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

## COMMON COUNCIL MEETING AGENDA

TUESDAY, OCTOBER 1, 2013  
AT 7:00 P.M.

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

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1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 9/17/13

New Business

### MAYOR & COMMON COUNCIL

4. **Resolution:** Consider Resolution No. 11406-100113, authorizing the issuance and sale of \$10,525,000 taxable general obligation promissory notes (by Committee of the Whole).
5. **Motion:** Consider a motion to approve the 2013 Vendor Summary Report in the amount of \$677,594.77 (by Committee of the Whole).

### COMMUNITY DEVELOPMENT

6. Resolution No. 11408-100113 approving a certified survey map for the properties at 819 E. Drexel Ave., 901 E. Drexel Ave., and 819 R E. Drexel Ave. (1<sup>st</sup> District).

### ENGINEERING

7. **Resolution:** Consider Resolution No. 11407-100113, amending Resolution No. 11384-071613, a Preliminary Resolution Declaring Intent to Exercise Special Assessment Authority Under Section 3.200 of the Municipal Code for Completion of Willow Creek Subdivision (Project No. 04056) (5<sup>th</sup> District).
8. **Resolution:** Consider Resolution No. 11405-100113, accepting Waivers of Special Assessment Notices and Hearings for completion of the roads in Willow Creek Subdivision, and levying special assessments against developer-owned properties (Project No. 04056) (5<sup>th</sup> District).
9. **Resolution:** Consider Resolution No. 11409-100113, accepting Waivers of Special Assessment Notices and Hearings for completion of the cul-de-sac for Kender Lane CSM and levying special assessments against developer-owned property (Project No. 05061) (4<sup>th</sup> District).

10. **Motion:** Consider a *motion* to concur with the recommendations of the Traffic and Safety Commission and approve the installation of "No Parking" signs on S. Mayhew Drive (3<sup>rd</sup> District).

### LICENSE COMMITTEE

The License Committee met on 9/19/13. Minutes are attached. Recommendation are being made as follows:

11. **Motion:** Consider a *motion* to grant an Operator's license to Alita Geralts, 9311 S. 46<sup>th</sup> St., Franklin (Oasis Mobil).
12. **Motion:** Consider a *motion* to grant a 2013 Landfill license to Phillip Purpero, CW Purpero, Inc., 813 W. College Ave.

The following items were received after the License Committee met:

13. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
  - Carol Svehlek, 13450 W. Fountain Dr., New Berlin (7-Eleven)
  - Gregory Jones, 5440 River Hills Rd., Racine (Bootz)
14. **Motion:** Consider a *motion* to grant a change of agent on the Class A Combination license for Mega Marts Inc., dba Pick 'n Save #6862, 8770 S. Howell Ave. from Adam Rogge to Andrew M. Gifford, 8670 S. Maize Dr., Oak Creek (*favorable background report received*).

### MISCELLANEOUS

15. **Motion:** Consider a *motion* to convene in to Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes Section 19.85 (1)(c) to discuss development of a performance evaluation system as part of the City's pay and classification system for non-represented employees.
17. **Motion:** Consider a *motion* to reconvene into Open Session.
18. **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.

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.

# City of Oak Creek Common Council Report

Meeting Date: October 1, 2013

Item No.: 4

**Recommendation:** That the Common Council adopt Resolution 11406-100113, a resolution authorizing the issuance and sale of up to \$10,525,000 in taxable general obligation notes for paying project costs listed in the project plan for tax increment district #8.

**Background:** The City has been working with Jerry Franke of WisPark to create a new business park at the southwest corner of Oakwood Road and Howell Avenue. A TIF project plan and financing for the project have been approved by the Council. Attached is a resolution which authorizes the issuance and sale of \$10,525,000 in taxable general obligation promissory notes to pay for project plan costs. It is expected site work will begin this month. City staff have been working with Paul Thompson from Hutchinson, Shockey, Erley & Co. and Company in the development of a preliminary official statement (attached) in anticipation of the sale of these bonds. We are pleased to announce Moody's has maintained the City's Aa2 bond rating in connection with this project.

These are 2-year taxable bonds which are expected to be replaced with permanent financing that includes both taxable and non-taxable bonds. The notes may be redeemed on April 1, 2015 or any date thereafter. Mr. Thompson will be at the meeting to answer any additional questions the Council may have.

**Fiscal Impact:** The debt service on these bonds is expected to be paid through tax increment generated by conversion of the property from agricultural to manufacturing and expected development of the business park. The City also has received guarantees in the amount of \$2.4 million from WisPark to pay for any shortfalls in required bond payments if development of the site does not progress as anticipated.

