



CITY OF OAK CREEK

COMMON COUNCIL MEETING AGENDA

Common Council
Chambers
8640 S. Howell Ave.
PO Box 27
Oak Creek, WI 53154
(414) 768-6500

**TUESDAY, NOVEMBER 20, 2012
AT 7:00 P.M.**

VISIT OUR WEBSITE AT WWW.OAKCREEKWI.ORG FOR THE AGENDA
AND ACCOMPANYING COMMON COUNCIL REPORTS.

COUNCIL MEETINGS CAN BE SEEN LIVE ON GOVERNMENT ACCESS CHANNELS 25 AND 99

1. Call Meeting to Order
2. Pledge of Allegiance
3. Mayoral Announcements
4. Approval of Minutes: 11/7/12, 11/12/12.

Recognition

5. **Council Proclamation:** Consider Council Proclamation No. 12-16 to Judith Canfora for dedicated service to the City of Oak Creek as a member of the Celebrations Commission (by Committee of the Whole).
6. **Council Proclamation:** Consider Council Proclamation No. 12-17 to Stacey Henne for dedicated service to the City of Oak Creek as a member of the Board of Zoning Appeals/ Board of Housing Appeals (by Committee of the Whole).

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.

7. **Conditional Use Permit:** Consider a conditional use permit submitted by DTG Enterprises for the outdoor storage of rental cars on the properties at 545, 561 and 605 W. College Ave. (1st District).
8. **Ordinance:** Consider Ordinance No. 2665, approving a conditional use permit for automobile service and the outdoor storage of fleet vehicles for the properties at 545, 561, and 605 W. College Ave. (DTG Enterprises) (1st District).
9. **Resolution:** Consider Resolution No. 11306-112012, approving a certified survey map for the properties at 545, 561 and 605 W. College Ave (DTG Enterprises) (1st District).

Old Business

10. **Ordinance:** Consider Ordinance No. 2645 amending the conditional use for the properties at 9000 and 9100 S. Nicholson Rd. to allow for a landscaping contractor's shop (Green Man Wood Services) (held 12/6/11, 11/7/12) (3rd District).

New Business

MAYOR & COMMON COUNCIL

11. **Motion:** Consider a *motion* to authorize environmental due diligence activities regarding the Lakefront Redevelopment (by Committee of the Whole).
12. **Resolution:** Consider *Resolution* No. 11305-112012, supporting submission of a Wisconsin Coastal Management 2013-14 grant program application in the amount of \$93,400 with City funding commitment of \$140,200 (by Committee of the Whole).
13. **Resolution:** Consider *Resolution* No. 11309-112012, amending Resolution No. 11273-080612, which established the Security Benefit Healthcare Reimbursement Account (HRA) program on behalf of the members of the Oak Creek Professional Police Officer's Association (by Committee of the Whole).
14. **Motion:** Consider a *motion* to establish combined meeting dates for 2013 (by Committee of the Whole).
15. **Resolution:** Consider *Resolution* No. 11299-112012, designating official holiday's for 2013 (by Committee of the Whole).
16. **Motion:** Consider a *motion* to approve the 2012 Vendor Summary Report in the amount of \$1,183,183.63 (by Committee of the Whole).

POLICE

17. **Motion:** Consider a *motion* to approve and authorize the Police Department purchase of one add-on carriage for the existing moveable shelving system located in the department's property storage room at a total cost of \$5,922 (by Committee of the Whole).

ENGINEERING

18. **Resolution:** Consider *Resolution* No. 11302-112012, approving a sanitary sewer and water main easement at 285 and 401 East Centennial Drive (Tax Key Nos. 860-9038 and 860-9029) (3rd District).
19. **Resolution:** Consider *Resolution* No. 11303-112012, approving a storm sewer easement at 401 E. Centennial Drive (Tax Key No. 860-9029) (3rd District).
20. **Resolution:** Consider *Resolution* No. 11304-112012, approving the State/Municipal Agreement for a State – Let Highway Project along STH 100 from S. 27th Street to STH 38 (5th & 6th Districts).
21. **Resolution:** Consider *Resolution* No. 11307-112012, accepting the workmanship and authorizing final payment to Q3 Contracting, for Project No. 11019. This project involved the installation of sidewalk improvements in various locations (1st & 3rd Districts).

22. **Resolution:** Consider *Resolution* No. 11308-112012, accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Ahlborn sanitary sewer (Project No. 11053) (Tax Key No. 731-9998) (1st District).

LICENSE COMMITTEE

The License Committee did not meet prior to the 11/20/12 meeting. Tentative recommendations are being made as follows:

23. **Motion:** Consider a *motion* to *grant* an Operator's license to the following (favorable background reports received):
- Brian J. Redmond, 933 E. Mackinac Ave., Oak Creek (Pick 'n Save).
 - Anjela J. Jarrett, 7457 S. Pennsylvania Ave., Oak Creek (Ryan Road Mobil).
24. **Motion:** Consider a *motion* to grant a renewal adult entertainment business license for the 2013 licensing year to SJB LLC, Stephanie Benz-Belk, agent, doing business as The New Spice II, 7070 S. 27th Street (favorable background report received).
25. **Motion:** Consider a *motion* to grant an Employee license for the 2013 licensing year for an adult entertainment business for The New Spice II to the following (favorable background reports received):
- Mary E. Staat, employee
 - Calvin H. Wiley, employee
 - Sandy Ziehr, employee
26. **Motion:** Consider a *motion* to *grant* an original 2012-2013 Class B Combination license to Mazatlan Mexican Restaurant Oak Creek Inc., Cesar Soto Deanda, Agent, dba Mazatlan Mexican Restaurant Oak Creek Inc., 10166 S. 27th St., Oak Creek subject to receipt of an occupancy permit, City Sanitarian approval, and payment of fees (favorable background reports received).

MISCELLANEOUS

27. **Motion:** Consider a *motion* to convene into Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes Section 19.85 (1)(c) to discuss the performance evaluation and employee agreement for the City Administrator.
28. **Motion:** Consider a *motion* to reconvene into Open Session.
29. **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 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 S. Howell Avenue, Oak Creek, Wisconsin 53154.

November 20, 2012 Council Meeting

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at 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.

COUNCIL PROCLAMATION NO. 12-16

TO

JUDITH CANFORA

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK
AS A MEMBER OF THE
CELEBRATIONS COMMISSION**

WHEREAS, Judith Canfora was appointed to the Celebrations Commission in August, 2008, and has served for four years and three months; and

WHEREAS, Judith Canfora has resigned from the Celebrations Commission effective October 31, 2012; and

WHEREAS, Judith Canfora has served the City in a thorough, conscientious and professional manner.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to Judith Canfora for her dedicated service to the City of Oak Creek as a member of the Celebrations Commission.

BE IT FURTHER RESOLVED that this proclamation be spread upon the minutes of this meeting and that the City Clerk be and she is hereby directed to transmit a suitable copy thereof to Judith Canfora.

Introduced and adopted this 20th day of November, 2012.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

COUNCIL PROCLAMATION NO. 12-17

TO

STACEY HENNE

**FOR DEDICATED SERVICE TO THE CITY OF OAK CREEK
AS A MEMBER OF THE
BOARD OF ZONING APPEALS / BOARD OF HOUSING APPEALS**

WHEREAS, STACEY HENNE was appointed to the Board of Zoning Appeals / Board of Housing Appeals in May, 2003, and has served for twenty-two years and five months; and

WHEREAS, STACEY HENNE has resigned from the Board of Zoning Appeals / Board of Housing Appeals STACEY HENNE effective October 24, 2012; and

WHEREAS, STACEY HENNE has served the City in a thorough, conscientious and professional manner.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Oak Creek do hereby show their appreciation and gratitude to Stacey Henne for her dedicated service to the City of Oak Creek as a member of the Board of Zoning Appeals / Board of Housing Appeals.

BE IT FURTHER RESOLVED that this proclamation be spread upon the minutes of this meeting and that the City Clerk be and she is hereby directed to transmit a suitable copy thereof to Stacey Henne.

Introduced and adopted this 20th day of November, 2012.

Michael E. Toman, Common Council President

Stephen Scaffidi, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

TO BE PUBLISHED NOVEMBER 1 AND NOVEMBER 8, 2012

OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING
BEFORE THE OAK CREEK COMMON COUNCIL

PURPOSE: The purpose of this public hearing is to consider conditional use submitted by DTG Enterprises for the outdoor storage of rental cars on the properties at 545, 561, and 605 W. College Avenue

Hearing Date: Tuesday, November 20, 2012
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Applicant: DTG Operations, Inc.
Property Owner: Petrichor Holdings, LLC
Property Location: 545, 561, and 605 W. College Avenue
Tax Key(s): 718-9978, 718-9997, 718-9997

Legal Description:

561 W. College Avenue - That part of the Northeast 1/4 of Section 5, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: beginning at a point 8 rods East of the Northwest corner of said 1/4 Section; thence 20 rods South more or less to the South line of the North 1/2 of the North 1/2 of the North 1/2 of said 1/4 Section; thence 8 rods East; thence 20 rods North more or less; thence 8 rods West to a point of beginning, excepting therefrom the North 33 feet and further excepting that portion of said premises, bounded and described as follows: beginning at a point on the West line of said parcel said point being 132 feet East of the Northwest corner of said 1/4 Section and 33 feet South of the North line of said 1/4 Section; thence South 100 feet along the West line of said parcel; thence Northeasterly 105.7 feet to a point on the Southerly right-of- way line of West College Avenue; thence West 32 feet to the point of beginning; and further excepting that part conveyed in deed recorded May 7, 1986, as Document No. 5912108. Also excepting therefrom, that part of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: commencing at a point in the West line of said 1/4 Section, 33 feet South of, measured at right-angles to, the North line of said 1/4 Section; thence East and parallel with the North line of said 1/4 Section, 164 feet to the point of beginning; thence Southwesterly along a straight line (the Southwesterly-most point of which is in the East line of the West 132 feet of said 1/4 Section, measured parallel with the North line of said 1/4 Section, and 100 feet South of, measured along said East line, a point in said East line which is 33 feet South of, measured at right-angles to, to the North line of said 1/4 Section) to a point 55 feet South of, measured at right-angles to, the North line of said 1/4 Section; thence East and parallel with the North line of said 1/4 Section to a point 264 feet East of, measured parallel with the North line of said 1/4 Section, the West line of said 1/4 Section, thence North and parallel with the West line of said 1/4 Section to a point 33 feet South of, measured at right angles to, the North line of said 1/4 Section; thence West and parallel with the North line of said 1/4 Section to the point of beginning.

605 W. College Avenue – That part of the North 20 acres of the South 60 acres of the North 1/2 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, lying West of the Chicago, North Shore and Milwaukee Railroad right of way and more particularly described as follows: Commencing at the Northwest corner of said Northeast 1/4 Section; thence South 0 deg 22' 35" West along the West line of said 1/4 Section 306.32 feet to the place of beginning of the lands to be described; thence North 89 deg. 36' 40" East, 665.52 feet to a point on the West line of the C.N.S. & M. Railroad right of way; thence Southeasterly along the West line of said right of way; 330.73 feet along the arc of a circle whose center is to the East and whose chord bears South 19 deg. 08' 57" East, 330.71 feet; thence North 89 deg. 53' 00" West, 776.00 feet to a point on the

West line of said 1/4 Section; thence North 0 deg. 22' 35" East along said West line 306.32 feet to the place of beginning

545 W. College Avenue - All that part of the North 1/2 of the North 1/4 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the North line of the Northeast 1/4 of Section 5, 264 feet East of the Northwest 1/4 of said 1/4 Section; running thence South parallel to the West line 20 rods (330 feet) more or less to a point in the South line of the North 1/2 of the North 1/4 of the Northeast 1/4 of Section 5; running thence East 135 feet on and along the South line of the North 1/2 of the North 1/4 of the Northeast 1/4 of said Section; thence North 20 rods (330 feet) more or less to a point in the North line of the Northeast 1/4 of said Section; thence West on and along the North line of said 1/4 Section 135 feet to the place of beginning, excepting therefrom that part conveyed in Warranty Deed Document No. 5944290.

The Common Council has scheduled other public hearings for November 20, 2012 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) 768-6527, during regular business hours.

Date of Notice: October 17, 2012
CITY OF OAK CREEK COMMON COUNCIL
By: Steve Scaffidi, 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, preferable a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.: 8

Recommendation: That the Council adopt Ordinance No. 2665, approving a conditional use permit for automobile service and the outdoor storage of fleet vehicles for the properties at 545, 561, and 605 W. College Avenue

Background: The applicant is requesting a conditional use permit for the properties at 545, 561, and 605 W. College Avenue that would allow for a rental car service and storage facility. Automobile service and outdoor storage of vehicles are both conditional uses in the M-1, Manufacturing zoning district.

The proposal entails adding onto and remodeling the old Envirotec vehicle emission testing facility, expanding the front employee parking lot, and creating two vehicle storage areas on the southern portion of this property. The western portion of the storage area (Phase 1) would be for a Dollar Thrifty rental storage area and have 237 stalls and the eastern portion (Phase 2) would be for a future rental tenant and have 242 stalls. They are anticipating construction of all of Phase 1 this fall with completion by June 1, 2013. There is no timetable for Phase 2 as it is dependent on whether they can secure a tenant for that space.

This property will not be used as a customer vehicle rental center, only a place for storage, cleaning, and servicing of rental vehicles. Dollar Thrifty's customer operations are currently located at General Mitchell Airport and will remain there. This facility is only for the maintenance and storage of fleet vehicles for their airport location.

The comprehensive plan has this area designated as Air Transportation but that land use will not become reality until a time when the airport decides to construct an additional runway. The properties are currently zoned M-1, Manufacturing (as are the adjacent parcels to the east and west) and this use is compatible with other uses in this area. The large parking lot will be located behind the building and existing trees so it won't be visible from W. College Avenue.

They anticipate there will be 16 employees working on the site at any given time for Dollar Thrifty's operations (Phase 1). There would be 3-4 office employees and 12 maintenance employees. The hours of operation for this facility will be 6:00 a.m. to 10:00 p.m., seven days a week. They anticipate the site will generate about 200 vehicle trips a day, not including deliveries, which is anticipated to generate about 5 trips per day. Most of the trips are rental vehicles going to and from General Mitchell Airport.

The conditions and restrictions limit the long-term outdoor storage to the rear/southern parking area but do leave some flexibility to use the front lot for short term storage of vehicles being picked up, dropped off, cleaned, or waiting for maintenance work. In addition the applicant asked for some flexibility to temporarily use the front lot for longer term storage if the rear one is not completed by May 1, 2013. The conditions and restrictions allow the Zoning Administrator to issue a temporary use permit of up to 90 days for this use if needed. Any use of the front lots in excess of 90 days shall require Plan Commission approval.

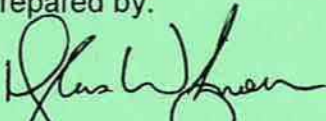
At the meeting the neighbor to the east expressed some concern about the potential for headlights to shine into his house. While his property is zoned M-1, Manufacturing, it is being

used as a single-family residence. In order to address these concerns the conditions and restrictions require a screening fence and landscaping in the areas that abut this parcel.

The Plan Commission has reviewed and recommended Common Council approval of this conditional use permit.

Fiscal Impact: The issuance of this conditional use permit will have a negligible fiscal impact.

Prepared by:

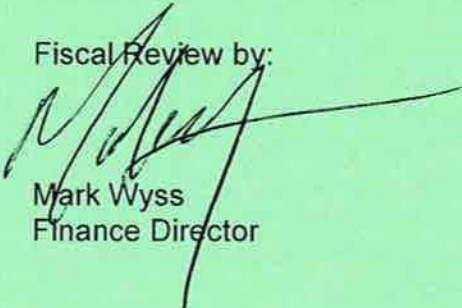


Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,

Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Mark Wyss
Finance Director

ORDINANCE NO. 2665

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR THE PROPERTIES
AT 545, 561, AND 605 W. COLLEGE AVENUE FOR AN AUTOMOBILE SERVICE
CENTER AND FOR THE OUTDOOR STORAGE OF VEHICLES

(1st Aldermanic District)

WHEREAS, DTG OPERATIONS, LLC has applied for a Conditional Use Permit that would allow for an automobile service center the outdoor storage of vehicles for the properties at 545, 561, and 605 W. College Avenue; and

WHEREAS, this property is more precisely described as follows:

Part of the Northwest 1/4 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, which is bounded and described as follows:

Commencing at the Northwest corner of said Northeast 1/4 Section; Thence S 00°23'09" W along the West line of said 1/4 Section, 306.32 feet to the Place of Beginning; Thence N 89°37'14" E, 132.00 feet; Thence N 00°23'09" E parallel to said West line, 174.31 feet; Thence N 17°59'26" E, 82.49 feet to the South line of West College Avenue; Thence N 88°55'34" E parallel to the North line of said Northeast 1/4 along the South line of West College Avenue, 242.10 feet; Thence S 00°23'09" W, 255.54 feet; Thence N 89°37'14" E, 266.52 feet to a point on a curve, formerly the West line of the Chicago North Shore & Milwaukee Railroad right of way; Thence Southeasterly 330.73 feet along the arc of a curve with a 11,534.19 foot radius to the Northeast and a chord bearing S 19°08'23" E, 330.71 feet; Thence N 89°52'26" W, 776.00 feet to a point of the West line of said 1/4 Section; Thence N 00°23'09" E along said West line 306.32 feet to the Place of Beginning.

Said lands containing 2289,608 square feet, 6.6485 acres

WHEREAS, the Plan Commission reviewed the request and recommended that the Conditional Use Permit be approved; and

WHEREAS, the Common Council held a public hearing on said request on November 20, 2012, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a Conditional Use Permit be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the 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 amendment to the Conditional Use Permit was 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 authorize a Conditional Use Permit for an automobile service center and the outdoor storage of vehicles, which shall include the aforementioned conditions and restrictions.

SECTION 2: The amended Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for an automobile service center and the outdoor storage of vehicles.

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 _____, 2012

President, Common Council

Approved this ___ day of _____, 2012

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek - Conditional Use Permit
Conditions and Restrictions

Applicant: DTG Operations, LLC

Property Address: 545, 561, and 605 W. College Avenue

Tax Key Number: 718-9978, 718-9997, 718-9975

Conditional Use: Automobile Service &

Outdoor storage of rental vehicles

Approved by Plan Commission: October 23, 2012

Approved by Common Council

1. LEGAL DESCRIPTION

This conditional use shall be confined to the following legally described parcels:

561 W. College Avenue - That part of the Northeast 1/4 of Section 5, in Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: beginning at a point 8 rods East of the Northwest corner of said 1/4 Section; thence 20 rods South more or less to the South line of the North 1/2 of the North 1/2 of the North 1/2 of said 1/4 Section; thence 8 rods East; thence 20 rods North more or less; thence 8 rods West to a point of beginning, excepting therefrom the North 33 feet and further excepting that portion of said premises, bounded and described as follows: beginning at a point on the West line of said parcel said point being 132 feet East of the Northwest corner of said 1/4 Section and 33 feet South of the North line of said 1/4 Section; thence South 100 feet along the West line of said parcel; thence Northeasterly 105.7 feet to a point on the Southerly right-of-way line of West College Avenue; thence West 32 feet to the point of beginning; and further excepting that part conveyed in deed recorded May 7, 1986, as Document No. 5912108. Also excepting therefrom, that part of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: commencing at a point in the West line of said 1/4 Section, 33 feet South of, measured at right-angles to, the North line of said 1/4 Section; thence East and parallel with the North line of said 1/4 Section, 164 feet to the point of beginning; thence Southwesterly along a straight line (the Southwesterly-most point of which is in the East line of the West 132 feet of said 1/4 Section, measured parallel with the North line of said 1/4 Section, and 100 feet South of, measured along said East line, a point in said East line which is 33 feet South of, measured at right-angles to, the North line of said 1/4 Section) to a point 55 feet South of, measured at right-angles to, the North line of said 1/4 Section; thence East and parallel with the North line of said 1/4 Section to a point 264 feet East of, measured parallel with the North line of said 1/4 Section, the West line of said 1/4 Section, thence North and parallel with the West line of said 1/4 Section to a point 33 feet South of, measured at right angles to, the North line of said 1/4 Section; thence West and parallel with the North line of said 1/4 Section to the point of beginning.

605 W. College Avenue - That part of the North 20 acres of the South 60 acres of the North 1/2 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, lying West of the Chicago, North Shore and Milwaukee Railroad right of way and more particularly described as follows: Commencing at the Northwest corner of said Northeast 1/4 Section; thence South 0 deg 22' 35" West along the West line of said 1/4 Section 306.32 feet to the place of beginning of the lands to be described; thence North 89 deg. 36' 40" East, 665.52 feet to a point on the West line of the C.N.S. & M. Railroad right of way; thence Southeasterly along the West line of said right of way; 330.73 feet along the arc of a circle whose center is to the East and whose chord bears South 19 deg. 08' 57" East, 330.71 feet; thence North 89 deg. 53' 00" West, 776.00 feet to a point on the West line of said 1/4 Section; thence North 0 deg. 22' 35" East along said West line 306.32 feet to the place of beginning

545 W. College Avenue - All that part of the North 1/2 of the North 1/4 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the North line of the Northeast 1/4 of Section 5, 264 feet East of the Northwest 1/4 of said 1/4 Section; running thence South parallel to the West line 20 rods (330 feet) more or less to a point in the South line of the North 1/2 of the North 1/4 of the Northeast 1/4 of Section 5; running thence East 135 feet on and along the South line of the North 1/2 of the North 1/4 of the Northeast 1/4 of said Section; thence North 20 rods (330 feet) more or less to a point in the North line of the Northeast 1/4 of said Section; thence West on and along the North line of said 1/4 Section 135 feet to the place of beginning, excepting therefrom that part conveyed in Warranty Deed Document No. 5944290.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. A precise detailed site plan for the area affected by the conditional use 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 locations with setbacks
- b) square footage of building
- c) areas for future expansion
- d) area to be paved
- e) access drives (width and location)
- f) sidewalk locations
- g) parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks

- h) location of loading berths
- i) location of sanitary sewer (existing and proposed)
- j) location of water (existing and proposed)
- k) location of storm sewer (existing and proposed) including detention/retention basins if needed
- l) location of wetlands (field verified)
- m) location, square footage and height of signs

2) Landscape Plan

- a) screening plan for outdoor storage
- b) number, initial size and type of plantings
- c) parking lot screening/berming

- 3) **Building Plan**
 - a) architectural elevations
 - b) building floor plans
 - c) materials of construction

- 4) **Lighting Plan**
 - a) types of fixtures
 - b) mounting heights
 - c) type of poles
 - d) photometrics of proposed fixtures

- 5) **Grading, Drainage and Stormwater Management Plan**
 - a) contours (existing and proposed)
 - b) location of storm sewer (existing and proposed)
 - c) location of stormwater management and water quality structures and basins

- 6) **Fire Protection**
 - a) location of existing and proposed fire hydrants (public and private)
 - b) interior floor plan
 - c) materials of construction

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, 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.
- D. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- E. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- F. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- G. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code. Community Development Staff may authorize reductions in parking stall area and drive aisle width for the rear storage lot since it is not accessible to the public.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

5. LANDSCAPING

- A. Parking Lot Screening. Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
 - 1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 - 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 - 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

<u>Plant Type</u>	<u>Area of Coverage Provided</u>
Evergreen Tree (>8' Dia.)	75 sq. ft.
Large Shrub (6-8' Dia.)	38 sq. ft.
Medium Shrub (4-6' Dia.)	20 sq. ft.
Small Shrub (2-4' Dia.)	12 sq. ft.
Perennial (4.5" Pot)	6 sq. ft.

