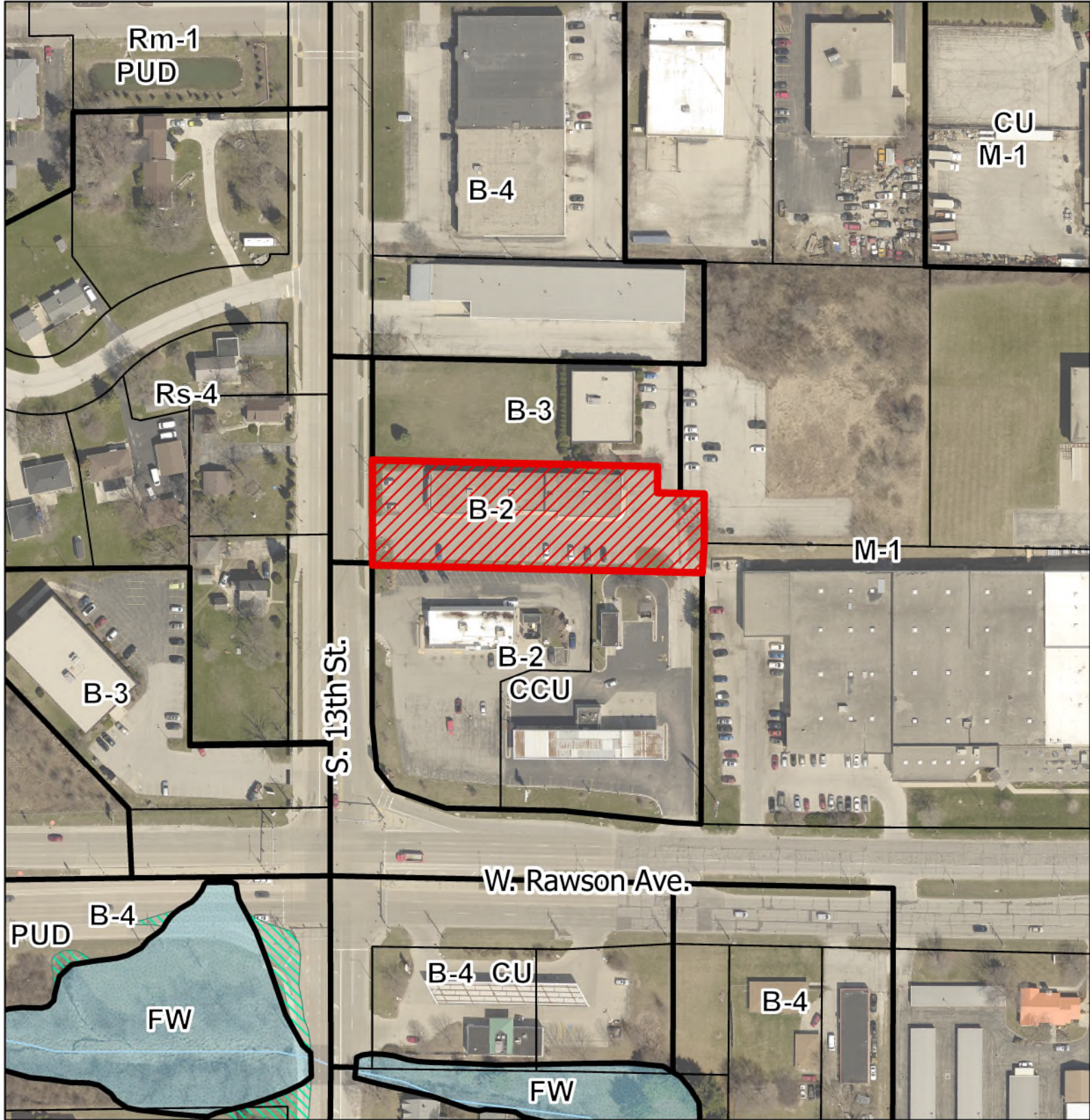
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

1805 E. College Ave.



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

Legend

-  Zoning
-  Official Street Map
-  Floodway
-  Flood Fringe
-  Parcels
-  7040 S. 13th St.



Creative Productions Dance Studio

Contact Information

Melony Pederson

253-370-5734

melony@hadaridevelopment.com

To the Commissioners and Reviewers:

Creative Productions Dance Studio is seeking conditional approval to move their dance studio from Cudahy to existing office space zoned B-2 on South 13th Street. There are two elements to their use, one is retail, the other is health/athletic/recreational indoor.

The current vacant office space will require demolition of some interior, non-load bearing walls, flooring and drop ceilings. Construction would then begin on new interior walls and new flooring appropriate for studio use. All bathrooms and exiting remain the same. For the retail portion of the project, we are proposing one exterior change to the building where an existing window would become a door.

All signage will be applied for separately under that process.

Sincerely,



Melony Pederson

RECEIVED

FEB 19 2024

CITY OF OAK CREEK

Kari Papelbon

From: Melony Pederson <melonypederson@hadaridevelopment.com>
Sent: Friday, March 8, 2024 8:31 PM
To: Kari Papelbon; info@creativeproductionsdancestudio.com;
ally@creativeproductionsdancestudio.com
Subject: [EXTERNAL] Re: Oak Creek Conditional Use Permit Application

Hi Kari,

Glad to hear the proposal is being discussed and our responses are below.

- How many employees and how many shifts are anticipated? **12-15 employees rotate during our operating hours.**
- What are the proposed hours of operation? Are there set class times? **Hours of operation are 4pm-9pm and our classes are set and attached here for reference.**
- Is the studio intended to offer services to mainly adults or children? How many clients are anticipated during business hours and/or class? **Our Studio offers services for ages 2-Adult. As you will see on our schedule, the classes are mainly for children.**
- If the intention is for mostly child-centered services, what is the plan for drop-offs and pick-ups? The existing configuration of the parcel does not allow for continuous circulation. **We appreciate the forethought on drop off practices. Our policy is that Parents of our Dancers park and walk them into the building for safety. That policy will not change at this location and all class times will be adjusted to manage parking. We currently have a much smaller lot and are confident the space at the Oak Creek location will work well for us.**

We're looking forward to meeting with you and the Planning Commission, will we be on the agenda for the 3/26 meeting?

Best,
Melony

From: Kari Papelbon <kpapelbon@oakcreekwi.gov>
Sent: Friday, March 8, 2024 9:37 AM
To: info@creativeproductionsdancestudio.com <info@creativeproductionsdancestudio.com>; Melony Pederson <melonypederson@hadaridevelopment.com>
Subject: Oak Creek Conditional Use Permit Application

Good morning.

Staff met this week to discuss the proposal for a dance studio within a portion of the existing building at 7040 S. 13th St. in Oak Creek. The following comments/questions were raised during review:

- How many employees and how many shifts are anticipated?
- What are the proposed hours of operation? Are there set class times?
- Is the studio intended to offer services to mainly adults or children? How many clients are anticipated during business hours and/or class?
- If the intention is for mostly child-centered services, what is the plan for drop-offs and pick-ups? The existing configuration of the parcel does not allow for continuous circulation.



Winter Schedule
Starts Monday, Jan. 8th

Monday

Time	New Studio	Time	Warehouse	Time	Cudahy School
4:3-5:15	Extra w/Freddy	4:30-5:15	Belles Ballet w/Teresa	4:30-5:15	Hip Hop & Tricks (ages 4-6) w/Lauryn
5:15-6:00	Belles Technique w/Freddy	5:15-6:00	Extra w/Teresa	5:15-6:00	Poms & Jumps (ages 7-9) w/Lauryn
6:00-7:00	Royals Technique w/Freddy	6:00-7:00	Ladys Contemporary w/Teresa	6:00-6:45	Beginner Ballet (ages 10-12) w/Lauryn
7:00-8:00	Ladys Technique w/Freddy	7:00-8:00	Royals w/Teresa		

Tuesday

Time	New Studio	Time	Warehouse
4:30-5:15	Little Movers (ages 2-3) w/Amy	4:30-5:15	Lollies Ballet w/Teresa
5:15-6:00	Lollies Hip Hop w/Amy	5:15-6:00	Teresa Extra
6:00-6:45	Pre-Ballet (ages 4-6) w/Amy	6:00-7:00	Ladys/Royals w/Teresa
7:05-7:45	Adult Yoga w/Teresa	7:00-8:30	Ladys/Royals Ballet w/Mandy

Wednesday

Time	New Studio	Time	Warehouse	Time	Cudahy School
4:30-5:00	Gloria Solo w/Lauryn	4:15-5:00	Freddy Extra	4:15-5:00	Little Movers (ages 2-3) w/Amy
5:00-6:00	Belles & Beau Hip Hop w/Lauryn	5:00-6:00	Royals Jazz w/Freddy	5:00-5:45	Poms & Jumps (ages 10-12) w/Katie
6:00-7:00	Belles & Beau Tech. w/Katie	6:00-7:00	Majesty Hip Hop w/Freddy		
7:00-7:45	Beginner Ballet (ages 7-9) w/Katie	7:00-8:30	Majesty Ballet w/Mandy		
7:50-8:30	Adult Yoga w/Katie				

Thursday

Time	New Studio	Time	Warehouse
4:30-5:15	Pre-Ballet (ages 4-6) w/Katie	4:30-5:15	Lollies Lyrical w/Amy
5:15-6:00	Lollies Ballet w/Katie	5:30-6:30	Ladys Jazz w/Amanda
6:00-7:00	Belles Contemporary w/Katie	6:30-7:30	Majesty Jazz w/Amanda
7:00-7:45	Belles Ballet w/Mandy	7:30-8:15	Amanda Extra
7:45-8:30	Mandy Extra		

Friday

Time	New Studio	Time	Warehouse
4:30-5:15	Creative Movement (ages 3-4) w/Laurnyn	4:30-5:15	Pre-Ballet (ages 4-6) w/Katie
5:15-6:00	Hip Hop & Tricks (ages 7-9) w/Laurnyn	5:15-6:00	Hip Hop & Tricks (ages 10-12) w/Katie
6:00-6:45	Hip Hop (ages 4-6) w/Laurnyn	6:00-6:45	Poms & Jumps (ages 7-9) w/Katie

****Rec Sessions****

Winter Session

January 8th- March 1st
(no off weeks)
8 week session

Spring Session

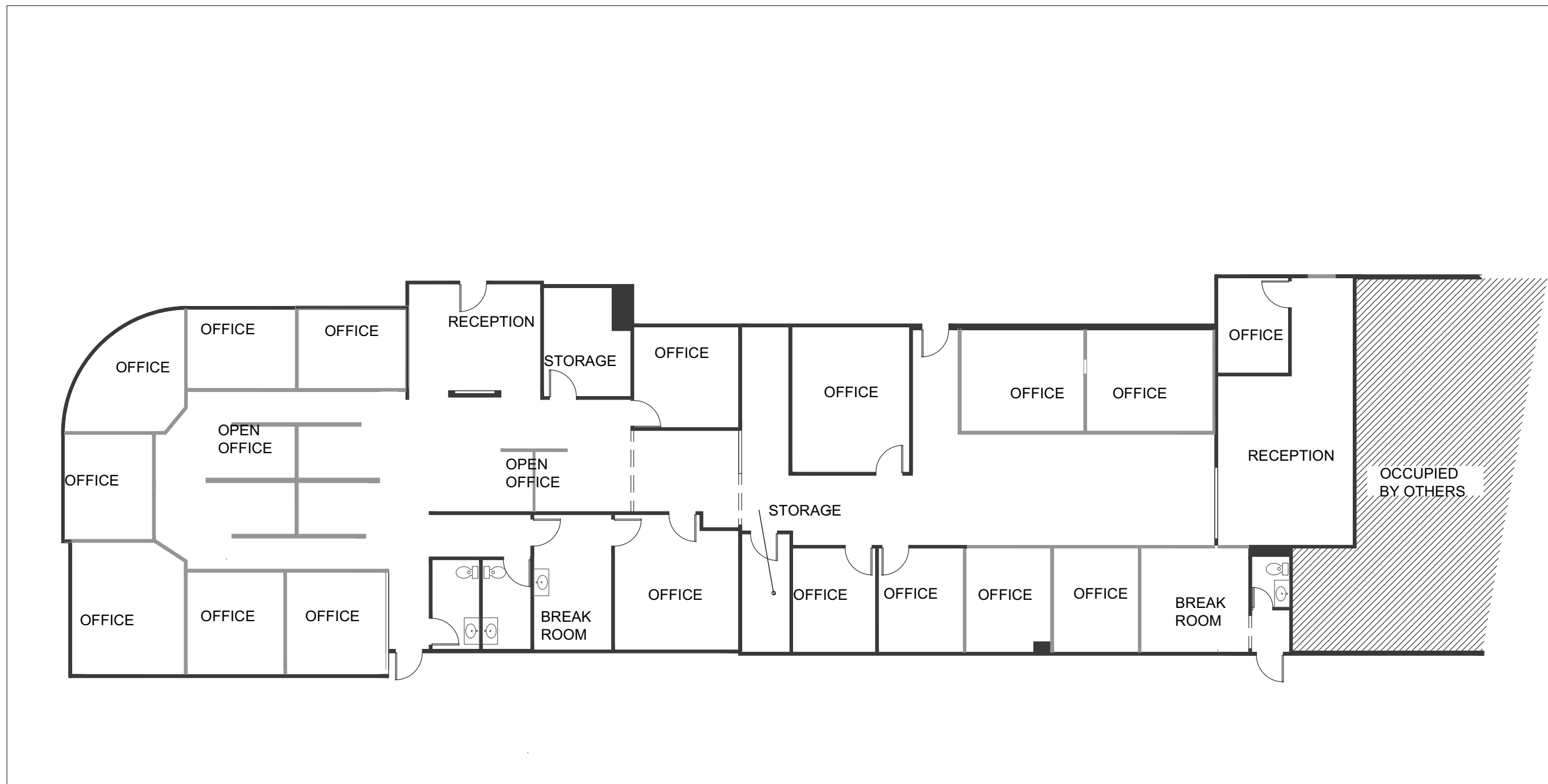
March 11th- May 31st
(off weeks April 1-5th & May 6th-10th)
10 week session with Recital on June 3rd

Extras

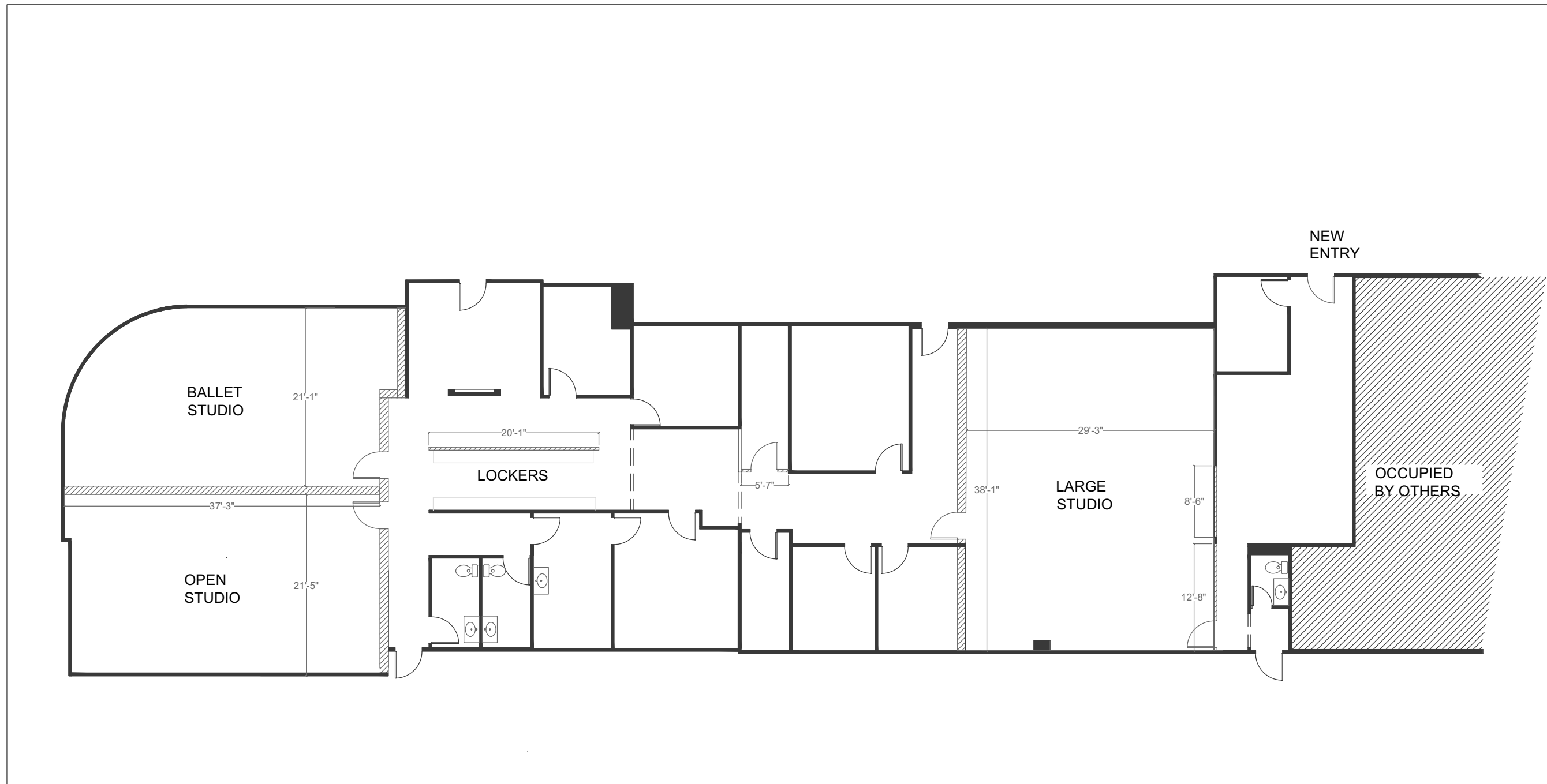
Teresa	Freddy	Mandy	Amanda
Makaia (Mon)	Skylar (Wed)	Trio	Sophia
Julia (Tues)	London (Wed)	Mia	Tatum
Adriana (Tues)	Eowyn (Mon)		
Bella (Mon)	Reagan (Mon)		