Fiscal Review by:

  
Bridget M. Souffrant  
Finance Director/Comptroller

Prepared and Submitted by:

  
Gerald R. Peterson, ICMA-CM  
City Administrator

RESOLUTION NO. 11406-100113

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$10,525,000 TAXABLE GENERAL OBLIGATION PROMISSORY NOTES

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds for public purposes, including paying project costs listed in the Project Plan for Tax Incremental District No. 8 (the "Project"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation promissory notes on a taxable rather than tax-exempt basis; and

WHEREAS, it is the finding of the Common Council that it is necessary, desirable and in the best interest of the City to sell the taxable general obligation promissory notes to Hutchinson, Shockey, Erley & Co. (the "Purchaser"), pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Authorization and Sale of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of TEN MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,525,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. To evidence the obligation of the City, the Mayor and City Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the City, taxable general obligation promissory notes aggregating the principal amount of TEN MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,525,000) (the "Notes") for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes"; shall be issued in the aggregate principal amount of \$10,525,000; shall be dated October 15, 2013; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and

mature on October 1, 2015 as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2014. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on April 1, 2015 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2013 through 2014 for the payments due in the years 2014 through 2015 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$10,525,000 Taxable General Obligation Promissory Notes, dated October 15, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the City and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed

with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 9. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the City Clerk or City Treasurer (the "Fiscal Agent").

Section 10. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the

Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 13. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 15. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 16. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.



Section 17. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded October 1, 2013.

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Stephen Scaffidi  
Mayor

ATTEST:

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Catherine A. Roeske  
City Clerk

(SEAL)

EXHIBIT A

Note Purchase Proposal

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

EXHIBIT B-1

Pricing Summary

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Hutchinson, Shockey, Erley & Co. and incorporated into the Resolution.

(See Attached)

EXHIBIT C

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
MILWAUKEE COUNTY  
NO. R- \_\_\_\_\_ CITY OF OAK CREEK \$ \_\_\_\_\_  
TAXABLE GENERAL OBLIGATION PROMISSORY NOTE

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
October 1, 2015 October 15, 2013 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2014 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$10,525,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes, including paying project costs listed in the Project Plan for Tax Incremental District No. 8, all as authorized by a resolution of the Common Council duly

adopted by said governing body at a meeting held on October 1, 2013. Said resolution is recorded in the official minutes of the Common Council for said date.

The Notes are subject to redemption prior to maturity, at the option of the City, on April 1, 2015 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Notes called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Note together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the

absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Oak Creek, Milwaukee County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF OAK CREEK,  
MILWAUKEE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Stephen Scaffidi  
Mayor

(SEAL)

By: \_\_\_\_\_  
Catherine A. Roeske  
City Clerk



ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)

# City of Oak Creek Common Council Report

Meeting Date: October 1, 2013

Item No.: 5

**Recommendation:** That the Common Council approve payment of the obligations as listed on the September 25, 2013 Vendor Summary Report.

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

1. \$66,669.63 to Benistar/UA (pg #3) for retiree Medicare supplement.
2. \$27,890.00 to Giles Engineering Associates (pg #10) for geotechnical engineering exploration and analysis.
3. \$34,026.80 to Graef (pg #10) for Drexel Town Square and various grant services.
4. \$7,107.60 to Lawrence J Haskin, Attorney (pg #11) for August/September legal services.
5. \$17,944.24 to Milw County Treasurer (pg #16) for May, June, July, and August court fines.
6. \$20,862.49 to Milw Area Domestic Animal (pg #16) for 4<sup>th</sup> quarter operating costs/capital projects and debt service.
7. \$9,733.87 to National Insurance Company (pgs #16-17) for disability insurance.
8. \$26,373.59 to North American Salt Co. (pg #17) for snow and ice removal.
9. \$7,978.60 to Oak Creek Water & Sewer Utility (pg #17) for March, April, and May locating services.
10. \$27,557.72 to SmithgroupJJR (pg #22) for Lakefront grant work.
11. \$6,000.00 to Strand Associates, Inc. (pg #23) for July/August 5<sup>th</sup> Avenue relocation services.
12. \$58,407.24 to Super Western, Inc. (pg #23) for West Drexel Avenue contract payment.
13. \$6,200.00 to Tyler Technologies, Inc. (pg #24) for assessment consulting services.
14. \$33,991.93 to Willkomm Excavating & Grading (pg #26) for Abendschein Park contract payment.
15. \$50,293.06 to WI Court Fines & Surcharges (pg #26) May, June, July, and August court fines.
16. \$56,415.14 to WE Energies (pgs #26-27) for street lighting and gas/electric utilities.
17. \$68,789.64 to WE Energies (pg #27) for facility relocation.
18. \$7,064.64 to WI Dept. of Transportation (pg #27) for 5<sup>th</sup> Avenue relocation, S 32 to Ryan.
19. \$26,226.24 to World Fuel Services, Inc. (pg #28) for fuel inventory.

**Fiscal Impact:** Total claims paid of \$677,594.77

Prepared by/Fiscal Review by:

Respectfully submitted,

Bridget M. Souffrant  
Finance Director/Comptroller

Gerald R. Peterson  
City Administrator

# City of Oak Creek Common Council Report

Meeting Date: October 1, 2013

Item No.: 6

**Recommendation:** That the Council adopt Resolution No. 11408-100113 approving a certified survey map for the properties at 819 E. Drexel Ave., 901 E. Drexel Ave., and 819 R E. Drexel Ave.


**Background:** The Uttkes own three contiguous properties on East Drexel Avenue and are proposing two lot line modifications:

1. Modify a 61.39' x 11.06' area at the southern end of the common boundary between Parcels 1 and 2 so that the existing garage will be located entirely on Parcel 1 and conform to setback requirements.
2. Move the southern lot line on Parcel 2 south into unplatted lands to create a more regularly-shaped parcel.

