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common council
reports.



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

COMMON COUNCIL MEETING AGENDA

MONDAY, FEBRUARY 17, 2014
AT 7:00 P.M.

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

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 2/4/14

Public Hearings (beginning at 7:00 p.m.)

Citizen input, comments and suggestions are requested on the specific item(s) identified below. Action by the Council may occur at the same meeting if so included in the agenda.

4. **Street Vacation:** Consider a proposed discontinuation and street vacation of a public street right-of-way in the City of Oak Creek (Glen Oaks Dr.) (held 11/19/13, 1/7/14) (5th District).
5. **Resolution:** Consider Resolution No. 11434-111913, vacating and discontinuing a portion of a public street in the City of Oak Creek (Glen Oaks Dr.) (held 11/19/13, 1/7/14) (5th District).
6. **Text Amendment:** Consider the creation of Section 17.0317(c)(39) and the amendment of Section 17.01402 of the Municipal Code to allow for indoor commercial recreation facilities as conditional uses in the M-1, Manufacturing District (by Committee of the Whole).
7. **Ordinance:** Consider Ordinance No. 2711, amending Section 17.0317(c) and Section 17.1402 of the Municipal Code to allow for indoor commercial recreation facilities as conditional uses in the M-1 Manufacturing Zoning District (by Committee of the Whole).
8. **Conditional Use:** Consider a conditional use permit application by Jerry Mortier, The Redmond Co., for a Dunkin' Donuts restaurant with drive-through located at 8750 S. Howell Ave. (3rd District).
9. **Ordinance:** Consider Ordinance No. 2710, approving a conditional use permit for a restaurant with drive-through facility at 8750 S. Howell Ave. (3rd District).
10. **IDRB:** Consider the proposed industrial development revenue bond financing for Howell Avenue Oak Creek LLC project (Suzy's Cream Cheesecakes, Inc.) (5th District).
11. **Resolution:** Consider Resolution No. 11453-021714, a final resolution relating to Industrial Development Revenue Bond (IDRB) financing for Suzy's Cream Cheesecakes, Inc. (5th District).

Recognition

12. **Resolution:** Consider Resolution 11452-021714, a Resolution of Appreciation to Susan Wojcinski, retiring Deputy Health Officer/Nursing Supervisor (by Committee of the Whole).

New Business

MAYOR & COMMON COUNCIL

13. **Motion:** Consider a motion to authorize Bray Architects to bid construction for a new City Hall/Library building, Fire Station #1, and communications tower when the City review team determines that its legal reviews, technical reviews, plan refinements and the identification of construction deducts and add alternates is fully complete (by Committee of the Whole).
14. **Motion:** Consider a motion to re-allocate CIP Agenda / Meeting software funds to Document Scanning costs (by Committee of the Whole).
15. **Ordinance:** Consider Ordinance No. 2712, creating Section 2.75 of the Oak Creek Municipal Code regarding the Landscape and Beautification Committee, in concurrence with the Mayor's recommendation (by Committee of the Whole).
16. **Motion:** Consider a motion to approve the 2013 Vendor Summary Report in the amount of \$100,845.81 and 2014 Vendor Summary Report in the amount of \$349,039.03, for a total of all claims of \$449,884.84 (by Committee of the Whole).

STREETS, PARKS & FORESTRY

17. **Motion:** Consider a motion to purchase one (1) 2014, single axle dump truck with plow equipment and spreader from Lakeside International in the amount of \$123,784 (by Committee of the Whole).

HEALTH

18. **Ordinance:** Consider Ordinance No. 2709, amending Section 2 of Ordinance 2700, relating to the salary for the Public Health Specialist (by Committee of the Whole).

FIRE

19. **Resolution:** Consider Resolution No. 11456-021714, a Resolution Establishing Various Fees, Permits, and Charges charged by the City of Oak Creek to be effective March 1, 2014 (by Committee of the Whole).

ENGINEERING

20. **Resolution:** Consider Resolution No. 11454-021714, acquiring fee property (right-of-way), and temporary easements, for the Drexel Town Square project and, to send a payment in the amount of the Award of Damages to the affected property owner (Project No. 13040) (2nd District).

COMMUNITY DEVELOPMENT

21. **Resolution:** Consider *Resolution* No. 11455-021714, approving a certified survey map for the properties at 9859 and 9867 S. Chicago Rd., with the condition that all technical corrections are made prior to recording (4th District).

LICENSE COMMITTEE

The License Committee did not meet prior to 2/17/14. Tentative recommendations are being made as follows:

22. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
- Brandon Sandoval, 6230 S. 51st St., Greendale (PDQ)
 - Richard Schussman, 1995 E. Hickory Dr., Oak Creek (PDQ)
 - Nicole Stage, 2836 S. 33rd St., Milwaukee (Applebee's)
 - Tracey Karns, 2945 S. 44th St., Milwaukee (Aldi)
23. **Motion:** Consider a *motion* to grant a 2014 Secondhand Article Dealer license to Theresa Tang, Tangs Gamers Paradise dba Gorilla Games, 8880 S. Howell Ave., #1200 (*favorable department approvals received*).

Adjournment.

Public Notice

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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

Publish 1-16, 1-23 and 1-30

*** * * OFFICIAL NOTICE * * ***

NOTICE OF COMMON COUNCIL ACTION

The Common Council of the City of Oak Creek will hold a Public Hearing at 7:00 p.m. on Monday, February 17, 2014 in the Common Council Chambers of the City Hall located at 8640 South Howell Avenue, Oak Creek, Wisconsin, upon the resolution herein described and will act upon said resolution at said time and place. Said resolution was introduced by the Common Council of the City of Oak Creek on November 19, 2013, pursuant to Wis. Stats. Sec. 66.1003(4), and proposes the discontinuing and vacation of the public street right-of-way in the City of Oak Creek, Milwaukee County, Wisconsin, the legal description thereof being as follows:

Commencing at the Northeast corner of the Southeast ¼ of Section 32, thence S 89°36'06" W along the North line of the Southeast ¼ aforesaid 75.01 feet to the point of beginning of the lands to be described, thence S 89°36'09" W, 215.99 feet to a point, thence N 01°07'15" W, 133.78 feet to a point, thence Northwesterly 151.62 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 146.55 feet and whose chord bears N 30°45'32" W 144.94 feet to a point, thence N 60°23'50" W, 255.00 feet to a point, thence N 29°36'10" E, 66.00 feet to a point, thence S 60°23'50" E, 255.00 feet to a point, thence Southeasterly 219.90 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 212.55 feet and whose chord bears S 30°45'32" E 210.22 feet to a point, thence S 01°07'15" E, 53.80 feet to a point, thence Southeasterly 23.37 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 15.00 feet and whose chord bears S 45°45'33" E 21.08 feet to a point, thence N 89°36'09" E, 135.19 feet to a point, thence S 01°06'00" E, 66.00 feet to the point of beginning.

Provided, that pursuant to Section 66.1005, Wisconsin Statutes, such vacation shall not terminate the easements acquired and the rights of the public in any of the underground structures, improvements or services as enumerated or otherwise existing in said public way and in said description of lands hereinbefore described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such public way had not been vacated.

A copy of the map depicting the street proposed is available for review in the Department of Community Development.

All interested persons, firms and corporations wishing to be heard are invited to be present and may be heard at this hearing.

The Common Council has scheduled other public hearings for February 17, 2014, at 7:00 p.m. This hearing may begin at 7:00 p.m. or as soon thereafter as is practicable, following the conclusion of other scheduled public hearings.

Published by the authority of the Common Council of the City of Oak Creek this 8th day of January, 2014.

Catherine Roeske, City Clerk

Any person(s) with questions regarding the proposed change may call the City Engineer at 768-6538.

PUBLIC NOTICE

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City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 5

Recommendation: That the Council adopt Resolution No. 11434-111913 vacating a portion of the Glen Oaks Drive right-of-way.

Background: The City and WisPark are requesting that the Glen Oaks Drive right-of-way, beginning at the intersection with S. Howell Ave., be vacated. This request was originally reviewed by the Plan Commission in July 2009 following the City's purchase and subsequent sale of property that is being developed as OakView Business Park. As part of the closing agreement for the sale of the property, the City agreed to vacate this right-of-way.

Once vacated, the land will be owned by WisPark as there are no other affected property owners. As mentioned in the 2009 Plan Commission report, an existing water main crosses S. Howell Avenue, through the centerline of Glen Oaks Drive, and continues north to W. Oakwood Road in an easement. The report also clarified that "[t]his water main will remain in an easement after the right-of-way is vacated per Wisconsin State Statutes Section 66.1005, which stipulates that all easements and structures existing in vacated streets remain after vacation and all rights of entrance, maintenance, construction and repair shall continue as if such public way had not been vacated."

The Plan Commission reviewed this request on January 28, 2014 and recommends its approval.

This resolution was previously introduced at the November 19, 2013 meeting, and held to allow for publication and a public hearing.

Fiscal Impact: This vacation will return the right of way to private ownership, will allow for the use of a vacant site with the resulting increase in non-residential tax base. Additionally, Police and Fire impact fees for non-residential development are currently assessed at \$0.30/square foot and \$0.13/square foot respectively.

Prepared by:




Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Publish 1-16, 1-23 and 1-30

*** * * OFFICIAL NOTICE * * ***

NOTICE OF COMMON COUNCIL ACTION

The Common Council of the City of Oak Creek will hold a Public Hearing at 7:00 p.m. on Monday, February 17, 2014 in the Common Council Chambers of the City Hall located at 8640 South Howell Avenue, Oak Creek, Wisconsin, upon the resolution herein described and will act upon said resolution at said time and place. Said resolution was introduced by the Common Council of the City of Oak Creek on November 19, 2013, pursuant to Wis. Stats. Sec. 66.1003(4), and proposes the discontinuing and vacation of the public street right-of-way in the City of Oak Creek, Milwaukee County, Wisconsin, the legal description thereof being as follows:

Commencing at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 32, thence S $89^{\circ}36'06''$ W along the North line of the Southeast $\frac{1}{4}$ aforesaid 75.01 feet to the point of beginning of the lands to be described, thence S $89^{\circ}36'09''$ W, 215.99 feet to a point, thence N $01^{\circ}07'15''$ W, 133.78 feet to a point, thence Northwesterly 151.62 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 146.55 feet and whose chord bears N $30^{\circ}45'32''$ W 144.94 feet to a point, thence N $60^{\circ}23'50''$ W, 255.00 feet to a point, thence N $29^{\circ}36'10''$ E, 66.00 feet to a point, thence S $60^{\circ}23'50''$ E, 255.00 feet to a point, thence Southeasterly 219.90 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 212.55 feet and whose chord bears S $30^{\circ}45'32''$ E 210.22 feet to a point, thence S $01^{\circ}07'15''$ E, 53.80 feet to a point, thence Southeasterly 23.37 feet along the arc of a curve, whose center lies to the Northeast, whose radius is 15.00 feet and whose chord bears S $45^{\circ}45'33''$ E 21.08 feet to a point, thence N $89^{\circ}36'09''$ E, 135.19 feet to a point, thence S $01^{\circ}06'00''$ E, 66.00 feet to the point of beginning.

Provided, that pursuant to Section 66.1005, Wisconsin Statutes, such vacation shall not terminate the easements acquired and the rights of the public in any of the underground structures, improvements or services as enumerated or otherwise existing in said public way and in said description of lands hereinbefore described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such public way had not been vacated.

A copy of the map depicting the street proposed is available for review in the Department of Community Development.

All interested persons, firms and corporations wishing to be heard are invited to be present and may be heard at this hearing.

The Common Council has scheduled other public hearings for February 17, 2014, at 7:00 p.m. This hearing may begin at 7:00 p.m. or as soon thereafter as is practicable, following the conclusion of other scheduled public hearings.

Published by the authority of the Common Council of the City of Oak Creek this 8th day of January, 2014.