On Weeks

Blue On Week	Purple On Week
Jan. 8th	Jan. 1st
Jan. 22nd	Jan. 15th
Feb. 5th	Jan. 29th
Feb. 19th	Feb. 12th
March 4th	Feb. 26th
March 18th	March 11th
April 1st	March 25th
April 15th	April 8th
April 29th	April 29th
May 13th	May 6th
May 27th	May 20th
June 10th	June 3rd
	June 17th



Notes:	Created By	Date	Client Address	Site Address	Scale	Drawn	<h1>A01</h1> <p>EXISTING</p>
	Melony Pederson 253-370-5734 melonypederson@hadaridevelopment.com	2.16.24	Creative Productions Dance Studio 5601 S. Pennsylvania Cudahy WI	7040 S. 13TH St. Oak Creek 53145	$\frac{1}{8}''=1'$	MP	



Notes:	Created By	Date	Client Address	Site Address	Scale	Drawn	<h1 style="margin: 0;">A03</h1> <h2 style="margin: 0;">FLOOR PLAN</h2>
	Melony Pederson 253-370-5734 melonypederson@hadaridevelopment.com	2.16.24	Creative Productions Dance Studio 5601 S. Pennsylvania Cudahy WI	7040 S. 13TH St. Oak Creek 53145	$\frac{1}{8}''=1'$	MP	

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

Applicant: Ally Arnett, Creative Dance Studios	Approved by Plan Commission: 4-9-24
Property Address(es): 7040 S. 13 th St.	Approved by Common Council: TBD
Tax Key Number(s): 735-9038-000	
Conditional Use: Indoor Health/Athletic/ Recreation Facility (Dance Studio)	

1. LEGAL DESCRIPTION

CSM NO. 5598 PARCEL 1 SW 1/4 SEC 5-5-22

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

- A. All requirements of the City of Oak Creek Municipal Code, as amended, are in effect.
- B. A precise detailed site plan for the area affected by the Conditional Use Permit shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building permits. This plan shall show and describe the following:

1) General Development Plan

- a) Detailed building/structure location(s) with setbacks
- b) Square footage of all buildings/structures
- c) Area(s) for future expansion/phases
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Sidewalk location(s)
- g) Parking layout and traffic circulation
 - i) Location(s) and future expansion
 - ii) Number of employees
 - iii) Number of all parking spaces
 - iv) Dimensions
 - v) Setbacks & buffers
- h) Location(s) of loading berth(s)
- i) Location of sanitary sewer (existing & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- l) Location(s) of wetlands (field verified)
- m) Location(s) and details of sign(s)
- n) Location(s) and details of proposed fences/gates

2) Landscape Plan

- a) Screening plan, including parking lot screening/berming & buffer areas
- b) Number, initial & mature sizes, and types of plantings; tree inventory & retention/replacement plan
- c) Percentage open/green space

3) Building Plan

- a) Architectural elevations (w/dimensions)
- b) Building floor plans (w/dimensions)
- c) Materials of construction (including colors)

4) Lighting Plan

- a) Types & color temperature(s) of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

5) Grading, Drainage and Stormwater Management Plan

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins/green infrastructure (if required)

6) Fire Protection

- a) Locations of existing & proposed fire hydrants
- b) Interior floor plan(s)
- c) Materials of construction
- d) Materials to be stored (interior & exterior)

- C. All plans for new buildings, additions, exterior remodeling, site modifications, and landscaping shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building or occupancy permit.

- D. For any new buildings, additions, structures, and site modifications, site grading and drainage, stormwater management, and erosion control plans shall be submitted to the City Engineer for

approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

- E. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.

3. SITE & USE RESTRICTIONS, MAINTENANCE & OPERATION REQUIREMENTS

- A. Uses allowed on this property shall be limited to those allowed by the B-2, Community Business zoning district, these Conditions and Restrictions, and all applicable sections of the Municipal Code (as amended).
- B. Hours of operation shall be between 8:00 AM and 9:00 PM.
- C. There shall be no outdoor storage, rental, or sale of equipment, vehicles, merchandise, or any other materials on the property.
- D. All parking areas shall be striped, screened, and landscaped in conformance with approved site plans and Sec. 17.0505 of the Municipal Code (as amended).
- E. All signs shall conform to the requirements of Sec. 17.0601 – 17.0609 of the Municipal Code (as amended).
- F. The number, size, location and screening of appropriate solid waste collection units shall be in conformance with plans approved by the Plan Commission.
- G. Solid waste collection and recycling shall be the responsibility of the owner.
- H. Removal of snow from off-street parking areas, walks, public sidewalks, private roads and access drives shall be the responsibility of the landowner(s).

4. PARKING AND ACCESS

Access and parking for this development shall be provided in accordance with Sections 17.0403 & 17.0404 of the Municipal Code (as amended). Any change to the existing access or parking configuration shall require Plan Commission approval as part of Site and Building Plan Review.

5. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Sec. 17.0509 of the Municipal Code (as amended).

6. BULK AND DIMENSIONAL REQUIREMENTS, SETBACKS

Lot Standards (Minimum)	
Lot Area	10,000
Lot Width	75 ft
Yard Setbacks (Minimum) (1)	
Front	25 ft
Street Facing Side	25 ft
Interior Side	20 ft
Rear	25 ft
Building Standards (Maximum)	
Height	45 ft
Building Coverage	40%
Lot Coverage	70%
Parking	
Transition & Required Landscape Areas	See Sec. 17.0505
Notes:	
(1) Setbacks from wetlands shall be a minimum of fifteen (15) feet with a five (5) foot undisturbed buffer.	

7. TIME OF COMPLIANCE

The operator of the Conditional Use Permit shall commence work in accordance with these Conditions and Restrictions within twelve (12) months from the date of adoption of the ordinance authorizing this Conditional Use Permit. This Conditional Use Permit approval shall expire twelve (12) months after the date of adoption of the ordinance if building permits have not been issued for this use. The applicant shall re-apply for Conditional Use Permit approval prior to recommencing work or construction.

8. DURATION OF CONDITIONAL USE PERMIT

This Conditional Use Permit is limited in duration to ten (10) years from the date of issuance of the Conditional Use Permit. The owner may apply for an extension of this Conditional Use Permit. The process for extension of the Conditional Use Permit shall follow the procedures for approving Conditional Use Permit as set forth in Section 17.1007 of the Municipal Code (as amended).

9. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

10. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances (as amended). If the owner, applicant or operator of the Conditional Use Permit is convicted of two or more violations of these Conditions and Restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 11 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee

County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other City ordinances.

11. REVOCATION

Should an applicant, their heirs, successors or assigns, fail to comply with the Conditions and Restrictions of the approval issued by the Common Council, the Conditional Use Permit approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use Permit as set forth in Section 17.0804 of the Municipal Code (as amended).

12. ACKNOWLEDGEMENT

The approval and execution of these Conditions and Restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these Conditions and Restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their subsidiaries, related entities, successors and assigns.

Owner / Authorized Representative Signature

Date

(please print name)

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

**CONDITIONAL USE PERMIT
ALLY ARNETT, CREATIVE PRODUCTIONS DANCE STUDIO
7040 S. 13TH ST.
TAX KEY NO. 735-9038-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St. (see staff report for details).

Commissioner Chandler asked what the security measures are for kids and adults coming in and out of the building.

Melony Pederson, 2816 E. Texas Ave., Milwaukee WI, 53207, explained that there will be a manned reception desk at the entrance of the space to keep track of who is coming and going.

Commissioner Siepert stated his concern about not enough parking for the patrons when the building has more occupants, or the dance studio is at a peak time. Ms. Pederson stated that at the studio's existing location there are fewer parking spaces available, and are shared with even more tenants. Parking at that location is not an issue for any tenant. Any large events will be held at schools, not in this space.

Alderman Guzikowski asked what types of activities will be happening in the space. Ms. Pederson answered that mostly children's dance classes will take place, with some adult barre or yoga classes.

Assistant Fire Chief Havey stated further evaluation will still be needed to ensure the use and occupancy load of the dance studio will match the existing fire suppression system. Mayor Bukiewicz asked if the evaluation would delay the applicant from occupying the space, to which Assistant Fire Chief Havey answered that it may. The use in the building is changing from a business to an assembly and that the type of fire suppression system needed will have to be based on the new occupancy load.

The Plan Commission ruled in the affirmative for the following Findings of Fact:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
3. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.
4. Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

5. The conditional use conforms to all applicable regulations of the district in which it is located.

Alderman Loreck moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St., after a public hearing and subject to Conditions and Restrictions that will be prepared for the Plan Commission's review at the next meeting (April 9, 2024).

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

**CONDITIONAL USE PERMIT
RICH HANSON, CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of a request for a Conditional Use Permit for a telecommunications tower on the property at 1805 E. College Ave. (see staff report for details).

Commissioner Chandler asked if the proposed chain-link fence would need any screening, to which Senior Planner Papelbon answered in the negative.

Commissioner Siefert asked if the facility will be on the railroad's property or easement.

Rod Carter, Esq., Hush Blackwell, 511 N. Broadway, Milwaukee WI, 53202, confirmed that the facility is on railroad property, and that the Applicant will be leasing the proposed space from the railroad.

Alderman Loreck asked how close to College Ave. the fence and monopole will be. Atty. Carter stated his belief the correct address of the project should be 1850 E. College Ave., to which Senior Planner Papelbon stated the address will be verified.

Commissioner Hanna asked if there is any concern about the monopole from the surrounding residents.

Andrew Flowers, Senior Real Estate and Construction Manager with AT&T, 1000 Commerce Drive, Oak Brook IL, 60523, stated that the correct address is 1805 E. College Ave., and that the location is by the mail facility and the railroad tracks. There are no residential properties in the area.

Commissioner Hanna asked if the proposed fence and barbed wire designating the area will be enough to deter people. Mr. Flowers explained that the barbed wire is usually enough - the pole itself has no climbing pegs for the first 20-25 feet, and the equipment at the base is locked. If the locks are opened, an alarm will sound, and the authorities will be automatically notified.

Commissioner Oldani confirmed with the applicant and Senior Planner Papelbon the address of the facility will be 1805 E. College Ave., and asked where along the property will the pole be located. Mr. Flowers provided a more detailed description.

The Plan Commission ruled in the affirmative for the following Findings of Fact:

**MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 9, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldoni, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Senior Planner Kari Papelbon, Planner Perez, Assistant Fire Chief Mike Havey, and Community Development Director Kristi Porter.

Minutes of the March 26, 2024, meeting

Commissioner Siefert moved to approve the minutes of the March 26, 2024, meeting. Alderman Loreck seconded. On roll call: Commissioner Kiepczynski abstained; all others voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
CREATIVE DANCE STUDIOS
7040 S. 13TH ST.
TAX KEY NO. 735-9038-000**

Planner Perez provided an overview of the draft Conditions and Restrictions for a Conditional Use Permit for a proposed Indoor Health Athletic/Recreation Facility (dance studio) within a portion of the existing multitenant building on the property at 7040 S. 13th St. (see staff report for details).

Alderman Loreck stated he has no concerns, and he is okay with the change to the hours of operation from 8:00 am to 9:00 pm.

Alderman Guzikowski said he agrees with Alderman Loreck.

Commissioner Siefert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit for an indoor health/athletic/recreation facility on the property at 7040 S. 13th St. Commissioner Oldani seconded.

Assistant Fire Chief Havey said the proposed use fits within the provisions and is allowed without a suppression system.

On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS
CITYSWITCH-II-A, LLC
1805 E. COLLEGE AVE.
TAX KEY NO. 721-8992-000**

Senior Planner Papelbon provided an overview of the Conditions and Restrictions related to a request for a Conditional Use Permit for a proposed 100-foot-tall multi-carrier wireless communications monopole tower and associated equipment on the property at 1805 E. College Ave. (see staff report for details).

TO BE PUBLISHED APRIL 17 & 24, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Jay Craig, MSI General, to remove portions of the FF, Flood Fringe district from the property at 200 W. Drexel Ave., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment.

- Hearing Date:** May 7, 2024
- Time:** 7:00 PM
- Place:** Oak Creek Civic Center (City Hall)
8040 South 6th Street
Oak Creek, WI 53154
Common Council Chambers
- Applicant(s):** Jay Craig, MSI General
- Property Owner(s):** NORTH SHORE BANK, FSB
- Property Location(s):** 200 W. Drexel Ave.
- Tax Key(s):** 782-9040-000

Legal Description:

CSM NO. 5698 PARCEL 1 SE 1/4 8-5-22 CONT. 1.53 ACS.

Proposal: The proposal would amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to add subsection (b) Maps Based on Other Studies, subsection (1) Letter of Map Revision-Based on Fill for the North Brank of the Oak Creek completed by JSD Professional Services, Inc. and approved by FEMA on (date to be determined).

The Common Council has scheduled other public hearings for May 7, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: April 9, 2024
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: Rezone and Zoning Text Amendment - 200 W. Drexel Ave. - North Shore Bank

Recommendation: That the Council considers Ordinance 3097, an ordinance to rezone portions of the property at 200 W. Drexel Ave. to reflect the flood fringe boundaries approved by FEMA, and to create Section 17.0306(e)(2)(b) of Chapter 17 - Zoning and Sign Ordinance of the Municipal Code (1st District)

Fiscal Impact: No direct fiscal impact. This is a property that has finalized construction and is not located within a TID.

- 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: In July of 2020, the Plan Commission reviewed and approved plans for a new North Shore Bank facility on the property at 200 W. Drexel Ave. Due to the proposed impacts to the flood hazard areas on the property, the applicant was required to obtain a LOMR-F from FEMA in addition to other requirements. While FEMA did issue the CLOMR-F (Conditional Letter of Map Revision based on Fill), and WI DNR approved of their portion of the floodplain study, the changes to the flood fringe must be formally adopted through the Rezone and Zoning Text Amendment processes per Code and State regulations. This review is limited to those changes approved by FEMA.

Included with this report are maps indicating the location of the approved amendments, and proposed language for Section 17.0306(e)(2)(b) as recommended by the Wisconsin Department of Natural Resources.

After careful consideration at their April 9, 2024 meeting, the Plan Commission recommended Common Council approval of the rezone and text amendment.

Options/Alternatives: None. This is a requirement for compliance with FEMA, State, and local floodplain requirements.