Adjusting the lot lines as proposed will not affect the existing 6-foot-wide utility easement in the location depicted on the map, the floodplain, the wetlands, or the officially mapped street patterns on the unplatted lands to the south. All parcels will exceed the district minimum size requirement following the proposed adjustments. No development is proposed at this time.

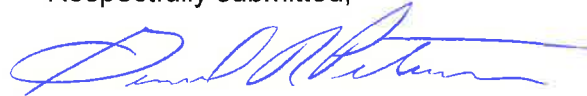
**Fiscal Impact:** There is no fiscal impact for this certified survey map. It is only re-drawing property lines between adjacent parcels.

Prepared by:



Doug Seymour, AICP  
Director of Community Development

Respectfully submitted,



Gerald Peterson, ICMA-CM  
City Administrator

Fiscal Review by:



Bridget M. Souffrant  
Finance Director/Comptroller

RESOLUTION NO. 11408-100113

BY: \_\_\_\_\_

RESOLUTION APPROVING A CERTIFIED SURVEY MAP  
FOR THOMAS UTTKE

819 E. Drexel Ave., 901 E. Drexel Ave., 819 R E. Drexel Ave.  
(1<sup>st</sup> Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by THOMAS UTTKE, hereinafter referred to as the subdivider, 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.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1<sup>st</sup> Day of October, 2013.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
President, Common Council

Approved this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

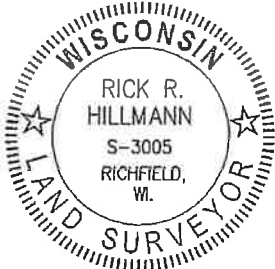
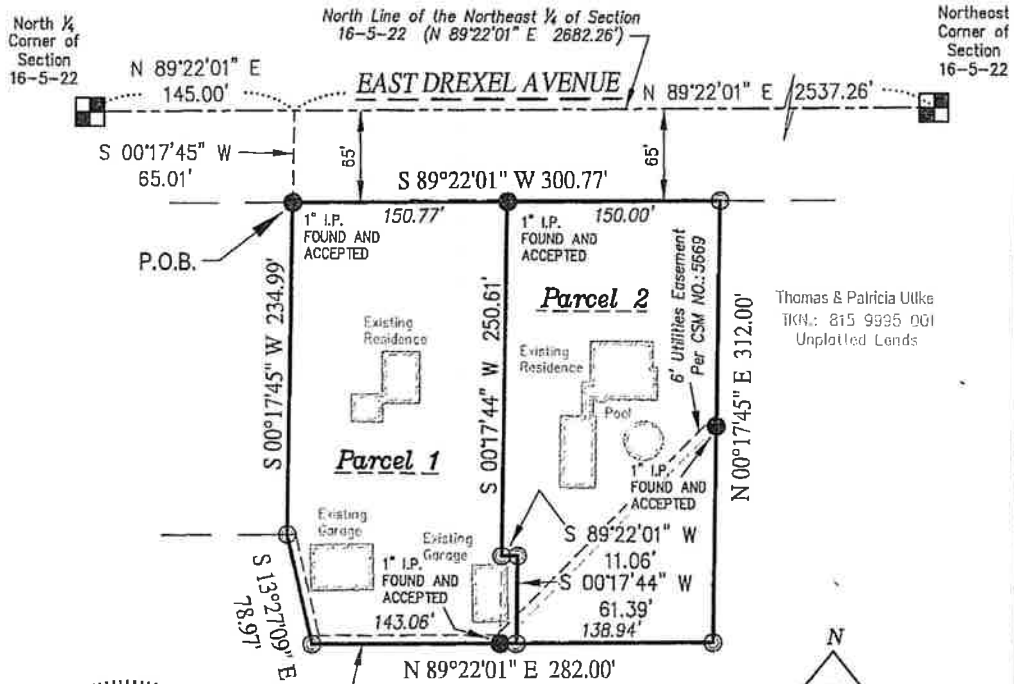
ATTEST:

\_\_\_\_\_  
City Clerk

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

# Certified Survey Map

A Re-Division of Parcel 1 and Parcel 2 of Certified Survey Map No.: 5669 and Unplatted Lands being a part of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$ , of Section 16, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

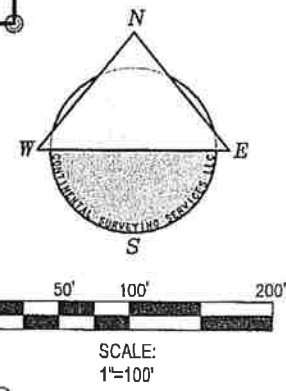


6' Utilities Easement  
Per CSM NO.: 5669

Thomas & Patricia Ulke  
TKN.: 815 9995 001  
Unplatted Lands

**Parcel 1**  
46,990 S.F.  
1.07874 Acres

**Parcel 2**  
46,115 S.F.  
1.05865 Acres



## LEGEND

- P.O.B. POINT OF BEGINNING
- 1" IRON PIPE FOUND
- ⊙  $\frac{3}{4}$ " IRON ROD SET WEIGHING 1.13 LB'S./L.F.
- SECTION CORNER

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the Northeast  $\frac{1}{4}$  of Section 16, Township 5 North, Range 22 East bears N 89°22'01" E.