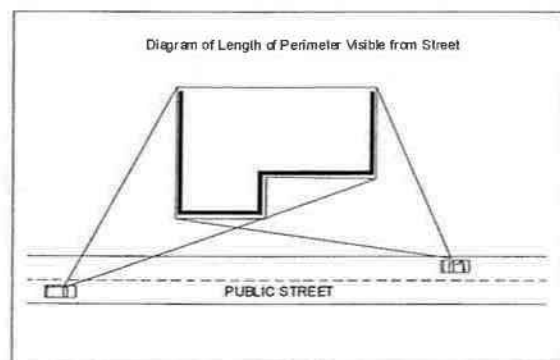
* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
 - B. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area for lots under 50,000 square feet in area and 10 percent for lots 50,000 square feet or larger. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. Landscape islands shall provide a minimum 30-inch clear area for vehicle overhang and snow storage. One shade tree shall be provided within the interior planting area for every 300 square feet of interior landscaping. Interior landscape areas are not required for the rear storage lots since they are not accessible by the public.
 - C. Perimeter Landscape Area. In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
 - D. Landscaping Adjacent to Buildings. There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
 - E. Screening of Trash. Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
 - F. Screening of Ground Mounted Mechanical Equipment. Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
 - G. Screening of Outdoor Parking areas – Outdoor storage areas for rental vehicles shall not be located within the front or side yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
 - H. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
 - I. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete
 - J. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.

- K. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code. The applicant shall screen operations from the property to the east with a privacy fence or a combination of privacy fence and year round landscaping. This screening shall be approved by the Plan Commission.
- L. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 3. The location and percent of slope of all proposed berms using one (1) foot contours.
 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 5. Methods used in staking, mulching, wrapping or any other early tree care used.
 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. Acceptable exterior materials include split face concrete masonry, decorative block, 4-inch brick veneer, 4-inch stone veneer, cut stone panels, pre-cast concrete wall panels, and terra cotta. Proposals to use other materials, including cement fiber products or cultured stone shall require a $\frac{3}{4}$ majority of the Plan Commission. Materials such as smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material and shall only be allowed as an accent material comprising no more than 25 percent of the visible perimeter of the building.



- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with an acceptable glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft.	20 ft.	20 ft.
Accessory Structure	40 ft.	5 ft.	5 ft.
Off-street Parking	40 ft.	10 ft.	10 ft.

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.
- C. Long-term storage of rental vehicles shall be limited to the rear/southern parking lot. The front portion of the property may be used for short term rental vehicle storage such as vehicles being dropped off, picked up, cleaned, or maintained. The Zoning Administrator staff may authorize temporary parking of fleet vehicles on the front portion of the property for up to 90 days if the southern parking area is not completed

by May 1, 2013. Any request longer than 90 days shall require Plan Commission approval.

D. The outdoor storage area shall be used only for fleet vehicles normally associated with a commercial car rental operation. There shall be no storage of semi-trucks or trailers, recreational vehicles, and construction vehicles or equipment permitted.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. All signs must be approved by the Plan Commission as part of the site plan review process.

10. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing zoning district
- B. Automobile service & repair
- C. Outdoor storage of rental vehicles.
- D. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use(s) shall begin installing or constructing the elements required in these conditions and restrictions for the conditional use(s) within twenty-four (24) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within twelve (12) months after commencing construction, if the structure(s) and paved area(s) for Phase 1 are not substantially completed. The applicant shall re-apply for a conditional use approval, prior to recommencing work or construction.

12. OTHER REGULATIONS

Compliance with all other applicable City, State and Federal regulations not heretofore stated or referenced, is mandatory.

13. REVOCATION

Upon project completion, should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

14. ACKNOWLEDGEMENT

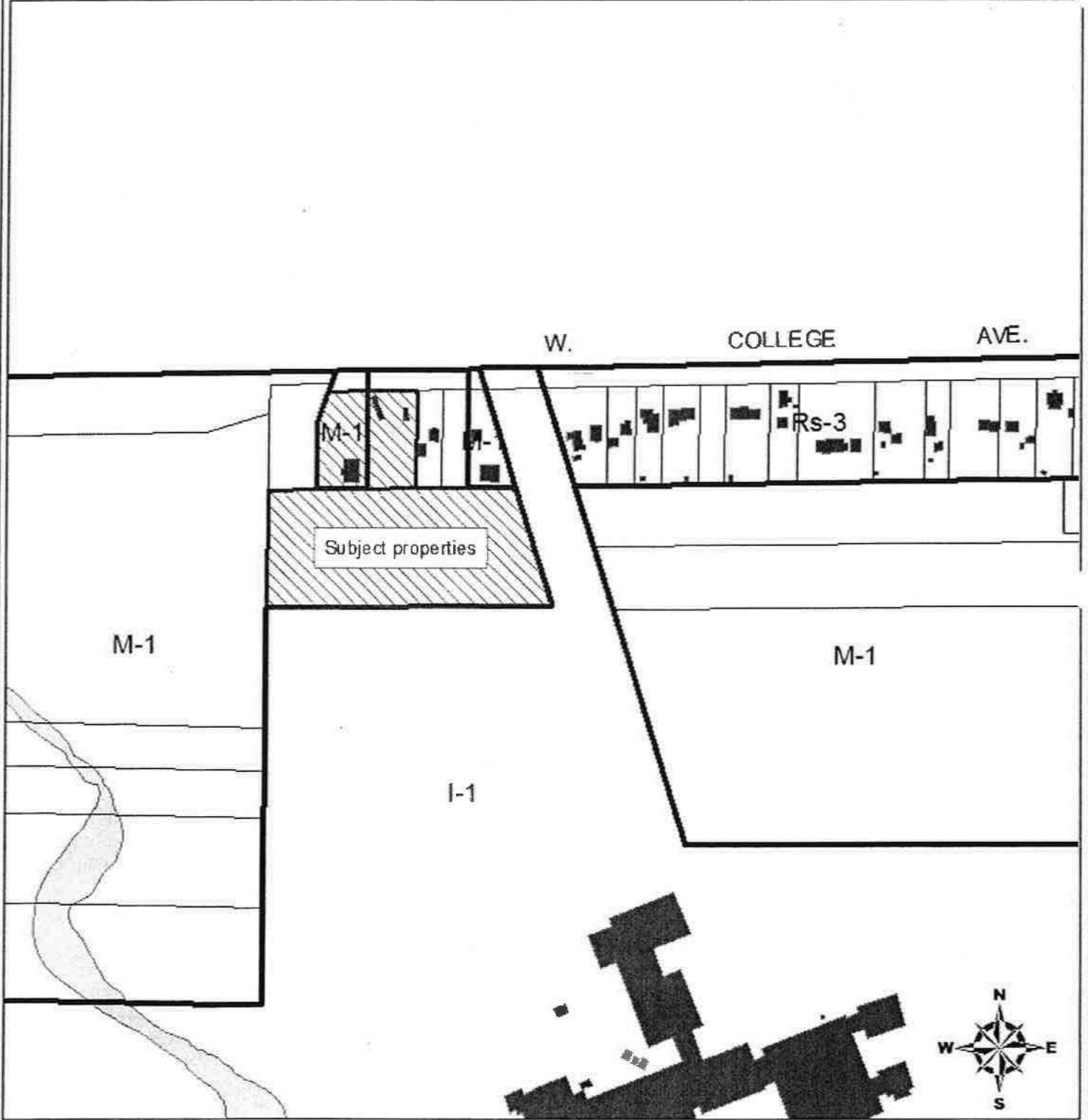
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner's authorized representative

Date

(please print name)





**DTG Operations
Conditional Use Permit
545, 561, & 605 W. College Ave.**



OakCreek

Department of Community Development

Legend

-  Subject Properties
-  Parcels 2012
-  Existing Street Pattern
-  Floodway

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.: 9

Recommendation: That the Council adopt Resolution No. 11306-112012 approving a certified survey map for the properties at 545, 561, and 605 W. College Avenue.

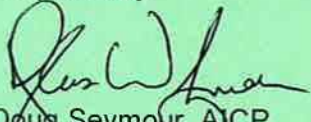
Background: At the October 9, 2012 meeting the Plan Commission recommended Common Council approval of a conditional use permit that would allow a Dollar Thrifty rental car service and storage facility with outdoor storage of fleet vehicles on the properties at 545, 561, and 605 W. College Avenue. A public hearing and action on this item is also scheduled for this (November 20, 2012) Council Meeting.

This certified survey map will combine all of these parcels into one parcel to accommodate this development. Lots in the M-1, Manufacturing District require a minimum lot width of 200 feet and a minimum lot area of one (1) acre. This newly created parcel exceeds those minimums.

The Plan Commission has reviewed this request and has recommended its approval.

Fiscal Impact: The redevelopment of this property, including a 6,600 square foot building addition, will have a positive fiscal impact for the City.

Prepared by:


Doug Seymour, AICP
Director of Community Development

Respectfully submitted,

Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:


Mark Wyss
Finance Director

RESOLUTION NO. 11306-112012

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP
FOR FRONTLINE COMMERCIAL REAL ESTATE, LLC

545, 561, and 605 W. College Avenue
(1st Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by FRONTLINE
COMMERCIAL REAL ESTATE, LLC hereinafter referred to as the subdividers, is in
compliance with all statutory requirements; and

WHEREAS, the subdivider has complied with all of the applicable ordinances
and resolutions of the City of Oak Creek, and

WHEREAS, the Plan Commission has recommended that this certified survey
map be approved subject to all technical corrections being made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the
City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to all
technical corrections being made.

Introduced at a regular meeting of the Common Council of the City of Oak Creek
held this 20th day of November, 2012

Passed and adopted this ___ Day of _____, 2012.

President, Common Council

Approved this ___ Day of _____, 2012.

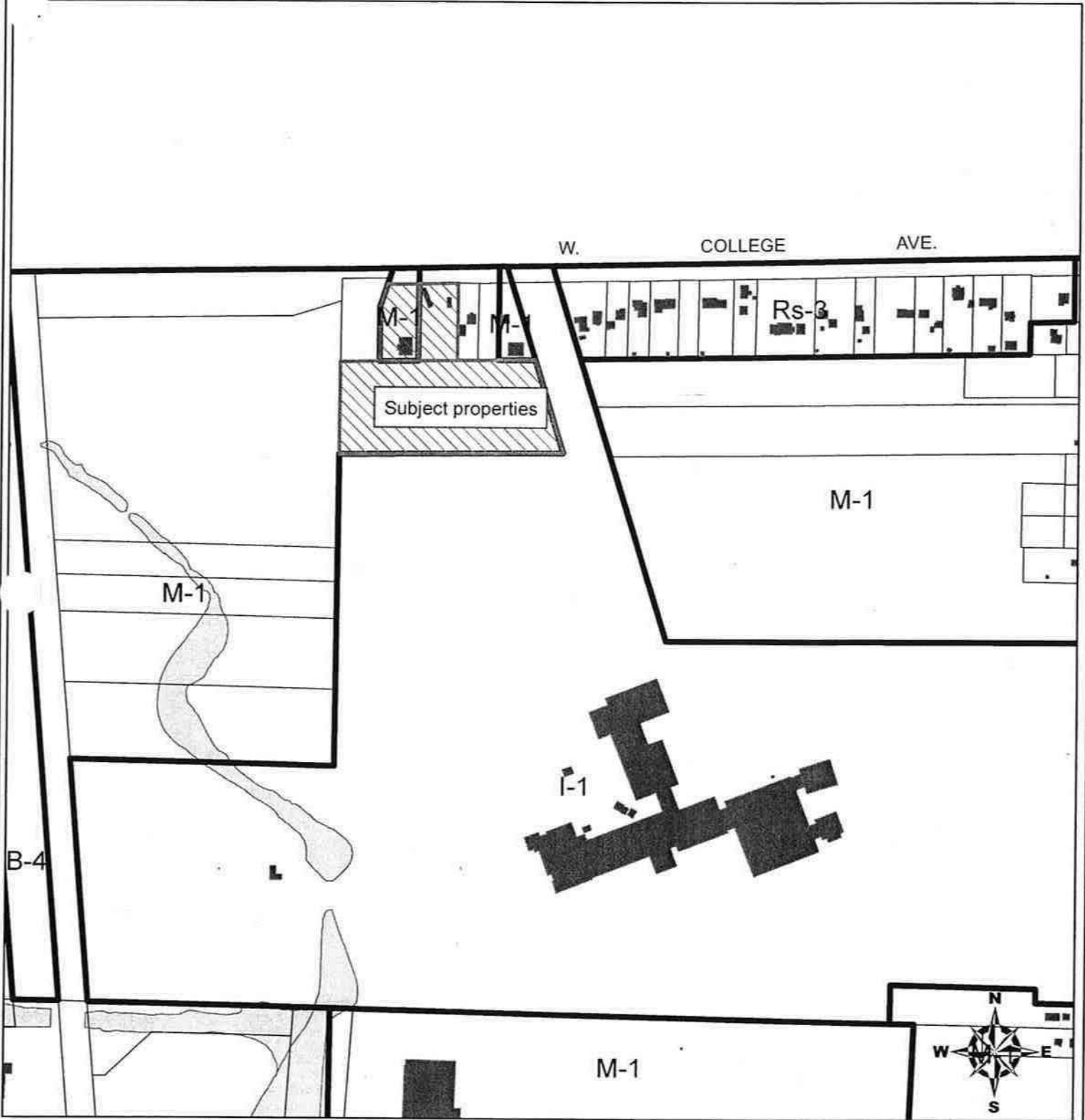
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Conditions & Restrictions & CSM
DTG Operations (Dollar Thrifty)
545, 561, and 605 W. College Avenue

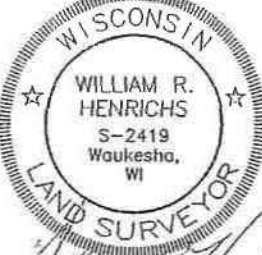


Legend

- Subject Parcels
- Parcels 2012
- Existing Street Pattern
- Floodway

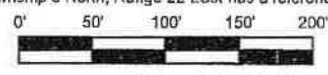
CERTIFIED SURVEY MAP NO. _____

Being part of the Northwest 1/4 of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

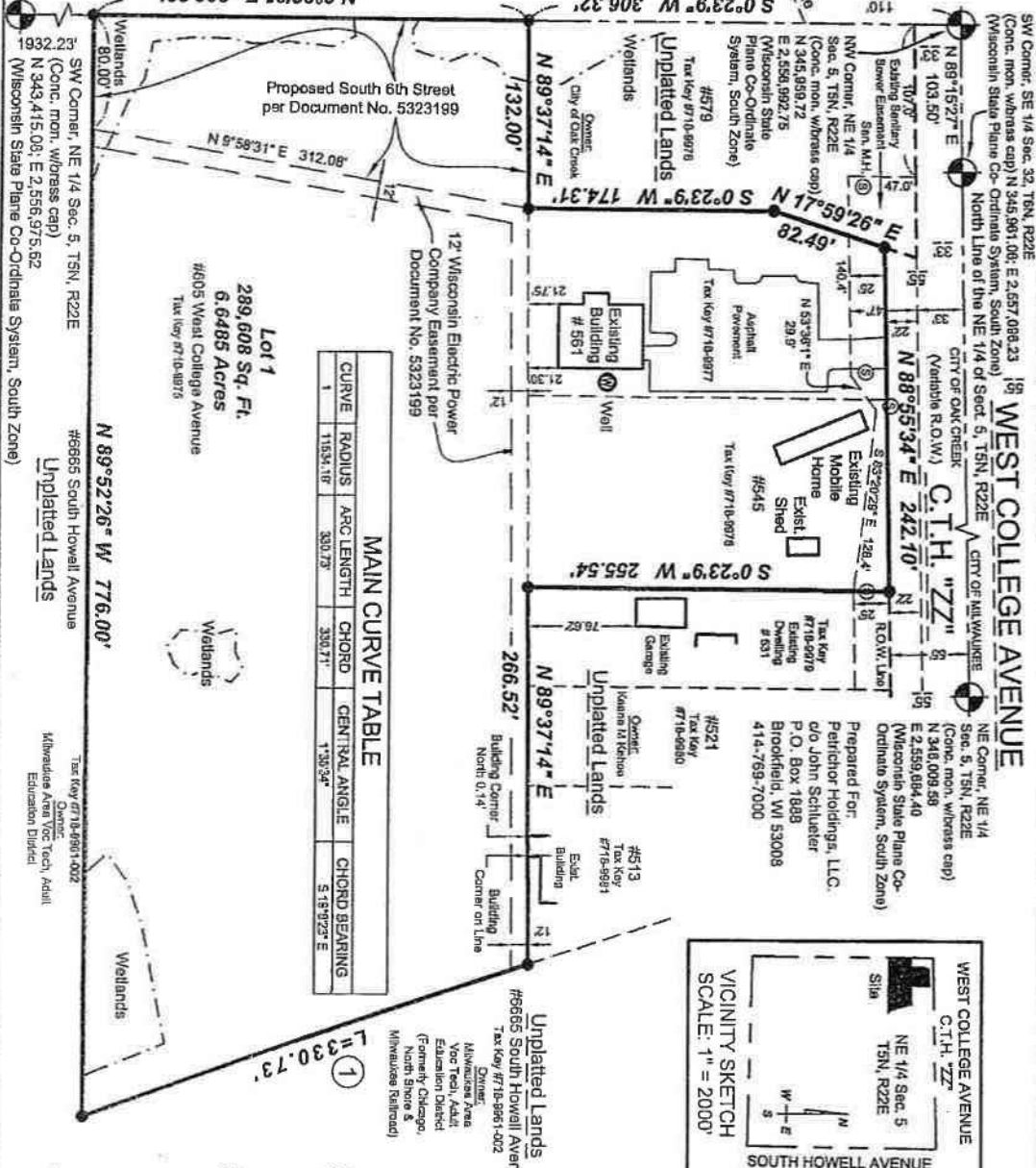


Notes:
 O — Denotes 1" iron pipe found
 ● — Denotes 1" x 24" iron pipe set, 1.58 lbs. per lin. ft.
 Bearings refer to Grid North of the Wisconsin State Plane Coordinate System Grid, South Zone per N.A.D. 27. The West line of the Northeast 1/4 of Section 5, Township 5 North, Range 22 East has a reference bearing of S 00°23'09" W. (December 2011 CSSD)

Tax Key Numbers: #718-9978, #718-9977, #718-9975
 Zoned: M1- Manufacturing District



October 10, 2012
 #813
 S 0°23'9" W 2544.87'
 West Line of the NE 1/4 of Sect. 5, T5N, R22E



MAIN CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD	CENTRAL ANGLE	CHORD BEARING
1	1153.18'	330.73'	330.71'	1°30'34"	S 1°19'23" E

Lot 1
 289,608 Sq. Ft.
 6.6485 Acres
 #605 West College Avenue
 Tax Key #718-9975

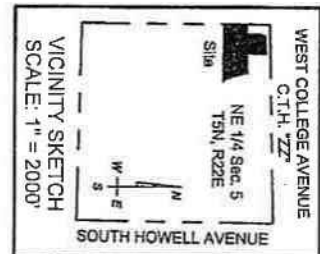
SW Corner, NE 1/4 Sec. 5, T5N, R22E
 (Cont. non-w/press cap)
 N 34°41'55.08" E 2,556.975.62'
 Wisconsin State Plane Co-Ordinate System, South Zone

#665 South Howell Avenue
 Unplatted Lands

Tax Key #718-9981-002
 Milwaukee Area Voc Tech, Adult Education District

12' Wisconsin Electric Power Company Easement per Document No. 5323199

Unplatted Lands
 #665 South Howell Avenue
 Tax Key #718-9961-002
 Milwaukee Area Voc Tech, Adult Education District (Formerly Chicago, North Shore & Milwaukee Railroad)



DAAR ENGINEERING, INC.
 ENGINEERS PLANNERS SURVEYORS
 518 West Cherry Street, Milwaukee, WI 53212
 PHONE (414) 604-0674 FAX (414) 604-0677
 www.daarcorp.com

NOTE:
 Wetlands Delineated by Wetland & Waterway Consulting, LLC, July 6, 2012.
 This instrument drafted by William R. Henrichs, RLS S-2419
 Job Number: 120184
 August 14, 2012
 Sheet 1 of 4 Sheets

City of Oak Creek Common Council Report

Nov. 20, 2012

Meeting Date: ~~November 7, 2012~~ (held)

Item No.: 10

Recommendation: That the Common Council adopt Ordinance 2645 amending the conditional use for the properties at 9000 and 9100 S. Nicholson Road to allow for a landscaping contractor's shop with outdoor storage of vehicles, materials, and equipment and operation of a State licensed composting facility.

Background: In November 2007, the Common Council approved Ordinance 2479, authorizing a conditional use permit that would allow Green Man Wood Services to operate a lumberyard and contractor's office with outdoor storage of vehicles, material, and equipment. Their primary business is lawn maintenance, landscaping, tree removal, and the recycling of wood products. Ninety (90) percent of their business activity will be done at customer's premises. The other ten (10) percent of the activity will be on site and will include wood cutting and splitting, both of which will be done indoors.