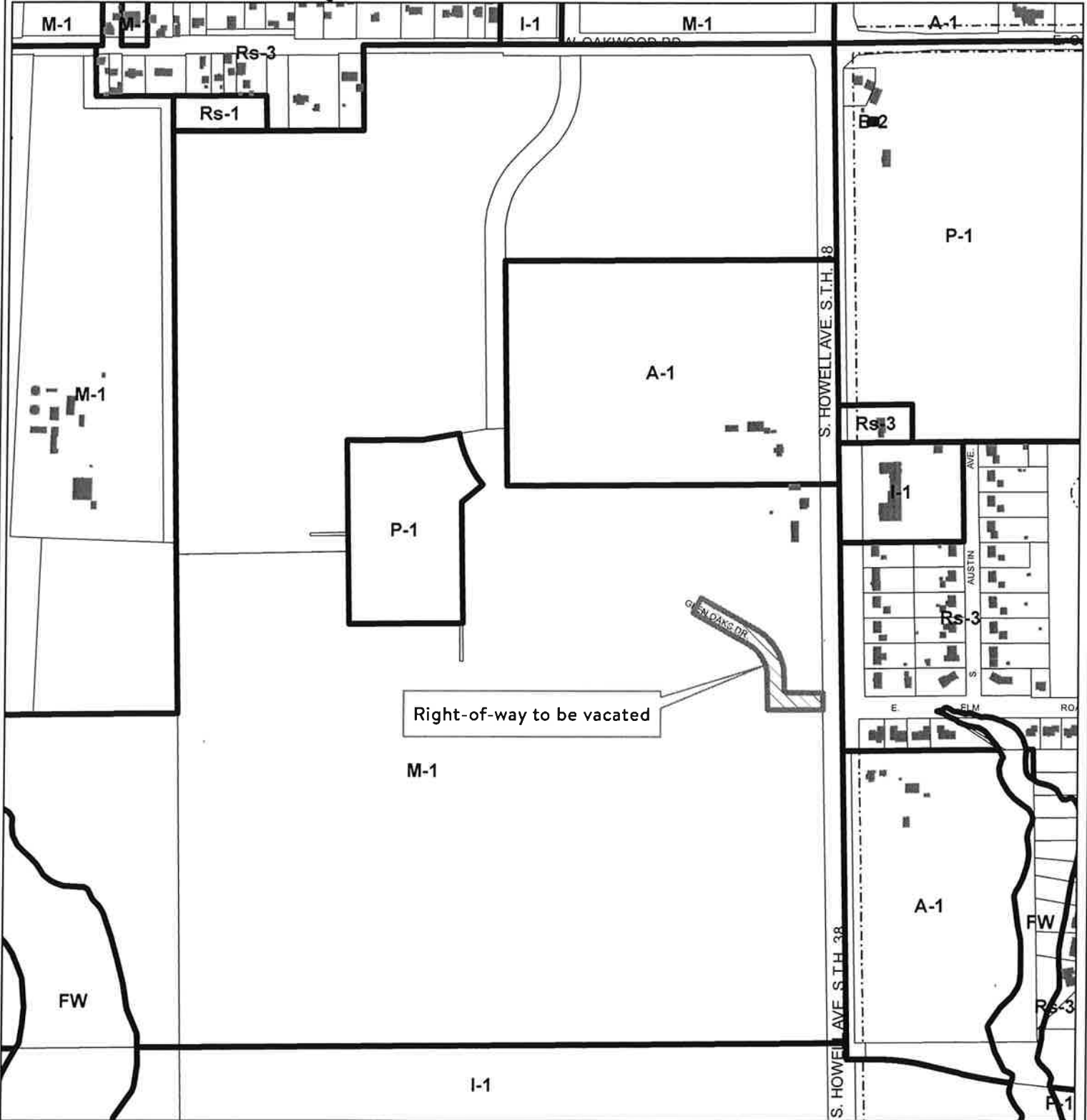
Catherine Roeske, City Clerk

Any person(s) with questions regarding the proposed change may call the City Engineer at 768-6538.

PUBLIC NOTICE

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Glen Oaks Drive Right-of-Way Vacation Section 32 Location Map





OAKCREEK
— WISCONSIN —

Department of Community Development



Legend

-  Existing Street Pattern
-  Zoning

RESOLUTION NO. 11434-111913

RESOLUTION VACATING AND DISCONTINUING A PART OF A
PUBLIC STREET IN THE CITY OF OAK CREEK
(Glen Oaks Drive in the NE and SE ¼ of Section 32-5-22)
(5th Aldermanic District)

WHEREAS the public interest requires that a part of a public street in the City of Oak Creek, Milwaukee County, Wisconsin, be discontinued and vacated, the legal description of the street being:

Commencing at the Northeast corner of the Southeast ¼ of Section 32, thence S 89°36'06" W along the North line of the Southeast ¼ aforesaid 75.01 feet to the point of beginning of the lands to be described,

Thence S 89°36'09" W, 215.99 feet to a point,

Thence N 01°07'15" W, 133.78 feet to a point,

Thence Northwesterly 151.62 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 146.55 feet and whose chord bears N 30°45'32" W 144.94 feet to a point,

Thence N 60°23'50" W, 255.00 feet to a point,

Thence N 29°36'10" E, 66.00 feet to a point,

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Thence S 01°07'15" E, 53.80 feet to a point,

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Thence N 89°36'09" E, 135.19 feet to a point,

Thence S 01°06'00" E, 66.00 feet to the point of beginning.

provided that pursuant to Section 66.1005 Wis. Stats. such vacation shall not terminate the easements acquired and the rights of the public in any of the underground structures, improvements or services as enumerated or otherwise existing in said public way and in said description of lands hereinbefore described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such public way had not been vacated.

and,

WHEREAS it appears that this resolution was introduced before the Common Council of the City of Oak Creek pursuant to Wis. Stats. Sec. 66.1003(4)(a) on November 19, 2013 and a Notice of Public Hearing was published in the Oak Creek NOW, the official City newspaper on January 16, 2014, January 23, 2014, and January 30, 2014, and that a copy of said Notice was duly served on the following property owners in accordance with Wisconsin State Statutes:

OWNER
Wispark, LLC

PROPERTY ADDRESS
10711 S. Howell Ave., Oak Creek, WI 53154
(Mailing address: 301 W. Wisconsin Ave., Ste. 400, Milwaukee, WI 53203)

and it further appears that no sufficient written objection to said discontinuance and vacation was filed with the City Clerk; and it appears that a public hearing was held before the Common Council of the City of Oak Creek on the 17th day of February, 2014, at 7:00 p.m.; and

WHEREAS, A Notice of Pendency of Application to Vacate in the above matter was filed with the Register of Deeds for Milwaukee County, Wisconsin on the 18th day of November, 2013 and a report was received by the Plan Commission, all as required by law, and

NOW THEREFORE, in accordance with the authority vested in the Common Council by Section 66.1003(4)(a) of the Wisconsin Statutes,

BE IT RESOLVED by the Common Council of the City of Oak Creek that the following public street legally described as:

Commencing at the Northeast corner of the Southeast ¼ of Section 32, thence S 89°36'06" W along the North line of the Southeast ¼ aforesaid 75.01 feet to the point of beginning of the lands to be described,

Thence S 89°36'09" W, 215.99 feet to a point,

Thence N 01°07'15" W, 133.78 feet to a point,

Thence Northwesterly 151.62 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 146.55 feet and whose chord bears N 30°45'32" W 144.94 feet to a point,

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provided that pursuant to Section 66.1005 Wis. Stats. such vacation shall not terminate the easements acquired and the rights of the public in any of the underground structures, improvements or services as enumerated or otherwise existing in said public way and in said description of lands hereinbefore described, but such easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if such public way had not been vacated.

be and the same are hereby discontinued and vacated.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held the 19th day of November, 2013.

Passed and adopted this _____ day of _____, 2014.

President, Common Council

Approved this ____ day of _____, 2014.

ATTEST:

Mayor

City Clerk

VOTE: Ayes ____ Noes ____

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider the creation of Section 17.0317(c)(39) and the amendment of Section 17.01402 of the Municipal Code to allow for indoor commercial recreation facilities as conditional uses in the M-1, Manufacturing District.

Hearing Date: Monday, February 17, 2014
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Proposal: The proposed code sections allow for indoor commercial recreation facilities as conditional uses in the M-1, Manufacturing District, and provide a definition for that use.

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: January 23, 2014
CITY OF OAK CREEK COMMON COUNCIL
By: Stephen 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, 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 South Howell Avenue, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 7

Recommendation: That the Council adopt Ordinance No. 2711, creating Section 17.0317(c)(39) and amending Section 17.01402 of the Municipal Code to allow for indoor commercial recreation facilities as conditional uses in the M-1, Manufacturing District.

Background: A request was submitted recently to consider allowing an indoor playground within the M-1, Manufacturing zoning district. Currently, indoor recreation facilities are not allowed as permitted or conditional uses in this district. Staff is proposing an amendment to allow Indoor Commercial Recreation Facilities as Conditional Uses, and to include the following as a definition:

A commercial use, with or without seating for spectators, conducted entirely within a building for recreational activities including, but not limited to, playgrounds, miniature golf courses, driving ranges, batting cages, gymnasiums, tennis courts, volleyball courts, basketball courts, trampoline parks, swimming pools, billiard or pool halls.

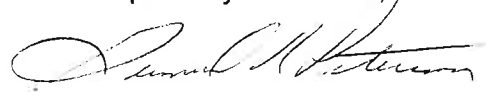
The Plan Commission reviewed the proposed amendment on January 14, 2014, and has recommended that the amendment be approved.

Fiscal Impact: The modification to the Code would give the Council the discretion to approve a conditional use permit for this type of business in the City, thus enhancing the tax base.

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

ORDINANCE NO. 2711

BY: _____

AN ORDINANCE TO AMEND SECTION 17.0317(c) AND SECTION 17.1402 OF THE MUNICIPAL CODE TO ALLOW FOR INDOOR COMMERCIAL RECREATION FACILITIES AS CONDITIONAL USES IN THE M-1, MANUFACTURING ZONING DISTRICT

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

SECTION 1: Section 17.0317(c) of the Municipal Code is amended to read as follows:

(39) Indoor commercial recreation facilities.

SECTION 2: Section 17.1402 of the Municipal Code is amended to include the following definition:

Indoor Commercial Recreation Facilities. A commercial use, with or without seating for spectators, conducted entirely within a building for recreational activities including, but not limited to, playgrounds, miniature golf courses, driving ranges, batting cages, gymnasiums, tennis courts, volleyball courts, basketball courts, trampoline parks, swimming pools, billiard or pool halls.

SECTION 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this 17th day of February, 2014.

Passed and adopted this ____ day of _____, 2014.

President, Common Council

Approved this ____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

VOTE: Ayes__ Noes _____

TO BE PUBLISHED JANUARY 23, 2014 & JANUARY 30, 2014

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a conditional use permit application by Jerry Mortier, The Redmond Co., for a Dunkin' Donuts restaurant with drive-through located at 8750 S. Howell Ave.

Hearing Date: Monday, February 17, 2014
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Applicant: Jerry Mortier, The Redmond Co.
Property Owner: Pranke Holding, LLC
Property Location: 8750 S. Howell Ave.
Tax Key(s): 860-9996

Legal Description:

COM 109.07 FT S 0D53'30" W OF NW COR OF NW1/4 SEC. 21-5-22 TH S 89D06'30" E 60 FT S 54D06'30" E 279.94 FT S 35D53' 30" W 227.06 FT N 89D06'30" W 82.72 FT TO ELY LI OF AVE N 0D53'30" E 92.61 FT N 54D06'30" W 18.31 FT N 89D06'30" W 60 FT TO W1/4 SEC LI TH N 244 FT TO BEG. EXC MOST WLY PART FOR AVE. CONT.0.960A.

The Common Council has scheduled other public hearings for February 17, 2014 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: January 23, 2013
CITY OF OAK CREEK COMMON COUNCIL
By: Steve Scaffidi, Mayor

PUBLIC NOTICE

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City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 9

Recommendation: That the Council adopts Ordinance No. 2710 approving a conditional use permit for a restaurant with drive-through facility located at 8750 S. Howell Ave.

Background: At the January 14, 2014 meeting the Plan Commission recommended Common Council approval of a conditional use permit that would allow a Dunkin' Donuts restaurant with a drive-through facility at 8750 S. Howell Ave. The attached conditions and restrictions were also recommended for approval by the Plan Commission at that meeting.

At the November 26, 2013 and December 10, 2013 Plan Commission meetings, the Commission held action on the item based on concerns for site circulation and safety as well as parking. Updated plans have been submitted and are included in this packet. In addition to installing a stop sign at the southeastern corner of the building and widening the primary (southeastern) entrance to 24 feet as proposed at the December 10, 2013 meeting, the Applicant is proposing to add striping to provide a visual separation between the parking stalls and the drive-through lane. A concrete island is proposed between the drive-through window and the southeastern corner of the building. A directional sign will alert motorists to the right-turn circulation pattern for the site (i.e., no left-turn from the southern entrance).


As mentioned in previous Plan Commission meetings, the parking stalls on the south end of the parcel will be moved 10 feet further south to allow a 24-foot-wide aisle between the parking stalls and the drive-through lane. These parking stalls were proposed to be "employee-only." It should be understood that it will be the property owner's responsibility to enforce such a limitation. One parking stall at the southwest corner will be eliminated to eliminate conflict with vehicles navigating the sharp left turn in the drive-through lane. Staff recommended that the Applicant discuss a parking easement or similar arrangement with the adjacent landowner for use of a portion of the Pick 'n' Save parking lot to the west. This would allow the Applicant to eliminate the problematic 8 parking stalls while maintaining parking availability for customers and/or employees. It was expressed by the Applicant that this option would be cost-prohibitive.

Fiscal Impact: As there is an existing business in the multi-tenant space to be occupied by Dunkin' Donuts, the fiscal impact associated with the conditional use will be negligible.

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

ORDINANCE NO. 2710

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR THE PROPERTY
AT 8750 S. HOWELL AVE. FOR A RESTAURANT WITH DRIVE-THROUGH FACILITY

(3rd Aldermanic District)

WHEREAS, Jerry Mortier, The Redmond Co., has applied for a Conditional Use Permit that would allow for a restaurant with a drive-through facility located at 8750 S. Howell Ave.; and

WHEREAS, this property is more precisely described as follows:

COM 109.07 FT S 0D53'30" W OF NW COR OF NW1/4 SEC. 21-5-22 TH S 89D06'30" E 60 FT S 54D06'30" E 279.94 FT S 35D53' 30" W 227.06 FT N 89D06'30" W 82.72 FT TO ELY LI OF AVE N 0D53'30" E 92.61 FT N 54D06'30" W 18.31 FT N 89D06'30" W 60 FT TO W1/4 SEC LI TH N 244 FT TO BEG. EXC MOST WLY PART FOR AVE. CONT.0.960A.