This Instrument was drafted by Rick R. Hillmann, a Registered Land Surveyor, S-3005 on this 26th day of August, 2013 Sheet X of X



**INTERLINE SURVEYING SERVICES**  
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Email: [survey@iss-surveyors.com](mailto:survey@iss-surveyors.com)

# City of Oak Creek Common Council Report

Meeting Date: October 1, 2013

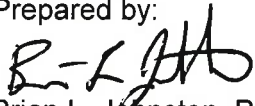
Item No.: 7

**Recommendation:** That the Common Council adopts Resolution No. 11407-100113, Amending Resolution No. 11384-071613 a Preliminary Resolution Declaring Intent to Exercise Special Assessment Authority Under Section 3.200 of the Municipal Code for Completion of Willow Creek Subdivision (Project No. 04056) (5<sup>th</sup> Aldermanic District).

**Background:** The Common council adopted Resolution No 11384-071613 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Authority Under Section 3.200 of the Municipal Code of the City of Oak Creek. The Resolution provided that it was the Common Council's intent to levy special assessments against all property fronting on S. Willow Creek Circle, S. Redwood Lane, and E. Lilac Lane. The properties that have been sold by the developer to private individuals the cost of completing the subdivision was included in the purchase price. The Developer has defaulted on the Development Agreement dated July 27, 2004 by failing to complete the development. The proposed amendment will change the special assessments from all of the lots to the 11 lots currently owned by the Developer.

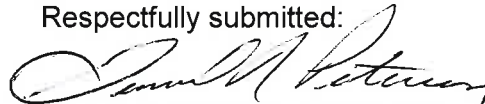
**Fiscal Impact:** The City of Oak Creek will initially fund the entire cost of the road work, and shall be reimbursed from the escrow account. The cost estimate of the project is \$153,500. The funds would come from the excess in the 2012 annual paving project funds. The special assessment would be for approximately \$114,600, as determined by the actual cost.

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

Fiscal review by:



Bridget M. Souffrant  
Finance Director

**RESOLUTION NO. 11407-100113**

**RESOLUTION AMENDING RESOLUTION NO. 11384-071613  
A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE  
SPECIAL ASSESSMENT AUTHORITY UNDER SECTION 3.200 OF THE  
MUNICIPAL CODE OF THE CITY OF OAK CREEK  
(Completion of Willow Creek Subdivision)  
(Project No. 04056)  
(5<sup>th</sup> Aldermanic District)**

WHEREAS, on July 16, 2013 the Common Council adopted Resolution No. 11384-071613 A Preliminary Resolution Declaring Intent to Exercise Special Assessment Authority Under Section 3.200 of the Municipal Code of the City of Oak Creek (Completion of Willow Creek Subdivision) (Project No. 04056) (the "Resolution"); and,

WHEREAS, the Resolution provided that it was the Common Council's intent to levy special assessments against all property fronting on South Willow Creek Drive, South Redwood Lane, and East Lilac Lane; and,

WHEREAS, for those properties in Willow Creek Subdivision on South Willow Creek Drive, South Redwood Lane and East Lilac Lane that have been sold by the developer to private individuals the cost of the final lift of asphalt, base patching, curb and gutter replacement, catch basin adjustment, manhole and valve box repair and adjustment was included in the cost of the purchase of the lot; and,

WHEREAS, the developer has defaulted on the Development Agreement dated July 27, 2004 by failing to complete the public improvements in the subdivision, to-wit, the construction of the final lift of asphalt, asphalt base patching, curb and gutter replacement, catch basin adjustment, manhole and valve box repair and adjustment; and,

WHEREAS, the developer owns 11 lots in the subdivision that are the subject of a foreclosure action presently pending in Milwaukee County Circuit Court;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Resolution No. 11384-071613 Paragraph 1 be amended to provide as follows:

The Common Council hereby declares its intention to exercise its authority under Section 3.200 of the Municipal Code of the City of Oak Creek to levy Special Assessments upon property within the following described district for benefits conferred upon such property by the following improvements in the following location:

PROJECT NO. 04056 FINAL LIFT OF ASPHALT AND COMPLETION OF PAVEMENT.  
TAX KEY NOS. 958-0001, 958-0002, 958-0003, 958-0005, 958-0007, 958-0011, 958-  
0013, 958-0015, 958-0016, 958-0035, & 958-0036.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1<sup>st</sup> day of October, 2013.

Passed and adopted this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
President, Common Council

Approved this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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



# City of Oak Creek Common Council Report

Meeting Date: October 1, 2013

Item No.: 8


**Recommendation:** That the Common Council adopts Resolution No. 11405-100113, accepting Waivers of Special Assessment Notices and Hearings for completion of the roads in Willow Creek Subdivision, and levying special assessments against developer-owned properties (Project No. 04056) (5<sup>th</sup> Aldermanic District).

**Background:** Scott Biller, President, and Terri Stevens, Secretary/Treasurer, of TES Properties LLC (Willow Creek Estates Subdivision, Project No. 04056), signed a Development Agreement on July 27, 2004, and the project was approved by the Common Council per Resolution No. 10394-08204. As part of the agreement, the Developer signed the Waiver of Special Assessment Notices and Hearings. The public improvements were installed, with the exception of the final lift of asphalt, and the final plat was recorded on July 28, 2005. Twenty-five of the 36 lots have been sold, and 20 have had houses built on them. Of the remaining 16 undeveloped lots, 11 are owned by TES Properties LLC, and the other five are owned by one other entity. In 2010, Maritime Savings Bank filed a foreclosure action against TES Properties LLC, which is still pending. The City holds \$38,719 in escrow for the subdivision. The estimate for the completion of the work is \$153,500.