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Kari Papelbon, CFM, AICP
Senior Planner

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Assistant City Administrator / Comptroller

Approved:

Kristin Porter

Kristi Porter

Community Development Director

Attachments:

Ord. 3097

Location Map

Narrative (1 page)

Pre-Development FIRM (1 page)

As-Built Plan (1 page)

Excerpted Plan Commission Minutes (1 page)

ORDINANCE NO. 3097

BY: ___

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTY AT 200 W. DREXEL AVE. TO REFLECT THE FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, AND TO CREATE SECTION 17.0306(e)(2)(b) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF THE MUNICIPAL CODE

(1st Aldermanic District)

WHEREAS, NORTH SHORE BANK has applied for rezoning portions of the property at 200 W. Drexel Ave. to reflect the flood fringe boundaries approved by FEMA; and

WHEREAS, the property is more precisely described as follows:

CSM NO. 5698 PARCEL 1 SE 1/4 8-5-22 CONT. 1.53 ACS.

WHEREAS, State and local regulations require that the Zoning Code also be amended to incorporate any changes to the Special Flood Hazard Area; and

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning and creation of Section 17.0306(e)(2)(b) be approved; and

WHEREAS, the Common Council held a public hearing on said application on May 7, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described, and that Section 17.0306(e)(2)(b) was created.

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

SECTION 1: § 17.0306(e)(2)(b) of the Municipal Code is hereby created to read as follows:

(b) Maps Based on Other Studies

(1) Letter of Map Revision-Based on Fill for the North Branch of the Oak Creek completed by JSD Professional Services, Inc. and approved by FEMA on (date).

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned to reflect the flood fringe boundaries approved by FEMA, and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 7th day of May, 2024.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

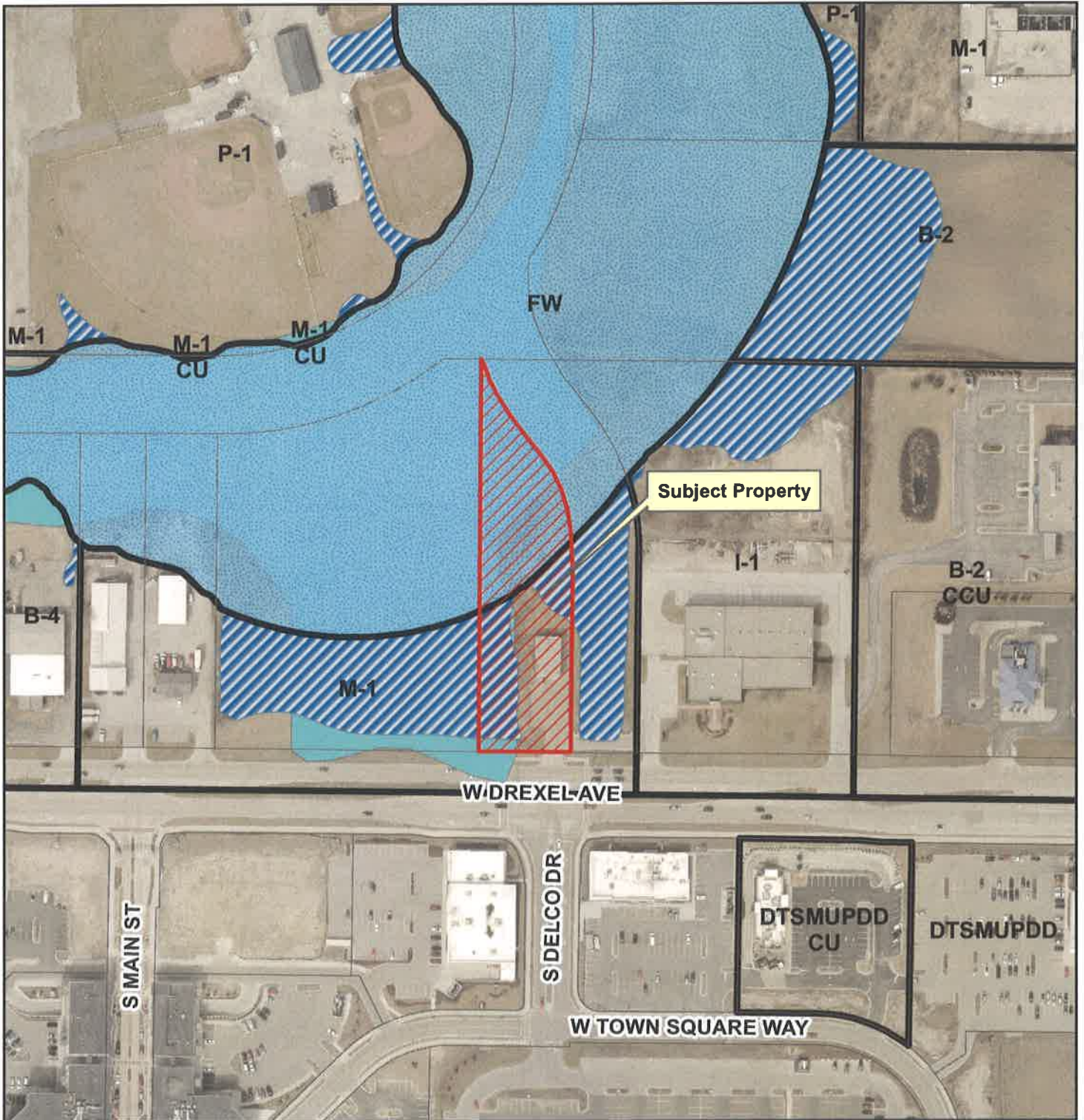
ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

Location Map 200 W. Drexel Ave.



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



Department of Community Development

Legend

- | | | | |
|--|--------------------|--|----------------------------|
| | 200 W. Drexel Ave. | | C-1, Shoreland Wetland |
| | Flood Fringe 2008 | | FF, Flood Fringe |
| | Floodway 2008 | | Lakefront Overlay |
| | | | NO, Mixed Use Neighborhood |
| | | | OO, Mixed Use Office |
| | | | RR, Regional Retail |



March 4, 2024

**North Shore Bank
Narrative of Proposal
City of Oak Creek, Wisconsin**

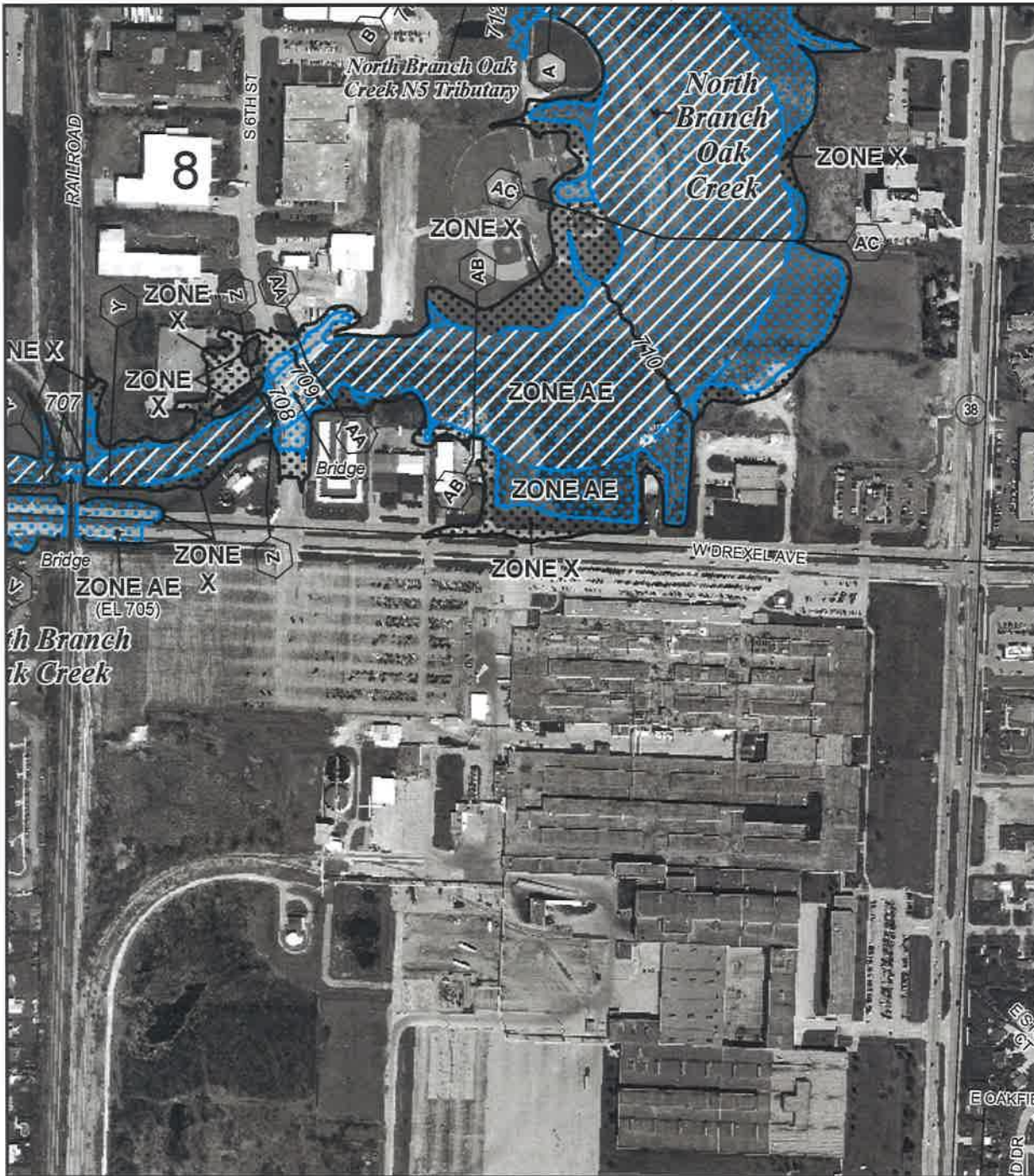
North Shore Bank is a financial institution located at 200 W. Drexel Avenue. The site is zoned B-2 Community Business and is bordered by W. Drexel Avenue on the south, the City of Oak Creek Water Department on the east, a wetland/floodplain on the west, and the North Branch of the Oak Creek on the north.

North Shore Bank was constructed in 2023 and early 2024. The development consists of a bank building with drive-thru lanes, along with asphalt drives, parking areas, and concrete sidewalks. An infiltration trench was also constructed at the north end of the site to provide stormwater management. The site includes 18 parking stalls. The plan of operation states that a maximum of eight (8) employees will be onsite during any shift. Hours of operation are shown below.

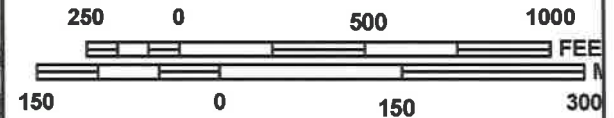
	Monday-Friday	Saturday	Sunday
Lobby / Building	9:00am – 5:00pm	9:00am - 2:00pm	Closed
ITM (Video Teller)	8:00am – 7:00pm	8:00am – 5:00pm	10:00am – 4:00pm
ATM	24 hours	24 hours	24 hours

Construction of the building and parking lot required a portion of floodplain along the west side of the site to be filled. Therefore, a Conditional Letter of Map Revision (CLOMR-F) was obtained from the Federal Emergency Management Agency (FEMA) in 2023. Following completion of construction, a Letter of Map Revision (LOMR-F) was submitted to FEMA on February 27, 2024 showing the 100-year and 500-year base flood elevations have not increased after construction of the North Shore Bank compared to the elevations approved for the 2023 CLOMR-F.

At this time, North Shore Bank is requesting a change of the City's zoning map due to the revised floodplain boundary resulting from the post-construction conditions.



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0168E

FIRM
FLOOD INSURANCE RATE MAP

**MILWAUKEE COUNTY,
 WISCONSIN
 AND INCORPORATED AREAS**

PANEL 168 OF 300
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OAK CREEK, CITY OF	550279	0168	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
55079C0168E
EFFECTIVE DATE
SEPTEMBER 26, 2008

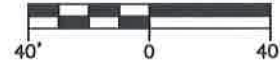
Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.



north

SCALE IN FEET



ARC=146.68'
 RAD=350.00'
 CH BRG=830°56'19"E
 CH L=146.68'
 Δ=24°00'46"

ARC=178.70'
 RAD=235.00'
 CH BRG=521°09'35"E
 CH L=174.43'
 Δ=43°34'09"

PARCEL 1
 CDM NO. 709
 OWNER: CITY OF OAK CREEK
 TAX KEY: 702-003

WETLAND AS DELINEATED
 BY RA SMITH NATIONAL, INC.
 ON SEPTEMBER 4, 2015

OUTLET 1
 CDM NO. 0809
 OWNER: CITY OF OAK CREEK
 TAX KEY: 702-0042

File: I:\2019\19-9380 ASE OakCreek\Drawings\19-9380 Basecamp_FEMA.dwg Layout: EX-1 User: jhmon PlotDate: Mar 04, 2024 - 11:07am

JSD Professional Services, Inc.
 Engineers • Surveyors • Planners
 MILWAUKEE REGIONAL OFFICE
 102 WYSHI MANOR COURT SUITE 3
 WAUKESHA, WISCONSIN 53189
 262.533.0000 PHONE | 262.533.1210 FAX

PROJECT:
**NORTH SHORE BANK
 OAK CREEK**
 200 W. DREXEL AVENUE, OAK CREEK, WI

SHEET TITLE:
AS-BUILT TOPOGRAPHIC MAP

JSD PROJECT NUMBER:
 19-9380
 DRAWN BY: CHECKED BY:
 DHS JJS
 DATE:
 03-04-2024

SHEET NUMBER:
EX-1

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 9, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, Assistant Fire Chief Mike Havey, and Community Development Director Kristi Porter.

**REZONE/ZONING TEXT AMENDMENT
MSI GENERAL
200 W. DREXEL AVE.
TAX KEY NO. 782-9040-000**

Senior Planner Papelbon provided an overview of a request to remove portions of the FF, Flood Fringe district from the property at 200 W. Drexel Ave., and to update the Zoning and Sign Code to reflect the amendment (see staff report for details).

Mayor Bukiewicz asked Senior Planner Papelbon if this should have been completed before a building was put on the lot. Senior Planner Papelbon stated that is what the Conditional Letter of Map Revision was intended for, but the LOMR must come after construction so they can certify the final grade.

Alderman Loreck moved that the Plan Commission recommends that the Common Council that portions of the property at 200 W. Drexel Ave. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-23-24

Date

TO BE PUBLISHED APRIL 17 & 24, 2024

OFFICIAL NOTICE

**NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL**

PURPOSE:

The purpose of this public hearing is to consider a request submitted by Brian and Tracy Kotecki to remove portions of the FF, Flood Fringe district from the properties at 1800, 1830, and 1900 E. Elm Rd., and to amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to reflect the amendment.

Hearing Date:

May 7, 2024

Time:

7:00 PM

Place:

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

Applicant(s):

Brian and Tracy Kotecki

Property Owner(s):

Brian and Tracy Kotecki

Property Location(s):

1800, 1830, 1900 E. Elm Rd.

Tax Key(s):

985-9029-000, 985-9030-000, 958-9031-000

Legal Description:

1800 E. Elm Rd. - CSM NO 8351 LOT 1 NW 1/4 SEC 34-5-22 (6.91691 ACS).

1830 E. Elm Rd. - CSM NO 8351 LOT 2 NW 1/4 SEC 34-5-22 (6.07604 ACS).

1900 E. Elm Rd. - CSM NO 8351 LOT 3 NW 1/4 SEC 34-5-22 (2.36859 ACS).

From the LOMR-F – Beginning at the Southeast corner of Parcel 1; thence South 89°26'05" West, 220.17 feet; thence North 46°04'15" West, 79.25 feet; thence North 49°14'42" West, 58.88 feet; thence North 40°34'11" West, 56.67 feet; thence North 45°01'09" East, 32.68 feet; thence North 87°46'32" East, 115.88 feet; thence North 82°46'11" East, 36.20 feet; thence North 72°39'25" East, 17.15 feet; thence South 70°59'46" East, 38.30 feet; thence North 74°22'04" East, 21.24 feet; thence North 57°26'36" East, 17.48 feet; thence North 81°44'46" East, 12.82 feet; thence North 84°07'05" East, 19.95 feet; thence South 87°43'45" East, 25.80 feet; thence South 17°49'24" East, 16.39 feet; thence South 02°23'03" East, 48.75 feet; thence South 15°15'13" East, 116.89 feet to the point of beginning.