As part of this conditional use they would also operate a composting facility in the location currently approved for long-term vehicle storage for RVs, boats and trailers. The Plan Commission is recommending removing long-term vehicle storage condition and adding the condition to allow for the operation of a State licensed composting facility. If approved, the applicant will need to go before the Plan Commission to amend their site plan to illustrate the area where the new permitted use be located.

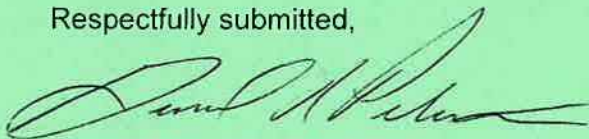
At the December 6, 2011 Common Council meeting, the Council held the agenda item to allow the applicant to sort out the operational issues brought up at the public hearing. Since that time, the applicant has submitted the necessary documentation to the DNR. Staff has contacted the DNR and was informed that a permit could be issued to the applicant as early as November 2, 2012.

Fiscal Impact: The commercial use of this property by the Green Man Tree Services would have a positive fiscal impact on the City.

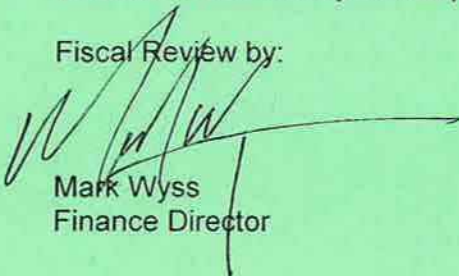
Prepared by:


Doug Seymour, AICP
Director of Community Development

Respectfully submitted,

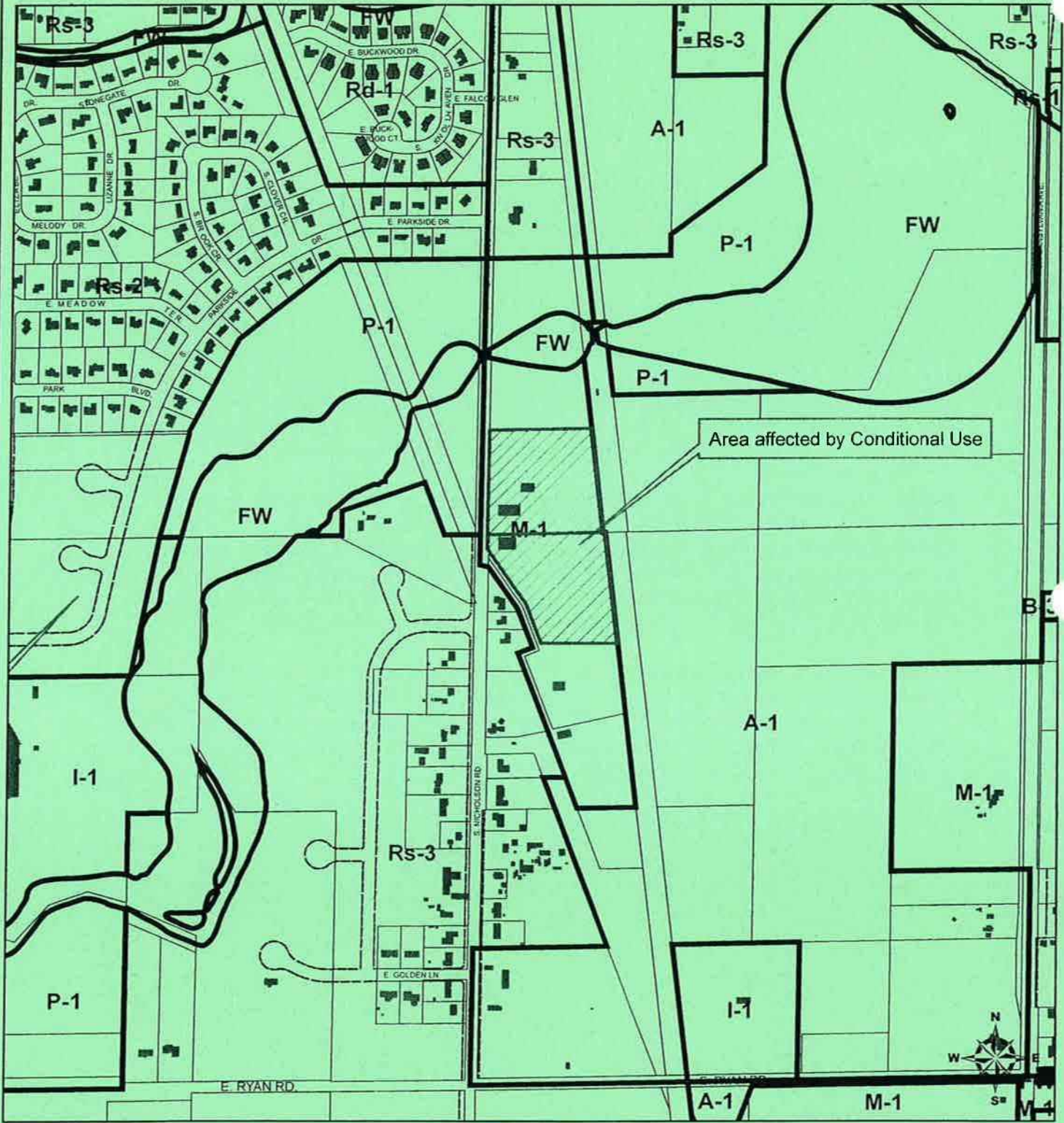

Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:


Mark Wyss
Finance Director

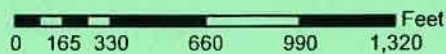
hold to 11-20-12

**Green Man Wood Services
Conditional Use Permit
9000 & 9100 S. Nicholson Road**







Oak Creek

Department of Community Development



Legend

-  Parcels
-  Officially Mapped Streets
-  Buildings
-  Green Man Wood Services

ORDINANCE NO. 2645

By: _____

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE PROPERTIES AT 9000 AND 9100 S. NICHOLSON ROAD FOR THE OPERATION OF A STATE LICENSED COMPOSTING FACILITY

(3rd Aldermanic District)

WHEREAS, on November 6, 2007 the Common Council adopted Ordinance No. 2479, authorizing the issuance of a conditional use permit to allow for a landscaping contractor's shop with outdoor storage of vehicles, materials, and equipment and the outdoor storage of no more than fifty (50) recreational vehicles, trailers, or boats at 9000, & 9100 S. Nicholson Road; and

WHEREAS, Green Man Wood Services, Inc. has applied for an amendment to that existing Conditional Use Permit that would allow for the operation of a State licensed composting facility; and

WHEREAS, these properties are more precisely described as follows:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SECTION 22-5-22 THENCE NORTH 502.61 FEET, THENCE EAST 522.19 FEET; THENCE SOUTHEASTERLY ALONG THE WESTERLY R-O-W LINE TO THE SOUTH ¼ SECTION LINE; THENCE WEST 587 FEET TO POINT OF BEGINNING. CONTAINING 6.404 ACRES and

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SECTION 22-5-22 THENCE SOUTH 21.68 FEET; THENCE SOUTHEASTERLY 383.24 FEET; THENCE SOUTHEASTERLY 200.95 FEET; THENCE EAST 369.68 FEET; THENCE NORTHEASTERLY 587.80 FEET ALONG THE WEST LINE OF RAILROAD R-O-W; THENCE WEST TO POINT OF BEGINNING, SUBJECT TO AND INCLUDING EASEMENT. CONTAINING 5.95 ACRES ("the Properties").

WHEREAS, the Plan Commission reviewed the applications and recommended that the amendment to the Conditional Use Permit be approved; and

WHEREAS, the Common Council held a public hearing on said applications on December 6, 2011, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for amendment of the Conditional Use Permit be approved and authorized subject, however, to the imposition of certain conditions and restrictions upon the 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 amendment to the Conditional Use Permit was 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 issue the Conditional Use Permit for a landscaping contractor's shop with outdoor storage of vehicles, materials, and equipment and operation of a State licensed composting facility, which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the M-1 Conditional Use for a landscaping contractor's shop with outdoor storage of vehicles, material and equipment and operation of a State licensed composting facility.

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: The approval and authorization of the issuance of a Conditional Use Permit for a landscaping contractor's shop with outdoor storage of vehicles, material and equipment and operation of a State licensed composting facility shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 7th day of November 2012.

President, Common Council

Approved this ___ day of _____, 2012

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek –Conditional Use Permit
Conditions and Restrictions
Applicant: Green Man Wood Services
Property Address: 9000 & 9100 S. Nicholson Road
Tax Key Number: 862-9991 & 872-9994-008
Conditional Use: Landscaping contractor's shop with outdoor storage of materials, vehicles and equipment and a
State licensed composting facility.

Approved by Plan Commission: 10/25/2011
Approved by Common Council
Ordinance No.: 2645



1. LEGAL DESCRIPTION

Outdoor storage shall be confined to the following legally described parcels:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SECTION 22-5-22 THENCE NORTH 502.61 FEET, THENCE EAST 522.19 FEET; THENCE SOUTHEASTERLY ALONG THE WESTERLY R-O-W LINE TO THE SOUTH ¼ SECTION LINE; THENCE WEST 587 FEET TO POINT OF BEGINNING. CONTAINING 6.404 ACRES and

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SECTION 22-5-22 THENCE SOUTH 21.68 FEET; THENCE SOUTHEASTERLY 383.24 FEET; THENCE SOUTHEASTERLY 200.95 FEET; THENCE EAST 369.68 FEET; THENCE NORTHEASTERLY 587.80 FEET ALONG THE WEST LINE OF RAILROAD R-O-W; THENCE WEST TO POINT OF BEGINNING, SUBJECT TO AND INCLUDING EASEMENT. CONTAINING 5.95 ACRES.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. A precise detailed site plan for the area described by the legal description affected by the conditional use shall be submitted to, and approved by, the Plan Commission prior to the commencement of activities authorized by this conditional use permit. This plan shall show and describe the following:

- 1) General Development Plan
 - a) detailed building locations with setbacks
 - b) square footage of building
 - c) areas for future expansion
 - d) area to be paved
 - e) access drives (width and location)
 - f) sidewalk locations
 - g) parking layout and traffic circulation
 - i) location
 - ii) number of employees
 - iii) number of spaces
 - iv) dimensions
 - v) setbacks
 - h) location of loading berths
 - i) location of sanitary sewer (existing and proposed)
 - j) location of water (existing and proposed)
 - k) location of storm sewer (existing and proposed) including detention/retention basins if needed
 - l) location of outdoor storage
 - m) location of wetlands (field verified)
 - n) location, square footage and height of signs
 - c) materials of construction
- 2) Landscape Plan
 - a) Location, number, initial size and type of berms and plantings
- 3) Building Plan
 - a) architectural elevations
 - b) building floor plans
- 4) Lighting Plan
 - a) types of fixtures
 - b) mounting heights
 - c) type of poles
 - d) photometrics of proposed fixtures
- 5) Grading, Drainage and Stormwater Management Plan
 - a) contours (existing and proposed)
 - b) location of storm sewer (existing and proposed)
 - c) location of stormwater management and water quality structures and basins
- 6) Fire Protection Plan
 - a) location of existing and proposed fire hydrants (public and private)
 - b) interior floor plan
 - c) materials of construction
- 7) Operational Plan
 - a) materials to be stored on site (types of materials, quantities, etc)
 - b) hours of operation
 - c) Rules/policies for RV, boat, and trailer storage area

- B. All plans for new buildings, additions, or exterior remodeling shall be submitted to the Plan Commission for their review and approval prior to the issuance of a building permit.
- C. For any new buildings or structures and additions, site grading and drainage, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, The City Engineer's approval must be received prior to the issuance of any building permits.
- D. The applicant shall be required to extend municipal sewer and water to serve this development. The applicant retains the right to request a waiver from this requirement from the City of Oak Creek Common Council in favor of a holding tank and/or private well.
- E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- G. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- H. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code.
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code.
- G. All areas where vehicles will be traveling and materials will be stored on the property shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base or a surface comprised of crushed and rolled asphalt millings subject to approval by the Plan Commission and City Engineer.

4. LIGHTING

All plans for new outdoor lighting shall be reviewed and approved by the Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

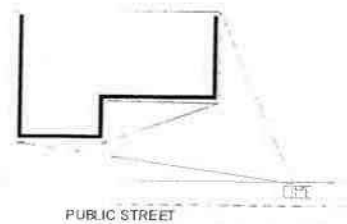
5. LANDSCAPING

- A. To assure a diversity of color, texture and year round interest, the total number of trees must be comprised of a minimum 50% evergreens, but no more than 70% evergreens.
- B. Landscape Screening Berm In order to provide a visual screen to the activities on this property, appropriate landscape materials shall be placed on an earthen berm located along the frontage of S. Nicholson Road in front of **the composting** area. This berm shall be at least three (3) feet in height and shall have planting materials of a height and species to provide a year-round visual screen to screen the long term boat, RV, and vehicle storage area. This must be approved by the Plan Commission. Minimum planting sizes for coniferous trees shall be six feet in height. The minimum planting size for any deciduous tree must be 2.5" d.b.h. There shall be a minimum of one tree for every 15 linear feet of berm
- C. Submittal Requirements. A detailed Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 3. The location and percent of slope of all proposed berms using one (1) foot contours.
 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 5. Methods used in staking, mulching, wrapping or any other early tree care used.
 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No new building shall be permitted where any exposed facade is not constructed or faced with a finished

Diagram of Length of Perimeter Visible from Street



material, which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. These include, but are not limited to brick, stone and tinted/textured concrete masonry units (CMU's). Smooth-faced concrete block, EIFS products (such as Dryvit) or pre-fabricated steel panels are not permitted as a primary exterior building material.

- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.
- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback ^a	Rear Setback	Side Setback
Principal Structure	40 ft.	20 ft.	20 ft.
Accessory Structure	40 ft.	20 ft.	20 ft.
Off-street Parking	40 ft.	5 ft.	5 ft.

*Additional buffer yard requirements may be applicable. See Section 17.0205(d) of the Municipal Code

8. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

- C. Outdoor storage of materials shall be limited to woodchips, mulch, sand, stone, topsoil, bricks, **compost**, and other similar materials used in the operation of the Green Man business. All materials shall be stored within designated storage areas. No piles shall exceed fifteen (15) feet in height. **Compost piles cannot exceed ten (10) feet in height and 5,000 cubic yards in volume.** A detailed plan for the storage areas shall be submitted to the Plan Commission for review and approval.
- D. The hours of operation for this facility shall be 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. on Saturdays. **There shall be no deliveries or customer transactions on Saturday.**
- E. **The Plan Commission reviews the composting facility prior to December 6, 2013 to see if there are any concerns or complaints about the appearance or nuisances pertaining to the composting operation or any violations of the conditional use permit.**
- F. All operations on the site, including the operation of motor vehicles and mobile equipment, shall be subject to the noise limitations established in Section 17.0810. Penalties resulting from any violations of this Section shall be the responsibility of the property owner.

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code. All signs must be approved by the Plan Commission as part of the site plan review process.

10. PERMITTED USES

- A. All permitted uses in the M-1; Manufacturing zoning district
- B. Lumberyard/landscape contractors yard with outdoor storage.
- C. Usual and customary accessory uses to the above listed permitted uses.
- D. **Wisconsin DNR Licensed Compost Facility**

11. TIME OF COMPLIANCE

- A. The operator of the conditional use shall submit a detailed site plan in accordance with Section 2 prior to any occupancy of the site. The operator of the conditional use shall have completed the installation and construction of all elements required in these conditions and restrictions to the required minimum specifications for the conditional use(s) within twelve (12) months from the date of site plan approval by the Plan Commission. Failure to complete the installation and construction of these elements within this time period shall constitute a surrender of the conditional use permit and the owner shall immediately cease any use of the property authorized by this conditional use permit. .

12. OTHER REGULATIONS

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

13. 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. 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 14 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.

14. REVOCAION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

14. 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's authorized representative

Date

(please print name)

City of Oak Creek Common Council Report

Meeting Date: 11/20/12

Recommendation: That the Common Council authorize environmental due diligence activities regarding the Lakefront Redevelopment.

Background: On March 1, 2011, the Common Council approved repayment to Wispark LLC in the amount of \$787,125.00 for environmental due diligence activities from June 2008 through the end of February 2011. At the same time, the Council approved a budget moving forward for additional environmental due diligence activities with an estimated range of \$377,425.00 to \$624,138.00 for environmental engineering consulting services and additional environmental legal consulting services. We have now reached the point where the budget has been met.

There has been considerable progress with respect to Lakefront Redevelopment including:

- The purchase of approximately 30 acres of the eastern portion of the former Peter Cooper site by the City in conjunction with the purchase of approximately 50 acres by Wispark of the western portion of the Peter Cooper property, which eventually will be slated for redevelopment.
- Approval of a remediation plan by the Wisconsin Department of Natural Resources under the Voluntary Party Liability Exemption (VPLE) program for the 112 acre DuPont and EPEC site. As outlined in the Common Council report from the meeting of November 7th from the City Engineer, construction activities are scheduled to begin immediately. Complete of the cap over the DuPont and EPEC properties is scheduled to be completed by September, 2013.
- In conjunction with the remediation and capping of the DuPont and EPEC properties, concrete slabs on the western half of the DuPont property will be removed, a pathway for the Lakefront roadway consistent with the Smith Group JJR concept plan that has been approved by the Common Council will be cleared and the future roadways will be graded to accommodate a future parkway to access the new public space on the DuPont and EPEC properties off of Ryan Road. Transfer of the DuPont and EPEC properties to the City is scheduled to take place once construction of the remedial cap is completed.
- The City also successfully negotiated the receipt of 400,000 cubic yards of clean fill from the Mitchell Interchange reconstruction project that is providing the source material for the filling of the DuPont and EPEC properties.
- High level discussions with Connell Limited Partnership, the current owner of the former 20 acres Wabash Alloys property at 9100 S. 5th Avenue, the former owner of the property, Beazer East Inc. and the DNR

have taken place and continue. An agreement to transfer the property to the City by Connell is being negotiated. This is a complicated environmental cleanup that involves competing interests on the part of the current owner and the former owner. The City, in conjunction with the DNR, is essentially acting in the role of the mediator to negotiate an acceptable remedial action plan for the site between the parties.

- Strand Associates, a consulting engineering firm, is designing the extension of Hwy 100 from his current terminus at Hwy 32 to the vicinity of 5th and Ryan to provide a gateway to the Lakefront.
- The City is working in conjunction with Smith Group JJR to secure grants to fund redevelopment activities. Smith Group JJR has identified hundreds of thousands of grant money to aid in the redevelopment effort.
- \$10,000,000 has been slated for Lakefront Redevelopment as part of the long term capital plan for expenditure of the public utility aid revenue received as a result of the construction of the Wisconsin Energy Elm Road Generating station as outlined in the City Administrator's report from the November 7th meeting.

Staff is requesting authorization for up to an additional \$405,045 to fund the remaining anticipated environmental due diligence activities, which are limited to:

- Completion of the construction of the remedial action work, land transfer and preliminary steps for redevelopment of the land transfer from DuPont and EPEC property.
- Completion of negotiations with Connell and Beazer East Inc., which will result in demolition of the building, remediation of the property and transfer of the land to the City

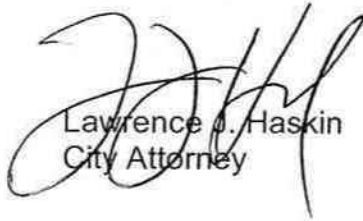
Attached are fee estimates from Environ and Godfrey & Kahn.

If additional environmental due diligence activities are required for either of the remaining properties, Peter Cooper and/or Hynite, the City will seek separate further authorization.

The price tag for this redevelopment effort is high. This has been a four year effort. We commenced our negotiations with DuPont and EPEC regarding redevelopment of their property in October, 2008. There have been numerous meetings with all of the property owners involved. There have been regular and numerous meetings with the DNR and the EPA regarding the environmental cleanup. The City has forged a tremendous working relationship with the DNR and the EPA with regard to this project. While a great deal has been accomplished, there still remains certain activities for which outside expertise is required. This 250 acre redevelopment area was adversely environmentally impacted by nearly 100 years of manufacturing activity. Much of that activity took place in era where there was no EPA or DNR or there was little if any government regulation. This redevelopment process is a long one. We expect to see tangible, visual progress over the next year that will lead to public access to the Lakefront.

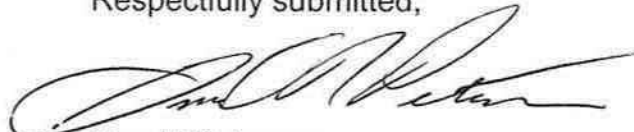
Fiscal Impact: As stated above. Repayment of these funds is anticipated to come from the sale of the land once the City takes title to the DuPont and EPEC properties.

Prepared by:



Lawrence J. Haskin
City Attorney

Respectfully submitted,



Gerald Peterson
City Administrator

Fiscal Review by:



Mark Wyss
Finance Director

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

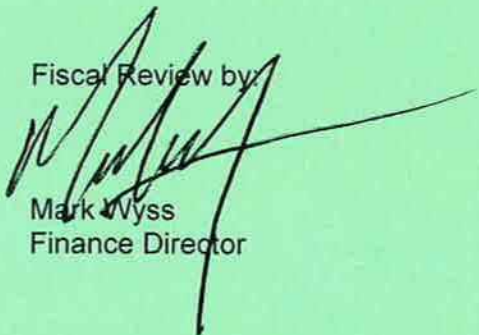
Item No.: 12

Recommendation: That the Common Council adopt Resolution #11305-112012 supporting submission of a Wisconsin Coastal Management 2013-2014 grant program application in the amount of \$93,400 with City funding commitment of \$140,200.

Background: Attached is a copy of a Coastal Zone Management Grant intended to develop a paved pathway between the northern portion of Bender Park through the EPEC and Du Pont properties (see map attached to grant). The estimated total project cost is \$233,600, of which grant application assistance in the amount of \$93,400 is requested. It may be possible to reduce the City share of this project through other funding sources which we are currently pursuing.

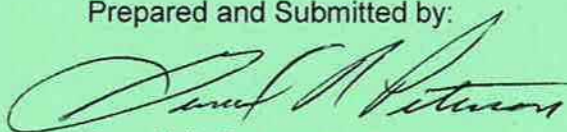
Fiscal Impact: City commitment on this project is \$140,200 which would be paid from the \$1 million commitment for lakefront development contained in both the 2012 and 2013 budgets.