The Developer has filed for bankruptcy on the subdivision. City staff is recommending that we complete the project next year as part of the CIP, and special assess the 11 properties currently owned by the Developer. If special assessments are levied, they will be repaid when lots are sold. If special assessments are not paid before tax bills are sent out, the assessments will be placed on the tax bill.

**Fiscal Impact:** Payment for the road work will come from funds reserved in the 2014 CIP budget for road improvements, with reimbursement coming from special assessments levied against the properties owned by the developer.

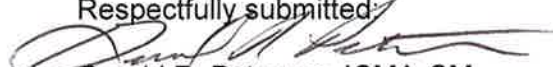
Prepared by:

  
Brian L. Johnston, P.E.  
Development Engineer


Approved by:

  
Michael C. Simmons, P.E.  
City Engineer

Respectfully submitted:

  
Gerald R. Peterson, ICMA-CM  
City Administrator

Fiscal review by:

  
Bridget M. Souffrant  
Finance Director

**RESOLUTION NO. 11405-100113**

**BY: \_\_\_\_\_**

**RESOLUTION ACCEPTING WAIVERS OF SPECIAL ASSESSMENT NOTICES  
AND HEARINGS FOR COMPLETION OF WILLOW CREEK SUBDIVISION  
AND LEVYING SPECIAL ASSESSMENTS  
AGAINST DEVELOPER OWNED PROPERTIES**

**(PROJECT NO. 04056)**

**(5<sup>th</sup> ALDERMANIC DISTRICT)**

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

That part of the East 40 acres of the West 40 acres of the north ½ of the Northwest ¼ of Section 34, Town 5 North, Range 22 East, lying west of Certified Survey Map No. 1989 and excepting therefrom lands conveyed to the City of Oak Creek as described in Document No. 5479693, containing 23.9 acres more or less. Tax Key No. 958-9998-001.

Lot 1 of CSM No. 7303 being a part of the Northwest ¼ of the Northwest ¼ of Section 34, Town 5, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin. Tax Key No. 958-9996-005.

RESOLVED, by the Common Council of the City of Oak Creek, Wisconsin:

1. The Common Council hereby declares its intentions to exercise its authority under Section 3.200 of the Municipal Code of the City of Oak Creek, to levy special assessments upon property within the following described district for benefits conferred upon such property by the following improvements in the following location:

PROJECT NO. 04056 FINAL LIFT OF ASPHALT AND COMPLETION OF PAVEMENT

Current developer owned property fronting on: S. Willow Creek Circle, S. Redwood Lane, & E. Lilac Lane, City of Oak Creek, Wisconsin.

2. Said public improvements shall include the installation of the final lift of asphalt, asphalt base patching, curb and gutter replacement, catch basin adjustment, manhole and valve box repair and adjustment.
3. The total amount assessed against such district shall not exceed the portion of the total cost of the improvements to be paid by the City of Oak Creek. The Common Council determines that such improvements shall be made under the police power. Each of the abutting property owners shall be assessed for the improvements in the manner set forth in Section 3.200 of the Municipal Code of the City of Oak Creek.
4. The Common Council further declares that the assessments may be paid in accordance with Section 3.210 of the Municipal Code of the City of Oak Creek;

The City Engineer is directed to prepare a report consisting of:

- A. A copy of the preliminary plans and specifications for said improvements.
- B. An estimate of the entire cost of the proposed improvements.

- C. A schedule of the proposed assessments to be levied against each parcel of property within the assessment district.
- D. A statement that the property against which the assessments are proposed is benefited, where the improvement constitutes an exercise of the police power.
- E. Upon completing such report, the City Engineer is directed to file a copy thereof in the City Clerk's office for public inspection.

WHEREAS, said the City Engineer has requested that said improvements be installed to complete the subdivision as per the development agreement, and

WHEREAS, said Developer has executed a Waiver of Special Assessment Notices and Hearings agreeing to the assessment of their land for the completion of the subdivision and have agreed to the payment thereof, all in accordance with Section 3.20 of the Municipal Code of the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek as follows:

1. That the aforementioned improvements be installed.
2. That the Waiver of Special Assessment Hearings and Notices from the Developer be, and are hereby accepted, such waivers covering the lands identified by Tax Key Nos. 958-0001, 958-0002, 958-0003, 958-0005, 958-0007, 958-0011, 958-0013, 958-0015, 958-0016, 958-0035, & 958-0036.
3. That the above-described public improvements constitute an exercise of the City's Police power and benefit the properties being assessed.
4. That where the special assessments are not paid within 30 days of the date of the Notice of Levy of Special Assessment, the amount due shall be entered on the year of levy's tax roll.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
President, Common Council

Passed and adopted this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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

# City of Oak Creek Common Council Report

**Meeting Date:** October 1, 2013

**Item No.:** 9


**Recommendation:** That the Common Council adopts Resolution No. 11409-100113, accepting Waivers of Special Assessment Notices and Hearings for completion of the cul-de-sac for Kender Lane CSM and levying special assessments against developer-owned property (Project No. 05061) (4<sup>th</sup> Aldermanic District).