Proposal: The proposal would amend Section 17.0306(e)(2) Chapter 17 – Zoning and Sign Ordinance of the Municipal Code to add subsection (b) Maps Based on Other Studies, subsection (1) Letter of Map Revision-Based on Fill for the West Brank Crayfish Creek completed by Pete L. Bailey, RLS of American Surveying Co., and approved by FEMA on January 15, 2009.

The Common Council has scheduled other public hearings for May 7, 2024 at 7:00 PM. This hearing may begin at 7:00 PM or as soon as possible following the conclusion of other public hearings.

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

Date of Notice: April 9, 2024

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: Rezone and Zoning Text Amendment - 1800, 1830, and 1900 E. Elm Rd. - Brian and Tracy Kotecki

Recommendation: That the Council considers Ordinance 3098, an ordinance to rezone portions of the properties at 1800, 1830, and 1900 E. Elm Rd. to reflect the flood fringe boundaries approved by FEMA, and to amend Section 17.0306(e)(2)(b) of Chapter 17 - Zoning and Sign Ordinance of the Municipal Code. (5th District)

Fiscal Impact: No direct fiscal impact. These properties are not located in a TID.

- 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: In May of 2005, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) conducted a floodplain delineation for West Branch of Crayfish Creek, which indicated that the property at 1830 E. Elm Rd. was located in the flood fringe. In 2008, Flood Insurance Rate Maps (FIRMS) were issued by FEMA for the City. Also in 2008, the Applicants applied for a Letter of Map Revision Based on Fill (LOMR-F) from FEMA to remove portions of the property from the flood fringe. FEMA approved the LOMR-F in 2009, and the WI DNR provided an acknowledgement letter with next steps in May of 2010.

In January of 2011, the Applicants submitted a Certified Survey Map to divide the property at 1830 E. Elm Rd. into three (3) lots, which shows the area of the property where the future home is proposed to be located outside of the flood fringe. The CSM was approved and recorded. However, due to unforeseen circumstances, the Applicants did not proceed with the home construction project, and the LOMR-F was not formally adopted into the Zoning Ordinance.

As the Applicants now wish to complete the home construction project, the changes to the flood fringe must be formally adopted through the Rezone and Zoning Text Amendment processes per Code and State regulations. This review is limited to those changes approved by FEMA. Included with this report are copies of the aforementioned letters and approvals, maps showing the grading of the property, and proposed language for Section 17.0306(e)(2)(b) as recommended by the Wisconsin Department of Natural Resources.

After careful consideration at their April 9, 2024 meeting, the Plan Commission recommended Common Council approval of the rezone and text amendment.

Options/Alternatives: None. This is a requirement for compliance with FEMA, State, and local floodplain requirements.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Karl Papelbon, CFM, AICP
Senior Planner

Fiscal Review:



Maxwell Gagin, MPA
Assistant City Administrator / Comptroller

Approved:



Kristi Porter
Community Development Director

Attachments:

Ord. 3098

Location Map

Narrative (1 page)

LOMR-F (3 pages)

WI DNR Letter Dated May 18, 2010 (2 pages)

Pre-Development FIRM (1 page)

CSM 8351 (7pages)

Plat of Survey & Grading Plan (2 pages)

Excerpted Plan Commission Minutes (2 pages)

ORDINANCE NO. 3098

BY: __

AN ORDINANCE TO REZONE PORTIONS OF THE PROPERTIES AT 1800, 1830, AND 1900 E. ELM RD. TO REFLECT THE FLOOD FRINGE BOUNDARIES APPROVED BY FEMA, AND TO AMEND SECTION 17.0306(e)(2)(b) OF CHAPTER 17 – ZONING AND SIGN ORDINANCE OF THE MUNICIPAL CODE

(5th Aldermanic District)

WHEREAS, BRIAN AND TRACY KOTECKI have applied for rezoning portions of the properties at 1800, 1830, and 1900 E. Elm Rd. (formerly 1830 E. Elm Rd.) to reflect the flood fringe boundaries approved by FEMA; and

WHEREAS, the properties are more precisely described as follows:

1800 E. Elm Rd. - CSM NO 8351 LOT 1 NW 1/4 SEC 34-5-22 (6.91691 ACS).

1830 E. Elm Rd. - CSM NO 8351 LOT 2 NW 1/4 SEC 34-5-22 (6.07604 ACS).

1900 E. Elm Rd. - CSM NO 8351 LOT 3 NW 1/4 SEC 34-5-22 (2.36859 ACS).

(From the LOMR-F – Beginning at the Southeast corner of Parcel 1; thence South 89°26'05" West, 220.17 feet; thence North 46°04'15" West, 79.25 feet; thence North 49°14'42" West, 58.88 feet; thence North 40°34'11" West, 56.67 feet; thence North 45°01'09" East, 32.68 feet; thence North 87°46'32" East, 115.88 feet; thence North 82°46'11" East, 36.20 feet; thence North 72°39'25" East, 17.15 feet; thence South 70°59'46" East, 38.30 feet; thence North 74°22'04" East, 21.24 feet; thence North 57°26'36" East, 17.48 feet; thence North 81°44'46" East, 12.82 feet; thence North 84°07'05" East, 19.95 feet; thence South 87°43'45" East, 25.80 feet; thence South 17°49'24" East, 16.39 feet; thence South 02°23'03" East, 48.75 feet; thence South 15°15'13" East, 116.89 feet to the point of beginning.).

WHEREAS, State and local regulations require that the Zoning Code also be amended to incorporate any changes to the Special Flood Hazard Area; and

WHEREAS, the Plan Commission reviewed the application and recommended that the rezoning and amendment to Section 17.0306(e)(2)(b) be approved; and

WHEREAS, the Common Council held a public hearing on said application on May 7, 2024, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described, and that Section 17.0306(e)(2)(b) was amended.

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

SECTION 1: § 17.0306(e)(2)(b) of the Municipal Code is hereby amended to read as follows:

(b) Maps Based on Other Studies

(1) Letter of Map Revision-Based on Fill for the North Branch of the Oak Creek completed by JSD Professional Services, Inc. and approved by FEMA on (date).

(2) Letter of Map Revision-Based on Fill for the West Brank Crayfish Creek completed by Pete L. Bailey, RLS of American Surveying Co., and approved by FEMA on January 15, 2009.

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned to reflect the flood fringe boundaries approved by FEMA, and the Zoning Map of Chapter 17 of the Municipal Code is amended to reflect the rezoning.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 7th day of May, 2024.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

ATTEST:

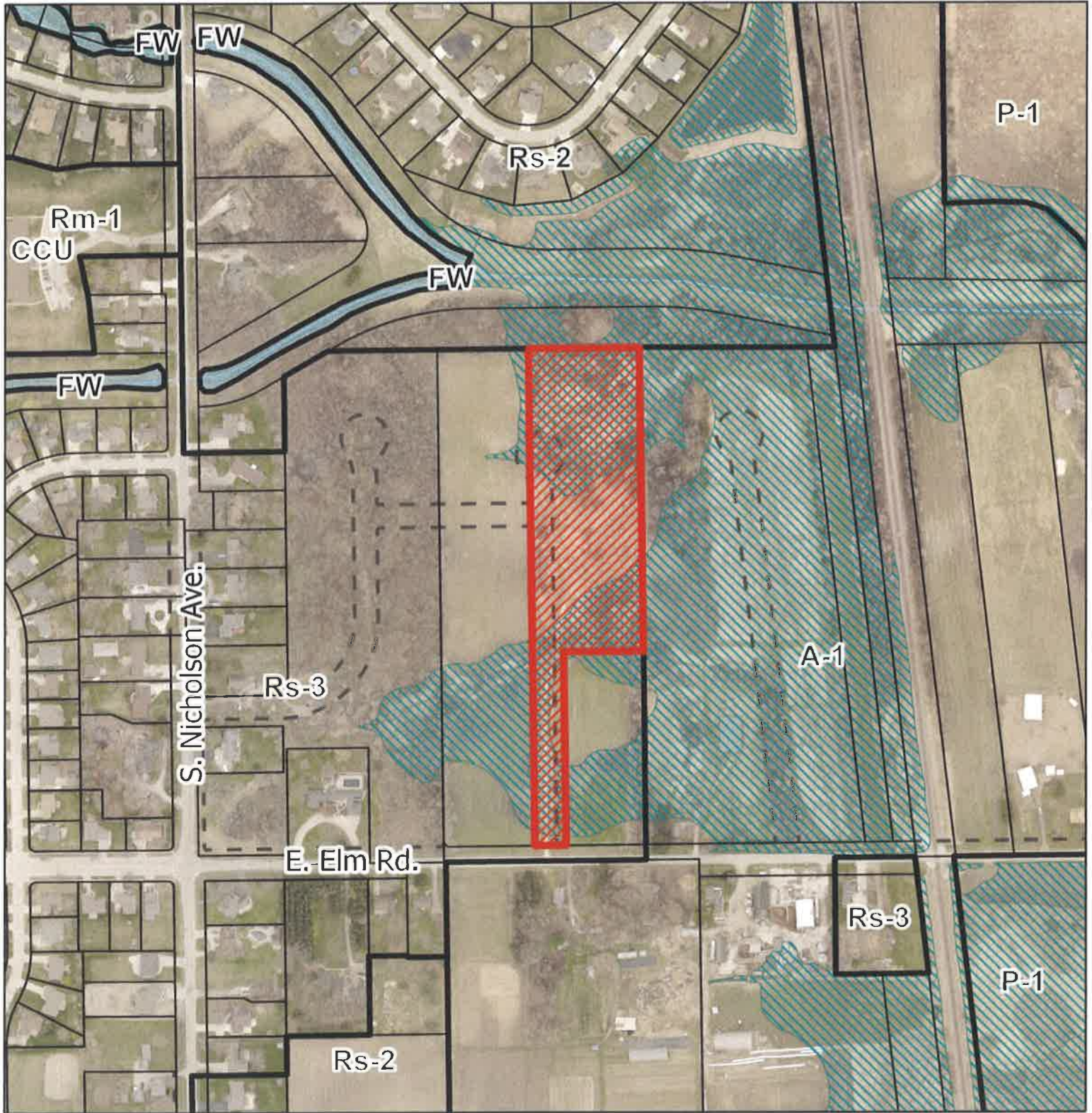
Mayor

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

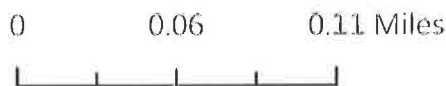
1830 E. Elm Rd.



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



Community Development



Legend

- Zoning
- Official Street Map
- Floodway
- Flood Fringe
- Parcels
- 1830 E. Elm Rd.

11-Mar-2024

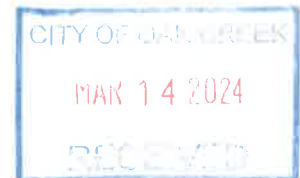
Dear City of Oak Creek,

We are requesting that the SFHA (Special Flood Hazard Area) map be adjusted to reflect the LOMR-F FEMA determination that was completed in 2008. At the time of completing the LOMR-F and determination, there was no clear guidance for how the maps would get adjusted. At the time it was stated by the city to wait until the next map cycle and they would be changed. That never happened. We are in the process of requesting a building permit for a new construction on 1830 E. Elm Rd and one of the requested items is to amend the maps. I was unaware it was something that needed to be done from my end and that is the basis for my request. I have attached the LOMR-F determination letter as well as a pdf of a plat of survey.

I am also requesting that the common council to waive or significantly reduce the fee for this change. I completely understand the need for a fee, but believe that a normal Re-zoning fee should not apply for this map change.

Sincerely,


Brian and Tracy Kotecki





Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN	A portion of Section 34, Township 5 North, Range 22 East, shown as Parcel 1 on Certified Survey Map No. 5768 recorded as Document No. 6692128, on Reel 2911, Images 1625 to 1628, in the Office of the Register of Deeds, Milwaukee County, Wisconsin. The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 550279	
AFFECTED MAP PANEL	NUMBER: 55079C0232E DATE: 9/26/2008	
FLOODING SOURCE: WEST BRANCH CRAYFISH CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 42.850, -87.889 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 4.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
1	--	--	1830 East Elm Road	Portion of Property	X (shaded)	--	--	669.9 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION ZONE A
FILL RECOMMENDATION STATE LOCAL CONSIDERATIONS
PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at the Southeast corner of Parcel 1; thence South 89°26'05" West, 220.17 feet; thence North 46°04'15" West, 79.25 feet; thence North 49°14'42" West, 58.88 feet; thence North 40°34'11" West, 56.67 feet; thence North 45°01'09" East, 32.68 feet; thence North 87°46'32" East, 115.88 feet; thence North 82°46'11" East, 36.20 feet; thence North 72°39'25" East, 17.15 feet; thence South 70°59'46" East, 38.30 feet; thence North 74°22'04" East, 21.24 feet; thence North 57°26'36" East, 17.48 feet; thence North 81°44'46" East, 12.82 feet; thence North 84°07'05" East, 19.95 feet; thence South 87°43'45" East, 25.80 feet; thence South 17°49'24" East, 16.39 feet; thence South 02°23'03" East, 48.75 feet; thence South 15°15'13" East, 116.89 feet to the POINT OF BEGINNING.

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in cursive script, reading "William R. Blanton Jr.", is positioned above the typed name.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in cursive script, reading "William R. Blanton Jr.", is positioned above the typed name.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

FILE REF: 3550

May 18, 2010

Mr. Pete Wagner, Zoning Administrator/Planner
City of Oak Creek
8640 S. Howell Avenue
Oak Creek, WI 53154

Subject: LOMR-F application – 1830 E. Elm Road, City of Oak Creek

Dear Mr. Wagner:

The Department of Natural Resources has reviewed the Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) application for 1830 E. Elm Road in Oak Creek. The analysis was submitted by Mr. Brian Kotecki on September 8, 2008 and the elevation form was certified by Mr. Pete L. Bailey, RLS of American Surveying Co. The following comments summarize the Department's review:

1. A portion of the parcel is located within the West Branch Crayfish Creek 100-year floodplain on the FEMA Flood Insurance Rate Map, as adopted in the City's Floodplain Zoning Ordinance. At this location, the 100-year floodplain is a Zone A, approximate study area where flood elevations are not available. Zone A areas are assumed floodway until shown otherwise.

Southeastern Wisconsin Regional Planning Commission (SEWRPC) provided Mr. Phil Beiermeister, Oak Creek Environmental Engineer with floodplain delineations for West Branch of Crayfish Creek on May 18, 2005. The delineations indicate the property is located in the floodfringe area and the Regional Flood Elevation (RFE) is 669.9 feet, National Geodetic Vertical Datum, 1929 (NGVD29).

2. FEMA issued the LOMR-F and the parcel is removed from the floodplain for insurance purposes.
3. If the applicant also wants the lands removed from the floodplain for zoning purposes, additional standards adopted in the Oak Creek Floodplain Ordinance and in Wisconsin Administrative Code Chapter NR116 would need to be met. The lands would need to be filled at least two feet above the RFE to 671.9 feet (NGVD 29). The fill would also need to be contiguous to land outside the 100-year floodplain. It appears the lands have dryland access, south of the parcel.


After the additional rezoning standards are met, the City would need to amend the Floodplain Ordinance to adopt the new information and submit the amendment to the Department for approval.

4. If the applicant elects to not remove the lands from the floodplain for zoning purposes, then floodfringe development standards in the City's Ordinance would still apply.

5. If Oak Creek has more restrictive requirements than NR116 such as compensatory storage, then those requirements must also be met.
6. In the correspondence to Mr. Beiermeister, SEWRPC mentioned that they intend to update the floodplain evaluation for the Root River Watershed, including the West Branch of Crayfish Creek. Please note that this could affect the floodplain mapping in this location.