Fiscal Review by:



Mark Wyss
Finance Director

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

1. Type of Project (check one):	<input type="checkbox"/> Coastal Wetland Protection and Habitat Restoration <input type="checkbox"/> Nonpoint Source Pollution Control <input type="checkbox"/> Coastal Resources and Community Planning <input type="checkbox"/> Great Lakes Education <input checked="" type="checkbox"/> Public Access and Historic Preservation
2. Project Title: Oak Creek Lakefront Redevelopment Bluff Top Trail Engineering and Construction	
3. Organization applying: City of Oak Creek	5. Primary County where project is located: Milwaukee
4. Contact Person and Address: Gerald Peterson, City Administrator <hr/> 8640 S. Howell Avenue <hr/> Oak Creek, WI 53154 <hr/> Phone: (414) 768-6504 Fax: (414) 768-6596 Email: gpeterson@oakcreekwi.org	6. Other Counties where project is located: NA <hr/> 7. Congressional District #: 1 <hr/> 8. State Senate District #: 7 <hr/> 9. State Assembly District #: 21
10. Total Project Cost: \$233,600	
11. WCMP Share: \$93,400	13. WCMP Percent: 40%
12. Applicant Share: \$140,200	14. Applicant Percent: 60%
15. Brief Summary of the Project (300 word maximum, use this page only). Include (1) Project Description and (2) Project Outcomes:	
<p>PROJECT DESCRIPTION</p> <p>Public access to Lake Michigan and its bluff is very limited within the City of Oak Creek. There are no City-owned parcels that can provide safe and legal public access to the Lake Michigan bluff, views, and water's edge. The City has an unprecedented opportunity to revitalize a 250-acre former industrial waterfront site along 4,700-feet of Lake Michigan shoreline, and in turn provide that public access. The site, north of Milwaukee County's Bender Park, south of the MMSD South Shore Water Reclamation Facility, and east of South 5th Avenue, has been the scene of industrial activity for over 100 years. All industrial activity on the site has ceased and remediation efforts are underway, but there is currently neither public access nor economic activity in the area.</p> <p>This grant request is to support the final engineering and construction of a public access trail that will connect the 303.5-acre Bender Park with the City's bike trail network, providing immediate access to the Lake Michigan bluff and its view and access to planned bluff top recreational fields and lakefront overlook. The off-road, asphalt multi-use trail will provide a loop that connects Bender Park with East American Avenue at 5th Avenue.</p> <p>PROJECT OUTCOMES</p> <p>The project outcomes will the City of Oak Creek's first safe and legal public access to the Lake Michigan lakefront bluff through a recreational trail with associated improvements and amenities.</p>	

1. Problem: Concisely state the problem or issue that this proposal addresses. Include important background information.

The City seeks to provide public access to the Lake Michigan lakefront to the residents of Oak Creek and other visitors. The Oak Creek lakefront redevelopment area is critical in connecting the City's neighborhoods and open spaces to the lakefront through the City's existing and proposed trail connections. Safe recreational access to the lakefront for Oak Creek residents is necessary to justify past investments of public funds and to bolster public support for more extensive city, state, and federal investment in the implementation of the redevelopment vision.

Momentum has been building since the February 2012 adoption of the Oak Creek Lakefront Redevelopment Action Plan. Remedial actions plans are being implemented. In 2012, the City has recently acquired large portions of waterfront. In mid to late 2013, the City will control the two southern-most parcels of the redevelopment area, through which the proposed project will pass. This Coastal Management application for grant funding has been timed so that the public can access the lakefront redevelopment area as quickly as possible.

2. Project Description: Address all of the issues listed below as they relate to your project.

- a. Describe the project for which funding is requested.
- b. Describe how this project is part of an integrated effort or approach.

- a. Describe the project for which funding is requested.

The City is requesting funding for a two phase project that will result in a 4,870'-long public recreational trail that connects the Lake Michigan lakefront with the City's existing public trail network and the Bender Park trail system. Exhibit #1 shows the proposed multi-use trail alignment, its connections with existing and future recreational trails, and other proposed access and redevelopment activity. The trail will pass through Milwaukee County's Bender Park, two lakefront parcels that will be under City control in 2013, and connect to East American Avenue at South 5th Avenue. The two lakefront parcels are known by their current owners – EPEC (southern parcel) and DuPont (northern parcel). Exhibit #2 shows the trail system within Bender Park, and Exhibit #3 shows the proposed recreational trail within the City's bikeway system.

The City anticipates designing and constructing an attractive and functional recreational trail and expected amenities. Elements include:

- Trail – 8 feet wide, 4,870 lf; asphalt (3" thick) on top of crushed aggregate base (6" thickness, 10 feet wide)
- Seeding/Topsoil – on average of 7 feet on both sides
- Landscape Improvements – The trail will pass through a wooded area on the EPEC parcel. The project will improve the landscaping along the trail on the DuPont parcel. The project budget assumes up to eight shade trees.
- Site Amenities - Benches (2), bike racks (2), and trash receptacles (2) located at the each end of the proposed trail and at a mid-trail Lake Michigan overlook
- Directional Signage / Location Map – at each end of the trail

Vehicle parking will be provided in an existing parking lot within Bender Park. The trail will be designed to provide handicapped access.

The project has two phases – Engineering, Design, and Permitting precede Project Construction.

- b. Describe how this project is part of an integrated effort or approach.

Multiple studies, including a 2009 ULI study and the 2012 Lakefront Redevelopment Action Plan (the latter was supported by a past Coastal Management Coastal Resources and Community Planning grant) describe a comprehensive vision for redevelopment resulting in significant public recreational open space and access, opportunities for habitat creation/enhancement, bluff stabilization, and upland private investment including residential, office and/or light industrial, and limited retail development. The redevelopment plan is characterized by a careful balance between natural resources preservation and economic development along the Oak Creek lakefront. Approximately half of the brownfield redevelopment areas are reserved for public recreation and open spaces uses, with the balance intended to restore tax base through private redevelopment. A copy of the Lakefront Redevelopment Site Concept plan is included in Exhibit #4. The green areas show the intended areas of public access. A complete copy of the 2012 Lakefront Redevelopment Action Plan is included in Exhibit #5. This current grant request is a continuation of Coastal Management's previous investment, implementing a critical and initial project to bring public access back to the lakefront.

The proposed public recreational trail is the initial project that will bring public access to this long cordoned-off section of Lake Michigan bluff. The trail project is coordinated with many on-going projects, including:

- Ongoing implementation of the Remedial Action Plans for the EPEC and DuPont parcels, which will result in remediated contaminated areas and City ownership of both parcels in 2013.
- Ryan Road Extension engineering and construction, which will result in an extension of Ryan Road/Highway 100 east of South Chicago Road/Highway 32 to cross the active rail lines and connect directly to East Ryan Road. This road project will provide direct vehicular access from the Oak Creek neighborhoods to the redevelopment area and Bender Park. Construction is expected in 2014/2015.
- Bluff Stabilization and Stormwater Master Plan Study, planned for early 2013, which will create a stormwater master plan and bluff stabilization strategies for the entire redevelopment area. The DuPont bluff is currently unstabilized; the EPEC bluff has been stabilized.
- Lakefront Drive engineering and construction, which will result in a new roadway that extends East Ryan Road north through the EPEC and DuPont parcels along the bluff top, providing vehicular public access to the bluff edge and planned city recreational fields. The planned roadway will roughly parallel the multi-use trail within the EPEC parcel.

3. Impact on Coastal Resources: Address all of the issues listed below as they relate to your project.

- a. Describe the extent to which the problem, need or priority will be addressed by the project.
- b. Describe how this project addresses a high priority need as identified in local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Management Plans, State Hazard Mitigation Plan, and county Land and Water Conservation Plans), the priorities of the Council of Great Lakes Governors, or the Great Lakes Regional Collaboration Strategy (www.gllrc.us/).
- c. Describe the extent to which the project permanently addresses the problem or need.
- d. Describe the extent to which the project leverages other technical or financial resources.
- e. Describe the measurable results (give estimated benefits for all that apply). Use the suggested indicators listed below, or others that are appropriate to your project.

Type of Project

Wetland Protection and Habitat Restoration

Nonpoint Source Pollution Control

Great Lakes Education

Coastal Resources and Community Planning

Public Access and Historic Preservation

Suggested Indicators

- Acres of habitat restored or protected
- Endangered species protected
- Type of habitat or ecosystem protected or restored
- Reduction in pounds of Phosphorus delivery
- Reduction in tons of soil erosion/sedimentation
- Miles of vegetative buffer
- Number of people trained
- Projected audience
- Number of municipalities included in a plan
- Population affected by the plan
- Land area covered by the plan
- Type of coastal resource protected
- Ordinances developed
- Linear feet of coastline made accessible or acquired
- Population affected
- Acres Acquired

- a. Describe the extent to which the problem, need or priority will be addressed by the project

No safe or legal public access to the Lake Michigan bluff is available within the City of Oak Creek. The recreational trail will connect to existing trails in Bender Park and the City's neighborhood street trail network, enabling Oak Creek residents to access the Lake Michigan bluff redevelopment area for the first time in a safe and legal manner.

- b. Describe how this project addresses a high priority need as identified in a local, state, regional, or national plans (such as remedial action plans, basin plans, Lakewide Management Plans, State Hazard Mitigation Plan, and county Land and Water Conservation Plans), the priorities of the Council of Great Lakes Governors, or the Great Lakes Regional Collaboration Strategy (www.gllrc.us/).

- Great Lakes Regional Collaboration Strategy – Under the Sustainable Development chapter, the Great Lakes Regional Collaboration Strategy includes the following recommendation to use funding sources like Coastal Management to support lakeside brownfield remediation for public access recreation:
 - Action (c): Local communities should re-use brownfields to revitalize lakeside and tributary waterfronts, with emphasis

on public access and recreational opportunities. Federal and state grant programs should give increased funding priority for these projects.

- Timeframe: 2006-2007
- Lead: Local governments, with priority funding from federal and state programs
- Resources: Target existing program funds
- Sources: Federal and state funding programs including: USEPA, Brownfields Program; U.S. Dept. of Housing and Urban Development (HUD), Brownfields Economic Development Initiative; US Forest Service (USFS), US Dept of Interior (USDOI) and US Fish & Wildlife Service (USFWS), Land and Water Conservation Fund; NOAA Coastal Brownfields and Portfields (with USEPA) programs, US Army Corps of Engineers (USACE), Great Lakes Remedial Action Plan, Beneficial Use of Dredged Material and ecosystem restoration programs.
- Lakefront Redevelopment Action Plan, 2012 (partial funding through Coastal Management Program) - Identifies public recreational access as essential to the redevelopment of the site. Early public access to the lakefront is necessary for a fundamental reason -- the redevelopment area has been a fenced off, heavy industrial zone for decades. For private development of residential, office, and limited retail to be viable, the Oak Creek and South Milwaukee region must establish a new paradigm for the area, one that welcomes public access and where recreation and lake views and access are safe. The proposed recreational trail is the first project to change this public mindset. See Exhibit #5.
- Oak Creek Park and Open Space Plan, 2008 – Identifies objectives to remediate contaminated Lake Michigan lakefront for public recreational uses, to expand the lakefront open space adjacent to Bender Park, and to establish a bike trail segment from Bender Park into the center of the Oak Creek community. See Exhibit #6 for an excerpt of the Oak Creek Park and Open Space Plan.
- Wisconsin Statewide Comprehensive Outdoor Recreation Plan – Identifies Oak Creek’s portion of the Lower Lake Michigan Coastal area as having a shortage of parks and playgrounds. The proposed recreational trail will extend the access reach of Bender Park and its internal trails, connect it to the City of Oak Creek’s trail network, and provide access to the planned city recreational fields.
- Wisconsin’s America’s Great Outdoors Projects – Prioritizes the Lake Michigan Water Trail between Bender Park and Grant Park, which is directly adjacent to the redevelopment area. The concurrent bluff stabilization study will indicate the opportunities and locations for future public water access. The proposed recreational trail and its future extensions will help connect Oak Creek residents to both “green trails” and future “blue trails”.

c. Describe the extent to which the project permanently addresses the problem or need

The proposed project permanently provides public access to the lakefront bluff. As shown in Exhibit #1, the proposed recreational trail will be the backbone for future recreational trail connections. On the portion of the bluff that is currently stabilized (EPEC parcel), a future trail extension will connect the bluff top with the water’s edge utilizing an existing maintenance road, and connecting with Bender Park’s lakefront Forked Aster Trail. After bluff stabilization is complete on the DuPont parcel, a trail extension will continue north, following the new bluff edge and connecting to the northern parcels of the larger redevelopment area.

d. Describe the extent to which the project leverages other technical or financial resources

The recreational trail project has been integrated the overall redevelopment efforts to fully leverage the technical and financial resources. The City will seek other financial resources to further support the proposed recreational trail and associated amenities. The moderate Coastal Management grant investment in the proposed recreational trail will have tremendous impact because the City has integrated the effort with multiple efforts. Federal, State, local, and private financial support could include:

- Bikes Belong
- Fund for Lake Michigan - The City has met with the administrators of the fund and anticipates applying for assistance in 2013 to support the construction of the associated public recreational fields and overlook.
- Knowles-Nelson Stewardship Grant, WDNR – The agency has already committed funds to purchase waterfront parcels for public recreational access in a different portion of the lakefront redevelopment area.
- Land and Water Conservation Fund (LAWCON), WDNR
- Milwaukee Metropolitan Sewerage District - The City is working with MMSD to determine if portions of this project are eligible for their Green Infrastructure Partnership funding.
- Transportation Alternatives Program, WDOT (consolidated program for funds previously distributed through WDNR’s Recreational Trails Program and WDOT’s Transportation Enhancements Program and Bicycle and Pedestrian Facilities Program)

The City is providing matching funds for all these partnership efforts. The City has budgeted \$2 million in the annual budgets (\$1,000,000 each in 2012 and 2013 budgets). Additionally, the City has Common Council approval to issue up to \$10 million in bonds for construction, if necessary.

The proposed project leverages City and outside technical resources for both project design and construction. The proposed recreational trail design and construction will draw on and expand upon City of Oak Creek Engineering staff and selected outside consultants.

e. Describe the measurable results. Give estimated benefits for all that apply.

Public Access and Historic Preservation

Linear feet of coastline made accessible or acquired: The proposed recreational trail is 4,870 feet in length.

Population affected – The potential user pools for the recreational trail are the residents and visitors to Oak Creek, Bender Park, and the Oak Leaf Trail. The recreational trail will be a destination for Oak Creek residents, which have no other public lake access on city-owned parcels. The recreational trail will connect with trails within Bender Park and will connect via the Oak Creek trail network to the Milwaukee County Oak Leaf Trail.

The likely primary users of the recreational trail will be City of Oak Creek residents, who are within biking distance of the lakeshore. (The entirety of Oak Creek is within five miles of the project site.) Secondary users will be those that drive to the lakefront, including Bender Park visitors and other Milwaukee County residents. To provide an estimate of the potential number of users of the proposed recreational trail, the following table applies the percentage of state residents that participate in activities that are likely to occur the multi-use path (from the 2005-2010 Statewide Comprehensive Outdoor Recreation Plan), applied to the populations of the City of Oak Creek and Milwaukee County. During the 2010 Census, the City of Oak Creek population was 34,451, and the Milwaukee County population was 947,735.

	City of Oak Creek Users (total pop: 34,451)	Milwaukee County Users (total 947,735)
Walk for pleasure (85.8%)	29,559	813,157
View/photograph natural scenery (67.5%)	23,254	639,721
Bicycling (49.3%)	16,984	467,233
Day hiking (35.0%)	12,058	331,707
Running or jogging (29.4%)	10,129	278,634
Inline skating (20.0%)	6,890	189,547
Trail running (18.6%)	6,408	176,279

Since the percentages are non-exclusive, it is reasonable to estimate that 30,000+ Oak Creek residents are likely potential users of the recreational trail, and a half million Milwaukee County residents are likely to consider the proposed trail and its connections to Bender Park and the Oak Leaf Trail as a recreational destination.

4. Methodology and Timetable

- a. Provide a list and description of project tasks, including a timeline and major milestones.
- b. Provide a list of work products or deliverables.
- c. Describe how the project will encourage public participation and how the final product will be distributed (as appropriate).
- d. For Public Access projects, please describe how the project incorporates planning for changing lake levels.

- a. Provide a list and description of project tasks, including a timeline and major milestones.

- Engineering, Design, and Permitting – June-July 2013
- Public Meeting – July 2013
- Construction of Lakefront Trail/Trailhead – October -November 2013

- b. Provide a list of work products or deliverables.

- Final engineering documents
- Necessary permits
- Lakefront trail, trailheads, lake overlook

- c. Describe how the project will encourage public participation and how the final product will be distributed (as appropriate).

The engineering, design, and permitting phase will re-engage stakeholders and the public that were involved in the Oak Creek Lakefront Redevelopment Action Plan. During that planning process, hundreds of meeting participants described their vision for the lakefront redevelopment, including the recreational trail amenities. During the final engineering and design phase, City staff will hold a public meeting to confirm the design direction from the Oak Creek Lakefront Redevelopment Action Plan. The meeting will be hosted by Jeff Fortin, City Engineer, and input will be sought on the appropriateness and acceptability of proposed trail alignment and trail amenities. The City intends to send postal mail notices to those on the attendee list from the Oak Creek Lakefront Redevelopment Action Plan meetings.

publicize it on the City's Facebook page, the City's website, in the weekly Mayor's Message, and on the local online newspaper Oak Creek Patch.

d. For Public Access projects, please describe how the project incorporates planning for changing lake levels.

The proposed recreational path alignment is on the top of the Oak Creek bluff, and not directly impacted by changing lake levels. The concurrent bluff stabilization study will address the historically low Lake Michigan levels and how changing lake levels, including a bathymetric survey to ensure the effects of changing lake levels are accommodated.

5. Project Budget

- a. Provide a breakdown of the proposed project budget using the following **required table**. WCMP Grant projects with a total budget of \$60,000 or less require a 50% match. Projects with a total budget larger than \$60,000 require a 60% match. The budget must show proposed costs in the categories listed in the first table.

Activity	WCMP Request	Match	Total
Personnel	\$2,600	\$4,000	\$6,600
Fringe Benefits	\$1,400	\$2,100	\$3,500
Travel	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Supplies	\$0	\$0	\$0
Contractual	\$0	\$0	\$0
Construction	\$87,400	\$131,100	\$218,500
Other	\$0	\$0	\$0
Indirect Charges	\$2,000	\$3,000	\$5,000
Totals	\$93,400	\$140,200	\$233,600

- b. Applicants for **Public Access and Historic Preservation** projects **must** provide further details using additional categories/sub-categories in the second table or in another format, if necessary.

Activity	WCMP Request	Match	Total
Engineering, Design, Permitting, Public Participation	\$6,000	\$9,100	\$15,100
Construction – Lakefront Trail, Amenities	\$87,400	\$131,100	\$218,500
Totals	\$93,400	\$140,200	\$233,600

6. Budget Description

- Describe, in detail, the commitment of nonfederal matching funds.
- Describe the composition and source of the matching funds.
- Describe how the grants will be leveraged. Include efforts to find leveraged funds. Include amount if known.
- Describe efforts to fully explore other grant funding sources.

a. Describe, in detail, the commitment of nonfederal matching funds.

The City of Oak Creek has committed to providing matching funds for this project. The City will also seek other nonfederal matching grants, as described in part (3) (d) above.

b. Describe the composition and source of the matching funds.

The City of Oak Creek has \$1,000,000 in the 2013 budget. The remainder of necessary matching funds will come from this budget line item. The City will not exceed the budget line item, and will ensure the funding is set aside so other projects cannot use the funding designated for the proposed recreational trail.

c. Describe how the grants will be leveraged. Include efforts to find leveraged funds. Include amount if known.

The City has been awarded, has applied for, or is in the process of applying for numerous grants, as described in part (3) (d) above.

d. Describe efforts to fully explore other grant funding sources.

In addition to the efforts described in part (3) (d) above, the City has retained a Consultant, as part of the on-going effort to fully explore other grant sources. The Consultant has already established relationships with many funding agencies, and will continue to explore funding opportunities. Additionally, City staff exploring existing relationships with potential funding agencies WDNR and MMSD. The City will continue to attend Wisconsin Coastal Management Program meetings and seminars to better understand coastal processes and facilitate the most effective measures to enhance and maximize the value of this lakeshore resource.

7. **Bonus objectives.** Address all of the issues listed below as they relate to your project.

- a. Build partnership alliances with other organizations or agencies
- b. Develop exceptional marketing, outreach or education strategies
- c. Encourage coast-wide projects or solutions

a. Build partnership alliances with other organizations or agencies

The engineering, design, and construction of the recreational trail will require close partnership with Milwaukee County Parks, particularly the portions of the trail located within or adjacent to Bender Park. Vehicle parking will be provided in an existing parking lot within Bender Park. Milwaukee County Parks has indicated their full support for this project and this application for funding. Exhibit #7 is a letter from Milwaukee County Parks that describes their willingness to partner with the City of Oak Creek on this mutually beneficial project.

The City will also coordinate with other agencies to seek input and receive technical guidance where appropriate, to ensure the best possible design and compliance with all regulatory needs. These agencies will include the WDNR, WDOT, Milwaukee County, and others.