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 February 17, 2014 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 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 grant a Conditional Use Permit for a restaurant with drive-through facility located at 8750 S. Howell Ave., 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 Conditional Use for the restaurant with drive-through 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: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this ___ day of _____, 2014

President, Common Council

Approved this ___ day of _____, 2014

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek – Conditional Use Permit
DRAFT Conditions and Restrictions

Applicant: Jerry Mortier, The Redmond Co.
Property Address: 8750 S. Howell Ave.
Tax Key Number: 860-9996
Conditional Use: Drive-through for Dunkin' Donuts restaurant.

Approved by Plan Commission: 1/14/2014
Approved by Common Council: 2/17/2014
(Ord. #2710)

1. LEGAL DESCRIPTION

COM 109.07 FT S 0D53'30" W OF NW COR OF NW1/4 SEC. 21-5-22 TH S 89D06'30" E 60 FT S 54D06'30" E 279.94 FT S 35D53' 30" W 227.06 FT N 89D06'30" W 82.72 FT TO ELY LI OF AVE N 0D53'30" E 92.61 FT N 54D06'30" W 18.31 FT N 89D06'30" W 60 FT TO W1/4 SEC LI TH N 244 FT TO BEG. EXC MOST WLY PART FOR AVE. CONT.0.960A.

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)
 - i) including detention/retention basins if needed
- l) precise location of outdoor storage
- m) location of wetlands (field verified)
- n) location, square footage and height of signs
- o) a description of the vehicles, materials and equipment to be stored at the site

- 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 structures and basins (if required)

6) **Fire Protection**

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

2) **Landscape Plan**

- a) screening plan for outdoor storage

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 and access requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code and the plans approved by the Plan Commission on January 14, 2014 (see Exhibit A).**
- B. **There shall be no island barrier between the southern parking stalls and drive-through lane. The island with the stop sign off of the southeast corner of the building as shown in the plans (see Exhibit A) is approved.**
- C. 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.
- D. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- E. 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. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- F. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- G. 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. Any off-site improvements shall be the responsibility of the property owner.
- H. All off street parking areas shall be landscaped in accordance with Sections 17.0330 & 17.0403 of the Municipal Code.

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. **The site containing this conditional use shall be maintained in accordance with the site, building, landscaping, and lighting plans dated May 27, 2005 and approved by the City of Oak Creek Plan Commission on June 14, 2005. All plans for landscaping changes shall be submitted to the Plan Commission for their review and approval prior to the issuance of an occupancy permit.**

B. **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%.

C. **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. 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.

D. **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.

E. **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.

F. **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.

- G. 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.
- H. Screening of Outdoor Storage – Outdoor storage shall not be located within the front yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- I. Screening of Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- J. Screening of utility meters. New utility meters shall be screened with a mix of plantings and a screening fence or wall, which shall be approved by the Community Development Department prior to the issuance of building permits. Said screening shall be installed prior to final occupancy.**
- K. Screening of drive-through menu board. The drive-through menu board shall be screened from S. Howell Avenue with a mix of plantings and a screening fence or wall which shall be approved by the Plan Commission and City Forester.**
- L. 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
- M. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- N. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code, and in accordance with the plans approved by the Plan Commission on May 23, 2000 and September 24, 2013.
- O. 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.

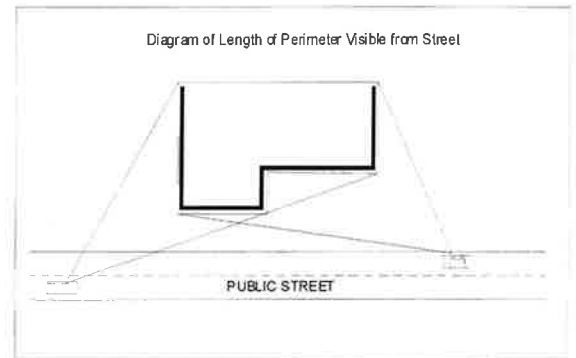
6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

6. ARCHITECTURAL STANDARDS

A. **The site and building containing this conditional use shall be constructed and maintained in accordance with the site, building, landscaping and lighting plans dated May 27, 2005 and approved by the City of Oak Creek Plan Commission on June 14, 2005. Any changes to these plans shall be submitted to the Plan Commission for their review and approval prior to the issuance of an occupancy permit.**

B. 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.

C. 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. 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.



D. 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.

E. Material and color samples shall be submitted to the Plan Commission for review and approval.

F. The Plan Commission has the discretion to adjust this minimum for building additions.

G. 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.

H. 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.

I. 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.

J. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.

K. 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	25'	25'	20'
Accessory Structure*	25'	5'	5'
Off-street Parking	10'	0'	0'

* No accessory structures shall be permitted in the front yard.

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. 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. **The fire department connection on the west elevation of the building shall not be blocked with any fencing, signage, or landscaping.**
- D. **The illuminated drive-through menu board shall be turned off during non-business hours.**

9. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code and the approved Master Sign Program for this property. The applicant shall submit a sign package with all proposed signs (menu board, wall signs, tenant panel on monument sign, and directional signs) to the Plan Commission for review.

10. PERMITTED USES

- A. All permitted uses in the B-4, Highway Business zoning district.
- B. **One (1) restaurant with drive-through (see Exhibit A).**
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence operations in accordance with these conditions and restrictions for the conditional use within twelve (12) 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 the date of adoption of the ordinance if an occupancy permit has not been issued for this use. 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, 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.

15. ACKNOWLEDGEMENT

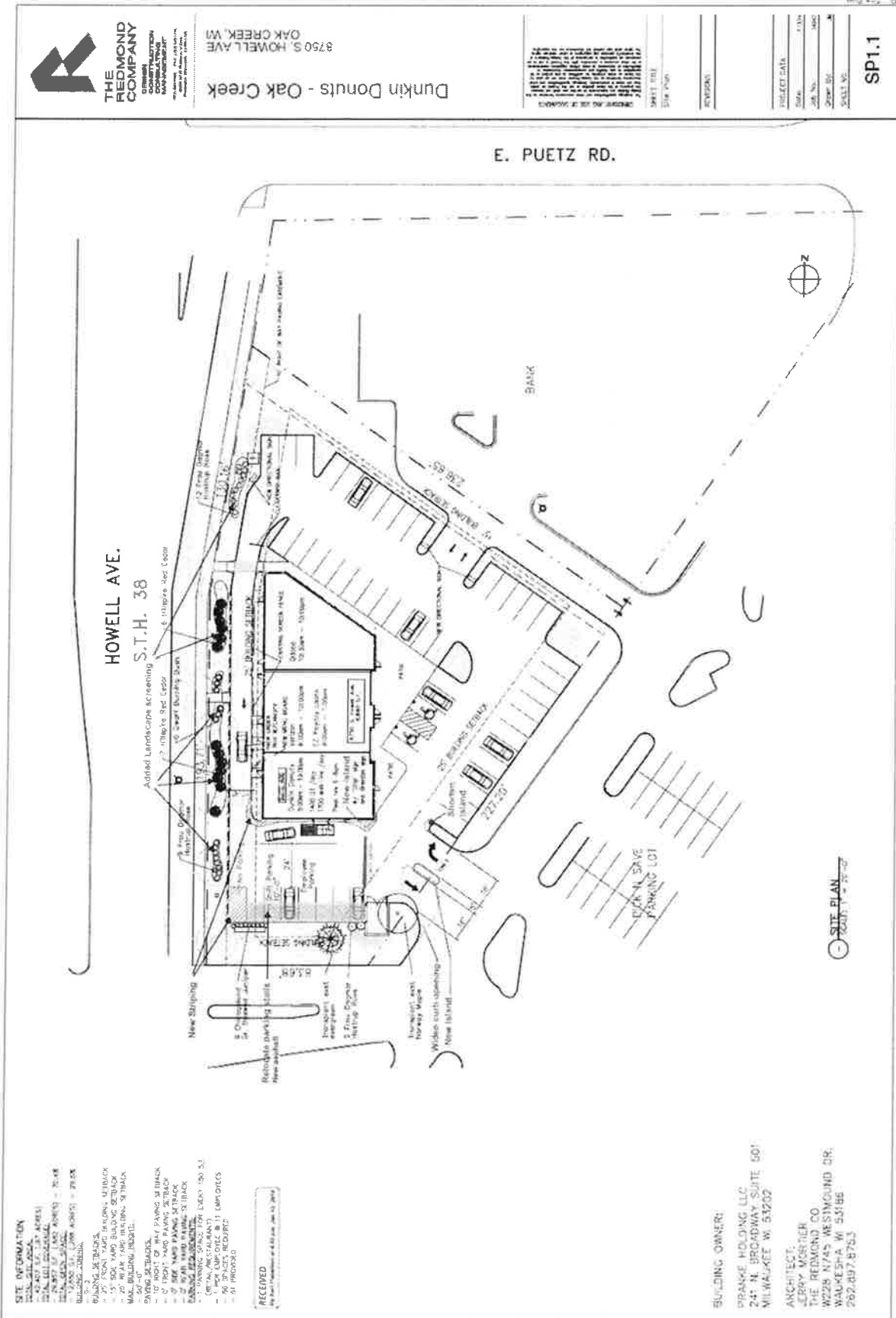
The approval and execution of these conditions and restrictions shall confirm acceptance of the terms and conditions hereof by the owner, and these conditions and restrictions shall run with the property unless revoked by the City, or terminated by mutual agreement of the City and the owner, and their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

Owner's authorized representative

Date

(please print name)

EXHIBIT A



NOTICE OF PUBLIC HEARING

The City of Oak Creek, Wisconsin (the "City"), will hold a public hearing on February 17, 2014, at 7:00 p.m., or as soon thereafter as the matter may be heard, at City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin, regarding the proposed issuance of City of Oak Creek, Wisconsin Industrial Development Revenue Bonds, Series 2014 (Suzy's Cream Cheesecakes, Inc. Project), in an aggregate amount not to exceed \$2,200,000, pursuant to Section 66.1103 of the Wisconsin Statutes, to finance a project to be owned by Howell Avenue Oak Creek LLC, a Wisconsin limited liability company, and/or a related entity, and/or a limited liability entity to be formed.

The project consists of financing the (i) acquisition and rehabilitation of an existing approximately 44,200 square foot facility located at 9911 South Howell Avenue in the City of Oak Creek, Wisconsin (the "Facility"), which Facility will be leased by Suzy's Cream Cheesecakes, Inc., a Wisconsin corporation (the "Eligible Participant"), and used by the Eligible Participant to manufacture cheesecakes and desserts, (ii) purchase and installation of equipment at the Facility and (iii) payment of certain professional costs and costs of issuance (collectively, the "Project"). The bonds will be special, limited obligations of the City and will not constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation or a charge against its general credit or taxing powers.

At the hearing, all persons will be afforded a reasonable opportunity to express their views, both orally and in writing, on the proposed bonds and the location and nature of the Project proposed to be financed. Comments made at the public hearing are for the consideration of the mayor and the common council but do not bind any legal action to be taken by them.

Published: January 30, 2014

Catherine A. Roeske, City Clerk
City of Oak Creek, Wisconsin

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 11

Recommendation: That the Common Council adopt Resolution No. 11453-021714, a final resolution relating to Industrial Development Revenue Bond (IDRB) financing for Suzy's Cream Cheesecakes, Inc.

Background: The Common Council adopted an initial resolution on January 7, 2014 expressing the City's intent to issue the Industrial Revenue Bonds. This final resolution would approve the issuance of the bonds and provide a waiver from the public bidding requirements for the development.

Suzy's Cream Cheesecakes, Inc. a Wisconsin Corporation that manufactures cheesecakes and desserts, has been working with the City to purchase property at 9911 South Howell Avenue in the City of Oak Creek. The company intends to acquire and rehabilitate an existing approximately 44,200 square foot facility.

The Bond issue would be in one or more series of tax-exempt and/or taxable bonds, in an amount not to exceed \$2,200,000 in order to finance the costs of the project.

Fiscal Impact: No direct fiscal impact on the City of Oak Creek.

Prepared by:



Catherine A. Roeske
City Clerk

Respectfully submitted,

Gerald Peterson, ICMA-M
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

COMMON COUNCIL OF
CITY OF OAK CREEK, WISCONSIN

RESOLUTION NO. 11453-021714

**FINAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING
FOR HOWELL AVENUE OAK CREEK LLC PROJECT**

BE IT RESOLVED by the Common Council of the City of Oak Creek, Wisconsin (the “Issuer”), as follows:

Section 1 Recitals.

1.01 Under Wisconsin Statutes, Section 66.1103, as amended (the “Act”), the Issuer is authorized and empowered to issue revenue bonds to finance eligible costs of qualified “projects” (as defined in the Act), and to enter into “revenue agreements” (as defined in the Act) with “eligible participants” (as defined in the Act).

1.02 Pursuant to an Initial Resolution duly adopted on January 7, 2014, the Issuer expressed its intention to issue industrial development revenue bonds of the Issuer in an amount not to exceed \$2,200,000 (the “Bonds”) to finance a project on behalf of Howell Avenue Oak Creek LLC, a Wisconsin limited liability company (the “Borrower”), consisting of the (i) acquisition and rehabilitation of an existing approximately 44,200 square foot facility located at 9911 South Howell Avenue in the City of Oak Creek, Wisconsin (the “Facility”), which Facility will be leased by Suzy’s Cream Cheesecakes, Inc., a Wisconsin corporation (the “Eligible Participant”), and used by the Eligible Participant to manufacture cheesecakes and desserts, (ii) purchase and installation of equipment at the Facility and (iii) payment of certain professional costs and costs of issuance (collectively, the “Project”). Notice of adoption of the initial resolution adopted on January 7, 2014 was published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed.