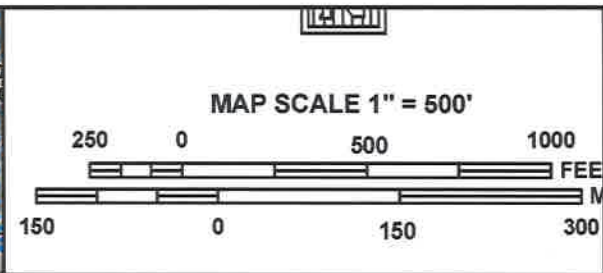
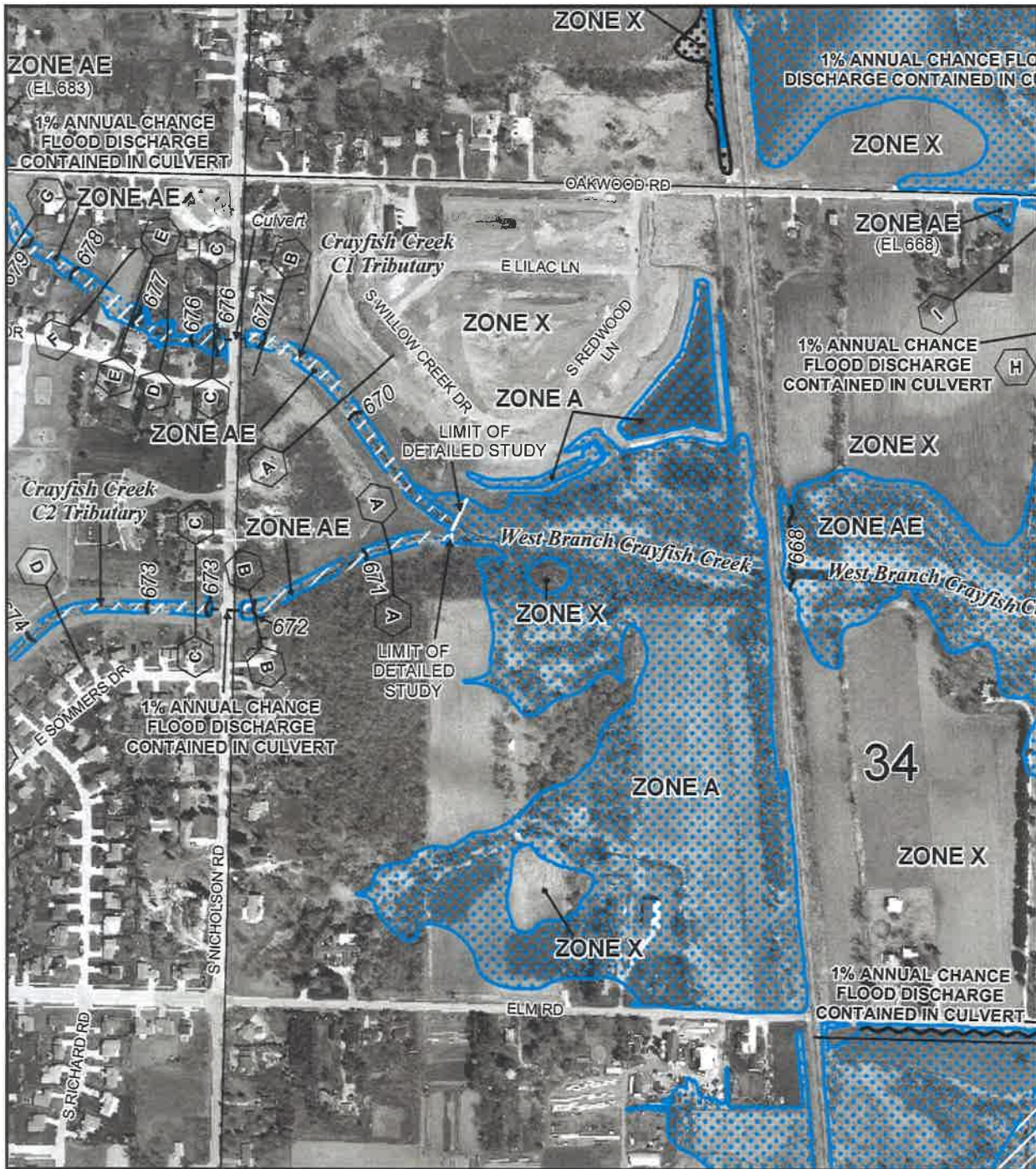
Thank you for the opportunity to review the LOMR-F submittal. If you have any questions, please contact me at (414) 263-8641 or Tanya.Meyer@wisconsin.gov.

Sincerely,



Tanya L. Meyer
Water Management Engineer
Milwaukee Service Center

cc: Mr. Brian Kotecki – 8451 S. Griffin Ave, Oak Creek, WI 53154
Mr. Phil Beiermeister, Environmental Engineer – City of Oak Creek



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0232E

FIRM

FLOOD INSURANCE RATE MAP

**MILWAUKEE COUNTY,
WISCONSIN
AND INCORPORATED AREAS**

PANEL 232 OF 300
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OAK CREEK, CITY OF	55279	0232	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
55079C0232E

EFFECTIVE DATE
SEPTEMBER 26, 2008

Federal Emergency Management Agency

This is an official FIRMette showing a portion of the above-referenced flood map created from the MSC FIRMette Web tool. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For additional information about how to make sure the map is current, please see the Flood Hazard Mapping Updates Overview Fact Sheet available on the FEMA Flood Map Service Center home page at <https://msc.fema.gov>.

CERTIFIED SURVEY MAP NO. **8351** SHEET 1 OF 7
 BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22
 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

PREPARED BY:
 AMERICAN SURVEYING COMPANY, INC
 12207 COUNTY ROAD "K"
 FRANKSVILLE, WI. 53126-9693
 (262) 835-4774

LEGEND:
 o- Denotes No. 6 Rebar, 24" Long, 3/4" Dia., 1.50 Lbs/LnFt
 W/cap
 e- Denotes Iron Rod/Pipe found and accepted.

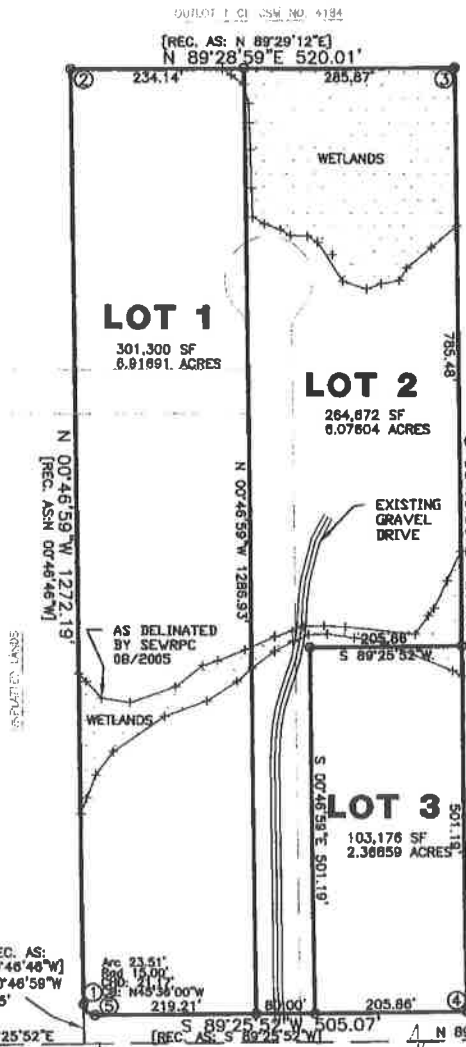
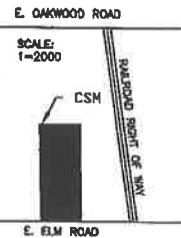
All Bearings are referenced to Grid North of the Wisconsin State
 Plane Coordinate System, Southern Zone. The South line of the
 Northwest 1/4 published to bear N89°25'52" E.

OWNERS:
 BRIAN J. & TRACY L. KOTECKI
 8451 SOUTH GRIFFIN AVENUE
 OAK CREEK, WI. 53154

#8351



12/29/10



INTERIOR ANGLES:

1. 135°07'59"
2. 89°44'021"
3. 90°15'08"
4. 89°47'09"
5. 135°04'52"

NOTE:
 THIS PROPERTY IS AFFECTED
 BY FUTURE STREET LOCATIONS
 AS SHOWN ON THE OFFICIAL
 MAP OF THE CITY OF OAK
 CREEK FOR THE NW 1/4 OF
 SECTION 34-5-22

REC'D BY OWNER
 DATE 04-15-11
 011535/AN
 0104 807.67E
 11065 1.48

REVIEWED BY
 DATE 04-22-11
 011535/AN
 0104 807.67E
 11065 1.48

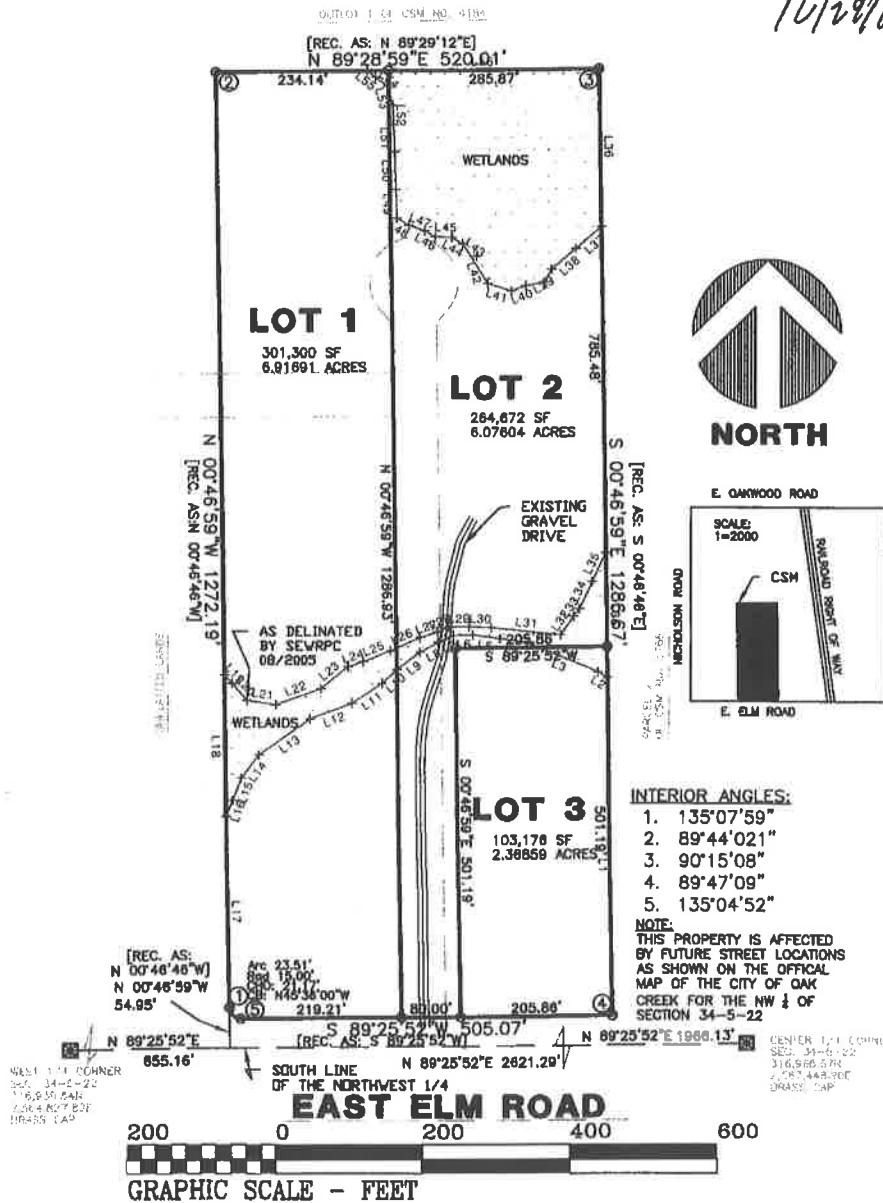


CERTIFIED SURVEY MAP NO. **8351** SHEET 2 OF 7
 BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22
 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.



10/28/00

WETLANDS DETAIL

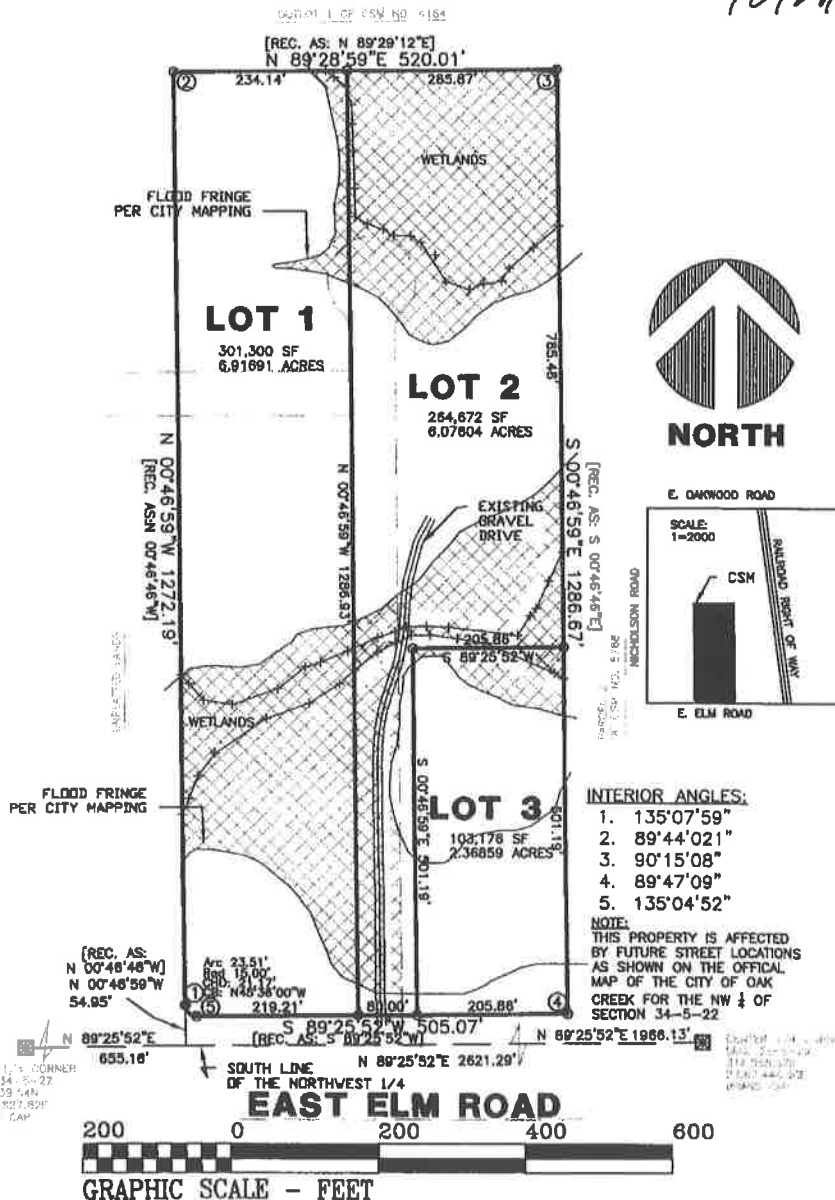


CERTIFIED SURVEY MAP NO. **8351** SHEET 3 OF 7
 BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, TOWN 5 NORTH, RANGE 22
 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.