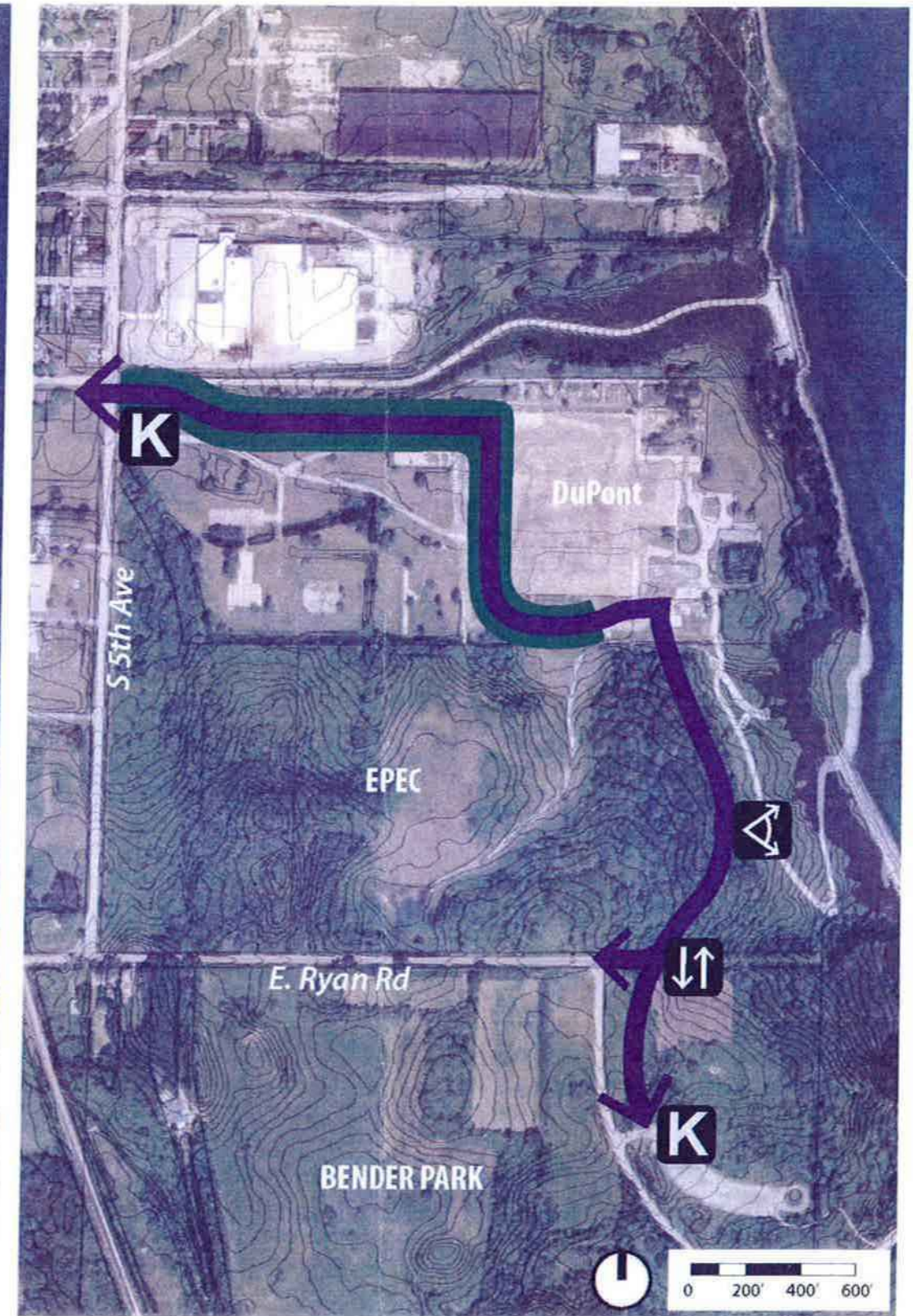
b. Develop exceptional marketing, outreach or education strategies

Widespread public awareness of the lakefront redevelopment project has been a prominent goal for the City, and efforts will continue in a number of ways. The recreational trail will provide the first safe and legal access to the lakefront, and thus the City will widely publicize the opening of the trail as the start of its multi-year efforts to bring Oak Creek residents and others to the Lake Michigan bluff.

Once users get to the trail, the redevelopment plan calls for educational and interpretive signage along the lakefront regarding the coastal environment and habitat and the site's industrial past. The proposed project includes interpretative signage located at several points along the recreational trail, including the trailhead kiosks and the mid-trail lake overlook point.

c. Encourage coast-wide projects or solutions

The state and Southeast Wisconsin counties and communities are seeking to create a connected recreational trail network that highlights Lake Michigan and its edge. This proposed trail extends the lakefront trail network in Bender Park north, more than doubling the length of lakefront trails. Additionally, the proposed trail will connect to the planned Lake Michigan Water Trail that will run between Bender Park and Grant Park.



To Oak Leaf Trail North Shore Spur via Neighborhood Streets

To Oak Leaf Trail North Shore Spur via Ryan Rd

- Proposed Trail
- Future Trail Connection (After Bluff Stabilization)
- Existing Trail
- Proposed Roadway
- To Forked Aster Hiking Trail
- Welcome Kiosk
- Directional Signage
- Overlook
- Proposed Landscape Enhancement Zone

THE CITY OF OAK CREST

THE CITY OF OAK CREST

STATE HWY 32

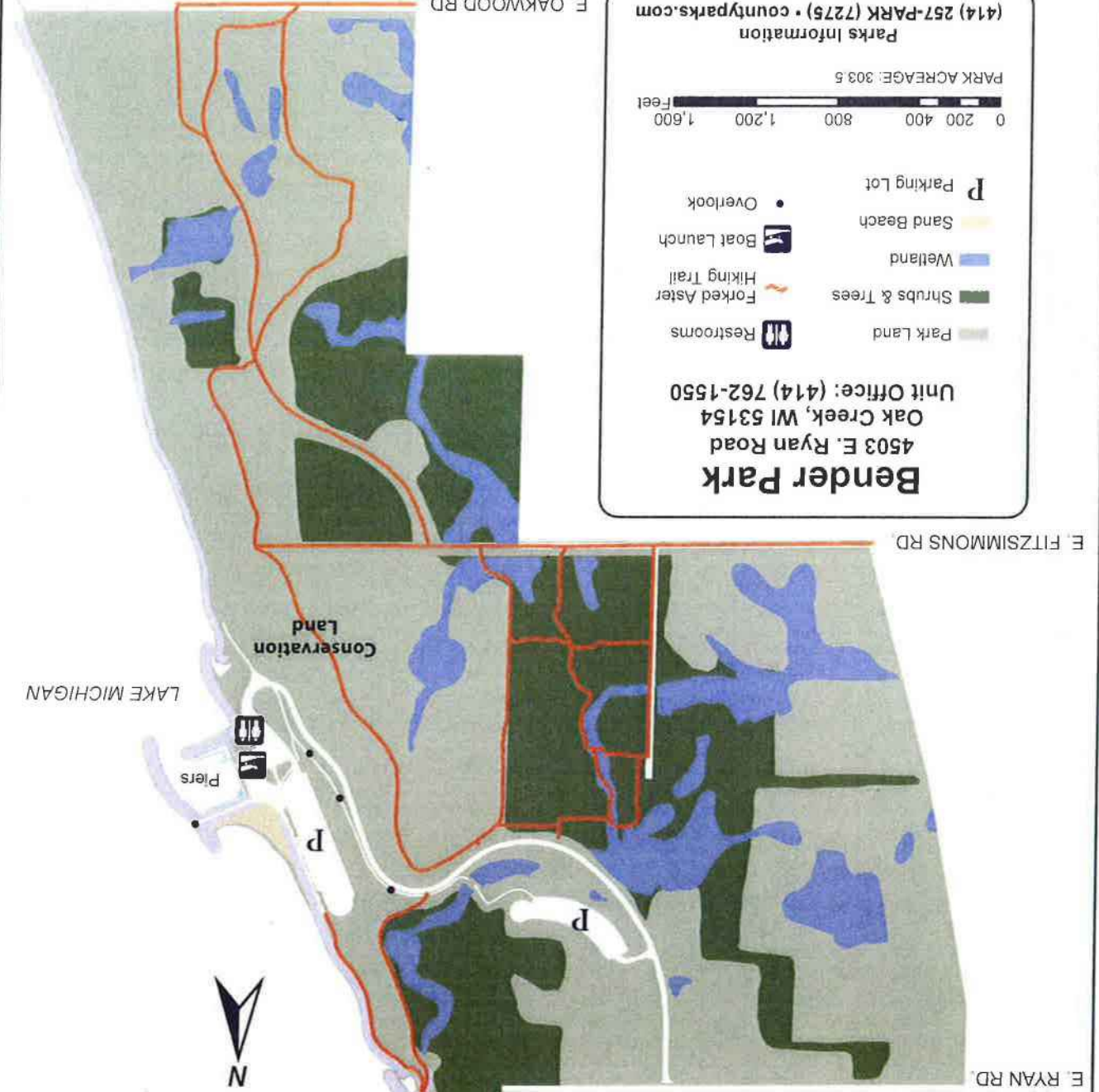
UPDATED OCTOBER '12

Parks Information
(414) 257-PARK (7275) • countyparks.com

PARK ACREAGE: 303.5
0 200 400 800 1,200 1,600
Feet

- Park Land
- Shrubs & Trees
- Wetland
- Sand Beach
- Parking Lot
- Restrooms
- Forked Aster
- Hiking Trail
- Boat Launch
- Overlook

Bender Park
4503 E. Ryan Road
Oak Creek, WI 53154
Unit Office: (414) 762-1550



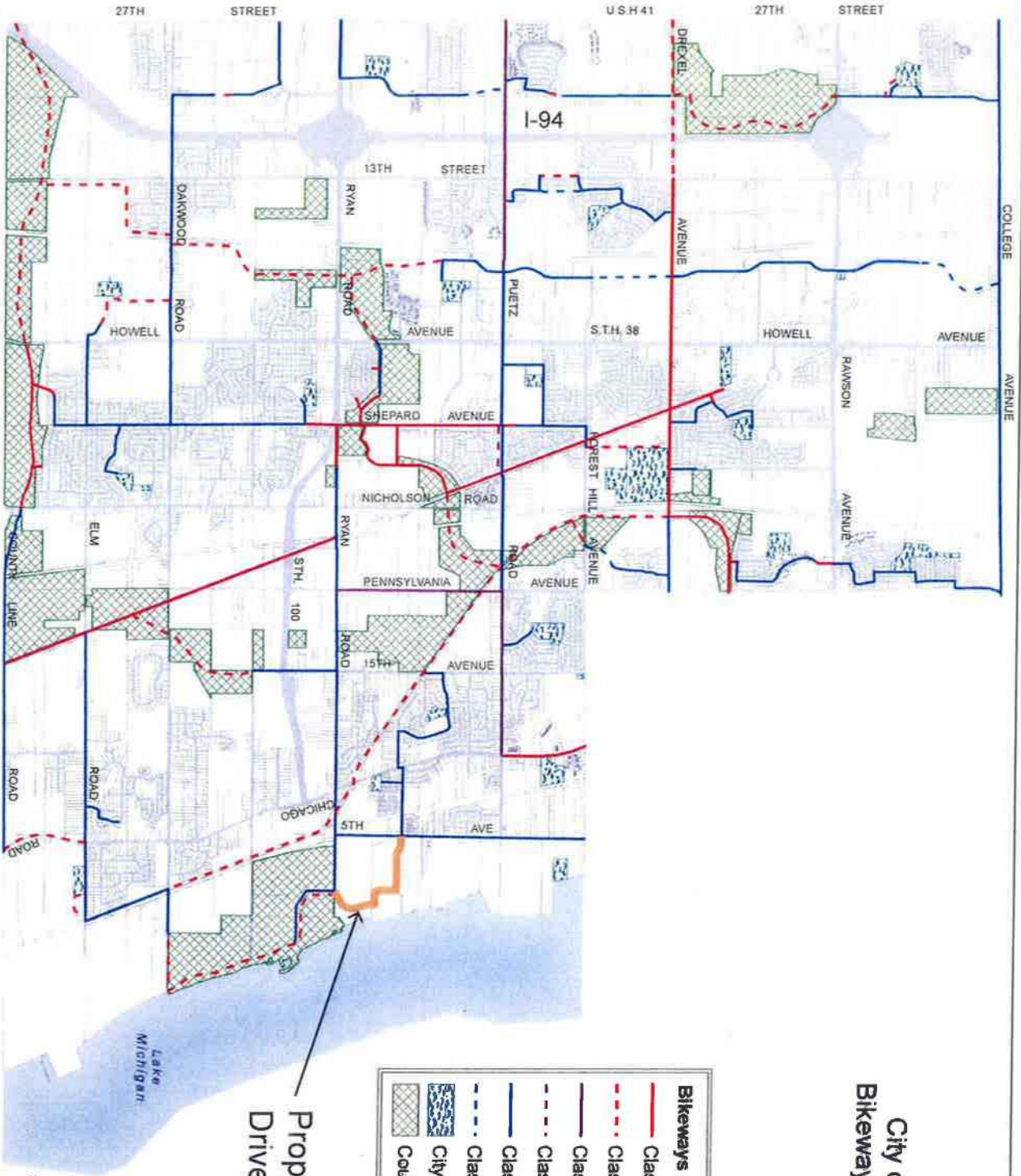
5TH AVE.

Map 9
City of Oak Creek
Bikeway System - 2008



Bikeways	
	Class 1 - Existing
	Class 1 - Proposed
	Class 2 - Existing
	Class 2 - Proposed
	Class 3 - Existing
	Class 3 - Proposed
	City Parks
	County Parks & Parkways

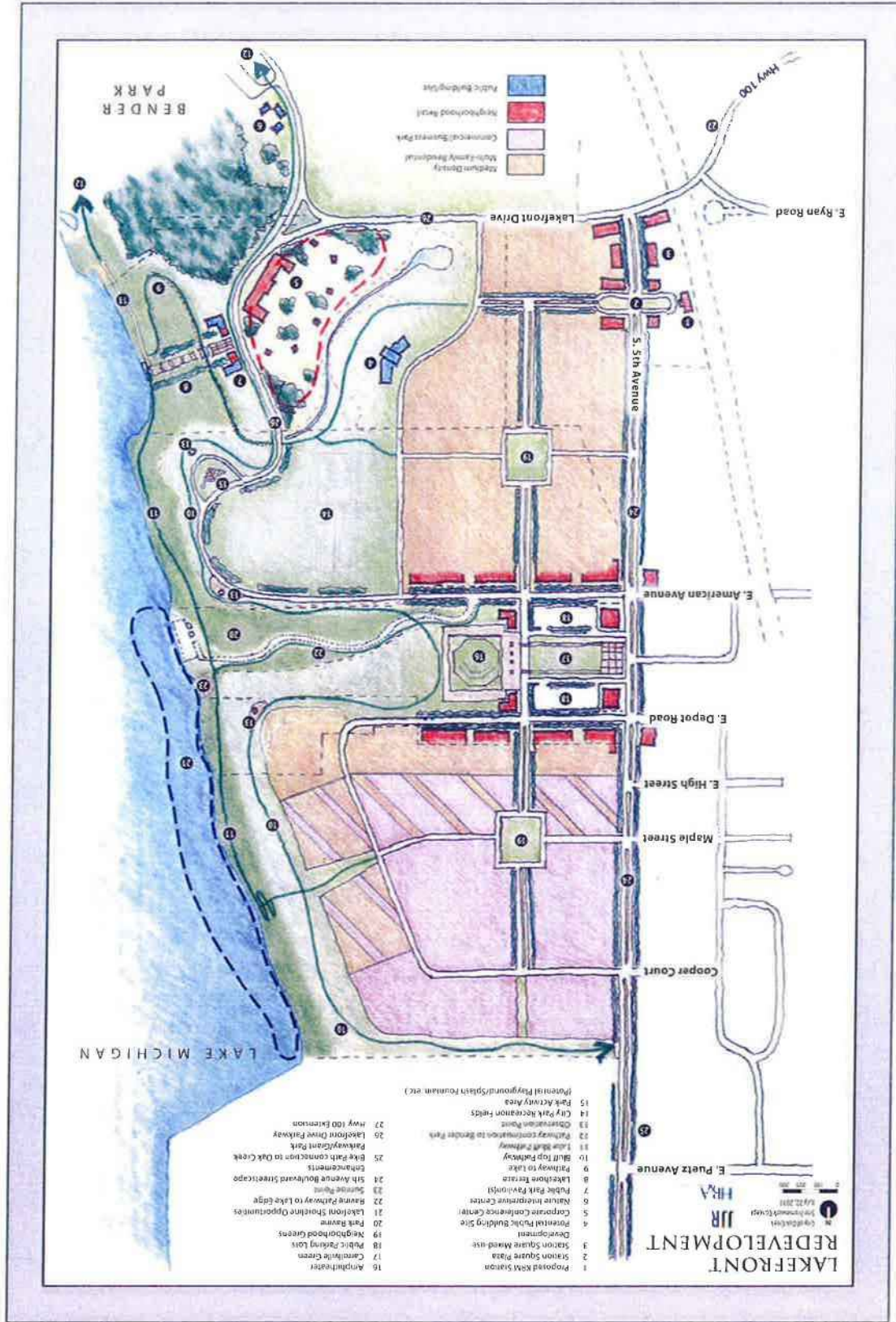
Proposed Lakefront Drive Trail Extension



Source: City of Oak Creek Parks, Recreation & Forestry Department, 2008

Source: Oak Creek Park and Open Space Plan, 2008

Source: Oak Creek Lakemont Redevelopment Action Plan, 2012 (green areas indicate intended public access)





MILWAUKEE COUNTY
PARKS
N · A · T · I · O · N · A · L
GOLD MEDAL WINNER

Ex. 7

CHRIS ABELE, MILWAUKEE COUNTY EXECUTIVE
JAMES KEEGAN, INTERIM DIRECTOR OF PARKS, RECREATION AND CULTURE

October 30, 2012

Mr. Gerald Peterson, City Administrator
City of Oak Creek
8640 S. Howell Avenue
Oak Creek, WI 53154

Subject: Lakefront Redevelopment Project - Trail Connection with Bender Park

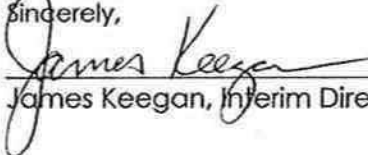
Dear Mr. Peterson:

I would like to thank you and the City of Oak Creek for keeping the Parks Department up to date on your Lakefront Redevelopment Plan north of Bender Park. As part of the first phase of development we have jointly discussed a multi use trail to connect into Bender Park. The Milwaukee County Park System is pleased to express our support for the City of Oak Creek's application to the Wisconsin Coastal Management Program for development of the first phase of trail construction and initiatives. The City's commitment to fostering future redevelopment, future preservation and expansion of the trails along Lake Michigan should be commended.

We understand that the two southern-most parcels immediately north of Bender Park will be under City control sometime mid to late 2013. Once this transition is complete, the City intends to construct a multi-use trail extending from Bender Park through these parcels and to South 5th Avenue. We support this trail extension and feel that an off-road trail that parallels the Bender Park entrance drive and connects to the existing upper parking lot would be mutually beneficial. Users of the trail will be allowed to park in Bender Park and use this facility to access the City's future waterfront trails and open space.

We look forward to collaborating with the City and we see this as a great opportunity to expand access for both park users and City residents to the Waterfront Park.

Sincerely,


James Keegan, Interim Director

ADDRESS
9480 Watertown Plank Road
Wauwatosa, WI 53226-3560

PHONE/FAX
ph: 414 / 257 PARK (7275)
fax: 414 / 257 6466

EMAIL
parks@milwcnty.com

WEBSITE
countyparks.com

RESOLUTION NO. 11305-112012

BY: _____

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A COASTAL ZONE MANAGEMENT GRANT APPLICATION IN THE AMOUNT OF \$93,400 FOR CONSTRUCTING PAVED MULTI-USE PATHS BETWEEN BENDER PARK AND PROPERTY TO THE NORTH AND COMMITTING CITY FUNDS OF \$140,200

WHEREAS, the City of Oak Creek recognizes the importance of multi-use paved paths; and

WHEREAS, in this action the Oak Creek Common Council has declared its intent to extend the City's network of paved multi-use paths described in the grant application; and

WHEREAS, the City of Oak Creek will maintain records documenting all expenditures made during the Wisconsin Coastal Zone Management Grant period; and

WHEREAS, the City of Oak Creek will allow employees from the Coastal Zone Management Grant Program to inspect the grant site and grant records; and

WHEREAS, the City of Oak Creek will submit a final report to the Department which will accompany the final payment request.

THEREFORE, BE IT RESOLVED that the Common Council of the City of Oak Creek requests funds and assistance available from the Coastal Zone Management Program and will comply with all rules for the program; and

HEREBY AUTHORIZES the City Administrator to act on behalf of the City of Oak Creek to: submit an application for financial aid for Coastal Management Zone Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Passed and adopted this ____ day of November, 2012.

President, Common Council

Approved this _____ day of November, 2012.

Mayor

Attest:

City Clerk

Vote: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.: 13

Recommendation: That the Common Council adopt Resolution 11309-112012 amending Resolution 11273-080612 which established the Security Benefit Healthcare Reimbursement Account (HRA) Program on behalf of the members of the Oak Creek Professional Police Officer's Association

Background: The City of Oak Creek and the Oak Creek Professional Police Officer's Association had negotiated the establishment of a VEBA plan with the 2006-2008 labor agreement. Contributions began going into the plan in 2007. VEBA's are a type of trust instrument used to hold plan assets for the purpose of providing employee benefits. VEBAs are authorized by Internal Revenue Code § 501(c)(9). Resolution 11273-080612 amended the plan to allow for a new administrator.

The plan document as adopted in Resolution 11273 calls for a lump sum annual payment of \$8,170 for the covered officers. The plan administrator informed us that the wording must reference a deposit on a "per member" basis, not a lump sum basis.

Resolution 11309-112012 makes this change to the language.

Prepared by/Fiscal Review by:


Mark D. Wyss
Finance Director/Comptroller

Respectfully submitted,

Gerald R. Peterson,
City Administrator

RESOLUTION NO. 11309-112012

AMENDING RESOLUTION 11273-080612, THE SECURITY BENEFIT GROUP HEALTHCARE REIMBURSEMENT ACCOUNT (HRA) FOR THE MEMBERS OF CITY OF OAK CREEK PROFESSIONAL POLICE OFFICER'S ASSOCIATION

BY: _____

WHEREAS, the Security Benefit Group Healthcare Reimbursement Account (HRA) has been established for eligible public employees, pursuant to Section 501(c)(9) of the Internal Revenue Code permitting such plans; and,

WHEREAS, the City of Oak Creek has previously passed Resolution 11273-080612 agreeing to the provisions of the Security Benefit Group Healthcare Reimbursement Account (HRA); and,

WHEREAS, deposits must be made into the account on a "per member" basis, rather than a "lump sum" basis;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Oak Creek, Wisconsin, hereby amends the language in the Security Benefit Healthcare Reimbursement Account (HRA) agreement as follows:

Annual Contributions

For the terms of this agreement, the Employer shall contribute for each Eligible Employee the amount of \$181.56 per year into the HRA Medical Expense Reimbursement Account, per the roster of employees in effect as of the contractually required date of payment, which is the end of January each year.