1.03 Pursuant to Wisconsin Statutes, Section 66.1103, as amended, the Issuer may finance a project which is located entirely within the geographic limits of the Issuer.

1.04 Drafts of the following documents have been submitted to this Common Council and are ordered filed in the office of the City Clerk:

(a) a Bond Agreement (the “Bond Agreement”), proposed to be entered into among the Issuer, the Borrower, Bank First National, as trustee (the “Trustee”) and Bank First National, as original purchaser (the “Original Purchaser”);

(b) a Promissory Note from the Borrower to the Issuer, and assigned by the Issuer to the Trustee; and

- (c) a No Arbitrage Certificate.

Section 2 Findings and Determinations.

It is hereby found and determined that:

- (a) based on representations of the Borrower, the Project constitutes a “project” authorized by the Act;
- (b) a public hearing has been duly held on February 17, 2014 in accordance with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, at which residents of the City of Oak Creek, Wisconsin were given an opportunity to be heard in regard to the proposed issuance of the Bonds and the nature and location of the proposed Project;
- (c) the purpose of the Issuer's financing costs of the Project, is and the effect thereof will be, to promote the public purposes set forth in the Act;
- (d) it is desirable that a series of revenue bonds in the aggregate principal amount not to exceed \$2,200,000 be issued by the Issuer upon the terms set forth in the Bond Agreement, under the provisions of which the Issuer's interest in the Bond Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of, and interest on, and premium, if any, on, all the Bonds outstanding under the Bond Agreement;
- (e) the loan payments provided for in the Bond Agreement, and the formula set out for revising those payments under the Bond Agreement as required under the Act, are sufficient to produce income and revenue to provide for prompt payment of principal of, and interest on, and premium, if any, on, Bonds issued under the Bond Agreement when due; the amount necessary in each year to pay the principal of, and interest on, the Bonds is the sum of the principal of, and interest on, the Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; the Bond Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and
- (f) under the provisions of the Act, the Bonds shall be limited obligations of the Issuer, and the Bonds do not constitute an indebtedness of the Issuer, within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against the Issuer's general credit or taxing powers or a pecuniary liability of the Issuer.

Section 3 Approvals and Authorizations; Authentication of Transcript.

3.01 This resolution shall constitute the approval of the Bonds within the meaning of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Bonds are hereby approved. There is hereby approved the issuance by the Issuer of its industrial development revenue bonds (specifically, the Bonds) in an aggregate principal amount not to exceed \$2,200,000 for the purpose of financing the Project.

The Issuer shall proceed to issue its Industrial Development Revenue Bonds, Series 2014 (Howell Avenue Oak Creek LLC Project), in the aggregate principal amount not to exceed

\$2,200,000, in the form and upon the terms set forth in the Bond Agreement, which terms, including without limitation, interest rates, redemption provisions and maturity, are for this purpose incorporated in this resolution and made a part hereof. The terms are hereby approved without further action by the Issuer, and the Mayor and City Clerk are authorized and directed to execute and deliver the documents listed in Section 1.04 herein, which are hereby approved, together with such subsequent changes as may be requested and approved by bond counsel and the Issuer's attorney, and such other documents, agreements, instruments or certificates as are deemed necessary or desirable by the Issuer's attorney and bond counsel, including an Internal Revenue Service Form 8038.

The Mayor and the City Clerk are authorized and directed to execute and seal the Bonds as prescribed in the Bond Agreement and to deliver them to the Trustee (together with a certified copy of this resolution and any other documents required by the Bond Agreement) for authentication by the Trustee and delivery to the original purchaser. Officers of the Issuer are authorized to take all actions as may be required on the part of the Issuer to carry out, give effect to, and consummate the transactions contemplated by the Bond Agreement.

3.02 The publication in the official newspaper of the Issuer of the notice for the public hearing referred to in Section 2(b) of this resolution, and such notice of public hearing as so published, are hereby ratified.

3.03 The Issuer hereby elects to have the provisions of Section 144(a)(4)(A) of the Internal Revenue Code of 1986, as amended, apply to the Bonds.

3.04 The Mayor and the City Clerk and other officers of the Issuer are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Issuer relating to the Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel to show the facts relating to the legality and marketability of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them.

3.05 The approval hereby given to the various documents referred to in this resolution includes the approval of such additional details therein as may be necessary and appropriate for their completion and such modifications thereto, deletions therefrom and additions thereto as may be approved by the Issuer's attorney and bond counsel. The execution of any document by the appropriate officer or officers of the Issuer herein authorized shall be conclusive evidence of the approval by the Issuer of such document in accordance with the terms hereof.

3.06 Bank First National shall initially assume and perform the duties of Trustee.

3.07 Notice of sale of the Bonds, in the form attached hereto as Exhibit A, shall be published in the official newspaper of the Issuer as a class 1 notice under Chapter 985 of the Wisconsin Statutes as soon as practicable following the closing and funding of the Bonds.

3.08 The Bonds shall be limited obligations of the Issuer payable by it solely from revenues and income derived by or for the account of the Issuer from or for the account of the Borrower pursuant to the terms of the Bond Agreement. As security for the payment of the

principal of, premium, if any, and interest on the Bonds, the Issuer shall pledge and assign to the Trustee all of its right, title and interest in and to the trust estate described in the Bond Agreement.

3.09 All reasonable fees and expenses of the Issuer, including attorneys' fees, in connection with the Bond Agreement, the Project, or the Bonds, shall be paid from the proceeds of the Bonds or by the Borrower.

Passed and adopted at a regular meeting of the Common Council of the City of Oak Creek, Wisconsin this 17th day of February, 2014.

APPROVED:

Kenneth Gehl, Council President

Stephen Scaffidi, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

Vote: Ayes _____ Noes _____

CERTIFICATION BY CITY CLERK

I, Catherine A. Roeske, being first duly sworn, hereby certify that I am the duly qualified and acting City Clerk of the City of Oak Creek, Wisconsin (the "Issuer"), and as such I have in my possession, or have access to, the complete corporate records of the Issuer and of its Common Council; that I have carefully compared the transcript attached hereto with the aforesaid records; and that said transcript attached hereto is a true, correct and complete copy of all the records in relation to the adoption of Resolution No. 11453-021714 entitled:

FINAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING
FOR HOWELL AVENUE OAK CREEK LLC PROJECT

I hereby further certify as follows:

1. Said Resolution was considered for adoption by the Common Council of the Issuer at a meeting held at City Hall, 8640 Howell Avenue, Oak Creek, Wisconsin at 7:00 p.m. on February 17, 2014 at a regular meeting of the Common Council and was held in open session.

2. Said Resolution was on the agenda for said meeting and public notice thereof was given not less than twenty-four (24) hours prior to the commencement of said meeting in compliance with Section 19.84 of the Wisconsin Statutes, including, without limitation, by posting on the bulletin board in the City Hall, by notice to those news media who have filed a written request for notice of meetings, and by notice to the official newspaper of the Issuer.

3. Said meeting was called to order by _____, who chaired the meeting. Upon roll, I noted and recorded that the following alderpersons were present:

Ald. Steven Kurkowski	Ald. Thomas Michalski
_____	_____
Ald. Daniel Bukiewicz	_____
_____	_____
Ald. Michael Toman	_____
_____	_____
Ald. Kenneth Gehl	_____
_____	_____

and that the following alderpersons were absent:

Ald. James Ruetz	_____
_____	_____
_____	_____

I noted and recorded that a quorum was present. Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was said Resolution, which was introduced, and its adoption was moved by _____ and seconded by _____. Following discussion and after all alderpersons who desired to do so had expressed their views for or against said Resolution, the question was called, and upon roll being called and the continued presence of a quorum being noted, the recorded vote was as follows:

AYE:

Ald. Steven Kurkowski

Ald. Thomas Michalski

Ald. Daniel Bukiewicz

Ald. Michael Toman

Ald. Kenneth Gehl

NAY:

None

ABSTAINED:

None

Whereupon the meeting chair declared said Resolution adopted, and I so recorded it.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Issuer hereto on this 17th day of February, 2014.

CITY OF OAK CREEK, WISCONSIN

[SEAL]

By:

Catherine A. Roeske, City Clerk

EXHIBIT A

NOTICE TO THE ELECTORS

On February 17, 2014, a resolution was offered, read, approved and adopted whereby the City of Oak Creek, Wisconsin authorized the issuance and sale of its Industrial Development Revenue Bonds, Series 2014 (Howell Avenue Oak Creek LLC Project) in an amount not to exceed \$2,200,000 (the "Bonds"). The closing of this bond sale was held on _____, 2014. A copy of all proceedings had to date with respect to the authorization and sale of said Bonds is on file and may be examined in the office of the City Clerk, 8640 Howell Avenue, Oak Creek, Wisconsin.

This notice is given pursuant to Section 893.77, Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, must be commenced within 30 days after the date of publication of this notice.

Catherine A. Roeske, City Clerk
City of Oak Creek, Wisconsin

City of Oak Creek Common Council Report

Meeting Date: 2/17/2014

Item No.: 12

Recommendation: That the Common Council adopt Resolution No. 11452-021714, a Resolution of Appreciation to Susan Wojcinski, retiring Deputy Health Officer/Nursing Supervisor.

Background: Susan Wojcinski served the City of Oak Creek for 25 years 5 months and 14 days, and her career dictates that she be honored with this Resolution of Appreciation.

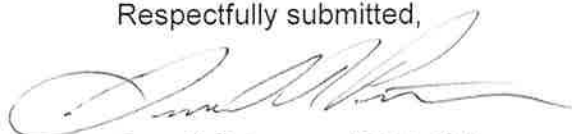
Fiscal Impact: None.

Prepared by:



Judith Price, RN, BSN, MSHCA
Community Public Health Officer

Respectfully submitted,



Gerald Peterson, ICMA-CM
City Administrator

RESOLUTION NO. 11452-021714
RESOLUTION OF APPRECIATION
TO
SUSAN WOJCINSKI

WHEREAS, SUSAN WOJCINSKI, after 25 years 5 months and 14 days of dedicated service, has retired from the City of Oak Creek Health Department.

WHEREAS, SUSAN WOJCINSKI served as Deputy Health Officer/Nursing Supervisor for the past 7 years 5 months 12 days; and

WHEREAS, SUSAN WOJCINSKI, also served as the a Part-Time Public Health Nurse for 10 years 1 month 5 days; the Public Health Nurse Supervisor for 7 years 1 month 7 days; and the Interim Community Public Health Officer for 9 months 20 days; and

WHEREAS, SUSAN WOJCINSKI, is a Certified Health Education Specialist; and

WHEREAS, SUSAN WOJCINSKI, served on and promoted the City's Wellness Committee for 11 years 5 months; and

WHEREAS, SUSAN WOJCINSKI, over her 25 years of service, has witnessed and participated in the growth of the City of Oak Creek; and

WHEREAS, SUSAN WOJCINSKI, has carried out her duties in a professional and courteous manner; and

WHEREAS, SUSAN WOJCINSKI, is well known for her work ethic and dedication to the department and the citizens of Oak Creek; and

WHEREAS, SUSAN WOJCINSKI, will be greatly missed by her colleagues at the Health Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common council of the City of Oak Creek for and on behalf of the citizens of the City of Oak Creek, that sincere gratitude and appreciation be extended to SUSAN WOJCINSKI for her many years of dedicated and faithful service to the City of Oak Creek and the Health Department, and that the best wishes for good health and happiness be extended to SUSAN WOJCINSKI on her retirement.

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

Passed and adopted this _____ day of _____, 2014.

President, Common Council

Approved this _____ day of _____, 2014.

ATTEST:

Mayor

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.:

13

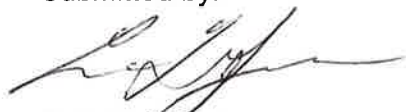
Recommendation: Authorize Bray Architects to bid construction for a new City Hall/Library building, Fire Station #1, and communications tower when the City review team determines that its legal reviews, technical reviews, plan refinements, and the identification of construction deducts and add alternates is fully complete. It is estimated this will occur by mid-March 2014. Council approved budgets for these projects are \$24.1 million for the City Hall/Library building, and \$4.3 million for Fire Station #1 and the communications tower which is to be constructed at the fire station site. It is also recommended that the Council authorize staff to seek issuance of \$20.5 million in bonds to in part finance the cost for constructing these buildings and structures.

It is further recommended the Council authorize Enberg Anderson, Inc. to bid purchase of furnishings, fixtures, and equipment for the City Hall and Library when the City review team determines its legal reviews, technical reviews, plan refinements, and the identification of purchase deducts and alternatives is complete (same estimated schedule as construction work). Budget for purchase of furnishings, fixtures, and equipment is included in previously referenced numbers.

Background: Significant reviews of operational, technical, financial, and maintenance aspects of proposed new buildings have been, and continue to occur. These reviews will continue until construction plans, bid documents, and furnishings, fixtures, and equipment selections are made. A mid-March date for release of bids is anticipated with a bid opening and bid award anticipated in mid-April 2014. Staff is working on designs to address security issues and functionality of the primary City Hall customer service counter. Council design approval will be sought for customer interface and security as part of construction bidding.

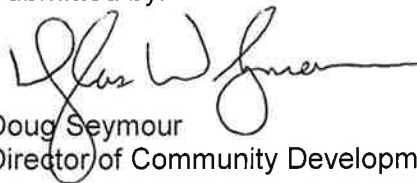
Fiscal Impact: \$28.4 million has been previously approved by the Council for these needed building construction projects. Attached is a summary of funding sources for this work.