12/29/10

FLOOD FRINGE DETAIL



CERTIFIED SURVEY MAP NO. **8351** SHEET 4 OF 7
BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART
OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 34, TOWN 5 NORTH, RANGE 22
EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SOUTH WETLAND CALLS

Course	Bearing	Distance
L1	N 00°46'59" W	458.67'
L2	N 59°09'41" W	14.73'
L3	N 67°02'30" W	104.43'
L4	N 81°30'39" W	37.56'
L5	N 81°52'18" W	37.26'
L6	S 87°20'53" W	26.05'
L7	S 65°38'09" W	22.81'
L8	S 60°33'34" W	28.32'
L9	S 52°14'20" W	39.25'
L10	S 47°03'12" W	27.75'
L11	S 57°05'52" W	49.37'
L12	S 69°59'02" W	60.42'
L13	S 55°04'02" W	85.16'
L14	S 38°34'02" W	39.46'
L15	S 20°38'05" W	33.40'
L16	S 20°38'05" W	23.84'
L17	S 00°46'59" E	258.95'
L18	N 00°46'59" W	192.10'
L19	S 41°54'22" E	15.15'
L20	S 41°54'22" E	30.29'
L21	S 81°27'58" E	39.39'
L22	N 70°28'48" E	65.10'
L23	N 50°51'06" E	47.57'
L24	N 72°03'33" E	21.48'
L25	N 67°30'13" E	40.24'
L26	N 65°38'08" E	44.95'
L27	N 71°09'14" E	24.87'
L28	N 65°25'49" E	16.86'
L29	N 89°15'48" E	27.87'
L30	S 87°54'26" E	29.67'
L31	S 83°57'39" E	94.88'
L32	N 34°18'17" E	30.81'
L33	N 37°32'14" E	12.95'
L34	N 24°59'32" E	40.76'
L35	N 24°59'32" E	44.19'
L36	S 00°46'59" E	171.76'

NORTH WETLAND CALLS

Course	Bearing	Distance
L36	S 00°46'59" E	214.43'
L37	S 49°38'33" W	45.26'
L38	S 49°38'33" W	43.45'
L39	S 58°09'54" W	40.61'
L40	S 69°28'05" W	21.11'
L41	N 71°51'55" W	33.53'
L42	N 21°46'41" W	39.39'
L43	N 49°24'34" W	25.86'
L44	N 59°47'56" W	16.49'
L45	N 88°14'56" W	23.02'
L46	N 60°17'38" W	18.06'
L47	N 71°11'12" W	22.74'
L48	N 58°03'33" W	19.06'
L49	N 02°03'46" W	38.30'
L50	N 01°52'21" W	51.19'
L51	N 02°18'06" W	36.52'
L52	N 01°24'13" W	26.67'
L53	N 16°09'14" W	26.60'
L54	N 52°53'06" W	20.89'
L55	N 52°53'06" W	14.77'
L56	N 89°28'59" E	315.28'



1/2/29/10

CERTIFIED SURVEY MAP NO. 8351

SHEET 5 OF 7

BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
STATE OF WISCONSIN)*

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a tract of land being a Redivision of Parcel #1 of Certified Survey Map No. 5768, being a part of the Southwest ¼ of the Northwest ¼ of Section 34, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commence at the West ¼ Corner of said Section; thence North 89°25'52" East [recorded as N89°26'08"E] for a distance of 655.16 feet, along the South line of said ¼ Section, to a point; thence North 00°46'59" West [recorded as N00°46'46"W] for a distance of 54.95 feet, to the point of beginning; thence North 00°46'59" West [recorded as N00°46'46"W] for a distance of 1272.19 feet, along the West line of said Parcel #1, to a point; thence North 89°28'59" East [recorded as N 89°29'12"E] for a distance of 520.01 feet, along the North line of said Parcel #1, to a point; thence South 00°46'59" East [recorded as: S00°46'46"E] for a distance of 1286.67 feet, along the East line of said Parcel #1, to a point; thence South 89°25'52" West [recorded as S89°26'08"W] for a distance of 505.07 feet, along the North line of East Elm Road and the South line of said Parcel #1, to a point; thence Northwesterly along a curve to the right with a radius of 15.00 feet and an arc length of 23.51 feet, being subtended by a chord of North 45°36'00" West [recorded as N45°40'19"W] for a distance of 21.17 feet, along the North line of East Elm Road and the South line of said Parcel #1, to the point of beginning. Contains 15.36154 acres.

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

THAT I have made such survey, land division and map at the direction of the owner's of said lands.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the requirements of the City of Oak Creek in surveying, dividing and mapping the same.



AMERICAN SURVEYING COMPANY, INC.

PETE L. BAILEY, RLS #1398

DATE THIS 29TH DAY OF DECEMBER, 2010.

Rw: 03/09/11



CERTIFIED SURVEY MAP NO. 8351

SHEET 6 OF 7

BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

WE, AS OWNERS, hereby certify that we caused the land described on this map to be surveyed, divided, dedicated and mapped as represented on this map. We also certify that this map is required by s.236.34 to be submitted to the following for approval or objection: City of Oak Creek.

WITNESS the hand and seal of said owners this 18th day of April, 2011.

Brian J. Kotecki
BRIAN J. KOTECKI

Tracy L. Kotecki
TRACY L. KOTECKI

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)S

Personally came before me this 18th day of April, 2011, the above named Brian J. Kotecki and Tracy L. Kotecki, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

*Brian J. Kotecki personally
Tracy L. Kotecki personally
came before me.*

Joseph W. Soboleski
Milwaukee, NOTARY PUBLIC
COUNTY OF MILWAUKEE, STATE OF WISCONSIN
My commission expires 2/15/15



PLANNING COMMISSION APPROVAL:

APPROVED by the Planning Commission of the City of Oak Creek, on this 25th day of January, 2011.

Richard R. Bolensky
CHAIRMAN

Glenn W. Johnson
PLANNING COMMISSION SECRETARY

COMMON COUNCIL APPROVAL:

APPROVED by the Common Council of the City of Oak Creek, by Resolution No. 11102-03011 this 1st day of March, 2011.

Richard R. Bolensky
MAYOR

Pamela S. Bauer
CITY CLERK



12/29/10

CERTIFIED SURVEY MAP NO. 8351 SHEET 7 OF 7
BEING A REDIVISION OF PARCEL #1 OF CERTIFIED SURVEY MAP NO. 5768, BEING A PART OF THE SOUTHWEST ¼
OF THE NORTHWEST ¼ OF SECTION 34, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, COUNTY
OF MILWAUKEE, STATE OF WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE:

THE EQUITABLE BANK, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of land described on this map, and does hereby consent to the above certificate of BRIAN J. KOTECKI & TRACY L. KOTECKI, owners.

IN WITNESS WHEREOF, the said THE EQUITABLE BANK has caused these presents to be signed by
John P. Matter, its President and countersigned by Thomas Sattler, its
Vice President, at Wauwatosa, WI, and its corporate seal to be hereunto affixed this
18th day of April, 2011.

In Presence of:

Sammy Snyder
Olivia Lissick

THE EQUITABLE BANK
[Signature]
[Signature]

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE) SS

Personally came before me this 18th day of April, 2011, John P. Matter, President
and Thomas Sattler, Vice President of the above named corporation, to me known to be the persons
who executed the foregoing instrument, and to me known to be such President and Vice President of
said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of
said corporation, by its authority.

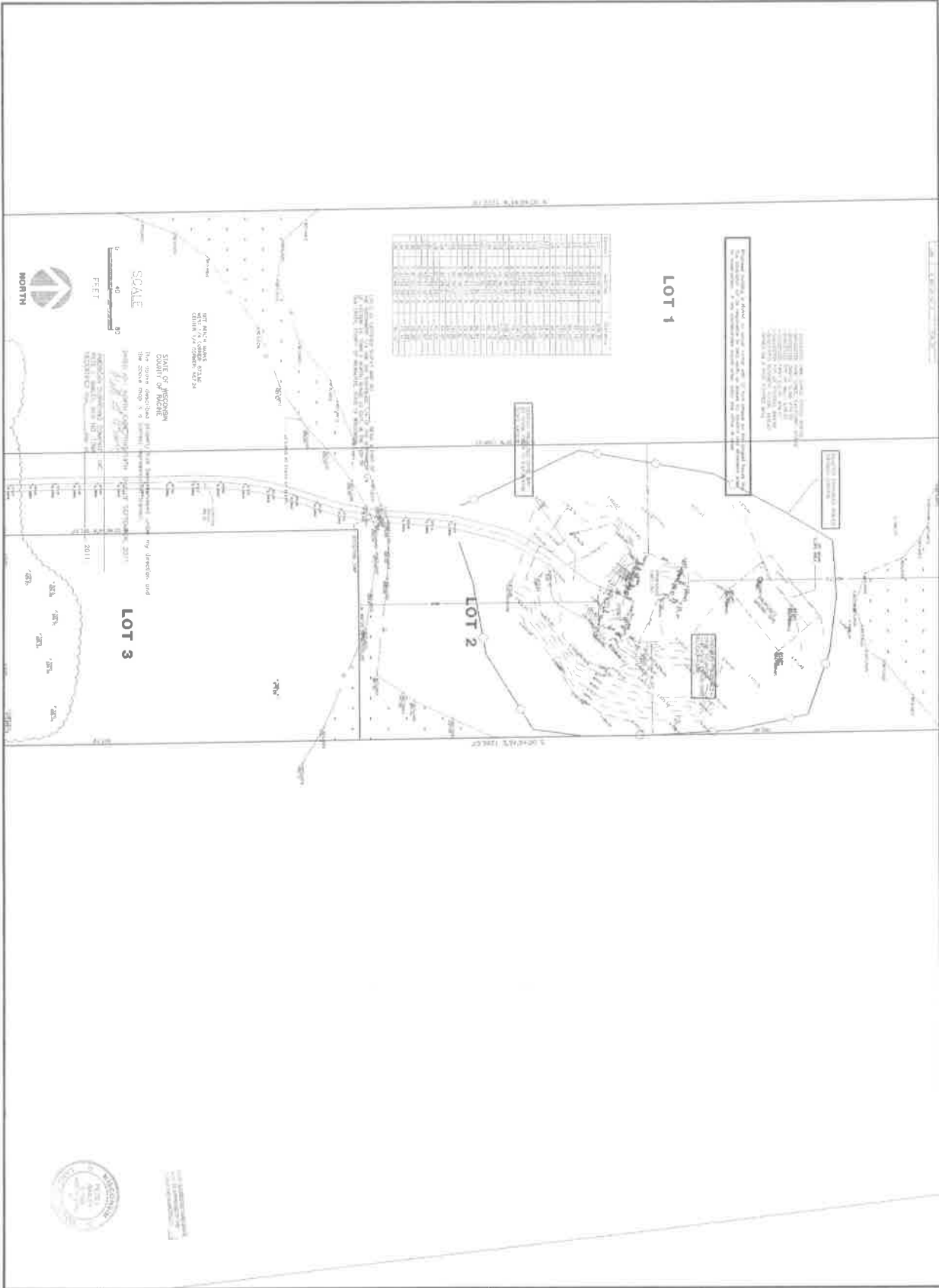
[Signature]
Joseph W. Soboleski, NOTARY PUBLIC
COUNTY OF Milwaukee, STATE OF WISCONSIN.
My commission expires 2/15/15



This instrument was drafted by Pete L. Bailey
G:\MYFILES\LEGALS\KOTECKI



12/29/10



Sheet
1
of
2

CITY OF OAK CREEK
 PROJECT:
PLAT OF SURVEY/STAKEOUT SURVEY
 PREPARED FOR: BRIAN KOTECKI

DRAWN BY: PLB	REVISIONS: DATE
CHECKED BY: PLB	1/24/12 10:00 AM
PLOT SCALE: 1" = 40'	
DATE: 07/12/2009	
JOB NO.: 2005098A	
DWG. FILE: JN205178B	CLIENT NO.: 03311

A AMERICAN SURVEYING COMPANY, INC.
 17207 C TH "K" FRANKSVILLE, WISCONSIN 53126
 TEL: (262) 845-4174 FAX: (262) 835-2579
 hrc@astakey.com

**EXCERPTED MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, APRIL 9, 2024**

Mayor Bukiewicz called the meeting to order at 6:00 PM. The following Commissioners were present at roll call: Commissioner Hanna, Commissioner Carrillo, Commissioner Kiepczynski, Alderman Loreck, Mayor Bukiewicz, Alderman Guzikowski, Commissioner Oldani, and Commissioner Siefert. Commissioner Chandler was excused. Also present: Senior Planner Kari Papelbon, Planner Melanie Perez, Assistant Fire Chief Mike Havey, and Community Development Director Kristi Porter.

**REZONE/ZONING TEXT AMENDMENT
BRIAN AND TRACI KOTECKI
1830 E. ELM RD.
TAX KEY NO. 958-9030-000**

Senior Planner Papelbon provided an overview of a request to remove portions of the FF, Flood Fringe district from the property at 1830 E. Elm Rd., and to update the Zoning and Sign Code to reflect the amendment (see staff report for details).

Sadie Borzynski, 1640 E Elm Road:

"I was here more than a year ago with that subdivision on Nicholson and Elm Road."

Mayor Bukiewicz asked if Ms. Borzynski was referring to the proposed subdivision to the west.

Ms. Borzynski:

"Right. There was a number of questions that this council could not answer, and they were very much, the Engineer could answer them. We have had no other meetings about our properties, heard nothing from the Engineer. My neighbors and I, and I think you'll recall there was a lot of them, they're all very concerned about water. Especially at my property, where we're very much lower than all of the other properties. So, I'm wondering, the FEMA maps, do they consider that new subdivision that's going in, apparently, right with no other meetings, we were assured that there would be more meetings, but to answer our questions, but it doesn't seem that there have been any."

Mayor Bukiewicz clarified that Ms. Borzynski's comments are a little off topic from the agenda item. Mayor Bukiewicz explained that one of Ms. Borzynski's neighbors by the name of Brian reached out to him and Engineering took a look at the area of concern. Mayor Bukiewicz stated as the subdivision goes in, a stormwater management plan would be required. As far as Ms. Borzynski's property being low, the new subdivision will not raise or change the water table. As the subdivision goes in, it should help with stormwater in the area and the houses going in should have no bilateral effect on Ms. Borzynski's property.

Commissioner Kiepczynski said MMSD has reviewed and approved the stormwater management report. The City of Oak Creek has also reviewed and approved it, although the City has more stringent rules than MMSD. Commissioner Kiepczynski also stated the new subdivision will not be making the situation worse and storm water will be appropriately handled within the proposed development.

Senior Planner Papelbon stated in regards to the agenda item, FEMA does not consider the surrounding property. Because the LOMR-F was issued in 2009, prior to the subdivision going through, FEMA looks at the fill that was proposed for the three lots in question. Senior Planner Papelbon continued by stating whenever they put fill in, they have to raise the grade of where the proposed development is going to be by a minimum of two (2) feet, and that two (2) feet is to raise the property

outside of the floodplain. There are other requirements for the surrounding grade on the development part.

Mayor Bukiewicz asked Ms. Borzynski if Senior Planner Papelbon's explanation helped.

Ms. Borzynski:

"I'm not sure. I understand, right. If you displace water in one it has to go somewhere."

Mayor Bukiewicz said in this case they are plotting the flood fringe. Senior Planner Papelbon clarified FEMA is looking at the effects of the proposed development on the floodplain itself and in this case, it is removing the properties from the floodplain because they raised the grade of the property such that it is outside of what they consider to be where the flood waters would normally go.

Mayor Bukiewicz stated from an Engineering standpoint putting a house in should not have an adverse effect on any neighbor.

Mayor Bukiewicz said part of the reason Ms. Borzynski has not heard anything about the subdivision is because the applicant has not come forward with anything substantial or new, other than the tree inventory. Senior Planner Papelbon clarified that the preliminary plat received local approval and the process is such that, once the applicant receives local approval then all the infrastructure must go in before it goes back for final plat approval. All of those infrastructure improvements have to be certified by a number of entities before final plat approval is granted. Mayor Bukiewicz added if Ms. Borzynski lives within 300 feet of the development she will get notified.

Commissioner Siefert inquired how people could access the non-floodplain area. Senior Planner Papelbon clarified that the wetlands on the property have not been filled, so they will remain on the property as they are. Senior Planner Papelbon said people are allowed to get dry land access. The driveway is not part of the review at this time, but any driveway that is proposed will need to meet certain requirements. Senior Planner Papelbon stated it is not necessarily that the applicant could not have a driveway to the area of the property that is determined to be outside of the flood fringe. Senior Planner Papelbon also said she does not have a good graphic to show what the change to the flood fringe has been, but the proposed area where the house will be constructed is outside of the floodplain area.

Commissioner Siefert clarified that the concern is getting to the property. Senior Planner Papelbon said staff would work with the applicant to make sure that the requirements are met.

Commissioner Hanna asked if the wetlands on lot 1 would remain. Senior Planner Papelbon said at this time there has been no application to fill in the wetland area.