BE IT FURTHER RESOLVED that the officers and employees of the City of Oak Creek are hereby authorized to execute, on behalf of the members of the Oak Creek Professional Police Officer's Association, a Participation Agreement with Security Financial Resources, Inc. to act as the Administrator of the Plan and the agent of the Employer, and other such agreements and contracts as are necessary to implement the program.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

2013
SCHEDULE OF REGULAR COMBINED
COMMON COUNCIL MEETINGS

WEDNESDAY TUESDAY	JANUARY 2 JANUARY 15	(due to New Year's holiday Tuesday, January 1)
TUESDAY <u>MONDAY</u>	FEBRUARY 5 <u>FEBRUARY 18</u>	(due to Spring Primary Election, Tuesday, February 19, if required)
TUESDAY TUESDAY	MARCH 5 MARCH 19	
<u>MONDAY</u> TUESDAY	<u>APRIL 1</u> APRIL 16	(due to Spring General Tuesday, April 2)
TUESDAY TUESDAY	MAY 7 MAY 21	
TUESDAY TUESDAY	JUNE 4 JUNE 18	
TUESDAY TUESDAY	JULY 2 JULY 16	
<u>MONDAY</u> TUESDAY	<u>AUGUST 5</u> AUGUST 20	(due to National Night Out, Tuesday August 6)
TUESDAY TUESDAY	SEPTEMBER 3 SEPTEMBER 17	
TUESDAY TUESDAY	OCTOBER 1 OCTOBER 15	
TUESDAY	NOVEMBER 5	
<u>MONDAY</u> <u>OR</u> <u>MONDAY</u>	<u>NOVEMBER 11</u> <u>NOVEMBER 18</u>	Budget Hearing (tentative only)
TUESDAY	NOVEMBER 19	
TUESDAY TUESDAY	DECEMBER 3 DECEMBER 17	

RESOLUTION NO. 11299-112012

BY: _____

RESOLUTION DESIGNATING OFFICIAL HOLIDAYS FOR 2013

RESOLVED that the following days are hereby declared to be the official holidays for all employees of the City of Oak Creek during the year of 2013, exclusive of the Police and Fire Departments, to wit:

- 1. **New Year's Day** (Tuesday, January 1)
- 2. **Friday before Easter** (Friday, March 29)
- 3. **Memorial Day** (Monday, May 27)
- 4. **Independence Day** (Thursday, July 4)
- 5. **Labor Day** (Monday, September 2)
- 6. **Thanksgiving Day** (Thursday, November 28)
- 7. **The Day After Thanksgiving** (Friday, November 29)
- 8. **Christmas Eve Day** (Tuesday, December 24)
- 9. **Christmas Day** (Wednesday, December 25)
- 10. **New Year's Eve Day** (Tuesday, December 31)

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this _____ day of _____, 2012.

President, Common Council

Approved this _____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: November 21, 2012

Item No.: 16

Recommendation: That the Common Council approve payment of the obligations as listed on the November 14, 2012 Vendor Summary Report.

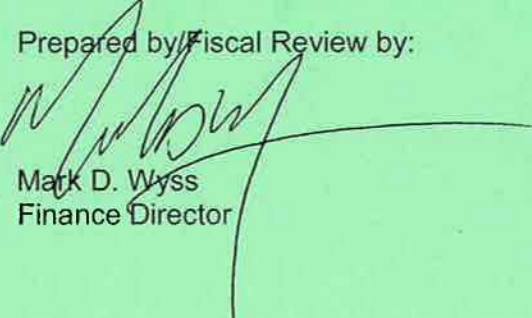
Background: Of note are the following payments:

1. \$5,985.00 to Aurora Medical Group (pg #2) for employee health risk assessments.
2. \$7,218.78 to Badger Truck Center, Inc. (pg #3) motor for truck #60.
3. \$78,307.28 to Benistar Benefit Plans, LLC (pg #3) for retiree Medicare supplements.
4. \$75,962.00 to Black Diamond Group Inc. (pg #3) for roadwork, curbs, and final lift of asphalt on the streets in the Bluffs.
5. \$8,233.64 to Davis & Kuelthau, S.C. (pg #5) for legal services regarding disability case.
6. \$4,510.00 to E & A Distributing (pg #5) for lubri-diesel.
7. \$4,061.50 to Environ (pg #6) for Lakeview Village consulting services.
8. \$315,170.00 to 5 Alarm Fire & Safety Equipment (pg #6) for self-contained breathing apparatus replacements. The city received a grant of \$254,000.00 for the purchase of this equipment and will bill out the remainder to participating communities.
9. \$4,042.95 to Lawrence J Haskin, Attorney (pg #8) for October legal services.
10. \$5,708.00 to Johnson's Nursery, Inc. (pg #10) for trees.
11. \$85,627.31 to JPMorgan Chase Bank NA (pgs #10-15) for Lakeview consulting services, software, network upgrades, Verizon charges, computer equipment, street lighting, and books.
12. \$10,331.60 to M & M Tree Service, LLC (pg #16) for fall EAB treatment.
13. \$9,863.00 to Maass Excavating & Trucking (pg #16) for excavating Mallard Creek.
14. \$12,778.09 to Milwaukee County Treasurer (pg #18) for August, September, and October court fines.
15. \$6,379.82 to Minnesota Life Insurance Co (pgs #18-19) for group life insurance.
16. \$19,745.00 to Oak Creek-Franklin Joint School District (pg #20) for reimbursement Deerfield ADA playground.
17. \$6,120.00 to Q3 Contracting (pg #20) for sidewalk work - final contract payment.
18. \$20,000.00 to Savage Solutions (pg #21) for marketing and branding services.
19. \$6,095.51 to Sherwin Industries, Inc. (pg #22) for barrels, cones, markers, and man hole rings.
20. \$43,135.91 to Strand Associates, Inc. (pg #22) for West Drexel Avenue construction services and South 5th Avenue relocation services.
21. \$212,464.22 to Super Western, Inc. (pg #23) for West Drexel Avenue street reconstruction progress payment.
22. \$6,078.77 to Tredroc Tire/024 Wallis (pg #23) for tires.
23. \$70,517.85 to Veolia ES Solid Waste Midwest (pgs #23-24) for recycling and landfill charges.
24. \$5,628.00 to Wausau Equipment Company, Inc. (pg #25) for plows.
25. \$32,454.94 to WI Court Fines & Surcharges (pg #25) for August, September, and October court fines.
26. \$31,128.00 to WE Energies (pgs #25-26) for street lighting and utilities.
27. \$26,521.18 to World Fuel Services, Inc. (pg #26) for fuel inventory.

Fiscal Impact: Total claims paid of \$1,183,183.63.

Prepared by: Fiscal Review by:

Respectfully submitted,


Mark D. Wyss
Finance Director

Gerald R. Peterson,
City Administrator

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.: 17

Recommendation: That the Common Council approve and authorize the Police Department's purchase of one add-on carriage for the existing moveable shelving system located in the department's property storage room at a total cost of \$5,922.

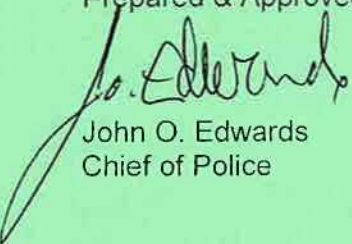
Background: The Police Department property room is the storage depository for all seized, recovered, found, and turned-in property for investigations and arrests by members of the department. When the Police Department was built, the shelving system purchased for the property room was a *Spacesaver* high-density platform filing system with shelving units that move along a track. This allowed for more shelving in a smaller space in order to maximize the useable space within the room. Over the past 8 years, the shelving units have reached their capacity. We have experienced a larger volume of property taken in on cases--especially cases involving computer crimes. In addition, the ability to use DNA evidence for prosecution in a crime means more evidence is collected and then held onto until the prosecution is completed. Since the current shelving system set up allows for expansion, the Police Department is requesting to purchase one additional moveable carriage, with adjustable heavy-duty shelving, from Storage Systems Midwest, Inc., to alleviate the current lack of storage space.

Fiscal Impact: The fiscal impact for the purchase and installation of one add-on moveable carriage will be \$5,922. Monies were allocated in the 2012 Capital Equipment Program budget for this purchase.

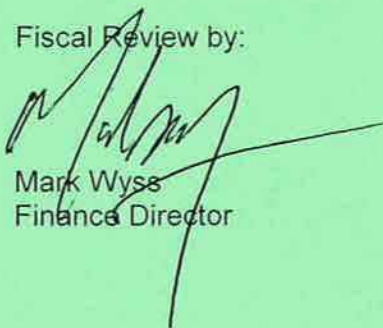
Respectfully submitted,

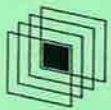
Gerald R. Peterson
City Administrator

Prepared & Approved by:


John O. Edwards
Chief of Police

Fiscal Review by:


Mark Wyss
Finance Director



STORAGE SYSTEMS
MIDWEST, INC. ♦ A SYSTEC PARTNER

November 12, 2012

Proposal Number: 120088

Oak Creek Police Department
Attention: Sgt. Steve York
301 W Ryan Rd
Oak Creek, WI 53154

Re: Oak Creek Police/Evidence Room/Add Mechanical Carriage to existing 01B6354 R-4

Dear Sgt. York,

Storage Systems Midwest is pleased to provide a quote to add (1) Spacesaver High Density Mobile carriage to the existing system in the Property and Evidence Room. Includes all Heavy-Duty shelving. Color: Warm Brown End Panel Color: Green Legacy	
Freight for all material delivered to 301 W. Ryan Road Oak Creek WI	
Installation: Provided by Storage Systems Midwest- Service & Installion certified installers. All work to be done during daytime hours.	
TOTAL PURCHASE PRICE	\$5,922.00 + Tax

Customer Approval: _____ Date: _____

Please Note:

Price does not include applicable tax amounts or permits

Delivery time is 7-8 Weeks

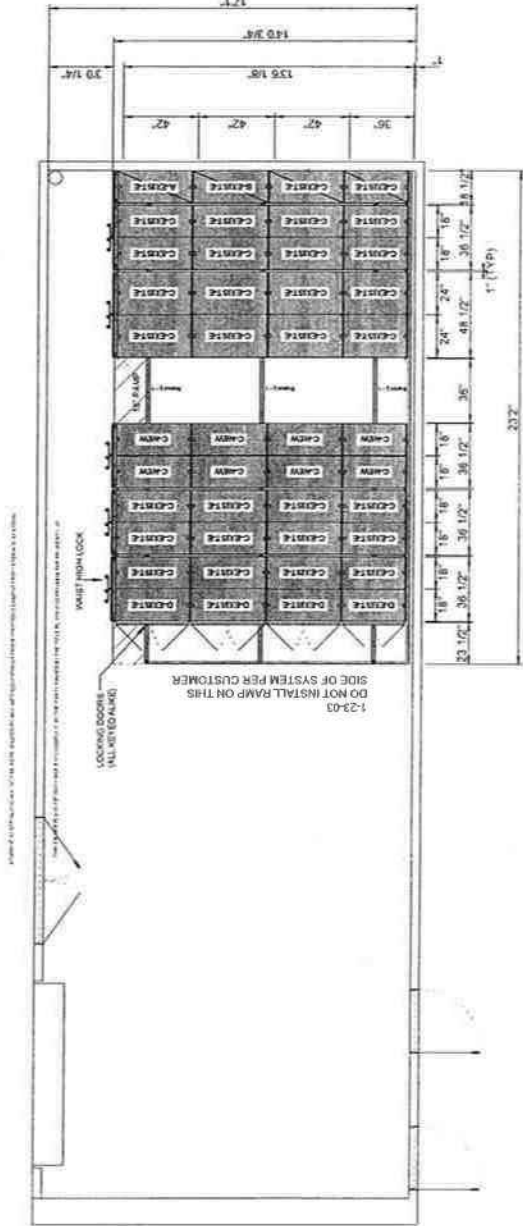
Terms: Net 15 days

Sincerely,

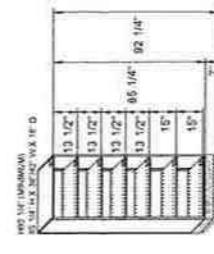
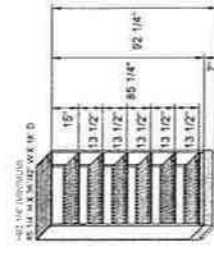
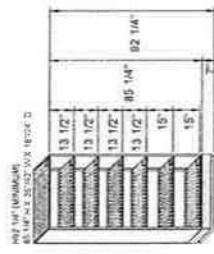
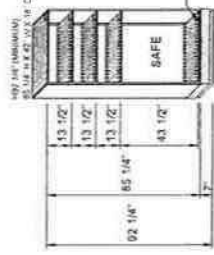
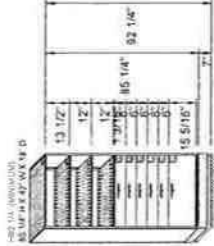
Jim Roethel

Storage Systems Midwest
N16 W23430 Stone Ridge Drive
Waukesha, Wisconsin 53188
Phone: 262-896-7226
E-mail: jroethel@ssmidwest.com

THIS DESIGN AND DRAWING MADE EXCLUSIVELY FOR THE PARTY IN THE TITLE BLOCK AND REMAINS THE PROPERTY OF STORAGE SYSTEMS. IT MAY NOT BE REPRODUCED BY ANY METHOD WITHOUT THE PRIOR WRITTEN CONSENT OF STORAGE SYSTEMS. SALESPERSON TO VERIFY ROOM DIMENSIONS AND SYSTEM FIT BEFORE PROCEEDING



NOTE: SYSTEM IS A COMBINATION OF EXISTING AND NEW MATERIAL. NEW MATERIAL CONSISTS OF ONE CARRIAGE. STRIKE PANEL FOR WALK-IN HEIGHTS WILL NOT NEED TO BE MOVED.



NOTE ALL HEAVY DUTY SHELVING

SALESPERSON: JIM ROETHEL
 THIS DRAWING TO BE USED FOR CONCEPTUAL PURPOSES ONLY. FINISHED DRAWINGS TO BE SUBMITTED AFTER DISCUSSION AND REVIEW.
 THE RESPONSIBILITY OF THE CUSTOMER TO VERIFY THE EXISTING WEIGHT IS THE RESPONSIBILITY OF THE CUSTOMER.



Project Name: **120088 Oak Creek Police/Evidence Room/Adding Carriage**

Drawing #	120088
Customer	Police
Designer	L. Vincent
One Print	09/25/2012
Book	120088
Rev	Rev 001

APPROVAL
 This drawing Approved By _____
 Date: _____

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.:

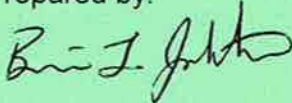
18

Recommendation: That the Common Council approve Resolution No. 11302-112012, a resolution approving a sanitary sewer and water main easement at 285 and 401 East Centennial Drive (Tax Key Nos. 860-9038 and 860-9029) (3rd Aldermanic District).

Background: As part of the Arbors at Centennial Park project, the Developer was required to provide a sanitary sewer and water main easement for the mains that service the buildings. The CSM for the development was recorded without the required easements. The developer and the City have been working on this issue with the proposed future expansion project to secure this easement. The CSM for the future phase was approved by Council at the November 7, 2012 meeting. This easement provides the City of Oak Creek with the right to maintain the sanitary sewer and water main that is installed to serve the development.

Fiscal Impact: None.

Prepared by:

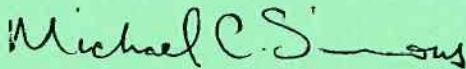


Brian L. Johnston, P.E.
Development Engineer

Respectfully submitted,

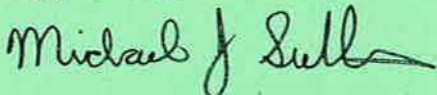
Gerald Peterson, ICMA-CM
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Approved by:



Michael J. Sullivan, P.E.
Utility Engineer

Fiscal review by:



Mark D. Wyss
Finance Director

RESOLUTION NO. 11302-112012

BY: _____

**RESOLUTION TO APPROVE A SANITARY SEWER AND WATER MAIN EASEMENT
285 AND 401 E. CENTENNIAL DRIVE**

(TAX KEY NOS. 860-9029 & 860-9038)

(3RD ALDERMANIC DISTRICT)

WHEREAS, The City of Oak Creek has required that the developer provide a sanitary sewer and water main easement at 285 and 401 E. Centennial Drive to allow future maintenance of the sanitary sewer and water main that serves the buildings, and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the sanitary sewer and water main easement at 285 and 401 E. Centennial Drive be approved and the Mayor and City Clerk are hereby authorized to execute the same, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to record the easement in the office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Approved this 20th day of November, 2012.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Document Number	Document Title
EASEMENT NO	_____
PROJECT NO.	_____
RESOLUTION NO.	_____
ADDRESS NO.	285 and 401 East Centennial Drive Oak Creek, Wisconsin
GRANTOR(S)	Arbors at Centennial Park, LLC
M/A	
Recording Area	
City of Oak Creek Attention: Larry Haskin, City Attorney 8640 South Howell Avenue Oak Creek, WI 53154 <small>Name and Return Address</small>	
TAX KEY NO. 860-9038 860-9029	
Parcel Identification Number (PIN)	

SANITARY SEWER AND WATER MAIN EASEMENT

THIS INDENTURE, made this _____ day of _____, 2012, by and between, Arbors at Centennial Park, LLC party of the first part, hereinafter referred to as "Grantor", and the City of Oak Creek, a Wisconsin municipal corporation, party of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

Grantor does hereby grant to the Grantee an easement to construct, maintain, operate and reconstruct where necessary Sanitary Sewer and Water Main and appurtenances in, under, over and across the real property of Grantors in the City of Oak Creek, County of Milwaukee and State of Wisconsin, as shown on Exhibit "A", and more particularly described as follows:

Being a part of the Southeast ¼ of the Northwest ¼ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:
 Commencing at the Southeast Corner of Parcel 4 of Certified Survey Map No. 6766; thence S 89°30'08" W along the south line of said Parcel 4 622.58 feet to the point of beginning; thence continuing S 89°30'08" W along said south line 45.40 feet; thence N 00°29'52" W 22.00 feet; thence S 89°30'08" W 23.11 feet; thence N 00°30'01" W 16.39 feet; thence S 89°29'59" W 185.94 feet; thence S 01°00'00" E 16.39 feet; thence S 89°30'08" W 25.00 feet; thence N 01°00'00" W 16.38 feet; thence S 89°29'59" W 215.32 feet;

thence S 01°00'00" E 16.37 feet; thence S 89°30'08" W 25.00 feet; thence N 01°00'00" W 16.37 feet; thence S 89°29'59" W 26.23 feet; thence S 00°03'37" E 38.37 feet; thence S 89°30'08" W 25.00 feet; thence N 00°03'37" W 26.33 feet; thence S 89°30'08" W 75.26 feet; thence N 03°16'26" E 240.33 feet; thence N 87°50'37" W 8.97 feet; thence N 02°09'23" E 25.00 feet; thence S 87°50'37" E 9.46 feet; thence N 03°16'26" E 11.54 feet; thence N 02°01'48" W 246.53 feet; thence N 44°21'30" E 90.93 feet to the South Right-of-way line of East Centennial Drive; thence S 45°31'06" E along said South Right-of-way line 35.00 feet; thence S 44°21'30" W 75.85 feet; thence S 02°01'48" E 287.24 feet; thence S 03°16'26" W 157.21 feet; thence S 55°17'25" E 47.89 feet; thence N 89°29'59" E 533.36 feet; thence N 10°47'05" E 43.32 feet; thence N 23°30'02" E 141.40 feet; thence N 67°13'45" W 77.01 feet; thence N 22°46'15" E 25.00 feet to the South Right-of-way line of East Centennial Drive; thence S 67°13'45" E along said South Right-of-way line 112.33 feet; thence S 23°30'02" W 40.32 feet; thence S 66°29'58" E 109.00 feet; thence S 23°30'02" W 25.00 feet; thence N 66°29'58" W 109.00 feet; thence S 23°30'02" W 126.32 feet; thence S 00°11'49" W 69.00 feet to the point of beginning.

TO HAVE AND TO HOLD said easement unto the Grantee, and unto its successors and assigns forever.

The Grantee shall have the right to enter upon and to pass and repass over and along the aforesaid land whenever and wherever necessary for the purpose of installation, maintenance, operation and repair of the aforesaid Sanitary Sewer and Water Main and appurtenances thereto.

The Grantee agrees to restore or cause to have restored the property as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. However, the Grantee's obligation to restore the property does not apply to any structure, fence, hard surface paving of any type or configuration, trees, bushes, branches or roots which may interfere with the Grantee's use of the aforesaid easement.

The Grantee shall have the right to trim or remove any trees, bushes, branches or roots so as not to interfere with the Grantees use of the aforesaid easement.

Structures, which are defined as anything constructed or erected, the use of which requires more or less permanent location on ground or attached to something having permanent location on the ground and fences, shall not be located over Grantee's facilities or in, upon or over the property within aforesaid easement without the prior written consent of the City Engineer.

The aforesaid Sanitary Sewer and Water Main and appurtenances shall be maintained and kept in good order and condition at the expense of the Grantee.

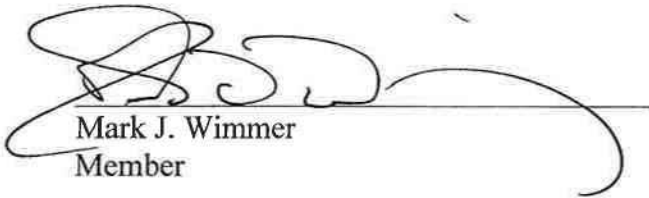
The Grantor reserves the right, to themselves and to their heirs, personal representatives, successors and assigns, to have the full use and enjoyment of the aforesaid premises, except as to the rights herein granted.

If the premises herein are discontinued or abandoned for the purpose granted, the easement herein conveyed shall, without notice, demand or re-entry, revert to the Grantor, its heirs, personal representatives, successors and assigns. In such event, Grantee agrees to reconvey by quit claim deed to Grantors, their heirs, personal representatives, successors and assigns, the premises described herein.