**Background:** Anthony S. Sanfelippo signed a Development Agreement on February 2, 2006 (Kender Lane Certified Survey Map, Project No. 05061) and the project was approved by the Common Council per Resolution No. 10595-020706. As part of the agreement, the Developer signed the Waiver of Special Assessment Notices and Hearings. The public improvements were installed, with the exception of the final lift of asphalt, and the final plat was recorded on March 6, 2007. The CSM created one lot and two outlots. The developer still owns the buildable lot. The City does not hold an escrow for the project. The estimate for the completion of the work is \$33,500.

The Developer has been unable to secure financing for the completion of the road. The City staff is recommending that we complete the project next year as part of the CIP and special assess the property currently owned by the Developer. If special assessments are levied they will be repaid when lots are sold. If special assessments are not paid before tax bills are sent out the assessments will be placed on the tax bill.

**Fiscal Impact:** Payment for the road work will come from funds reserved in the 2014 CIP budget for road improvements, with reimbursement coming from special assessments levied against the properties owned by the developer.


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

Fiscal review by:

  
Bridget M. Souffrant  
Finance Director

**RESOLUTION NO. 11409-100113**

**BY: \_\_\_\_\_**

**RESOLUTION ACCEPTING WAIVERS OF SPECIAL ASSESSMENT NOTICES  
AND HEARINGS FOR COMPLETION OF KENDER LANE CSM  
AND LEVYING SPECIAL ASSESSMENTS  
AGAINST DEVELOPER OWNED PROPERTY**

**(PROJECT NO. 05061)**

**(4<sup>th</sup> ALDERMANIC DISTRICT)**

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

Parcels 1, 2 and 3 and Outlot 1 of CSM #6464, being that part of the Southwest ¼ of Section 23, Town 5 North, Range 22 East, City of Oak Creek, Milwaukee County, Wisconsin. Containing 2.7760 acres.

RESOLVED, by the Common Council of the City of Oak Creek, Wisconsin:

1. The Common Council hereby declares its intentions to exercise its authority under Section 3.200 of the Municipal Code of the City of Oak Creek, to levy special assessments upon property within the following described district for benefits conferred upon such property by the following improvements in the following location:

PROJECT NO. 05061 FINAL LIFT OF ASPHALT AND COMPLETION OF PAVEMENT

Current developer owned property fronting on: E. Kender Lane, City of Oak Creek, Wisconsin.

2. Said public improvements shall include the installation of the final lift of asphalt, asphalt base patching, curb and gutter replacement, catch basin adjustment, manhole and valve box repair and adjustment.
3. The total amount assessed against such district shall not exceed the portion of the total cost of the improvements to be paid by the City of Oak Creek. The Common Council determines that such improvements shall be made under the police power. Each of the abutting property owners shall be assessed for the improvements in the manner set forth in Section 3.200 of the Municipal Code of the City of Oak Creek.
4. The Common Council further declares that the assessments may be paid in accordance with Section 3.210 of the Municipal Code of the City of Oak Creek;

The City Engineer is directed to prepare a report consisting of:

- A. A copy of the preliminary plans and specifications for said improvements.
- B. An estimate of the entire cost of the proposed improvements.
- C. A schedule of the proposed assessments to be levied against each parcel of property within the assessment district.
- D. A statement that the property against which the assessments are proposed is benefited, where the improvement constitutes an exercise of the police power.

E. Upon completing such report, the City Engineer is directed to file a copy thereof in the City Clerk's office for public inspection.

WHEREAS, said the City Engineer has requested that said improvements be installed to complete the subdivision as per the development agreement, and

WHEREAS, said Developer has executed a Waiver of Special Assessment Notices and Hearings agreeing to the assessment of their land for the completion of the subdivision and have agreed to the payment thereof, all in accordance with Section 3.20 of the Municipal Code of the City of Oak Creek.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek as follows:

1. That the aforementioned improvements be installed.
2. That the Waiver of Special Assessment Hearings and Notices from the Developer be, and are hereby accepted, such waivers covering the lands identified by Tax Key No. 870-9049.
3. That the above-described public improvements constitute an exercise of the City's Police power and benefit the properties being assessed.
4. That where the special assessments are not paid within 30 days of the date of the Notice of Levy of Special Assessment, the amount due shall be entered on the year of levy's tax roll.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
President, Common Council

Passed and adopted this 1<sup>st</sup> day of October, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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

# City of Oak Creek Common Council Report

**Meeting Date:** October 1, 2013

**Item No.:** 10

**Recommendation:** To concur with the recommendations of the Traffic and Safety Commission to approve the installation of, "No Parking," signs on S. Mayhew Drive.

**Background:** No citizens were present for this item. Engineering Department stated that these signs will complement the pavement markings and allow for better enforcement of the no parking. They also stated that the inclusion of the signs will prohibit vehicles from parking in areas that create unsafe conditions.