Commissioner Oldani moved that the Plan Commission recommends to the Common Council that portions of the properties at 1800, 1830, and 1900 E. Elm Rd. are rezoned to reflect the flood fringe boundaries approved by FEMA, and that Chapter 17 – Zoning and Sign Ordinance of the Municipal Code be amended to incorporate the changes to the floodplain following a public hearing. Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Kari Papelbon, Plan Commission Secretary

4-23-24

Date



COMMON COUNCIL REPORT

Item: Board of Review date and time for 2024.

Recommendation: That the Common Council adopts Resolution No. 12493-050724, a resolution setting the date and time for the 2024 Board of Review.

Fiscal Impact: None.

- 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: Pursuant to Section 2.61(c)(1) of the Municipal Code, the first statutory meeting of the Board of Review for 2024 will be held on Monday, May 13, 2024 beginning at 5:00 p.m. At this meeting, the Board will determine 2024 meeting dates to review the 2024 Assessment Roll and hear properly filed objection cases. As the Assessment Roll is not expected to be completed on this date, the first regular meeting of the 2024 Board of Review will be held during the month of June 2024.

Options/Alternatives: None

Respectfully submitted:

Andrew J. Vickers, MPA
City Administrator

Prepared:

Catherine A. Roeske, CMC/WCMC
City Clerk

Fiscal Review:

Maxwell Gaglin, MPA
Deputy City Administrator / Finance Officer

Attachments: Resolution 12493-050724

RESOLUTION NO. 12493 -050724

RESOLUTION ESTABLISHING THE DATE AND TIME OF THE
2024 BOARD OF REVIEW

BE IT RESOLVED pursuant to Section 2.61(c)(1) of the Municipal Code, that the first statutory meeting of the Board of Review for 2024 shall be held on May 13, 2024, beginning at 5:00 p.m. This meeting will be convened to comply with Wisconsin State Statutes Section 70.47(1).

BE IF FURTHER RESOLVED pursuant to Section 70.47(3) that since the 2024 Assessment Roll is not expected to be completed by May 13, 2024, the first regular meeting of the 2024 Board of Review will be held during the month of June 2024.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of May 2024.

Passed and adopted this 7th day of May 2024.

President, Common Council

Mayor, Dan Bukiewicz

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

COMMON COUNCIL REPORT

- Item:** Publication and Write-off of the 2022 Delinquent Personal Property Tax
- Recommendation:** That the Common Council authorize the publication and write-off of the 2022 delinquent personal property tax as reported by the City Treasurer.
- Fiscal Impact:** Enhance collection efforts and reflect an accurate position of the current receivables in the City's Financial Statements according to Generally Accepted Accounting Principles and Auditing Standards.
- 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: The City's Policy on the Handling of Delinquent Personal Property Tax directs the Treasurer to notice the delinquent personal property tax accounts in the City's official newspaper, showing the taxpayer's name and/or business name, address, the delinquent principal amount plus interest owed. It further directs that the Treasurer shall prepare a list of names and amounts of delinquent personal property for which the likelihood of collection appears remote, which shall be written off the City's ledger.

The publication process is meant to notify those businesses who have outstanding tax obligations to the City and as an additional effort to collect. The accounts are also written-off the City's ledger to reflect an accurate position in the Financial Statements. All other collection efforts will continue as allowed by law.

The 2022 delinquent personal property tax publication and write-off is detailed on the attached reports as summarized below:

\$12,265.36 to be approved for publication in the City's official newspaper. Accounts with prior year delinquencies are indicated as "Multiple Years". Any not allowable by law to be published are noted and subtracted from the total. This list will also be posted on the City's website until August 1st.

\$3,804.58 to be approved to be written-off from the City's general account.

Options/Alternatives: The Common Council could deny the publication and/or write-off of the 2022 delinquent personal property tax and the City portion would remain on the ledger as a current receivable.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Sara Kawczynski, CPFIM
City Treasurer

Fiscal Review:

Maxwell Gagin

Maxwell Gagin, MPA

Deputy City Administrator / Finance Officer

Attachments: 2022 Delinquent List for publication and write-off; Tax Program (LandNav) Report of 2022 Personal Property Tax.

CITY OF OAK CREEK WRITE-OFF AND PUBLICATION						
2022 DELINQUENT PERSONAL PROPERTY		Total Due for May				
PERSONAL PROPERTY ADDRESS	NAME AND ADDRESS	City Portion of Principal Only WRITE-OFF AMOUNT	Principal Amount Only CHARGED BACK	Including Interest & Penalty		MULTIPLE YEARS
				AMOUNT	PUBLISH	
ABC Woodworking 7660 S 6th St, Ste 200 Oak Creek, WI 53154		\$ 37.48	\$ 59.95	\$ 120.81	X	
Allstate Amusement LLC 8611 S Howell Avenue Oak Creek, WI 53154 <i>Out of Business</i>		\$ 15.00	\$ 23.99	\$ 48.35	X	
Alnoor Supermarket LLC 8611 S Howell Ave Oak Creek, WI 53154		\$ 37.48	\$ 59.95	\$ 120.81	X	
Autumn Oaks 1110 W Oakwood Rd Oak Creek, WI 53154		\$ 15.00	\$ 23.99	\$ 48.35	X	X
Barre District 7966 S Main St Oak Creek, WI 53154 <i>Out of Business</i>		\$ 10.48	\$ 16.80	\$ 33.82	X	
Bluepearl Minnesota Practice Entity, P.A. 9472 S 27th St Oak Creek, WI 53154		\$ 1,448.79	\$ 2,317.89	\$ 4,670.68	X	
Bread House Mediterranean & Bakery 6508 S 27th St, Ste 3 Oak Creek, WI 53154 <i>Out of Business</i>		\$ 112.43	\$ 179.87	\$ 362.45	X	
Burke & Hare Co. Attn: Customer Service 140 E Rawson Ave, Ste 305 Oak Creek, WI 53154		\$ 22.48	\$ 35.97	\$ 72.48	X	
Common Cookhouse DBA: Dairyland Old Fashion Hamburgers 924 E Rawson Ave Oak Creek, WI 53154 <i>Out of Business</i>		\$ 59.96	\$ 95.92	\$ 193.29	X	
Crispy & Grill 2345 W Ryan Rd, Ste D Oak Creek, WI 53154 <i>Out of Business</i>		\$ 112.43	\$ 179.87	\$ 362.45	X	
Crumble Cookies 160 W Town Square Way Oak Creek, WI 53154		\$ 183.62	\$ 293.79	\$ 591.99	X	
Frederick Fieweger LLC DBA UPS Store 6508 S 27th St, Ste 9 Oak Creek, WI 53154		\$ 58.47	\$ 93.53	\$ 188.48	X	
Fresenius Med Care Midwest Dialysis 9420 S 22nd St Oak Creek, WI 53154		\$ 9.20	\$ 14.70	\$ 29.63	X	
Fuzzy Walls Studio 8632 S Market Pl Oak Creek, WI 53154 <i>Out of Business</i>		\$ 15.00	\$ 23.99	\$ 48.35	X	
JT Petroleum LLC, A WI LLC 9502 S Howell Ave Oak Creek, WI 53154		\$ 535.90	\$ 857.36	\$ 1,727.64	X	
Landrights Botanical 8652 S Market Pl Oak Creek, WI 53154		\$ 15.00	\$ 23.99	\$ 48.35	X	X
La Quinta Inn c/o PBJ Oak Creek, LLC 7141 S 13th St		\$ 17.10	\$ 27.36	\$ 55.13	X	

CITY OF OAK CREEK WRITE-OFF AND PUBLICATION						
2022 DELINQUENT PERSONAL PROPERTY		Total Due for May				
PERSONAL PROPERTY ADDRESS	NAME AND	City Portion of Principal Only WRITE-OFF AMOUNT	Principal Amount Only CHARGED BACK	Including Interest & Penalty		MULTIPLE YEARS
				AMOUNT	PUBLISH	
Oak Creek, WI 53154						
Linde Leased Equipment DBA: Linde Leased Equipment/Tax Dept VARIOUS Oak Creek, WI 53154		\$ 173.14	\$ 276.99	\$ 558.16	X	
Matthews of Oak Creek 7550 S 13th St Oak Creek, WI 53154		\$ 119.91	\$ 191.88	\$ 386.62	X	X
Mobilution LLC DBA Metro PCS 6508 S 27th St, Ste 2 Oak Creek, WI 53154		\$ 33.72	\$ 53.97	\$ 108.74	X	
Nolalash & Nails Studio LLC DBA: Nola Nails & Spa 8645 S Howell Ave, Ste 400 Oak Creek, WI 53154		\$ 187.38	\$ 299.77	\$ 604.06	X	
Nova Gyms Oak Creek LLC 6508 S 27th St, Ste 10 Oak Creek, WI 53154		\$ 35.22	\$ 56.35	\$ 113.55	X	
Oasis Hair Spa 8664 S Market Pl Oak Creek, WI 53154		\$ 15.00	\$ 23.99	\$ 48.35	X	
The Open Book-Tutoring 7071 S 13th St, Ste 209 Oak Creek, WI 53154		\$ 48.70	\$ 77.95	\$ 157.04	X	
Pineapple Café & Mexican Grill 7864 S Howell Ave Oak Creek, WI 53154 <i>Out of Business</i>		\$ 112.43	\$ 179.87	\$ 362.45	X	
Profound Logic 8825 S Howell Ave, Ste 301 Oak Creek, WI 53154		\$ 11.25	\$ 17.98	\$ 36.25	X	
RDM Municipal Supply & Service Inc. 2650 E Ryan Rd Oak Creek, WI 53154 <i>Out of Business</i>		\$ 32.22	\$ 51.57	\$ 103.90	X	X
Shawn Utphall DBA: Jim Dandy's Pub and Grill 8900 S 27th St Oak Creek, WI 53154 <i>Out of Business</i>		\$ 157.40	\$ 251.81	\$ 507.42	X	
Wayfair LLC 10651 S Oakview Pkwy Oak Creek, WI 53154		\$ 172.39	\$ 275.80	\$ 555.76	X	
DELINQUENT TOTAL		\$ 3,804.58	\$ 6,086.85	\$ 12,265.36		
Bankruptcies/Receiverships/Corrections Under \$10				\$ -		
DELINQUENT PUBLICATION TOTAL				\$ 12,265.36		
DELINQUENT TOTAL FOR WRITE OFF		\$ 3,804.58				
Outstanding Total City Portion of Principal for Write Offs (no Interest & Penalty)				\$ 3,804.58		
Outstanding Total other Taxing Jurisdictions (Charged Back)				\$ 6,086.85		
Outstanding Total Principal Portion (no Interest & Penalty)				\$ 9,891.43		

MILWAUKEE COUNTY
PERSONAL PROPERTY TAX YEAR SUMMARY

REPORT #: TAXYRSUMLST
RUN DATE: 04/19/2024
RUN TIME: 12:22:13 PM
PAGE: 1

THE OPTIONS BELOW WERE USED FOR THIS REPORT:

2022 for Write Off to Publication

Property Type	Personal Property
Tax Years	2022
Municipalities	265 - CITY OF OAK CREEK
Start a new page for each municipality	Yes
Exclude current year amounts if municipality is not settled	No
Limit to District	No
Balance Type	Properties with Delinquent
Print Property Details	Yes
Owner/Address information to use	Name and Address on record for each year
Print Subtotal for Owner/Address	No
Print Interest and Penalty Due	Yes, using Interest/Penalty Date of 05/31/2024
Print Other Charges	Yes
Limited to Payments Dated on or before	No
Sort by	Municipality, Owner Name, Parcel #, Tax Year
Exclude property for year with flag(s)	(None)
Create CSV File	No

Delinquent 2022 Personal Property Tax

Outstanding total with May 2024 Interest & Penalty for Publication

\$ 12,265.36

CP = City Portion

CB = Charged Back

MY = Multiple Years

OOB = Out of Business

MILWAUKEE COUNTY
 PERSONAL PROPERTY TAX YEAR SUMMARY
 265 - CITY OF OAK CREEK

REPORT #: TAXYRSUMLST
 RUN DATE: 04/19/2024
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 PAGE: 3

PROPERTY NUMBER ALT. PROPERTY NUMBER	OWNER NAME & ADDRESS	TAX YEAR	-----GENERAL-----		-----SPECIALS-----			MAY 2024 INT & PEN	OTHER CHARGES	TOTAL
			BALANCE	BC	BALANCE	BC	OTH			
9999149100 008	FUZZY WALLS STUDIO 8632 S MARKET PL OAK CREEK WI 53154	2022 TOTAL	38.99 38.99	D	0.00 0.00	N N	N N	9.36 9.36	0.00 0.00	48.35 48.35
			CP = 15.00		CB = 23.99					
9999209801	JT PETROLEUM LLC, A WI LLC 10908 W MEQUON RD MEQUON WI 53097	2022 TOTAL	1,393.26 1,393.26	D	0.00 0.00	N N	N N	334.38 334.38	0.00 0.00	1,727.64 1,727.64
			CP = 535.40		CB = 857.36					
9999226450	LA QUINTA INN C/O PBJ OAK CREEK, LLC 7141 S 13TH ST OAK CREEK WI 53154	2022 TOTAL	44.46 44.46	D	0.00 0.00	N N	N N	10.67 10.67	0.00 0.00	55.13 55.13
			CP = 17.10		CB = 27.36					
9999226400 my	LANDRIGHTS BOTANICAL 8652 S MARKET PL OAK CREEK WI 53154	2022 TOTAL	38.99 38.99	D	0.00 0.00	N N	N N	9.36 9.36	0.00 0.00	48.35 48.35
			CP = 15.00		CB = 23.99					
9999241300	LINDE LEASED EQUIPMENT UBA: LINDE LEASED EQUIPMENT/TAX DEPT 10 RIVERVIEW DR DANBURY CT 06810	2022 TOTAL	450.13 450.13	D	0.00 0.00	N N	N N	108.03 108.03	0.00 0.00	558.16 558.16
			CP = 173.14		CB = 276.99					
9999254500 my	MATTHEWS OF OAK CREEK 7550 S 13TH ST OAK CREEK WI 53154	2022 TOTAL	311.79 311.79	D	0.00 0.00	N N	N N	74.83 74.83	0.00 0.00	386.62 386.62
			CP = 119.91		CB = 191.88					
9999270975	MOBILUTION LLC DBA METRO PCS 6508 S 27TH ST STE 2 OAK CREEK WI 53154	2022 TOTAL	87.69 87.69	D	0.00 0.00	N N	N N	21.05 21.05	0.00 0.00	108.74 108.74
			CP = 33.72		CB = 53.97					
9999283426	NOLALASH & NAILS STUDIO LLC DBA: NOLA NAILS & SPA 8645 S HOWELL AVE STE 400 OAK CREEK WI 53154	2022 TOTAL	487.15 487.15	D	0.00 0.00	N N	N N	116.91 116.91	0.00 0.00	604.06 604.06
			CP = 187.38		CB = 299.77					
9999284800	NOVA GYMS OAK CREEK LLC 6508 S 27TH ST STE 10 OAK CREEK WI 53154	2022 TOTAL	91.57 91.57	D	0.00 0.00	N N	N N	21.98 21.98	0.00 0.00	113.55 113.55
			CP = 35.22		CB = 56.35					
9999309125	OASIS HAIR SPA 8664 S MARKET PL OAK CREEK WI 53154	2022 TOTAL	38.99 38.99	D	0.00 0.00	N N	N N	9.36 9.36	0.00 0.00	48.35 48.35
			CP = 15.00		CB = 23.99					
9999327800 008	PINEAPPLE CAFE & MEXICAN GRILL 7864 S HOWELL AVE OAK CREEK WI 53154	2022 TOTAL	292.30 292.30	D	0.00 0.00	N N	N N	70.15 70.15	0.00 0.00	362.45 362.45
			CP = 112.43		CB = 179.87					
9999334685	PROFOUND LOGIC 8825 S HOWELL AVE STE 301 OAK CREEK WI 53154	2022 TOTAL	29.23 29.23	D	0.00 0.00	N N	N N	7.02 7.02	0.00 0.00	36.25 36.25
			CP = 11.25		CB = 17.98					
9999345300 008 my	RDM MUNICIPAL SUPPLY & SERVICE INC 2650 E RYAN RD	2022 TOTAL	83.79 83.79	D	0.00 0.00	N N	N N	20.11 20.11	0.00 0.00	103.90 103.90
			CP = 32.22		CB = 51.57					