Grantee shall and does hereby agree to indemnify and save harmless the Grantor, its heirs, personal representatives, successors and assigns, from any and all loss of damage to property or injury to or death of any and all persons, or from any suits, claims, liability or demand in connection therewith however caused, resulting directly or indirectly by reason of the installation, operation, maintenance, removal, use or existence of the aforesaid Sanitary Sewer and Water Main and appurtenances thereto.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Grantor: ARBORS AT CENTENNIAL PARK, LLC


Mark J. Wimmer
Member

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally came before me this 22nd day of August, 2012, the above-named, Mark J. Wimmer, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Patricia A. Love
Notary Public, Milwaukee County, WI

My commission expires: 8/31/2014



JOINDER AND CONSENT OF LENDER
(Sanitary Sewer and Water Main Easement)

The undersigned Lender, the current holder of that certain Multifamily Mortgage, Assignment of Rents and Security Agreement dated as of December 15, 2004, granted by Arbors at Centennial Park, LLC, a Wisconsin limited liability company ("**Centennial Park**"), to Citigroup Global Markets Realty Corp., a New York corporation ("**Original Lender**"), recorded as Document No. 08919429, in the office of the Register of Deeds of Milwaukee County, Wisconsin, as assigned by Original Lender to the undersigned (the "**Mortgage**"), securing the property in Milwaukee County, Wisconsin (as described in the foregoing Sanitary Sewer and Water Main Easement to which this Joinder and Consent of Lender is attached), does hereby join in and consent to the terms and provisions of the Sanitary Sewer and Water Main Easement (the "**Easement**"), and does hereby agree that the foreclosure of the Mortgage shall not affect or eliminate the Easement.

Lender is executing this document solely to provide its consent as Lender to the contemplated transactions as required in the Mortgage. The relationship between Lender and Centennial Park is that of a lender and a borrower only and neither of the parties is, nor shall it hold itself out to be, the agent, employee, joint venturer or partner of the other party. The consent granted herein is expressly limited to the matters described herein and shall not be deemed a consent to or a waiver of any other conditions or requirements in the Mortgage or the other Loan Documents (as defined in the Mortgage).

[EXECUTION PAGE FOLLOWS]

This ___ day of _____, 2012.

LENDER:

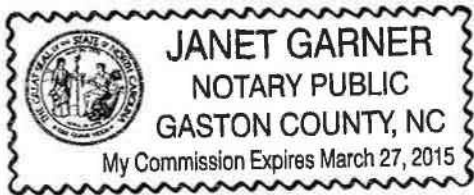
U.S. BANK NATIONAL ASSOCIATION, as trustee for the registered holders of Citigroup Commercial Mortgage Trust 2005-C3, Commercial Mortgage Pass-Through Certificates, Series 2005-C3

By: Wells Fargo Bank, N.A., solely in its capacity as Master Servicer, as authorized under that certain Pooling and Servicing Agreement dated as of June 1, 2005

By: *Dave Wezerick*
Name: *DAVE WEZERICK*
Title: *V-P*

STATE OF *North Carolina*
COUNTY OF *Mecklenberg*)SS.

This instrument was acknowledged before me on *Sept. 12*, 2012, by *Dave Wezerick* in his/her capacity as *Vice Pres.* of Wells Fargo Bank, N.A., a national banking association, in its capacity as Master Servicer on behalf of U.S. Bank National Association, as trustee for the registered holders of Citigroup Commercial Mortgage Trust 2005-C3, Commercial Mortgage Pass-Through Certificates, Series 2005-C3.



Janet Garner
Notary Public, State of *NC*

Expires: *3-27-2015*

My Commission

CITY OF OAK CREEK

By: _____
STEPHEN SCAFFIDI, Mayor

By: _____
CATHERINE A. ROESKE, City Clerk

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2012, STEPHEN SCAFFIDI, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument, as such officers, as the deed of said municipal corporation, by its authority, pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 2012.

Notary Public, Milwaukee County, WI

My commission expires: _____

This instrument was drafted by John J. Wimmer, Esq.

Approved as to form by:

Lawrence J. Haskin, City Attorney
Notary Public
My commission is permanent.

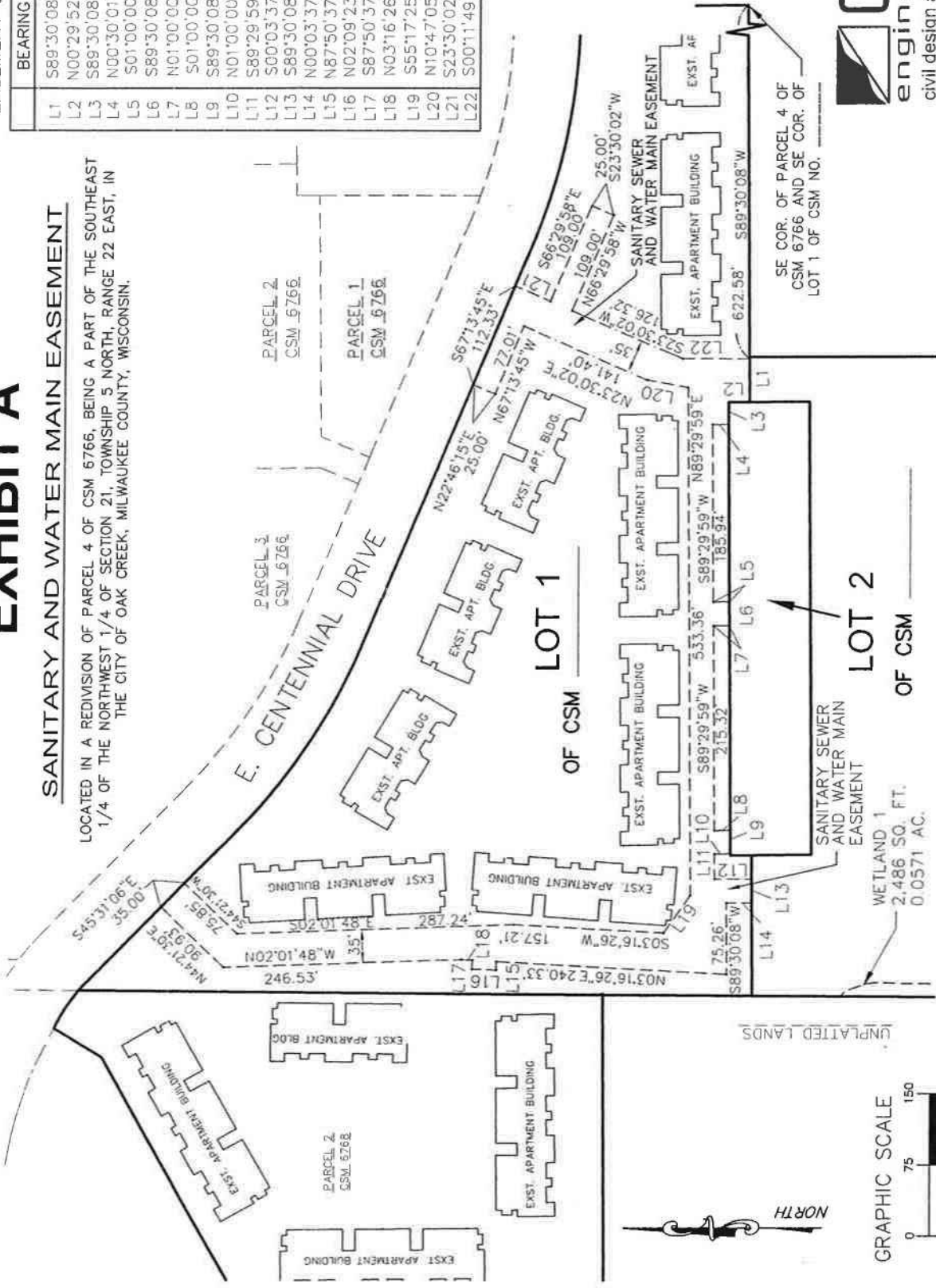
EXHIBIT A

SANITARY AND WATER MAIN EASEMENT

LOCATED IN A REDIVISION OF PARCEL 4 OF CSM 6766, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

EASEMENT LINE TABLE

	BEARING	DISTANCE
L1	S89°30'08"W	45.40'
L2	N00°29'52"W	23.00'
L3	S89°30'08"W	23.11'
L4	N00°30'01"W	16.39'
L5	S01°00'00"E	16.39'
L6	S89°30'08"W	25.00'
L7	N01°00'00"W	16.38'
L8	S01°00'00"E	16.37'
L9	S89°30'08"W	25.00'
L10	N01°00'00"W	16.37'
L11	S89°29'59"W	26.23'
L12	S00°03'37"E	38.37'
L13	S89°30'08"W	25.00'
L14	N00°03'37"W	26.33'
L15	N87°50'37"W	8.97'
L16	N02°09'23"E	25.00'
L17	S87°50'37"E	9.46'
L18	N03°16'26"E	11.54'
L19	S55°17'25"E	47.89'
L20	N10°47'05"E	43.32'
L21	S23°30'02"W	40.32'
L22	S00°11'49"W	69.00'



CCM
engineering
 civil design and consulting
 9205 W. Center Street
 Suite 214
 Milwaukee, WI 53222
 PH. (414) 443-1312
 FAX (414) 443-1317
 www.cj-engineering.com

THIS EXHIBIT DRAFTED BY CHRISTOPHER A. JACKSON, S-2851

Sanitary and Water Main Easement Legal Description – Exhibit A

Being a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast Corner of Parcel 4 of Certified Survey Map No. 6766; thence S 89°30'08" W along the south line of said Parcel 4 622.58 feet to the point of beginning; thence continuing S 89°30'08" W along said south line 45.40 feet; thence N 00°29'52" W 22.00 feet; thence S 89°30'08" W 23.11 feet; thence N 00°30'01" W 16.39 feet; thence S 89°29'59" W 185.94 feet; thence S 01°00'00" E 16.39 feet; thence S 89°30'08" W 25.00 feet; thence N 01°00'00" W 16.38 feet; thence S 89°29'59" W 215.32 feet; thence S 01°00'00" E 16.37 feet; thence S 89°30'08" W 25.00 feet; thence N 01°00'00" W 16.37 feet; thence S 89°29'59" W 26.23 feet; thence S 00°03'37" E 38.37 feet; thence S 89°30'08" W 25.00 feet; thence N 00°03'37" W 26.33 feet; thence S 89°30'08" W 75.26 feet; thence N 03°16'26" E 240.33 feet; thence N 87°50'37" W 8.97 feet; thence N 02°09'23" E 25.00 feet; thence S 87°50'37" E 9.46 feet; thence N 03°16'26" E 11.54 feet; thence N 02°01'48" W 246.53 feet; thence N 44°21'30" E 90.93 feet to the South Right-of-way line of East Centennial Drive; thence S 45°31'06" E along said South Right-of-way line 35.00 feet; thence S 44°21'30" W 75.85 feet; thence S 02°01'48" E 287.24 feet; thence S 03°16'26" W 157.21 feet; thence S 55°17'25" E 47.89 feet; thence N 89°29'59" E 533.36 feet; thence N 10°47'05" E 43.32 feet; thence N 23°30'02" E 141.40 feet; thence N 67°13'45" W 77.01 feet; thence N 22°46'15" E 25.00 feet to the South Right-of-way line of East Centennial Drive; thence S 67°13'45" E along said South Right-of-way line 112.33 feet; thence S 23°30'02" W 40.32 feet; thence S 66°29'58" E 109.00 feet; thence S 23°30'02" W 25.00 feet; thence N 66°29'58" W 109.00 feet; thence S 23°30'02" W 126.32 feet; thence S 00°11'49" W 69.00 feet to the point of beginning.

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.:

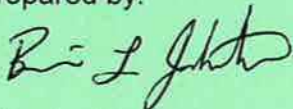
19

Recommendation: That the Common Council approve Resolution No. 11303-112012, a resolution approving a storm sewer easement at 401 East Centennial Drive (Tax Key No. 860-9029) (3rd Aldermanic District).

Background: As part of the Arbors at Centennial Park project, the Developer was required to provide a storm easement for the mains that run along E. Centennial Drive that drain to the detention pond in the Arbors development. The CSM for the development was recorded without the required easements. The developer and the City have been working on this issue with the proposed future expansion project to secure this easement. The CSM for the future phase was approved by the Common Council at the November 7, 2012 meeting. This easement provides the City of Oak Creek with the right to maintain the storm sewer main that is installed to serve storm sewer installed in E. Centennial Drive.

Fiscal Impact: None.

Prepared by:



Brian L. Johnston, P.E.
Development Engineer

Respectfully submitted,

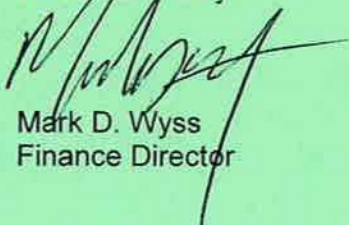
Gerald Peterson, ICMA-CM
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Mark D. Wyss
Finance Director

RESOLUTION NO. 11303-112012

BY: _____

**RESOLUTION TO APPROVE A STORM SEWER EASEMENT
401 E. CENTENNIAL DRIVE**

(TAX KEY NOS. 860-9029)

(3RD ALDERMANIC DISTRICT)

WHEREAS, The City of Oak Creek has required that the developer provide a storm sewer easement at 401 E. Centennial Drive to allow future maintenance of the storm sewer that serves the drainage along E. Centennial Drive and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the storm sewer easement at 401 E. Centennial Drive be approved and the Mayor and City Clerk are hereby authorized to execute the same, and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to record the easement in the office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Approved this 20th day of November, 2012.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Document Number	Document Title	
EASEMENT NO	_____	Recording Area
PROJECT NO.	_____	
RESOLUTION NO.	_____	
ADDRESS NO.	401 East Centennial Drive Oak Creek, Wisconsin	
GRANTOR(S)	Arbors at Centennial Park, LLC	
M/A		City of Oak Creek Attention: Larry Haskin, City Attorney 8640 South Howell Avenue Oak Creek, WI 53154 <small>Name and Return Address</small>
		TAX KEY NO. 860-9029
<small>Parcel Identification Number (PIN)</small>		

STORM SEWER MAIN EASEMENT

THIS INDENTURE, made this _____ day of _____, 2012, by and between, Arbors at Centennial Park, LLC party of the first part, hereinafter referred to as "Grantor", and the City of Oak Creek, a Wisconsin municipal corporation, party of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

Grantor does hereby grant to the Grantee an easement to construct, maintain, operate and reconstruct where necessary Storm Sewer Main and appurtenances in, under, over and across the real property of Grantors in the City of Oak Creek, County of Milwaukee and State of Wisconsin, as shown on Exhibit "A", and more particularly described as follows:

Being a part of the Southeast ¼ of the Northwest ¼ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:
 Commencing at the Northwest Corner of Parcel 4 of Certified Survey Map No. 6766; thence Southeasterly along to the South Right-of-way line of East Centennial Drive 14.55 feet along an arc of a curve whose radius is 184.17 feet, whose center is to the south, and whose chord is S 47°46'56.5" E 14.55 feet; thence continuing along the South Right-of-Way line of East Centennial Drive S 45°31'06" E 168.72 feet to the point of beginning; thence continuing S 45°31'06" E along said south line 37.53 feet; thence S 03°45'13" E 166.02 feet;

thence S 19°06'07" E 73.18 feet; thence S 70°53'53" W 25.00 feet; thence N 19°06'07" W 76.55 feet; thence N 03°45'13" W 197.38 feet to the point of beginning.

Also

Being a part of the Southeast ¼ of the Northwest ¼ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest Corner of Parcel 4 of Certified Survey Map No. 6766; thence Southeasterly along to the South Right-of-way line of East Centennial Drive 14.55 feet along an arc of a curve whose radius is 184.17 feet, whose center is to the south, and whose chord is S 47°46'56.5" E 14.55 feet; thence continuing along the South Right-of-Way line of East Centennial Drive S 45°31'06" E 211.38 feet; thence continuing along the South Right-of-Way line of East Centennial Drive 198.34 feet along the arc of a curve whose radius is 635.00 feet, whose center is to the northeast, and whose chord is S 54°27'58" E 197.53 feet to the point of beginning; thence continuing along the South Right-of-Way line of East Centennial Drive 29.58 feet along the arc of a curve whose radius is 635.00 feet, whose center is to the northeast, and whose chord is S 64°44'55" E 29.58 feet; thence S 07°02'52" E 43.08 feet; S 21°59'02" E 129.05 feet; thence N 68°00'58" W 25.00 feet; thence N 21°59'02" 122.57 feet; thence N 07°02'52" W 52.41 feet to the point of beginning.

TO HAVE AND TO HOLD said easement unto the Grantee, and unto its successors and assigns forever.

The Grantee shall have the right to enter upon and to pass and repass over and along the aforesaid land whenever and wherever necessary for the purpose of installation, maintenance, operation and repair of the aforesaid Storm Sewer Main and appurtenances thereto.

The Grantee agrees to restore or cause to have restored the property as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. However, the Grantee's obligation to restore the property does not apply to any structure, fence, hard surface paving of any type or configuration, trees, bushes, branches or roots which may interfere with the Grantee's use of the aforesaid easement.

The Grantee shall have the right to trim or remove any trees, bushes, branches or roots so as not to interfere with the Grantee's use of the aforesaid easement.

Structures, which are defined as anything constructed or erected, the use of which requires more or less permanent location on ground or attached to something having permanent location on the ground and fences, shall not be located over Grantee's facilities or in, upon or over the property within aforesaid easement without the prior written consent of the City Engineer.

The aforesaid Storm Sewer Main and appurtenances shall be maintained and kept in good order and condition at the expense of the Grantee.

The Grantor reserves the right, to themselves and to their heirs, personal representatives, successors and assigns, to have the full use and enjoyment of the aforesaid premises, except as to the rights herein granted.

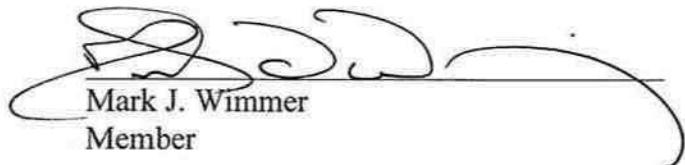
If the premises herein are discontinued or abandoned for the purpose granted, the

easement herein conveyed shall, without notice, demand or re-entry, revert to the Grantor, its heirs, personal representatives, successors and assigns. In such event, Grantee agrees to reconvey by quit claim deed to Grantor, its heirs, personal representatives, successors and assigns, the premises described herein.

Grantee shall and does hereby agree to indemnify and save harmless the Grantor, its heirs, personal representatives, successors and assigns, from any and all loss of damage to property or injury to or death of any and all persons, or from any suits, claims, liability or demand in connection therewith however caused, resulting directly or indirectly by reason of the installation, operation, maintenance, removal, use or existence of the aforesaid Storm Sewer Main and appurtenances thereto.

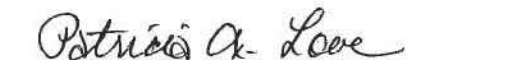
IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Grantor: ARBORS AT CENTENNIAL PARK, LLC


Mark J. Wimmer
Member

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally came before me this 22nd day of August, 2012, the above-named, Mark J. Wimmer, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.


Patricia A. Love
Notary Public, Milwaukee County, WI



My commission expires: 8/31/2014

JOINDER AND CONSENT OF LENDER

(Storm Sewer Main Easement)

The undersigned Lender, the current holder of that certain Multifamily Mortgage, Assignment of Rents and Security Agreement dated as of December 15, 2004, granted by Arbors at Centennial Park, LLC, a Wisconsin limited liability company ("*Centennial Park*"), to Citigroup Global Markets Realty Corp., a New York corporation ("*Original Lender*"), recorded as Document No. 08919429, in the office of the Register of Deeds of Milwaukee County, Wisconsin, as assigned by Original Lender to the undersigned (the "*Mortgage*"), securing the property in Milwaukee County, Wisconsin (as described in the foregoing Storm Sewer Main Easement to which this Joinder and Consent of Lender is attached), does hereby join in and consent to the terms and provisions of the Storm Sewer Main Easement (the "*Easement*"), and does hereby agree that the foreclosure of the Mortgage shall not affect or eliminate the Easement.

Lender is executing this document solely to provide its consent as Lender to the contemplated transactions as required in the Mortgage. The relationship between Lender and Centennial Park is that of a lender and a borrower only and neither of the parties is, nor shall it hold itself out to be, the agent, employee, joint venturer or partner of the other party. The consent granted herein is expressly limited to the matters described herein and shall not be deemed a consent to or a waiver of any other conditions or requirements in the Mortgage or the other Loan Documents (as defined in the Mortgage).

[EXECUTION PAGE FOLLOWS]

This ___ day of _____, 2012.

LENDER:

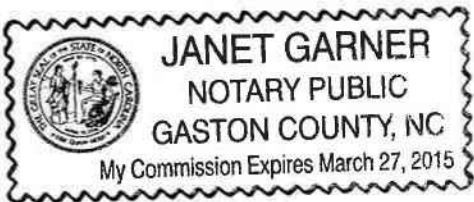
U.S. BANK NATIONAL ASSOCIATION, as trustee for the registered holders of Citigroup Commercial Mortgage Trust 2005-C3, Commercial Mortgage Pass-Through Certificates, Series 2005-C3

By: Wells Fargo Bank, N.A., solely in its capacity as Master Servicer, as authorized under that certain Pooling and Servicing Agreement dated as of June 1, 2005

By: *Dave Weverick*
 Name: *DAVE WEVERICK*
 Title: *J-P*

STATE OF *North Carolina*)
) SS.
 COUNTY OF *Mecklenberg*)

This instrument was acknowledged before me on *Sept. 12*, 2012, by *Dave Weverick*, in his/her capacity as *Vice Pres* of Wells Fargo Bank, N.A., a national banking association, in its capacity as Master Servicer on behalf of U.S. Bank National Association, as trustee for the registered holders of Citigroup Commercial Mortgage Trust 2005-C3, Commercial Mortgage Pass-Through Certificates, Series 2005-C3.



Janet Garner
 Notary Public, State of *NC*

Expires: *3-27-2015*

My Commission

CITY OF OAK CREEK

By: _____
STEPHEN SCAFFIDI, Mayor

By: _____
CATHERINE A. ROESKE, City Clerk

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2012, STEPHEN SCAFFIDI, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument, as such officers, as the deed of said municipal corporation, by its authority, pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 2012.

Notary Public, Milwaukee County, WI

My commission expires: _____

This instrument was drafted by John J. Wimmer, Esq.

Approved as to form by:

Lawrence J. Haskin, City Attorney
Notary Public
My commission is permanent.