**FISCAL IMPACT:** No impact.

Prepared by:



Matthew J. Sullivan, P.E.  
Design Engineer

Respectfully submitted,

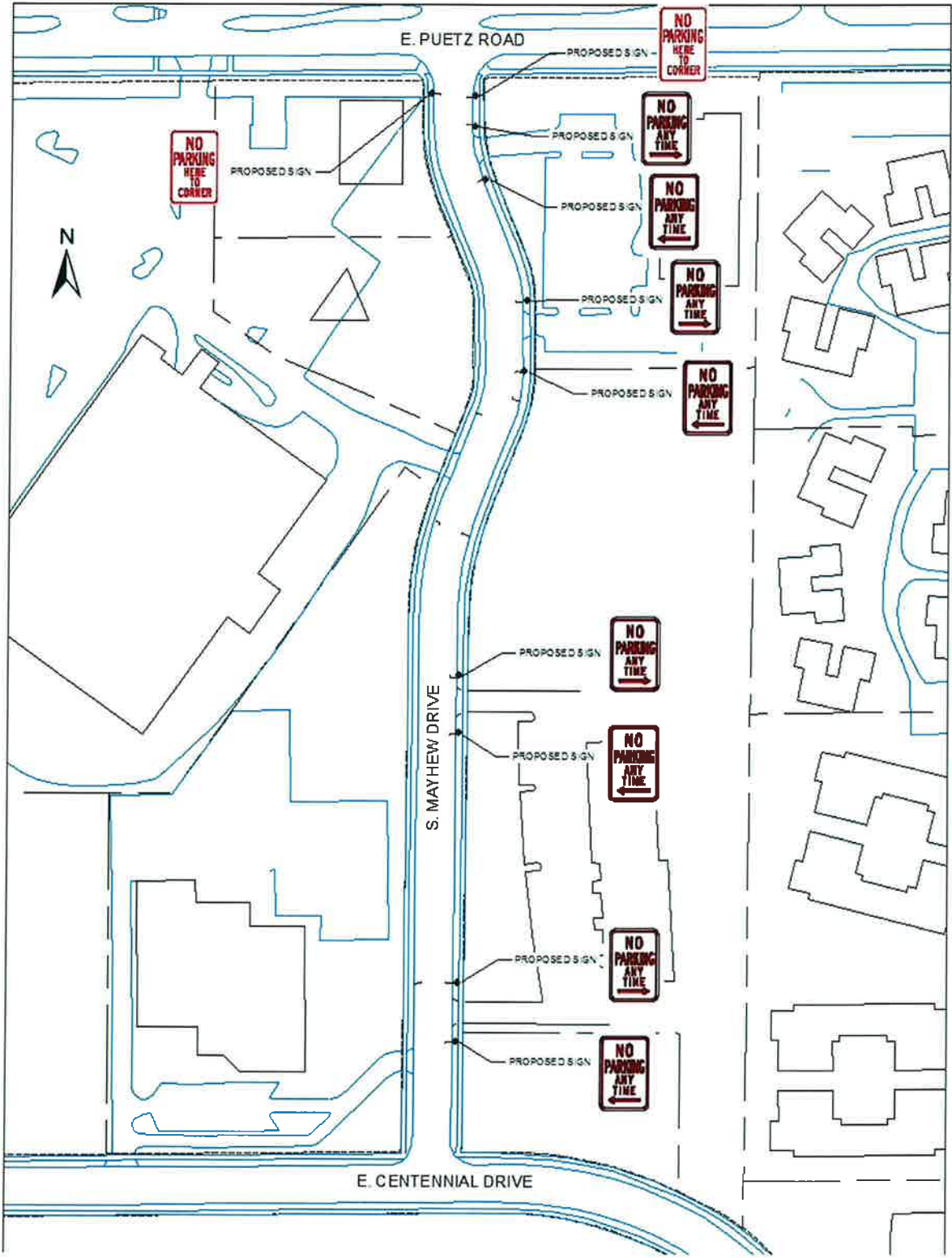


Gerald R. Peterson, ICMA-CM  
City Administrator

Fiscal review by:



Bridget M. Souffrant  
Finance Director





**MINUTES  
LICENSE COMMITTEE  
THURSDAY, SEPTEMBER 19, 2013 AT 9:00 A.M.**

This meeting was called to order at 9:00 a.m. Present were: Ald. Gehl, Ald. Kurkowski, and Ald. Ruetz. Also in attendance were Electrical Inspector James Piriano, City Clerk Catherine Roeske (arrived at 9:45 a.m.) Assistant City Attorney Melissa Karls and Deputy City Clerk Christa Miller.

1. The Committee reviewed the application for an Operator's license submitted by Alita Geralts, 9311 S. 46<sup>th</sup> St., Franklin (Oasis Mobil). Ms. Geralts was in attendance for the meeting.

Ms. Geralts disclosed speeding tickets and a paraphernalia ticket on her application.

The police report showed the following convictions:

- Retail Theft (Brookfield) – convicted 5/9/11
- Possession of Drug Paraphernalia and Lewd and Lascivious Behavior (Oak Creek) – convicted 5/1/12
- Loitering or Prowling (Oak Creek) – convicted 12/28/12
- Possession of Drug Paraphernalia (Franklin) – convicted 3/20/13

Ms. Obrenovich could be considered a habitual offender if the Committee determines that 2 or more of the convictions presented are substantially related to the licensed activity. Additionally, Ms. Geralts failed to list a retail theft and loitering convictions on her application and that could constitute falsification.

The Committee determined that only the retail theft conviction substantially related to Geralts' position with Oasis Mobil.