MILWAUKEE COUNTY
 PERSONAL PROPERTY TAX YEAR SUMMARY
 265 - CITY OF OAK CREEK

REPORT #: TAXYRSUMLST
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PROPERTY NUMBER ALT. PROPERTY NUMBER	OWNER NAME & ADDRESS	TAX YEAR	-----GENERAL-----		-----SPECIALS-----		MAY 2024 INT & PEN	OTHER CHARGES	TOTAL
			BALANCE	BC	BALANCE	BC			
	OAK CREEK WI 53154								
9999310220	THE OPEN BOOK-TUTORING 7071 S 19TH ST STE 209 OAK CREEK WI 53154	2022 TOTAL	126.65 126.65	D	0.00 0.00	N N	30.39 30.39	0.00 0.00	157.04 157.04
			CP = 48.70		CB = 77.95				
9999374400 DOB	SHAWN UTPHALL DBA: JIM DANDY'S PUB AND GRILL 13332 4 MILE RD FRANKSVILLE WI 53126	2022 TOTAL	409.21 409.21	D	0.00 0.00	N N	98.21 98.21	0.00 0.00	507.42 507.42
			CP = 157.40		CB = 251.81				
9999442200	WAYFATR LLC C/O RYAN, LLC PO BOX 4900 SCOTTSDALE AZ 85254	2022 TOTAL	448.19 448.19	D	0.00 0.00	N N	107.57 107.57	0.00 0.00	555.76 555.76
			CP = 172.39		CB = 275.80				

MILWAUKEE COUNTY
 PERSONAL PROPERTY TAX YEAR SUMMARY
 265 - CITY OF OAK CREEK

REPORT #: TAXYRSUMLST
 RUN DATE: 04/19/2024
 RUN TIME: 12:22:14 PM
 PAGE: 5

TAX YEAR	GENERAL	SPECIAL	MAY 2024 INT & PEN	OTHER CHARGES	MAY 2024 TOTAL	NUMBER OF PROPERTIES
CITY OF OAK CREEK TOTALS						
2022	9,891.43	0.00	2,373.93	0.00	12,265.36	29
TOTAL	9,891.43	0.00	2,373.93	0.00	12,265.36	

ACTUAL # OF PROPERTIES: 29

Total of
 City
 Write offs
 & Chargebacks

Total
 for
 Publication

COMMON COUNCIL REPORT

Item: Award of 2024 Road Improvements Contract

Recommendation: That the Common Council considers a motion to award the 2024 Road Improvements unit price contract base bid, alternate 1, and alternate 2 to the lowest responsive, responsible bidder, Payne and Dolan, Inc., at the estimated cost of \$1,236,043.49 (Project No. 22003) and authorize the expenditure of up to \$140,000 of ARPA funding for the 2024 Road Improvements.

Fiscal Impact: There is \$416,554.88 of remaining funding from 2023, and \$1,000,000 allocated in the 2024 CIP. This brings the total funding available to \$1,416,554.88 for the proposed road projects. An additional \$150,000 is allocated in CIP #22004 for the Union Pacific Railroad Crossing improvements.

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: The Common Council adopted Resolution No. 12462-121923, selecting and authorizing the 2024 Road Improvements for design and public bid. Per the direction of the Board of Public Works and Capital Assets, Engineering included two additional street segments as alternate bids for consideration if budget allowed. The Engineering Department prepared plans and specifications for the project, the work was advertised, and the following three bids were received:

Contractor	Base Bid	Alternate 1 E. Elm Road	Alternate 2 W. Oakwood Road
Payne and Dolan, Inc.	\$1,078,264.64	\$56,937.74	\$100,841.11
Wolf Paving Co., Inc.	\$1,176,776.94	\$68,879.99	\$109,290.49
Stark Pavement Corp.	\$1,208,156.51	\$68,827.55	\$118,027.30

All bids were within 10% of the estimate. The low bid came in under the estimate, due mainly to lower than expected asphalt prices.

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

The base bids reflect costs for completion of the road segment Nos. 1 - 10 in the table below. Alternate 1 reflects the costs to complete resurfacing on Segment 11 (E. Elm Rd.) and Alternate 2 reflects the costs to complete work on Segment 12 (W. Oakwood Rd.).

This project includes the micro-surfacing of segments 2-6. The City's first micro-surfacing project was completed on S. Clement Ave. as part of the 2023 Road Improvements. Micro-surfacing involves spreading a mixture of polymer modified asphalt, aggregate, asphalt and water across the pavement surface. Micro-surfacing can be used fill small surface deviations in the roadway in addition to sealing the pavement. Overall feedback on this treatment was positive. This treatment results in significantly less shedding and impacts to adjacent property owners than conventional chip sealing. This maintenance treatment is consistent with one of the main recommendations in the CIP Funding Alternatives white paper that was developed under the Financial Stability SAP initiative. Road Segments 9 & 10 are Railroad Crossing improvements at 1700 E. Puetz Road and 2100 E. Oakwood Rd. funded through CIP #22004. This work will regrade the approaches to the crossing to improve the ride.

	Proposed Street	From	To	Length (Feet)	Treatment Type
1	King Arthur Ct.	S. Delaine Dr.	Termini	605	Reconstruct 4.5" Asphalt over 9" CABC
2	Forest Hill Ave.	S. Howell Ave.	S. Verdev Dr.	1,637	Micro-surfacing
3	S. Lauree Ln.	E. Stuart Ct.	S. Glenfield Dr.	1,000	Micro-surfacing
4	S. Cecily Dr.	E. Evandale Dr.	Termini	881	Micro-surfacing
5	E. Evandale Dr.	S. Verdev Dr.	S. Cecily Dr.	581	Micro-surfacing
6	E. Puetz Rd.	Union Pacific Railroad	S. Pennsylvania Ave.	2,340	Micro-surfacing
7	S. Alisa Ln.	130' N of E. Lily Dr.	E. Stuart Dr.	637	Mill and Overlay (2.25")
8	S. Nicholson Rd.	Old Ryan Rd.	E. Puetz Rd.	5,250	Pulverize Full Depth and Overlay 4"
Union Pacific Railroad Crossings					
9	1700 E. Puetz Road			336	Railroad Crossing Approach Reconstruction
10	2100 E. Oakwood Road			395	Railroad Crossing Approach Reconstruction
Alternate 1 - E. Elm Road					
11	E. Elm Road	S. Nicholson Rd.	Union Pacific Railroad	1,811	Mill and Overlay (2")
Alternate 2 - W. Oakwood Road					
12	W. Oakwood Road	S. Howell Ave.	E. side of S. Opus Dr.	830	Mill and Overlay (2.5")

Options/Alternatives: To award the base bid only, to award the base bid with only one of the alternates, or To reject the bids and not repair road infrastructure in 2024, or to direct Engineering Department to rebid the project later in 2024 for construction in 2025.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Andrew Ledger, PE
Design Engineer

Fiscal Review:



Maxwell Gagin, MPA
Deputy City Administrator / Finance Officer

Approved:



Matthew J. Sullivan, PE
Assistant City Administrator/City Engineer

COMMON COUNCIL REPORT

Item: NR 216 Annual Report for 2023

Recommendation: That the Common Council adopts Resolution No. 12494-050724, a resolution accepting the 2023 Annual Report for Oak Creek's WPDES Storm Water (NR 216) permit.

Fiscal Impact: None.

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: The City is required to submit an annual report to the Wisconsin Department of Natural Resources summarizing the status of implementation of storm water management programs and compliance with schedules outlined in Oak Creek's NR 216 permit. Oak Creek was initially issued a permit in 2000 and reissued permits in 2006 and 2013. The permit requirements are water-quality based. The Department of Natural Resources requires the report to be submitted electronically using their standardized form. The attached report contains both the traditional report layout and the newer eReport form. The traditional report is included because it is more explanatory.

Options/Alternatives: This Resolution and report review is required per Section 3.9.5 of Oak Creek's WPDES Storm Water (NR 216) Permit and not to adopt it would be a violation of the permit.

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Ashley Kiepczynski, P.E.
Assistant City Engineer

Fiscal Review:



Maxwell Gagrin, MPA
Deputy City Administrator / Finance Officer

Approved:



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

Attachments: Resolution No. 12494-050724, 2023 NR 216 Annual Report

RESOLUTION NO. 12494-050724

BY: _____

**RESOLUTION ACCEPTING THE 2023 ANNUAL REPORT FOR
OAK CREEK'S WPDES STORM WATER (NR 216) PERMIT**

WHEREAS, the City of Oak Creek is required to prepare and submit an annual report for compliance with Oak Creek's WPDES Storm Water (NR 216) permit to the Wisconsin Department of Natural Resources; and

WHEREAS, the annual report outlines Oak Creek's status of implementation of storm water management programs and compliance with schedules contained in the permit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Oak Creek that the 2023 Annual Report for Oak Creek's WPDES storm water (NR 216) permit has been reviewed and accepted.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 7th day of May, 2024.

Passed and adopted this 7th day of May, 2024.

President, Common Council

Approved this 7th day of May, 2024.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

COMMON COUNCIL REPORT

Item: License Committee Report

Recommendation: That the Common Council grant the various license requests as listed on the 5/7/24 License Committee Report.

Fiscal Impact: License fees in the amount of \$3,759.73 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:

1. Grant a 2023-24 Class C Liquor (wine only) license to BWG Designs, LLC dba Board and Brush Oak Creek, 8880 S. Howell Ave., #860.

Board and Brush currently has a Class B (beer only) license and this approval adds Class C Liquor (wine only) to their existing license. Historically, Class C Liquor (wine only) licenses were only allowed for businesses that were classified as restaurants. Additionally, 50% or more of gross receipts from that business were required to come from food. Recent legislative changes, which were effective 5/1/24, now allow a Class C Liquor (wine only) license to be issued to any establishment allowed under SS 124.04(5), for which, Board and Brush now qualifies.

2. Grant an Operator's license to (favorable background reports received):
 - * Elizabeth A. Martin-Schnell (TownePlace Suites)
 - * Nicholas L. Kuehn (Love's)
 - * Cassese J. Polzin (Love's)
 - * Melissa L. Garcia (Love's)
 - * Rebecca I. Shore (Fairfield Inn)
 - * Steven E. Meyer (Charcoal Grill)
 - * Sandeep Kumar (Discount Smokes & Spirits)
 - * Sarbjit Kaur (Discount Smokes & Spirits)
 - * Geoffrey I. Poplawski (The Waters)
 - * Michael J. Lavin (The Waters)
 - * Nathan J. Oines (Pub 41)
 - * Myanna J. Robinson (Pick 'n Save)
 - * Kyle J. Roberts (Water Street Brewery)
 - * Jenna M. With (BelAir)
 - * Hamza H. Jaber (Aldi)
 - * Jacob R. Chybowski (Kwik Trip)
 - * Michael J. Oliver (TownePlace Suites)
 - * Cali A. Murray (Love's)
 - * Michael S. Anderson (Love's)
 - * Nathan J. Garcia (Comfort Suites)
 - * Yehosef Ben-Zivah (Kwik Trip)
 - * Georgia J. Kendall (BelAir)
 - * Lauren V. Gauger (BelAir)
 - * Erin E. Russell (The Waters)
 - * Elisabeth A. Malek (The Cellar)
 - * Dawn M. Doberstein (The Waters)
 - * Joel D. Galgano (Charcoal Grill)
 - * Nathan D. Imig (BelAir)
 - * Audrey G. M. McKinney (South Shore Cinema)
 - * Carlie M. Schmidt (Woodman's)
 - * Kinsha Oropeza Natal (Pick 'n Save)

-
3. Grant a 2024 Transient Merchant Company license to Duration Exteriors, LLC, 5030 S. Brookdale Dr., Greenfield, WI 53228, selling roofing and siding home improvement products, and the following solicitor:
* Juan P. Toscano
 4. Grant a 2024 Temporary Class "B" beer and "Class B" wine license to St. Matthew's Catholic School and Church, 9303 S. Chicago Rd., for their St. Matthew's Beer Garden scheduled for June 7, 2024.
 5. Grant a Change of Agent on the 2023-24 Class A Combination license issued to Spring South LLC dba BP W Discount Liquor, 9510 S. 27th St., #100, from Michael Dach to Sarah Aragon.
 6. Grant a Change of Agent on the 2023-24 Reserve Class B Combination license issued to Pub 41 LLC dba Pub 41, 9510 S. 27th St., #200, from Michael Dach to Sarah Aragon.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Christa J. Miller CMC/WCMC
Deputy City Clerk

Fiscal Review:



Maxwell Gagrin, MPA
Deputy City Administrator / Finance Officer

Attachments: none

COMMON COUNCIL REPORT

Item: Vendor Summary Report

Recommendation: That the Common Council approve the May 1, 2024 Vendor Summary Report in the total of \$1,012,526.02

Fiscal Impact: Total claims paid of \$1,012,526.02

Critical Success Factor(s):c

- 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. \$227,826.59 to All Ways Contractors (pg #1) for Abendschein parking lot and entrance road. Project #23003.
2. \$9,078.22 to Badger Truck Center (pg #2) for vehicle maintenance.
3. \$38,859.00 to Baker Tilly US, LLP (pg #3) for services in connection with 2023 financial audit.
4. \$64,114.00 to BS&A (pg #3) for BS&A annual service/support fee.
5. \$12,355.00 to CDW Government, Inc. (pg #4) for antivirus software.
6. \$55,311.65 to Compass Minerals Company (pg #4) for salt inventory.
7. \$16,675.00 to CR Electric (pg #5) for LED light replacements.
8. \$24,647.52 to E. H. Wolf & Sons, Inc. (pg #6) for fuel inventory.
9. \$8,557.55 to Ennis-Flint, Inc. (pg #6) for traffic paint.
10. \$7,180.00 to FS.com, Inc. (pg #7) for CWDM transceivers. Project #21023.
11. \$24,752.00 to Gerber Leisure Products, Inc. (pg #7) for playground equipment parts.
12. \$106,090.45 to GFL Environmental (pg #8) for April trash and recycling.
13. \$22,231.50 to Globe Contractors, Inc. (pg #8) for Oakview Subdivision construction payments. Project #18035.
14. \$14,761.00 to Godfrey & Kahn S.C. (pg #8) for legal services regarding F Street and redevelopment of lakefront site.

-
15. \$5,509.36 to Graef (pg #8) for Puetz/Liberty Intersection Improvements and Creekside Crossing. Project #22006.
 16. \$9,135.00 to Haskin Law Office (pg #8) for legal research relating to Lake Vista.
 17. \$9,713.81 to Hein Electric Supply Co. (pg #8) for supplies for building & grounds maintenance and street lighting. Project #17024.
 18. \$8,430.00 to Johnson's Nursery, Inc. (pg #9) for trees. Project #20018.
 19. \$6,000.00 to Kurt Krueger, Jr. (pg #10) for Father's Day Classic Brews and Brawls.
 20. \$23,684.90 to Motorola (pg #12) for radio equipment and replacement. Project #22011.
 21. \$5,865.00 to Natural Solutions (pg #12) for woodchips.
 22. \$16,882.36 to New Restoration & Recovery Services (pg #12) for PP/II reduction project in Rowan Estates. Project #22007.
 23. \$9,513.67 to Ramboll America Engineering Solutions, Inc. (pg #14) for professional services related to Lakeshore Commons and Peter Cooper.
 24. \$12,489.40 to Ray O'Herron Co., Inc. (pgs #12-13) for body armor replacement. Project #19011.
 25. \$19,832.26 to Rhyme (pg #1) for copier replacements. Project #22015.
 26. \$6,232.63 to Securian Financial Group, Inc. (pgs #15-16) for June employee life insurance.
 27. \$18,100.00 to Trane (pg #17) for Police Station chiller. Project #24009.
 28. \$68,003.49 to WE Energies (pgs #21-22) for street lighting, electricity & natural gas.
 29. \$13,153.30 to WI Court Fines & Surcharges (pg #18) for April court fines.

Options/Alternatives: None

Respectfully submitted:



Andrew J. Vickers, MPA
City Administrator

Prepared:



Rory T. Vircks
Staff Accountant

Fiscal Review:



Maxwell Gagin, MPA
Deputy City Administrator / Finance Officer

Attachments: 05/01/2024 Invoice GL Distribution Report