Submitted by:



Caesar Geiger
Information Technology Manager

Submitted by:



Doug Seymour
Director of Community Development

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

DREXEL TOWN SQUARE

City Hall/Library	
BUDGET	\$24,100,000
<u>Funding Sources</u>	
Bonds	\$16,700,000
Library Impact Fees	\$1,000,000
MMSD funds	\$250,000
Storm Water Fund	\$100,000
CIP Sweep	\$217,000
Fund 19 (Community Mitigation) Sweep	\$1,350,000
Library Fundraising	\$1,500,000
DTS Property Sales/Amortization Fund 21	\$2,050,000
Urban Non-Point Source Grant	\$150,000
Focus on Energy Grant	\$100,000
Impact Fees (Advanced from future collections)	\$1,000,000

Fire Station/Communications Tower	
BUDGET	\$4,300,000
<u>Funding Sources</u>	
Bonds	\$3,800,000
CIP Sweep/Fire Impact Fees	\$500,000

Additional Funds Available for Projects	
2013 EOC Grant match	\$50,000
2014 CIP Available funding from Tower	\$135,000
2006 CIP Fiber Optic, Estimated	\$250,000
Amortization Fund 21 (incalculable until final bonds are determined)	

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 14

Recommendation: That the Council considers re-allocating CIP Agenda/Meeting software funds to Document Scanning costs.

Background: CIP project number 14008 funding was approved for Agenda/Minutes software for a total amount of \$9,000 for implementation for year 2014. This software was to eliminate tasks associated with creating paper, copying, scanning and filing of all Council, Boards, Committees and Commissions paperwork.

This tool was to integrate with Laserfiche, our record disposition tool, and would automatically import all data into the system.

At this point in the document retention for City Hall, we need to reallocate these funds to complete the scanning of all documents. Currently the General Fund cannot account for existing scanning costs, and to move forward and complete the project these funds must be utilized. With your approval, the \$9,000 will be reallocated to project 14004, Document Scanning which was approved for \$5,000. It is the intention of the Clerk to finalize costs for scanning in the 2015 CIP fund.

Fiscal Impact: There will be no fiscal impact as a result of this reallocation of funds. Project 14004 would show a balance of \$14,000.

Prepared by:



Catherine A. Roeske
City Clerk

Respectfully submitted,



Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Reviewed by:



Caesar Geiger
Information Technology Manager

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 15

Recommendation: That the Common Council adopt Ordinance No. 2712, creating Section 2.75 of the Oak Creek Municipal Code regarding the Landscape and Beautification Committee, in concurrence with the Mayor's recommendation.

Background: The Landscape and Beautification Committee will promote, conduct, and award the annual City of Oak Creek Landscaping Awards (previously called the Mayor's Landscaping Awards). The Committee will create and review the criteria for eligibility, promote the competition, select the finalists, and award the winners for residences and businesses within the city.

The Committee will also work with the Streets, Parks and Forestry Department to promote and enhance the natural areas of Oak Creek, including median planting beds and city parks, and seek opportunities to improve the general beautification of our streets, parks, and other public areas through landscaping, plantings, and other methods designed to enhance the beauty of our city. Committee members will make recommendations on improvements, and work with the Streets, Parks and Forestry Departments, other City Departments, and local companies to implement their suggestions.

The Committee will consist of one (1) elected official appointed by the Mayor, one (1) representative from the Streets, Parks and Forestry Department, the City Forester, one (1) member of the Parks, Recreation and Forestry Commission, and three (3) Oak Creek residents. Interested residents should fill out an application with the City Clerk's office with detail provided demonstrating their experience or expertise in a related field. All appointments will be reviewed by the Mayor, and forwarded to the Common Council for their final approval.

Fiscal Impact: The annual fiscal impact is not to exceed \$1,000 including the annual awards for the Landscaping competition.

Prepared by:



Catherine A. Roeske
City Clerk

Respectfully submitted by:

Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

ORDINANCE NO. 2712

BY: _____

AN ORDINANCE TO CREATE SECTION 2.75
OF THE OAK CREEK MUNICIPAL CODE REGARDING
THE LANDSCAPE AND BEAUTIFICATION COMMITTEE

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

SECTION 1: Section 2.75 of the Municipal Code is hereby created to read as follows:

SEC. 2.75 Landscape and Beautification Committee.

(a) Composition.

- (1) There shall be five (5) voting members of the Landscape and Beautification Committee., consisting of three (3) citizen members, one (1) elected official, and one (1) Parks, Recreation and Forestry Commission member. The City Forester and an employee of the Streets, Parks and Forestry Department shall act as advisory to the Committee. The Mayor shall be an ex officio member of the committee without the authority to vote.
- (2) The members of the Committee shall be appointed by the Mayor, subject to confirmation by the Common Council at the second meeting in April for terms lasting two (2) years, commencing on May 1.

(b) Powers and Duties.

The Committee shall promote, conduct, and award the annual City of Oak Creek Landscaping Awards. The Committee will create and review the criteria for eligibility, promote the competition, select the finalists, and award the winners for residences and businesses within the City. In addition, the Committee will work with the Streets, Parks, and Forestry Department to promote and enhance the natural areas of the City. The Committee may attend other meetings as approved by the Common Council, and should report to the Council following their regular meetings.

SECTION 2: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced this _____ day of _____, 2014.

Passed and adopted this _____ day of _____, 2014.

President, Common Council

Approved this _____ day of _____, 2014.

Mayor

ATTEST:

VOTE: Ayes _____ Noes _____

City Clerk

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 16

Recommendation: That the Common Council approves payment of the obligations as listed on the February 12, 2014 - 2013 & 2014 Vendor Summary Report.

Background: Of note are the following payments:

1. \$11,754.63 to Environ (pg #2) for grant and consulting services.
2. \$9,056.75 to JPMorgan Chase Bank NA (pgs #3-4) for December Verizon charges, Journal ads/legal notices, building maintenance and travel/training.
3. \$7,453.50 to R.A. Smith National (pg #7) for December Drexel Town Square services.
4. \$5,969.08 to SmithgroupJJR (pg #7) for various grant project services.
5. \$10,998.86 to WI Court Fines & Surcharges (pg #8) for December court fines.
6. \$33,469.68 to WE Energies (pg #8) for street lighting and gas/electric utilities.
7. \$9,360.00 to Baycom, Inc. (pg #2) for 2014 radio maintenance agreement.
8. \$16,307.50 to Buelow Vetter Buikema Olson (pg #3) for January legal services.
9. \$5,412.24 to Lawrence J. Haskin, Attorney (pg #8) for January legal services.
10. \$34,850.00 to John's Disposal Service, Inc. (pg #9) for January disposal services.
11. \$23,812.49 to JPMorgan Chase Bank NA (pgs #10-14) for membership dues, travel/training, computer hardware/software, books, and equipment.
12. \$54,863.00 to Local Government Property (pg #15) for local government property insurance fund.
13. \$5,120.00 to Midwest Engineering Services (pg #15) for semi-annual monitoring Drexel landfill.
14. \$29,111.16 to Milwaukee County Federated Library (pg #16) for annual fees.
15. \$6,443.33 to Minnesota Life Insurance Co (pg #16) for group life insurance.
16. \$57,459.75 to North American Salt Co (pg #17) for road salt.
17. \$8,230.00 to Tyler Technologies, Inc. (pg #20) per contract for assessment services.
18. \$12,776.80 to WI Court Fines & Surcharges (pg #22) for January court fines.
19. \$25,301.03 to World Fuel Services, Inc. (pg #23) for fuel inventory.

Fiscal Impact: Total claims paid of \$100,845.81 for 2013 and \$349,039.03 for 2014. Total of all claims \$449,884.84.

Prepared by/Fiscal Review by:

Respectfully submitted,



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Gerald R. Peterson, ICMA-CM
City Administrator

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 17

Recommendation: That the Common Council approve the recommendation of the Street, Parks and Forestry Acting Superintendent to purchase one (1) 2014, single axle dump truck with plow equipment & spreader from Lakeside International in the amount of \$123,784.00.

Background: The Street Department advertised for bids for a current model single axle dump truck complete with plow equipment and spreader. The Street Department received two (2) bids from different vendors. The lowest bid meeting the specifications came from Lakeside International in the amount of \$128,784.00. The Street Department will be trading in truck #37, a 1995 International dump truck with plow equipment and spreader. Lakeside International has offered the City in trade \$5,000.00 bringing the total amount down to \$123,784.00.

VENDOR	AMOUNT
Lakeside International w/Monroe Equip	\$123,784.00 with trade # 37
Lakeside International w/Monroe Equip	\$128,784.00 without trade # 37
Milwaukee Mack Sales w/Monroe Equip	\$131,306.00 with trade # 37
Milwaukee Mack Sales w/Monroe Equip	\$138,306.00 without trade # 37

Fiscal Impact: The money for this truck would come from the 2014 CEP/CIP Capital Project #14003. The total amount for the purchase of this dump truck is \$123,784.00.

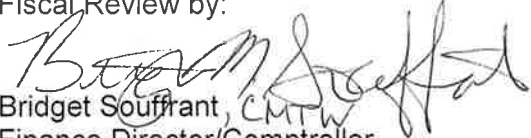
Prepared by:


Dave Laehn
Acting Street Superintendent

Respectfully submitted,

Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:


Bridget Souffrant, CMTW
Finance Director/Comptroller

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

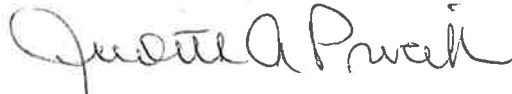
Item No.: 18

Recommendation: That the Common Council adopt Ordinance No. 2709, amending Section 2 of Ordinance 2700 relating to the salary for the Public Health Specialist.

Background: The Public Health Specialist position has been vacant since November 5, 2013. After completion of interviews by the Health Officer of the top six candidates, Ashley E. Palen was offered, and has accepted, a conditional offer of employment with the City of Oak Creek as Public Health Specialist. She has completed all requirements attached to the conditional offer and is scheduled to begin her duties on Tuesday, March 4, 2014. The final step is adoption of a salary ordinance by the Council. Ms. Palen will start at the starting salary of \$60,853 as shown on Ordinance No. 2700.

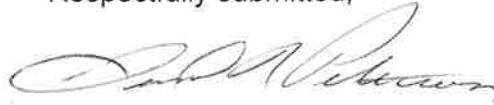
Fiscal Impact: There are sufficient funds in 2014 Budget.

Prepared by & Fiscal Review By:



Judith Price, RN, BSN, MSHCA
Community Public Health Officer

Respectfully submitted,



Gerald Peterson
City Administrator

ORDINANCE NO. 2709

BY: _____

AN ORDINANCE AMENDING ORDINANCE NO. 2700
RELATING TO THE SALARY FOR THE PUBLIC HEALTH SPECIALIST

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

SECTION 1: Section 2 of Ordinance No. 2700 is hereby amended to read as follows:

Civil Service Position Title	Current Pay	Salary as of 03/04/14	Bi-weekly Rate	Starting Salary	Top Salary
Public Health Specialist	Vacant	\$60,853	\$2,340.48	\$60,853	\$67,597

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in force upon its passage and publication and shall be effective as of February 27, 2014.

Introduced this 17th day of February, 2014.

Passed and adopted this 17th day of February, 2014.

President, Common Council

Approved this 17th day of February, 2014.

Mayor

ATTEST:

City Clerk

Vote: Ayes: _____ Noes: _____

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 19

Recommendation: That the Common Council adopts Resolution No. 11456-021714, a Resolution Establishing Various Fees, Permits, and Charges charged by the City of Oak Creek to be effective March 1, 2014.

Background: The current ALS/BLS rates were established in July of 2013. The Milwaukee County Association of Fire Chiefs (MCAFC) annually makes an assessment of comparable rates for services and recommends a rate revision if necessary. These rates were adjusted by 1.4% which is the change in the medical care commodities and medical care service CPI for 2013.

These proposed rates were reviewed by a number of the billing agencies used by the providers and deemed to be within reasonable limits for acceptable rates.

Fiscal Impact: If approved, it is anticipated the rate change for emergency medical services will generate additional revenue for the City.