Ald. Ruetz, seconded by Ald. Kurkowski, moved to grant an Operator's license to Alita Geralts, 9311 S. 46<sup>th</sup> St., Franklin (Oasis Mobil). On roll call, the vote was as follows: Ald. Ruetz, aye; Ald. Kurkowski, aye; and Ald. Gehl, no.

2. The Committee reviewed the application for an Operator's license submitted by Troy Reichenberger, 10524 W. Cortez Cir., Franklin (Buffalo Wild Wings). Mr. Reichenberger was invited to the meeting, however did not attend.

Mr. Reichenberger disclosed a felony battery conviction (Kenosha) in 1997.

The police report showed the following convictions:

- Disorderly Conduct Misdemeanor (Waukesha) – convicted 11/14/08
- Party to Aggravated Battery-Intend Sub Bodily Harm (Kenosha) – convicted 9/18/1997

Mr. Reichenberger did not disclose the disorderly conduct conviction and the License Committee reviewed whether or not he falsified his application by omission.

Additionally, as Mr. Reichenberger has a felony conviction, the License Committee needed to determine whether the felony conviction is grounds for denial.

Ald. Ruetz, seconded by Ald. Gehl, moved to hold the Operator's license submitted by Troy Reichenberger until the next License Committee meeting and directed the Deputy City Clerk to request Mr. Reichenberger's attendance at that meeting so that he may address questions the Committee had regarding his convictions. On roll call, all voted aye.

3. The Committee reviewed the application for an Operator's license submitted by Gabrielle Hanley, 3807 E. Holmes Ave., Cudahy (Branded Steer). Ms. Hanley was invited to the meeting, however did not attend.

Ms. Hanley disclosed the following convictions on her application:

- Misdemeanor disorderly conduct (Cudahy) 2011
- Traffic violations
- Driving without a license
- Suspended plates
- Underage drinking (2)
- Disorderly
- Loud noise ordinance
- Diving without insurance
- Damage obstruct property

The police report showed the following convictions:

- Disorderly conduct non-criminal (Oak Creek) – convicted 5/11/10
- Underage alcohol possess/consume (Cudahy) – convicted 3/22/10
- Disorderly Conduct (Cudahy) - convicted 3/22/10
- Loud and Unnecessary noise (St. Francis) – convicted 11/28/11
- Disorderly conduct (Cudahy) – convicted 10/27/11
- Underage alcohol (Milwaukee) – convicted 2/9/12
- Criminal damage to property – convicted 10/27/11

The Committee discussed whether or not Ms. Hanley was considered a "habitual offender". A person can be considered a habitual offender if within the five years prior to the application, they have been arrested or convicted of at least two offenses which substantially relate to the licensed activity. The Committee acknowledged that Ms. Hanley has two underage alcohol convictions in the past five years substantially related to obtaining a bartender/operator license. The License Committee expressed their desire to ask Ms. Hanley questions regarding her convictions.

Ald. Ruetz, seconded by Ald. Gehl, moved to hold the Operator's license submitted by Gabrielle Hanley until the next License Committee meeting and directed the Deputy City Clerk to request Ms. Hanley's attendance at that meeting so that she may address questions the Committee had regarding her convictions. On roll call, all voted aye.

4. The Committee reviewed the renewal application for a 2013 landfill license submitted by Phillip Purpero, CW Purpero Inc., 813 W. College Ave. At their last meeting, the License Committee was made aware that there were several piles of concrete, gravel, sand and asphalt on the grounds left over from a temporary concrete batch plant that was approved by the Plan Commission. The temporary use permit allowed the use of the grounds for such piles until May 31, 2012. On July 9, 2013, Deputy City Clerk Miller asked Inspector Ozolins to re-inspect the site for remaining piles and on August 15, 2013, he provided a re-inspection document acknowledging that only one stone pile remains. After a discussion with Zoning Administrator Peter Wagner, he informed Deputy City Clerk Miller that the stone pile that remains is for future construction I-94 project(s).

Ald. Gehl, seconded by Ald. Ruetz, moved to grant a 2013 landfill license to Phillip Purpero, CW Purpero, Inc., 813 W. College Ave. On roll call, all voted aye.

5. The Committee discussed recent site observations in regards to the Sunrise Shores Mobile Home Park (5<sup>th</sup> Avenue). Herb Wolf, Herb Wolf & Associates LLC, was in attendance on behalf of the Sunrise Shores Mobile Home Park. Mr. Wolf works as a liaison between the City and the MHP.

Electrical Inspector Piriano advised the License Committee of recent observations at the site:

- Unit B2 – there is a siding issue.
- Unit B4 – there is an issue with excess garbage on site.
- Unit B9 – appears to be vacant and in a state of remodel.
- Unit B12 – appears to be vacant.
- Unit C8 – is this a tear down? Appears to be abandoned. Does not look habital.
- Brush – there are piles of cut brush and branches by the playground area.
- Tree and overhang brush – Along north road, the trees and brush need to be cut back again to allow rescue vehicle pathway.
- Roadway – road appears to be deteriorating

Mr. Wolf responded to the above concerns of the City with the following:

Ald. Kurkowski, seconded by Ald. Gehl, moved to adjourn this meeting at 12:59 p.m. On roll call, all voted aye.