EXHIBIT A

STORM SEWER EASEMENT

LOCATED IN A REDIVISION OF PARCEL 4 OF CSM 6766, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

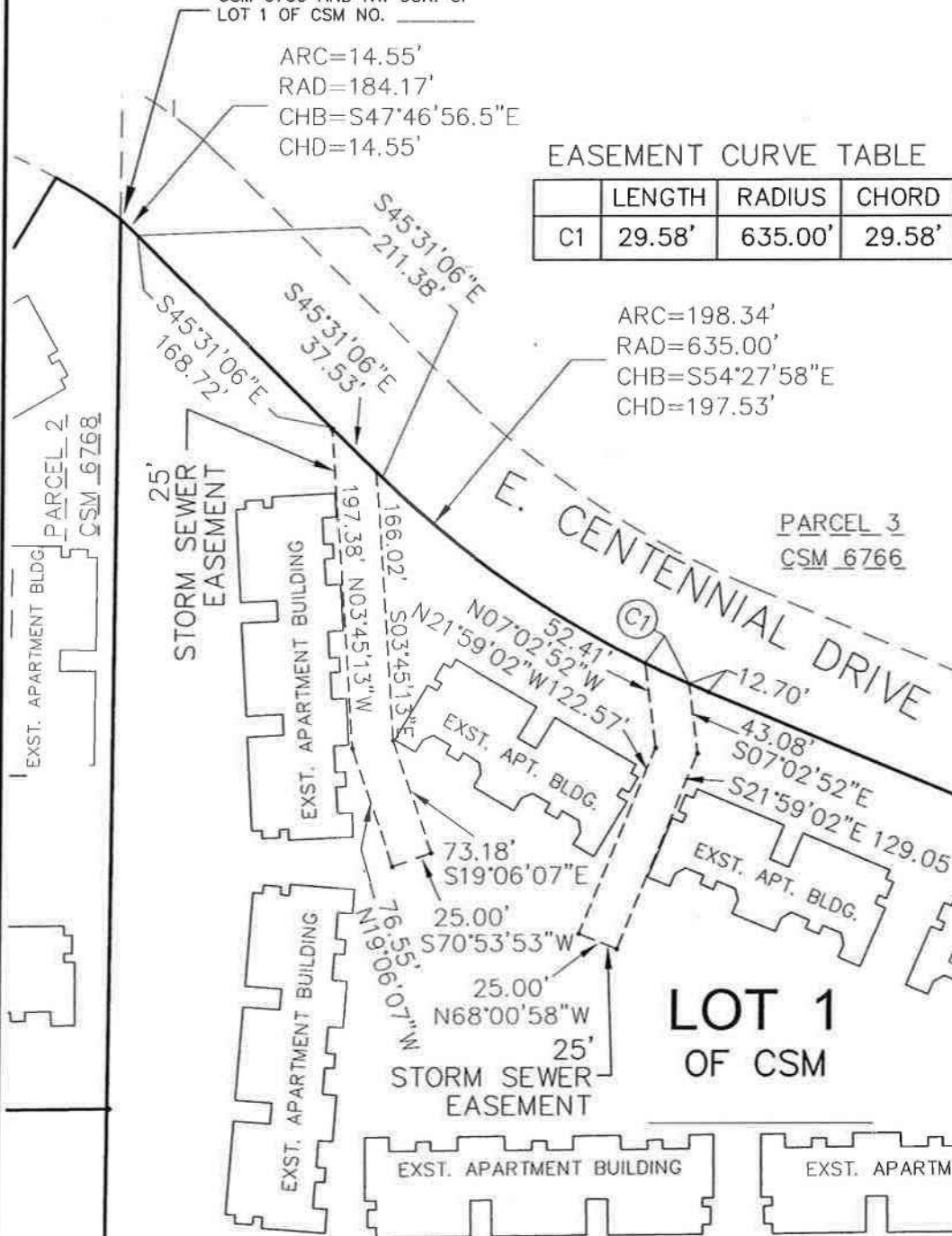
NW COR. OF PARCEL 4 OF
CSM 6766 AND NW COR. OF
LOT 1 OF CSM NO. _____

ARC=14.55'
RAD=184.17'
CHB=S47°46'56.5"E
CHD=14.55'

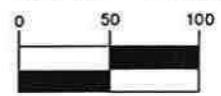
EASEMENT CURVE TABLE

	LENGTH	RADIUS	CHORD	CHD. BEARING
C1	29.58'	635.00'	29.58'	S64°44'55"E

ARC=198.34'
RAD=635.00'
CHB=S54°27'58"E
CHD=197.53'



GRAPHIC SCALE



1 inch = 100 ft.

CJ
engineering
civil design and consulting
9205 W. Center Street
Suite 214
Milwaukee, WI 53222
PH. (414) 443-1312
FAX (414) 443-1317
www.cj-engineering.com

25' Storm Sewer Easement Legal Description

Being a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest Corner of Parcel 4 of Certified Survey Map No. 6766; thence Southeasterly along to the South Right-of-way line of East Centennial Drive 14.55 feet along an arc of a curve whose radius is 184.17 feet, whose center is to the south, and whose chord is S 47°46'56.5" E 14.55 feet; thence continuing along the South Right-of-Way line of East Centennial Drive S 45°31'06" E 168.72 feet to the point of beginning; thence continuing S 45°31'06" E along said south line 37.53 feet; thence S 03°45'13" E 166.02 feet; thence S 19°06'07" E 73.18 feet; thence S 70°53'53" W 25.00 feet; thence N 19°06'07" W 76.55 feet; thence N 03°45'13" W 197.38 feet to the point of beginning.

Also

Being a part of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest Corner of Parcel 4 of Certified Survey Map No. 6766; thence Southeasterly along to the South Right-of-way line of East Centennial Drive 14.55 feet along an arc of a curve whose radius is 184.17 feet, whose center is to the south, and whose chord is S 47°46'56.5" E 14.55 feet; thence continuing along the South Right-of-Way line of East Centennial Drive S 45°31'06" E 211.38 feet; thence continuing along the South Right-of-Way line of East Centennial Drive 198.34 feet along the arc of a curve whose radius is 635.00 feet, whose center is to the northeast, and whose chord is S 54°27'58" E 197.53 feet to the point of beginning; thence continuing along the South Right-of-Way line of East Centennial Drive 29.58 feet along the arc of a curve whose radius is 635.00 feet, whose center is to the northeast, and whose chord is S 64°44'55" E 29.58 feet; thence S 07°02'52" E 43.08 feet; S 21°59'02" E 129.05 feet; thence N 68°00'58" W 25.00 feet; thence N 21°59'02" 122.57 feet; thence N 07°02'52" W 52.41 feet to the point of beginning.

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

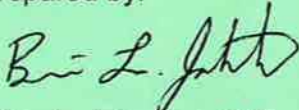
Item No.: 20

Recommendation: That the Common Council approve Resolution No. 11304-112012, a resolution approving the State/Municipal Agreement for a State – Let Highway Project along STH 100 from S. 27th Street to STH 38 (5th and 6th Aldermanic Districts).

Background: This agreement is part of the Wisconsin Department of Transportation (WDOT) project to reconstruct STH 100 (W. Ryan Road) from S. 27th Street to STH 38 (S. Howell Avenue). The agreement states that the State will pay 100% of the road design, real estate, and construction including the sidewalks. WDOT recently changed their policies to include 100% funding of the sidewalks due to the requirement of sidewalks by Trans 75 complete streets. The agreement also allows for \$295,000 of community-sensitive design funds. These design funds are paid by the State for the City to improve the aesthetics of the road design. The City will be able to use these funds to improve the street lighting to our decorative bronze lighting instead of the WDOT standard cobra head lighting. The funds could also be available for landscape plantings in the medians along the corridor.

Fiscal Impact: \$25,000 of non-participating funding is available under the agreement. At this time there are no requests for non-participating items. The non-participating funding is the only City funding with this agreement.

Prepared by:

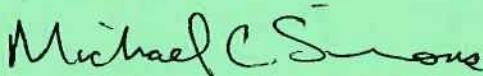


Brian L. Johnston, P.E.
Development Engineer

Respectfully submitted,

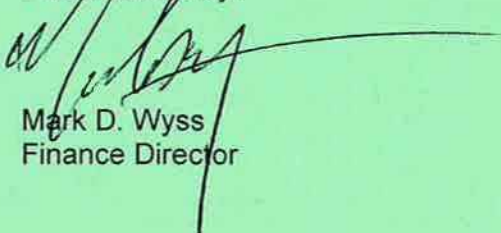
Gerald Peterson, ICMA-CM
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Mark D. Wyss
Finance Director

RESOLUTION NO. 11304-112012

BY: _____

**RESOLUTION TO APPROVE A STATE/MUNICIPAL AGREEMENT FOR A STATE – LET
HIGHWAY PROJECT ALONG STH 100 FROM S. 27TH STREET TO STH 38**

(5TH & 6TH ALDERMANIC DISTRICTS)

WHEREAS, The City of Oak Creek and the Wisconsin Department of Transportation are entering into an agreement for the funding of the reconstruction project of STH 100 (W. Ryan Road) from S. 27th Street to STH 38 (S. Howell Avenue) and;

WHEREAS, The Wisconsin Department of Transportation agrees to pay 100% of the design, real estate and construction costs including the sidewalks, and;

WHEREAS, The Wisconsin Department of Transportation agrees to provide Community Sensitive Design funding in the amount of \$295,000 for the City to improve aesthetics along the corridor, and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the State/Municipal agreement be approved and the Mayor and City Clerk are hereby authorized to execute the same, and

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Approved this 20th day of November, 2012.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



**STATE/MUNICIPAL AGREEMENT
FOR A STATE- LET HIGHWAY
PROJECT**

Date: November 1 2012
 I.D.: 2040-16-00-20/70
 Road Name: STH 100
 Limits: 27th St to STH 38
 County: Milwaukee
 Roadway Length: 1.97 Miles

The signatory city, village, town or county, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

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

NEEDS AND ESTIMATE SUMMARY:

Existing Facility - Describe and give reason for request: Improvement

Proposed Improvement - Nature of work: As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality: A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%
Preliminary Engineering: Plan Development	\$ 800,000	\$ 800,000	100%	\$ -	0%
Real Estate Acquisition: Acquisition	\$ 1,225,000	\$ 1,225,000	100%	\$ -	0%
Compensable Utilities	\$ 20,000	\$ 20,000	100%	\$ -	0%
Construction: Participating	\$ 9,000,000	\$ 9,000,000	100%	\$ -	0%
CSS ¹	\$ 295,000	\$ 295,000	MAX	\$ -	BAL
New Sidewalk	\$ 370,000	\$ 370,000	100%	\$ -	0%
Non-Participating	\$ 25,000	\$ -	0%	\$ 25,000	100%
Total Cost Distribution	\$ 11,735,000	\$ 11,710,000		\$ 25,000	

¹ Community Sensitive Solutions (CSS) - maximum State/Federal funds \$295,000, any amount that exceeds this maximum is to be funded with 100% Municipal funds.

This request is subject to the terms and conditions that follow (pages 2 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or

terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement.

Signed for and in behalf of the City of Oak Creek (please sign in blue ink)		
Name	Title	Date
Signed for and in behalf of the State (please sign in blue ink)		
Name	Title	Date

TERMS AND CONDITIONS:

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that show Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter and bridge costs to State standards, excluding the cost of parking areas.
 - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins and connections for surface water drainage of the improvement; including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking and testing of sanitary sewer and water main.
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or Facility Owner includes the following items:

- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and Bridge width in excess of standards.
 - (d) Construction inspection, staking and material testing and acceptance for construction of sanitary sewer and water main.
 - (e) Parking lane costs.
 - (f) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
 6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
 7. The work will be administered by the State and may include items not eligible for Federal/State participation.
 8. The Municipality shall at its own cost and expense:
 - (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
 - (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions.
 - (c) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
 - (d) Prohibit angle parking.
 - (e) Regulate parking along the highway. The municipality will file a parking declaration with the state.
 - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
 - (g) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction.
 - (h) Maintain all community sensitive solutions and/or enhancement funded items.
 - (i) Coordinate with the state on changes to highway access within the project limits.
 - (j) In cooperation with the state, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project.
 - (k) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).

9. Basis for local participation:

- (a) Funding for preliminary engineering 100% State
- (b) Funding for real estate required for standard roadway construction, 100% State
- (c) Funding for compensable utilities required for standard roadway construction, 100% State.
- (d) Funding for construction of standard roadway items – 100% State
- (e) Funding for new sidewalk on NHS route, where no Trans 75 exceptions apply is funded 100% State.
- f) Funding for Community Sensitive Solutions (CSS) – 100% State, maximum amount \$295,000. Costs above this maximum are 100% Municipal. The funding is to be used for enhancement features along the project limits. CSS funds have been inflated to 2014 dollars.
- g) Funding for non-participation items 100% Municipality.

[END]

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012

Item No.: 21

Recommendation: That the Common Council approve Resolution No. 11307-112012, accepting the workmanship and authorizing final payment to Q3 Contracting, for Project No. 11019. This project involved the installation of sidewalk improvements in various locations (1st & 3rd Aldermanic Districts).

Background: This project was authorized by the Common Council as part of the Capital Improvement Program, and was awarded on June 5, 2012.

Fiscal Impact: Final payment of \$6,120.00 is to be paid with CIP provided funding.

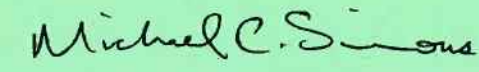
Prepared by:


J. John Ozolins
Senior Engineering Technician

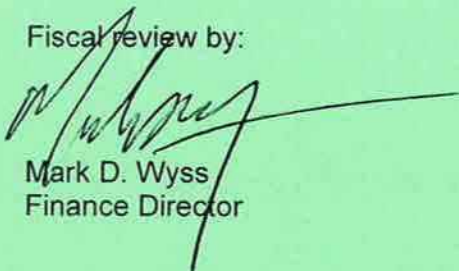
Respectfully submitted:

Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:


Michael C. Simmons, P.E.
City Engineer

Fiscal review by:


Mark D. Wyss
Finance Director

RESOLUTION NO. 11307-112012

BY: _____

**RESOLUTION ACCEPTING THE WORKMANSHIP OF
Q3 CONTRACTING
AND AUTHORIZING FINAL PAYMENT**

**VARIOUS LOCATIONS
SIDEWALK REPAIR**

PROJECT NO. 11019

(1st & 3rd ALDERMANIC DISTRICTS)

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and Q3 Contracting, hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 11019 for the installation of sidewalk improvements in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$126,758.75; and,

WHEREAS, said total final contract price has been determined to be \$125,937.59 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

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

WHEREAS, the Contractor has filed with the City an affidavit stating that he has complied fully with the provisions and requirements of Section 66.0903, Wis. Stats.; and,

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$6,120.00.

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

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

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the sidewalk repairs for a period of 12 months after the acceptance of the work, the performance or contract bond, which has been made a part of the contract, shall be in effect until 12 months after the passage of the resolution.

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$6,120.00 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Approved this 20th day of November, 2012.

Mayor, City of Oak Creek

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

City of Oak Creek Common Council Report

Meeting Date: November 20, 2012


Item No.: 22

RECOMMENDATION: That the Common Council adopt Resolution No. 11308-112012, a resolution accepting dedication of the public improvements and releasing the Developer from the terms and conditions of their development agreement for the Ahlborn sanitary sewer (Project No. 11053) (Tax Key No. 731-9998) (1st Aldermanic District).

BACKGROUND: The Developer has completed, to the satisfaction of the Engineering, Street Department and the Oak Creek Water and Sewer Utility, all required public improvements for the sanitary sewer main extension to the property at 6739 S. Pennsylvania Avenue. The Developer, Jeffery A. & Debra A. Ahlborn, has executed the dedication and affidavit papers conveying the public improvements free and clear of all encumbrances. There are no current outstanding assessments against the properties, and the Developer has paid all required City fees and costs.

FISCAL IMPACT: Full maintenance of the public improvements becomes the City's responsibility.


Prepared by:

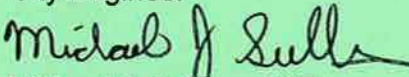

Brian L. Johnston, P.E.
Development Engineer

Respectfully submitted:

Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:


Michael C. Simmons, P.E.
City Engineer


Michael J. Sullivan, P.E.
Utility Engineer

Fiscal review by:


Mark D. Wiss
Finance Director

RESOLUTION NO. 11308-112012

BY: _____

**RESOLUTION ACCEPTING DEDICATION OF PUBLIC IMPROVEMENTS AND
RELEASING THE DEVELOPER FROM THE DEVELOPMENT AGREEMENT**

AHLBORN-SANITARY SEWER

(PROJECT NO. 11053)

(1ST ALDERMANIC DISTRICT)

WHEREAS, Jeffery A. & Debra A. Ahlborn hereinafter referred to as the "Developer", has constructed and installed all required public improvements for said sanitary sewer main extension at the expense of the Developer and in accordance with the plans and specifications conforming to applicable City Ordinances and approved by the City; and

WHEREAS, the Development Agreement provided that the developer shall dedicate and convey the said public improvements to the City, free and clear of all encumbrances; and

WHEREAS, the Developer has offered a dedication instrument attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek, that the said dedication be and the same hereby is accepted; and

BE IT FURTHER RESOLVED, by the Common Council of the City of Oak Creek that the Developer is hereby released from the terms and conditions of their development agreement.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of November, 2012.

Passed and adopted this 20th day of November, 2012.

President, Common Council

Approved this 20th day of November, 2012.

Mayor

ATTEST: _____
City Clerk

VOTE: Ayes _____ Noes _____

Document Number

DEDICATION OF PUBLIC IMPROVEMENTS
AND RELEASE FROM THE AHLBORN -
SANITARY SEWER DEVELOPMENT
Document Title

Recording Area

Name and Return Address

Douglas W. Seymour, Director
Department of Community Development
8640 S. Howell Avenue
Oak Creek, WI 53154

731-9998

Parcel Identification Number (PIN)

WHEREAS, THE CITY OF OAK CREEK, a municipal corporation of Milwaukee County, State of Wisconsin, hereinafter referred to as the "City", and, Jeffrey A. & Debra A. Ahlborn, 6739 S. Pennsylvania Avenue, Oak Creek, WI, 53154 and hereinafter referred to as "Developer", entered into a Development Agreement dated December 7, 2011, which was approved by Resolution No. 11183-120611 for Ahlborn sanitary sewer and more particularly described as follows;

That part of the Southwest $\frac{1}{4}$ of Section 3, Township, 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows, to-wit;

Commencing at the Northeast corner of said $\frac{1}{4}$ Section; running thence West along the North line of said $\frac{1}{4}$ Section, 114.14 feet to the intersection with the center line of the Nicholson Road; thence South $00^{\circ}44'30''$ East along the center line of said road, 278.00 feet to the place of beginning of the land about to be described; running thence West and parallel to the North line of said $\frac{1}{4}$ Section, 290.00 feet to a point; thence South $00^{\circ}44'30''$ East and parallel to the center line of said Nicholson Road, 114.20 feet to a point; thence East and parallel to the North line of said $\frac{1}{4}$ Section, 290.00 feet to a point

in the center line of said Nicholson Road; thence North 00°44'30" West along the center line of said Nicholson Road, 114.20 feet to the place of beginning.

WHEREAS, pursuant to Chapter 14 of the Municipal Code and Wis. Stats. Chapter 236, the Developer was required to construct, install, furnish and provide entirely at its expense, in and for the Ahlborn sanitary sewer as recorded, all necessary public infrastructure for the purpose of replacing a failing septic system; and

WHEREAS, the Developer has completed the construction and installation of said public improvements in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 14 of the Municipal Code of the City, and the City Engineer has certified the systems' acceptability; and

WHEREAS, the Development Agreement was recorded with the Milwaukee County Register of Deeds office on January 5, 2012, in Document #10069517; and

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, to it in hand paid, receipt of which is herein acknowledged and confessed.

1. The Developer hereby gives, grants, conveys and fully dedicates the said public improvements, to the City of Oak Creek forever, free and clear of all encumbrances whatever, together with and including any and all land, structures, mains, pipes, appurtenances and hereditaments, which in any way be a part of or pertain to such public facilities.
2. The Developer hereby warrants and will forever defend the title to the dedicated public improvements, for the Ahlborn Sanitary Sewer against all lawful claims of all persons whomsoever.
3. The Developer is hereby released and discharged from the terms of the Development Agreement.

IN WITNESS WHEREOF, the parties hereto have executed by the Developer on the day and year first-above written.

In the presence of:

Witness

Jeffrey A. Ahlborn
Jeffrey A. Ahlborn
Debra A. Ahlborn
Debra A. Ahlborn

STATE OF WISCONSIN)
) SS:
Milwaukee COUNTY-)

Personally came before me this 13th day of November, 2012, the above-named, Jeffrey A. Ahlborn and Debra A. Ahlborn, to me known to be such persons, acknowledged that they executed the foregoing instrument as such Owners.

BENJAMIN VANDERVORT
NOTARY PUBLIC
STATE OF WISCONSIN

Benjamin Vandervort

Notary Public Milwaukee County, WI

My commission expires: 01-06-2013

CITY OF OAK CREEK

Stephen A. Scaffidi, Mayor

Countersigned:

Catherine A. Roeske, City Clerk

STATE OF WISCONSIN)
) SS:
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2012, STEPHEN A. SCAFFIDI, Mayor and CATHERINE A. ROESKE, City Clerk, of the above-named municipal corporation, CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers, as the deed of said municipal corporation, by its authority, and pursuant to Resolution No. _____ adopted by its Common Council on the ____ day of _____, 2012.

Lawrence J. Haskin, Notary Public
Milwaukee County, Wisconsin
My commission is permanent.

This document was drafted by Brian L. Johnston, P.E., of the City of Oak Creek Engineering Department.

Approved as to form:

Lawrence J. Haskin, City Attorney

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CERTIFICATE OF THE CITY ENGINEER

I, Michael C. Simmons, City Engineer of the City of Oak Creek, do hereby certify:

That the construction and installation of public improvements, installed by the Developer of the Ahlborn - Sanitary Sewer, in the City of Oak Creek, have been completed in accordance with the approved designs, plans and specifications therefore, or in accordance with approved changes, variations, alterations and modifications; and

That the public improvements are in satisfactory operating condition; and

That I further certify that the Developer has submitted satisfactory written evidence that they have paid all of the costs incurred in the construction and installation of said systems and improvements.

Dated this _____ day of _____, 2012.

Michael C. Simmons, P.E.
City Engineer