Approved by:



Tom Rosandich
Fire Chief

Respectfully submitted,

Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Item	March 2012 Rates	June 2013 Rates	February 2014 Rates*
ALS Rates			
Paramedic service with transport Level - ALS-1 (Resident)	660.00	678.00	687.49
Paramedic service with transport Level - ALS-2 (Resident)	760.00	781.00	791.93
Paramedic service with transport Level - ALS-1 (Non-Resident)	780.00	801.00	812.21
Paramedic service with transport Level - ALS-2 (Non-Resident)	900.00	924.00	936.94
Paramedic service and invasive treatment without transport (Resident)	125.00	128.00	129.79
Paramedic service and invasive treatment without transport (Non-Resident)	170.00	180.00	182.52
Defibrillation	100.00	103.00	104.44
IV and supplies	60.00	62.00	62.87
Intubation	75.00	77.00	78.08
ALS supplies	80.00	82.00	83.15
Oxygen and supplies	75.00	77.00	78.08
Mileage (rate per loaded mile)	14.50	15.00	15.21
EKG	100.00	103.00	104.44
Drugs, Group-1 (Albuterol, Amioderone (30 mg), Atropine, Benadryl, Hebarin Sodium by IV, Lasix, Lidocane, Ativan, Versed, Sodium Normal Saline, Solumedrol (up to 40 MG), Terbutaline, Diazepam, Dextrose 50%, Nitro Spray SL, Normal Saline (capped), D50, D5W, Aspirin)	32.00	33.00	33.46
Drugs, Group-2 (Calcium Chloride, Epinephrine (IM or IV, not by Epi-pen), Dopamine, Lidocaine, Sodium bicarbonate)	37.00	38.00	38.53
Drugs, Group-3 (Morphine, Narcan, Normal Saline, Fentanyl)	48.00	49.00	49.69
Epinephrine by Epi-pen	95.00	98.00	99.37
Adenosine	90.00	92.00	93.29
Glucagon, up to 1 Mg	90.00	92.00	93.29
Solmedrol, 41-125 Mg	58.00	60.00	60.84
E-Z IO	120.00	123.00	124.72
Spinal Immobilization		150.00	152.10
Triage barcode wristbands		3.00	3.04
Cyano-kits		924.00	936.94
CPAP mask		46.00	46.64

Item	March 2012 Rates	June 2013 Rates	February 2014 Rates*
BLS Rates			
BLS Base Rate (Resident)	475.00	525.00	532.35
BLS Base Rate (Non-Resident)	600.00	700.00	709.80
Mileage (rate per loaded mile)	14.00	14.50	14.70
Supplies	50.00	62.00	62.87
Oxygen	75.00	77.00	78.08
EKG	25.00	25.00	25.35
BLS service and/or treatment without transport (Resident) 1-3 per calendar year			0.00
BLS service and/or treatment without transport (Resident) 4 or more per calendar year	75.00	75.00	76.05
BLS service and/or treatment without transport (Non-Resident)	75.00	77.00	78.08
Transfer Services	375.00	375.00	380.25
In-City Facility Fees	275.00	275.00	278.85
Spinal Immobilization		150.00	152.10
Gloves			
Epi Pen			
Defibrillation Pads			

* Proposed Rate

RESOLUTION NO. 11456-021714

BY: _____

A RESOLUTION ESTABLISHING VARIOUS FEES, PERMITS AND CHARGES
CHARGED BY THE CITY OF OAK CREEK

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that various fees, permits and charges shall be established as follows and shall be effective upon approval by the Common Council:

CITY CLERK'S OFFICE

1. Adult Entertainment Business
Includes: Arcade; Bookstore; Escort; Exotic Dance; Motion Picture Theater; Novelty Store; Video Store; Hotel

New	\$2,800.00
Renewal	\$2,400.00
Manager/Assistant Manager	\$ 100.00
Entertainer	\$ 300.00
Part Time/Full-Time Employees	\$ 100.00

2. Amusement Operator and Devices

Operator	\$ 150.00
Each Device	\$ 45.00

3. Arcades

Arcade License (annual)	\$2,000.00
Arcade Operator	\$50.00
Each Device	\$45.00
License Transfer Fee (transfer of location only)	\$50.00
Duplicate license	\$20.00

4. Athletic Events, Parades & Related Events

Application fee (plus actual costs for police/fire/streets)	\$35.00
--	---------

5. Auto Salvage Yards \$500.00

6. Cigarette \$100.00

7. Dance Hall \$100.00

8. Landfill License
 Original Application Fee \$1,200.00
 Renewal \$300.00
 (Plus actual cost of review, inspection and administration in excess of application fee.)
9. Kennel \$100.00
10. Mobile Home Park
 License \$100.00 annual per each 50 spaces or fraction thereof
 Transfer of License \$10.00
11. Alcohol Beverage
 Class "A" Fermented Malt Beverage \$150.00
 Class "A" Retail Liquor \$500.00
 Class "B" Beer \$100.00
 Class "B" Retail Liquor \$500.00
 Class "C" Wine \$100.00
 Wholesale Beer \$25.00
 Special Class "B" Beer/Wine \$10.00
 Reserve "Class B" One-Time \$10,000.00
 Provisional Class "A", Class "B",
 "Class A", "Class B", Class "C" \$15.00
 Change of Premises Description \$25.00
 Publication Fees
 Renewal \$10.00
 Individual \$20.00
12. Operator (Bartender)
 Two-year license **\$100.00
****Payment in full required at time
 of application**
 Refund for Denial \$25.00
 Provisional License \$15.00
 Duplicate License \$10.00
 Temporary License No Charge
13. Pawnbrokers, Secondhand Article & Secondhand Jewelry Dealer
 Pawnbrokers \$210.00
 Secondhand Article Dealers \$27.50
 Secondhand Jewelry Dealers \$30.00
 Secondhand Article Dealer Mall \$165.00
 or Flea Market

5. Tax Increment Financing (TIF) District Financing
A filing fee of \$1,000 shall be charged for any request that the City create a Tax Increment Financing (TIF) District. If the district is approved, the fee shall be paid as an eligible cost identified in the Project Plan. If the district is not approved, the fee will be waived.

6. Zoning Fees
 - a. Basic rezoning \$775.00
 - b. Planned Unit Development (PUD) \$900.00
 - c. Amendment to Planned Unit Development (PUD) \$550.00
 - d. Conditional Use Permit \$875.00.
 - e. Amendment to Conditional Use Permit \$550.00
 - f. Zoning Text Amendment \$500.00
 - g. Temporary use or use approval \$300.00
 - h. Plan Commission consultation \$250.00
 - i. Zoning Board of Appeals \$250.00
 - j. Board of Housing Appeals \$250.00

NOTE: If an applicant withdraws their request after the Plan Commission meeting and prior to the publication of the public hearing notice, the following filing fee refunds will be provided:

- Official Map Amendment \$300.00
- Basic Rezoning \$270.00
- Planned Unit Development (PUD) \$280.00
- Amendment to Planned Unit Development \$260.00
- Conditional Use Permit \$275.00
- Amendment of Conditional Use \$280.00
- Zoning Text Amendment \$220.00

ENGINEERING

1. Engineering Fees & Erosion Control
 - a. \$60.00 plus \$3.00 for each 1,000 square feet of land greater than 20,000 square feet.
 - b. Service Fees (per hour by position)

City Engineer	\$65.00
Development Engineer/Design Engineer/Construction Coordinator	\$55.00
Civil Engineer/Senior Technician	\$50.00
Engineering Technician/Draftsperson	\$40.00
Technician CADD/Survey	\$40.00

2. Landfill Permits
 - a. \$300.00 initial application fee, plus billing of actual costs of review, inspection and administration in excess of application fee.

3. Storm Water Management Permit
 - a. \$300.00 initial application fee, plus billing actual costs of review, inspection and administration in excess of application fee.

4. Street Permits & Fees
- a. Excavation permits (Street cuts): \$50.00 plus \$3.25 per 100 feet or fraction thereof.
 - b. Driveway approach permit: \$50.00.
 - c. Street or other right-of-way (ROW) vacation: \$575.00.
 - d. Official map amendment: \$775.00.
 - e. House moving permit: \$250.00.

FIRE DEPARTMENT

- a. Definitions.
1. **Advanced Life Support (ALS) Services:** An advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solution, use of adjunctive medical devices, trauma care, on scene care and other authorized techniques and procedures, as provided in rules adopted by the Department of Health Services under Chapter HFS 112.
 2. **Advanced Life Support Service, Level 1 (ALS-1):** The provision of ALS Services and/or assessment at a level below that specified for ALS-2 Services in (a)(3), below.
 3. **Advanced Life Support, Level 2 (ALS-2):** The provision of ALS Service and/or assessment with treatment including the administration of three or more different medications and the provision of at least one of the following ALS procedures:
 - Manual defibrillation/cardioversion
 - Endotracheal intubation
 - Central venous line insertion
 - Chest decompression
 - Intraosseous line insertion
 4. **Basic Life Support (BLS) Services:** A basic level of pre-hospital, on scene care/assistance and inter-hospital non-emergency medical care and emergency care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as provided in rules adopted by the Department of Health Services under Chapter HFS 110.
 5. **Department:** The City of Oak Creek Fire Department.
 6. **Mileage Fee:** A fee for each mile, or portion thereof, that an ambulance travels when transporting a patient in need of medical care to a hospital or medical facility.
 7. **Resident:** A person whose primary home address is within the city limits of the City of Oak Creek.
 8. **Non-Resident:** A person whose primary home address is not within the city limits of the City of Oak Creek.
 9. **Group-1 Drugs:** Albuterol, Amioderone (30 Mg), Atropine, Benadryl, Heparin Sodium by IV, Lasix, Lidocaine, Ativan, Versed, Sodium Chloride, Solumedrol (up to 40 Mg), Terbutline, Diazepam, Dextrose 50%, Nitro Spray LS, Normal Saline

(capped), D50, D5W and to include any other drugs as may be approved or authorized by the Intergovernmental Cooperation Council in the future.

10. **Group-2 Drugs:** Calcium Chloride, Epinephrine (IM or IV, not by Epi Pen), Dopamine, Lidocaine, Sodium Bicarbonate and to include any other drugs as may be approved or authorized by the Intergovernmental Cooperation Council in the future.
11. **Group-3 Drugs:** Morphine, Narcan, Normal Saline and to include any other drugs as may be approved or authorized by the Intergovernmental Cooperation Council in the future.
12. **Specific Drug Group:** Epinephrin (by Epi-pen), Adenosine, Glucagon (up to 1 Mg), Solmedrol (41-125 Mg), EZ-IO, and to include any other drugs as may be approved or authorized by the Intergovernmental Cooperation Council in the future.

NOTE: The confidentiality of all patient information shall be maintained pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all other applicable Federal and/or State Laws.

b. Advanced Life Support Fees.

1. Resident Fees: Every resident of the City of Oak Creek receiving advanced emergency service from the City by way of an advanced life support unit transport to a health care facility shall pay for such service the sum of ALS-1 \$687.49 and ALS-2 \$791.93 base rate, plus \$104.44 for defibrillation, plus \$62.87 for IV and supplies, plus \$78.08 for intubation, plus \$83.15 for ALS supplies, plus \$78.08 for oxygen and supplies, plus \$104.44 for EKG, plus \$152.10 for Spinal Immobilization, plus \$33.46 for each drug in Group-1, plus \$38.53 for each drug in Group-2, plus \$49.69 for each drug in Group-3, plus \$99.37 for Epinephrine by Epi-Pen, plus \$93.29 for Adenosine, plus \$93.29 for Glucagon, up to 1 Mg, plus \$60.84 for Solumedrol, 41 to 125 Mg, and \$124.72 for EZ-IO for the Specific Drug Group, plus \$3.04 for triage barcode wristbands, plus \$936.94 for Cyano-kits, plus \$46.64 for CPAP Mask. If the Department provides ALS level treatment that does not end in a transport, the patient shall be charged \$129.79 for non-invasive and invasive treatment plus services and drug group charges noted above.
2. Non-Resident Fees: Every non-resident of the City of Oak Creek receiving advanced emergency service from the City by way of advanced life support unit transport to a health care facility shall pay for such service the sum of ALS-1 \$812.21 and ALS-2 \$936.94 base rate, plus \$104.44 for defibrillation, plus \$62.87 for IV and supplies, plus \$78.08 for intubation, plus \$83.15 for ALS supplies, plus \$78.08 for oxygen and supplies, plus \$104.44 for EKG, plus \$152.10 for Spinal Immobilization, plus \$33.46 for each drug in Group-1, plus \$38.53 for each drug in Group-2, plus \$49.69 for each drug in Group-3, plus \$99.37 for Epinephrine by Epi-Pen, plus \$93.29 for Adenosine, plus \$93.29 for Glucagon, up to 1 Mg, plus \$60.84 for Solumedrol, 41 to 125 Mg, and \$124.72 for EZ-IO for the Specific Drug Group, plus \$3.04 for triage barcode wristbands, plus \$936.94 for Cyano-kits, plus \$46.64 for CPAP Mask. If the Department provides ALS level treatment that does not end in a transport, the patient shall be charged \$182.52 for non-invasive and invasive treatment plus services and drug group charges noted above.

3. Mileage Fees: Every resident and non-resident shall pay \$15.21 for each mile, or portion thereof, that an ambulance travels when transporting a patient in need of medical care to hospital or medical facility.

c. Basic Life Support Fees.

1. Resident Fees: Every resident of the City of Oak Creek receiving basic emergency service from the City by way of basic life support unit transport to a health care facility shall pay for such service the sum of \$532.35 base rate, plus \$78.08 for oxygen, plus \$62.87 for supplies, plus \$25.35 for EKG, plus \$152.10 for Spinal Immobilization. If the Department provides medical treatment and or assistance only, that does not end in a transport; the patient shall not be charged a fee for the first 1-3 assists within one calendar year but shall be charged \$76.05 per assist for 4 or more assists within one calendar year and no additional fees will apply for medical care.
2. Non-Resident Fees: Every non-resident of the City of Oak Creek receiving basic emergency service from the City by way of basic life support unit transport to a health care facility shall pay for such service the sum of \$709.80 base rate, plus \$78.08 for oxygen, plus \$62.87 for supplies, plus \$25.35 for EKG, plus \$152.10 for Spinal Immobilization. If the Department provides medical treatment and or assistance only, that does not end in a transport; the patient shall be charged a flat \$78.08 fee. No additional fees will apply for medical care.
3. Fees for Transfer Services: In all cases where the ambulance service of the City is requested to transfer an Oak Creek resident from a hospital in Milwaukee County to a nursing facility in Milwaukee County or to the resident's home in Oak Creek, such person shall pay a base rate of \$380.25, plus \$78.08 for oxygen, plus \$62.87 for consumables, plus \$25.35 for EKG's, plus \$152.10 for Spinal Immobilization. All transfers shall be and are limited to Oak Creek residents.
4. In-City Facility Fees: Every resident or non-resident of the City of Oak Creek receiving basic emergency service from the City by way of basic life support unit transport to a health care facility located within the boundaries of the City shall pay for such service the sum of \$278.85.
5. Mileage Fees: Every resident and non-resident shall pay \$14.70 for each mile, or portion thereof, that an ambulance travels when transporting a patient in need of medical care to hospital or medical facility.

d. Fire alarm connections.

1. Every person, firm or corporation connecting to the console system of the Oak Creek Fire Department or fire alarm service shall pay for such service as follows: \$50.00 for installation of service lines; \$100.00 annual charge.
2. Annual charges shall be billed by the Fire Department on January 1st of each year. For service installed subsequent to January 1st, the annual charge shall be pro-rated on a monthly basis.

- e. Hazardous materials. Replacement of cost of any extinguishment agent, neutralizers, chemicals or materials. Any person, firm or corporation shall reimburse the City for personnel costs, equipment expenses and replacement costs of any extinguishing agent, chemical, neutralizer, or materials used in the extinguishment, confinement, neutralizing or

cleanup of any flammable or combustible liquid, gas, solid or any hazardous material or chemical involved in any fire or accidental spill.

- f. False alarm. Any person, firm or corporation having a fire alarm, smoke detector or any other type of alarm, and the alarm calls for response from the Fire Department, shall not be charged a fee for the first 1-3 alarms within one calendar year but shall be charged \$50.00 per alarm for 4-7 alarms within one calendar year and \$200.00 per alarm for 8 or more alarms within one calendar year.
- g. Nuisance fire alarms. Any person, industry, commercial establishment, railroad, apartment house complex or other who shall cause nuisance fires (multiple rubbish fires, grass fires, etc.) shall be liable for the sum of \$300.00 per hour or fraction thereof.
- h. Plan Review.
 - 1. Sprinkler review \$66.36
 - 2. All underground plan \$66.36
 - 3. Fire alarm system \$66.36
 - 4. Hood systems \$33.18
 - 5. Dry chemical systems \$66.36
 - 6. Special systems \$66.36
 - 7. Final Occupancy \$49.77
- i. Rescue Services. Any person, firm, contractor, or corporation requiring rescue services beyond the capacity of the Fire Department, shall reimburse the City for personnel costs, equipment and supplies, and outside rescue services.

Fire Inspection Fees

Fire Inspection fees are as follows, with each level based on the estimated time in minutes to conduct such inspections:

Inspection Type	Estimated Time in Minutes	Inspection Pay Rate	Total Fee
Level 1	0-15	49.87	\$16.82
Level 2	16-30	49.87	\$30.05
Level 3	31-45	49.87	\$43.28
Level 4	46-60	49.87	\$56.50
Level 5	61-75	49.87	\$82.96
Level 6	76-90	49.87	\$96.18

Incident Billing Fees

The Oak Creek Fire Department will bill for rescue services provided as a result of motor vehicle crashes occurring within the City of Oak Creek. Motor vehicle crashes include, but are not limited to, accidents involving vehicles, motorcycles; or pedestrians or bicyclists struck by vehicles.

Incident billing will only occur for those incidents involving the extrication, packaging, and removal of patients from a vehicle or scene.

The amount of the bill will be \$500 per incident. Billing is applicable to non-residents only; residents of the City of Oak Creek will not be billed for rescue services.

HEALTH DEPARTMENT

a. Health Department Fees and Charges shall be established by the Community Public Health Officer according to guidelines adopted by the Board of Health and subject to review by the Board of Health. A list of the fees and charges will be on file in the Health Department office. The Community Public Health Officer shall provide a copy of any change to the fees to the City Clerk 15 days prior to the effective date of such change. The clerk shall provide a copy to the Common Council as soon as practicable. The fees shall go into effect at the end of the 15 days period unless an Alderman or the Mayor objects in writing in which case the fee change shall be brought before the entire Common Council for consideration and approval.

b. Fee Schedule for Restaurants, Lodging, Campgrounds, Recreational, Tattoo/Body Piercing Establishments, and Retail Food Establishments.

1. Restaurant/Meal Food Service

a) Limited Food Service Restaurant: A restaurant that serves only individually wrapped, hermetically sealed, single servings supplied by a licensed processor.

- 1) Annual License Fee: \$246.00
- 2) Pre-inspection Fee: \$120.00
- 3) Re-inspection Fee: \$134.00
- 4) Late Fee: \$ 90.00

b) Simple Complexity Restaurant: A restaurant in which all of the following criteria are met:

- 1) Food is cooked to order.
- 2) Food may be kept in a hot or warm condition, but only for one meal period. Such food may not be cooled and re-served at a later time.
- 3) Limited preparation of food. Pre-packaged products may be mixed together and minor preparation, such as slicing onions or pickles as condiments, is acceptable.
- 4) Potential for cross-contamination must be minimal. No raw chicken or other meats may be used. Pre-breaded fish or preformed burger patties (fresh or frozen) may be used.
 - (a) Annual License Fee: \$371.00
 - (b) Pre-inspection Fee: \$190.00
 - (c) Re-inspection Fee: \$134.00
 - (d) Late Fee: \$ 90.00

c) Moderate Complexity Restaurant: A restaurant in which any of the following criteria are met:

- 1) Any Potentially Hazardous Food, as that term is defined in Wis. Admin. Code Ch. 196, is cooled and/or reheated.
- 2) Any food products made from scratch.

- 3) The facility seats 50 or more patrons.
- 4) The facility has a drive-up window or walk-up service window or provides delivery of food.
- 5) Any raw poultry, seafood, or bulk beef is served. This does not apply to use of preformed patties.
- 6) The facility provides catering services.
- 7) The facility provides banquet services.
 - (a) Annual License Fee: \$409.00
 - (b) Pre-inspection Fee: \$204.00
 - (c) Re-inspection Fee: \$134.00
 - (d) Late Fee: \$ 90.00

d) High Complexity Restaurant: A moderate complexity restaurant in which five or more of the moderate complexity criteria set forth above are present.

- 1) Annual License Fee: \$458.00
- 2) Pre-inspection Fee: \$246.00
- 3) Re-inspection Fee: \$134.00
- 4) Late Fee: \$ 90.00

e) Temporary Restaurant: A restaurant that operates at a fixed location for a period of no more than 14 consecutive days in conjunction with a single event or celebration such as a fair, carnival, circus, public exhibition, anniversary sale or occasional sales promotion. Occasional means fewer than 4 days during any 12-month period. Licenses are issued at the site of the event. A temporary restaurant may be moved from location to location within the City, but may not operate from the new location until it has been inspected and found to be in compliance. A temporary restaurant license may not be used to operate more than one restaurant at a time exceeding 14 consecutive days.

- 1) License Fee: \$165.00 for season

f) Temporary Retail Food (Popcorn/Cotton Candy).

- 1) Inspection Fee: \$ 25.00

g) Additional Food Preparation Area as defined in HFS 196.05 (3)(b) which is currently adopted by reference in City Ordinance Sec. 8.10(1)

- 1) Annual License Fee \$ 84.00

2. Bed and Breakfast Establishments.

- a) Annual License Fee: \$ 218.00
- b) Pre-inspection Fee: \$ 120.00
- c) Re-inspection Fee: \$ 78.00
- d) Late Fee: \$ 90.00

3. Hotels, Motels, Tourist Rooming Houses.

- a) 05-30 Sleeping Rooms
 - 1) Annual License Fee: \$312.00
 - 2) Pre-inspection Fee: \$204.00
 - 3) Re-inspection Fee: \$134.00

b)	31-99 Sleeping Rooms	
	1) Annual License Fee:	\$404.00
	2) Pre-inspection Fee:	\$232.00
	3) Re-inspection Fee:	\$134.00
c)	100-199 Sleeping Rooms	
	1) Annual License Fee:	\$439.00
	2) Pre-inspection Fee:	\$261.00
	3) Re-inspection Fee:	\$134.00
d)	200 or more Sleeping Rooms	
	1) Annual License Fee:	\$481.00
	2) Pre-inspection Fee:	\$289.00
	3) Re-inspection Fee:	\$134.00
e)	Tourist Rooming House (1-4 rooms)	
	1) Annual License Fee:	\$218.00
	2) Pre-inspection Fee:	\$204.00
	3) Re-inspection Fee:	\$134.00
f)	Late Fee:	\$ 90.00

4. Campgrounds, Recreational and Educational Camps.

a)	Campgrounds (1-25 sites)	
	1) Annual License Fee:	\$196.00
	2) Pre-inspection Fee:	\$134.00
	3) Re-inspection Fee:	\$134.00
b)	Campground (26-50 sites)	
	1) Annual License Fee:	\$232.00
	2) Pre-inspection Fee:	\$134.00
	3) Re-inspection Fee:	\$134.00
c)	Campground (51-100 sites)	
	1) Annual License Fee:	\$237.00
	2) Pre-inspection Fee:	\$190.00
	3) Re-inspection Fee:	\$134.00
d)	Campground (101-199 sites)	
	1) Annual License Fee:	\$242.00
	2) Pre-inspection Fee:	\$190.00
	3) Re-inspection Fee:	\$148.00
e)	Campground (200+ sites)	
	1) Annual License Fee:	\$248.00
	2) Pre-inspection Fee:	\$218.00
	3) Re-inspection Fee:	\$162.00
f)	Recreational/Educational Camps	
	1) Annual License Fee:	\$511.00
	2) Pre-inspection Fee:	\$359.00
	3) Re-inspection Fee:	\$162.00
g.)	Late Fee:	\$ 90.00

5. Special Event Campgrounds.

- a) 1-25 sites
 - 1) Annual License Fee: \$196.00
 - 2) Pre-inspection Fee: \$134.00
 - 3) Re-inspection Fee: \$134.00
- b) 26-50 sites
 - 1) Annual License Fee: \$232.00
 - 2) Pre-inspection Fee: \$134.00
 - 3) Re-inspection Fee: \$134.00
- c) 51-100 sites
 - 1) Annual License Fee: \$237.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$134.00
- d) 100-199 sites
 - 1) Annual License Fee: \$242.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$148.00
- e) 200 or more sites
 - 1) Annual License Fee: \$248.00
 - 2) Pre-inspection Fee: \$218.00
 - 3) Re-inspection Fee: \$162.00

6. Public Swimming Pool - as defined in HFS 172.04 (41) fees are applicable for each pool at site.

- a) Indoor/Outdoor Swimming Pools
 - 1) Annual License Fee: \$278.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$134.00
- b) Late Fee: \$ 90.00

7. Water Attraction - A water attraction as defined in HFS 172 (53) of the Wisconsin Administrative Code which is currently adopted by reference in City Ordinance Sec. 8.10 (a).

- a) Water Attraction with no slides
 - 1) Annual License Fee: \$309.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$134.00
- b) Water Attraction with up to 2 slides per basin (Pool Slide/Water Slide). Pool Slide and Water Slide as defined in HFS 172 (40) and (55) respectively of the Wisconsin Administrative Code which is currently adopted by reference in City Ordinance Sec. 8.10(a).
 - 1) Annual License Fee: \$330.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$134.00
- c) Additional Slide, in excess of 2 per basin
 - 1) Annual License Fee: \$194.00
 - 2) Pre-inspection Fee: \$ 78.00

- 3) Re-inspection Fee: \$134.00
- d) Late Fee: \$ 90.00

8. Tattooing and Body Piercing.

- a) Tattoo or Body Piercing Establishment
 - 1) Annual License Fee: \$305.00
 - 2) Pre-inspection Fee: \$204.00
 - 3) Re-inspection Fee: \$134.00
- b) Combined Tattoo/Body Piercing Establishment
 - 1) Annual License Fee: \$341.00
 - 2) Pre-inspection Fee: \$261.00
 - 3) Re-inspection Fee: \$134.00
- c) Late Fee: \$ 90.00
- d) Temporary Tattoo or Body Piercing Establishment:
 - 1) Annual License Fee: \$150.00
- e) Temporary Combined Tattoo/Body Piercing Establishment:
 - 1) Annual License Fee: \$173.00

9. School Food Service Facilities.

- a) Inspection Fee:
 - 1) Full Kitchen \$319.00
 - 2) Food Reheat \$207.00

10. Retail Food Establishments.

- a) Retail food establishments which have food sales of at least \$1,000,000 and process potentially hazardous food.
 - 1) Annual License Fee: \$698.00
 - 2) Pre-inspection Fee \$261.00
 - 3) Re-inspection Fee: \$148.00
- b) Retail food establishments which have food sales of at least \$25,000, but less than \$1,000,000, and process potentially hazardous food.
 - 1) Annual License Fee: \$374.00
 - 2) Pre-inspection Fee: \$232.00
 - 3) Re-inspection Fee: \$148.00
- c) Retail food establishments which have food sales of at least \$25,000, and engage in food processing, but do not process potentially hazardous food.
 - 1) Annual License Fee: \$338.00
 - 2) Pre-inspection Fee: \$204.00
 - 3) Re-inspection Fee: \$134.00
- d) Retail food establishments, who have food sales of less than \$25,000, and are engaged in food processing.
 - 1) Annual License Fee: \$297.00
 - 2) Pre-inspection Fee: \$190.00
 - 3) Re-inspection Fee: \$134.00

- e) Retail food establishments that do not engage in food processing.
 - 1) Annual License Fee: \$268.00
 - 2) Pre-inspection Fee: \$176.00
 - 3) Re-inspection Fee: \$120.00

11. Duplicate Permit Fee: \$ 10.00

INSPECTION

Building Code Permits

- a. *Plan Examination.*
 - 1. One & two family residence: \$175.00
 - 2. One & two family additions and alterations: \$50.00
 - 3. Building plans other than one and two family residence will be charged per Oak Creek form OCSBD 118.
 - 4. Heating plans other than one and two family will be charged per Oak Creek form OCSBD 118.
 - 5. Residential accessory building 240 square feet or more: \$50.00
 - 6. Plan Examiner may reduce or waive fees for Items 2. and 5. above when limited or no architectural plans are required.
 - 7. Review of plans approved by State of Wisconsin \$200.00
 - 8. Decks: \$35.00
- b. *Residence-one & two family, multi-family, hotels, motels, or additions thereto.* \$.30/sq. ft. (minimum fee \$50.00).
- c. *Wisconsin uniform building permit seal.* State charge plus \$5.00.
- d. *Commercial, retail, office or institutional (i.e. schools, churches, hospitals, etc.).* \$.30/sq ft (minimum fee \$50.00).
- e. *Manufacturing, industrial & utilities (office areas to be included under 4).* \$.30/sq. ft. (minimum fee \$50.00).
- f. *Residential accessory building & garage in excess of 120 sq. ft.* \$.20/sq. ft. (minimum fee \$50.00).
- g. *Agriculture Building.* \$.25/sq. ft. (minimum fee \$50.00).
- h. *All other buildings, structures, alterations, repairs, signs and paving where not listed as category.* \$10.00 for each \$1,000.00 estimated value or fraction thereof (minimum fee: \$50.00).
- i. *Permit to start construction of footings and foundation.* \$100.00 accessory building foundation only or additions, per Comm. Chapter 2.
- j. *Heating, incinerator units, wood burning appliance, fireplace:* \$50/Unit, up to and including 50,000 input BTU units. Additional fee of \$5.00/each 50,000 BTUs or fraction thereof above 50,000 BTUs.
- k. *Air conditioning.*
 - 1. Wall unit: \$15.00
 - 2. Other than wall unit: \$50.00/unit up to 3 tons or 36,000 BTUs. Additional fee of \$5.00/each ton or 12,000 BTUs or fraction thereof.
- l. *Heating & air conditioning distribution systems.* \$1.50/100 sq. ft. of conditioned area with a \$25.00 minimum.
- m. *Exhaust system over 1,000 cfm.* \$25.00

- n. *Occupancy permit.*
 - 1. Residential: \$40.00/unit
 - 2. Commercial & Industrial (new or change of use): \$70.00
 - 3. Temporary Use (i.e. tent): \$40.00 each
- o. *Decks, fences, pools (in-ground/above ground/spas).* \$50.00
- p. *Wrecking or razing. Building Inspector may waive fee if structure is condemned. \$.05/sq. ft.* \$50.00 minimum. \$500 maximum.
- q. *Moving buildings over public ways.* \$100.00
- r. *Fuel tanks.* \$20.00/tank for installation and removal for review of tank location only.
- s. *Special inspections and reports.* \$100.00
- t. *Double fees.* Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be double the fees charged.
- u. Failure to order inspection: \$50.00
- v. Re-inspection fee: \$50.00
- w. *Building permit fees may be refunded* (except plan examination fees and Wisconsin Uniform Building Permit Seal fee) upon good cause shown as to nonuse thereof and within a reasonable time after payment, provided that the minimum fee of \$50.00 shall not be refundable.
- x. Minimum for any permit: \$50.00

NOTE:Fees based on square footage shall include all floor areas (including crawl space) measured to outside wall dimensions and will be rounded to nearest whole dollar amount.

NOTE:Total fees shall be rounded up to the next whole dollar.

Electrical Code Permits

The minimum fee for any permit shall be \$50.00. Where additional permits by the same license on the same job are necessary and the nature of the work is the same as that of the original permit, the minimum fee shall not apply. The term "outlet" as used in this subsection shall mean any opening for the connection of current consuming or controlling devices generally. Where outlets are installed in common or "in gang", the outlets shall be counted individually. Fees shall be as follows:

- a. *Service-new, replacement, alteration or temporary.* \$65.00 each 0-600 amps, \$70.00 each 601-1200 amps, \$75.00 each greater than 1200 amps.
- b. *Feeders, subfeeders, and additional panels each 110 amps or fraction thereof:* \$40.00 each.
- c. *Wireways, busways, under floor raceways or auxiliary gutters.* \$1.00/foot.
- d. *Generators, transformers, reactors, rectifiers, capacitors, welders, converters, electric furnaces or similar devices.* Each unit per kW: \$1.00/kW.
- e. *Commercial combination heating & air-conditioning units.* \$40.00 each.
- f. *Commercial refrigerator units.* Each motor compressor unit: \$20.00 each.
- g. *Residential air-conditioning.* Each motor compressor unit: \$20.00 each.
- h. *Gas or oil burners, residential electric furnaces, or conversion of (circle unit type).* \$20.00 each.
- i. *Electric space heating & baseboard system, per zone control.* \$12.00 each.
- j. *Electric appliances, commercial and residential [i.e. range, oven, clothes dryer, dishwasher, disposal, water heater; circle unit type(s) or indicate other].* \$10.00 each.
- k. *Swimming pools (includes associated wiring & grounding):* \$50.00 each.
- l. *Hydro-massage tubs, spas, hot tubs, etc. (circle or list type):* \$50.00 each.
- m. *Fuel dispensers for gasoline, oil, water pumps, or similar units:* \$50.00 each.
- n. *Moving picture, X-ray machine, high frequency therapeutic apparatus and similar equipment:* \$50.00 each.

- o. *Switches, and convenience outlets:* \$1.00 each.
- p. *Dimmers & rheostats:* \$4.00 each.
- q. *Lighting fixtures-incandescent medium base, studded lights, festoon lighting, and fluorescent:* \$1.00 each.
- r. *Area light and standard:* \$30.00 each.
- s. *HID fixtures (i.e., mercury vapor, sodium, LED etc.):* \$5.00 each.
- t. *Strip lighting, track lighting, plug-in strip, trolley duct, trolley wire or similar.* \$1.00 each strip or 10-foot length.
- u. *Audible or visual electric signal or communication devices (i.e., fire alarms, horns, exit lights, door bells, etc.):* \$1.00 each.
- v. *Power receptacles over 150 Volts:* \$8.00 each.
- w. *Motors, each motor per HP or fraction thereof:* \$1.00 each HP.
- x. *Ceiling fan:* \$4.00 each.
- y. *Signs-electric illuminated (i.e., neon, fluorescent, comb. or other).* Each Sign: \$30.00 each.
- z. *To Change, alter, repair or correct an electrical installation where none of the above apply-specify:* \$50.00
- aa. *Re-inspection fee.* First re-inspection: \$50.00
- bb. *Failure to call for inspection upon inspection and/or final inspection before occupancy.* Per occurrence: \$75.00
- cc. *Work started before electrical permit issued.* Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be double the fees charged.
- dd. *Refund of fees.* That portion in excess of minimum fee is eligible to be refunded to a permit holder, if a request is made in writing, within 45 days of the issuance of such permit, provided that the minimum fee of \$50.00 shall not be refundable.
- ee. *Minimum for any permit:* \$50.00
- ff. *Direct reconnection of residential equipment (minimum fee does not apply):* \$25.00 each.
- gg. *Direct reconnection of commercial electrical equipment (minimum fee does not apply):* \$30.00 each.

NOTE: Total fees shall be rounded up to the next whole dollar.

Plumbing Code Permits

The schedule of permit fees to be paid at the time the permit is issued shall be as follows:

- a. *Connection to main sewer (sanitary), per first 100 feet.*
 - 1. Main sewer to property line: \$50.00
 - 2. Property line to structure: \$50.00
 - 3. Main sewer to structure: \$90.00
 - 4. each additional 100 feet: \$50.00
- b. *Connection to main sewer (storm), per first 100 feet.*
 - 1. Main sewer to property line: \$40.00
 - 2. Property line to structure: \$40.00
 - 3. Main sewer to structure: \$70.00
 - 4. each additional 100 feet: \$50.00

- c. *Water extension, per first 100 feet.*
 - 1. Main sewer to property line: \$40.00
 - 2. Property line to structure: \$40.00
 - 3. Main sewer to structure: \$70.00
 - 4. each additional 100 feet: \$50.00
- d. *Private water system and/or well, new or required inspection:* \$20.00 each.
- e. *Catch basin, storm or sanitary manholes, condensate pits:* \$20.00
- f. *Plumbing fixtures and/or fixture connections, range boilers, steamers, water heater (except replacement), etc.:* \$10.00 each.
- g. *Automatic washer connection (mandatory in case of all new residence construction):* \$10.00
- h. *Replacement fixtures:* \$25.00 (exempt from the minimum \$50.00 fee).
 - 1. Water heater replacement.
 - 2. Dishwasher or kitchen sink replacement.
 - 3. Toilet and lavatory replacement.
- i. *Back flow pressure reducing valve (fee may be waived for existing single family dwellings):* \$35.00
- j. *Building drain:* \$35.00
 - 1. each additional 50 feet: \$25.00
- k. *Funnel drains:* \$10.00
- l. *Condensate pumps:* \$10.00
- m. *Grease traps:* \$35.00.
- n. *Lawn sprinkler system:* \$45.00.
- o. *Private sewage disposal system and/or holding tanks (includes state fees for ground water and sanitary permits):* \$250.00
- p. *Mound type septic systems (special approval required; includes state fees for ground water and sanitary permits):* \$450.00
- q. *Verification of soil test for mound septic tanks:* Minimum of \$225.00, not to exceed \$300.00, per test.
- r. *Street cut (slurry mix backfill) \$60.00 per cut (ENGINEERING DEPARTMENT APPROVAL REQUIRED). See Section 3.40c(32)a.*
- s. *Well abandonment:* \$50.00
- t. *Well operation permit.* \$25.00.
- u. *Work not completed for ordered inspection:* \$50.00
- v. *Failure to order final Inspection:* \$50.00
- w. *Minimum for any permit:* \$50.00
- x. *Work started before permit issued.* Upon failure to obtain a permit before work on a building has been started, except in emergency cases, the total fee shall be double the fees charged.
- y. *Plumbing permit fees may be refunded upon good cause shown as to nonuse thereof and within a reasonable time after payment provided that the minimum fee of \$50.00 shall not be refundable.*
- z. *Wis. Adm. Comm. S. 2.64 regarding plumbing plan review fees and all future amendments, revisions or modifications thereto is hereby adopted by reference.*

INFORMATION REQUESTS

- a. Miscellaneous copies: \$0.25 per page.
- b. Open record copies: A requester shall be charged a fee to defray the cost of locating and copying records as follows:
1. The cost of photocopying shall be \$0.25/page for black and white copies and \$1.00/page for color copies.
 2. If the form of a written record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
 3. The cost of providing typed verbatim transcripts of an audio taped record shall be the actual cost per hour, plus copy charges of \$0.25 per page.
 4. If mailing or shipping is necessary for any requested copy or copies, the actual cost thereof shall also be charged. A flat fee of \$35.00 annually shall be charged for mailing Common Council agendas or Common Council proceedings on a regular basis. A flat fee of \$5.00 shall be charged for each complete Common Council or Plan Commission agenda packet requested, plus \$1.00 for each color copy included therein.
 5. An archival research deposit of \$15.00, payable in advance, shall be charged for the research and retrieval of records not readily available in the City Clerk's Office and for which the expected total cost would exceed \$50.00. A credit will be applied towards copy costs; if the research and retrieval is less than the deposit, a refund will be issued.
 6. The legal custodian shall estimate the cost of all applicable fees and may require a cash deposit adequate to assure payment, if such estimate exceeds \$5.00.
 7. Elected and appointed officials of the City of Oak Creek shall not be required to pay for public records they may reasonably require for the proper performance of their official duties nor shall any charges be required of the local news media.
 8. The legal custodian may provide copies of a record without charge or at a reduced charge where he determines that waiver or reduction of the fee is in the public interest.
- c. Photographs
1. The cost for Fire Department digital photographs shall be established as .25 cents per copy.
 2. The cost for Police Department digital photographs shall be established as .25 cents per copy.
- d. Real estate inquiries (Statement of Real Property Status)
Except for local residents requesting a duplicate copy of their personal real estate tax bill, all persons who request the City of Oak Creek to furnish written information as to or copies of:
1. Real estate taxes;
 2. Special assessments;

3. Contemplated public improvements;
4. Sewer or water charges;
5. Flood plain zoning;
6. Or other like inquiries covering a specific parcel of real estate in the City of Oak Creek shall pay the sum of \$50.00, with an additional \$10.00 for rush requests, to the City Treasurer to cover the cost of the investigation and/or processing of such inquiry. Said fee shall be paid at the time of the inquiry or prior to mailing or pickup or faxing of the requested information.

e. Accident reports

The cost for Police Department accident reports shall be established as \$.25 per page.

f. Fire incident reports

The cost for Fire Department incident reports shall be established as \$.25 per page.

g. Audio/Video tapes, film and CD/DVDs

The fee for audio/video tapes, film and CDs or DVDs shall be the actual cost to produce such items, plus the cost of supplies, postage, etc.

h. Tax roll and Assessment Roll

Electronic media: Charge actual costs, \$100.00 minimum.

i. Real estate Summary Sheet

\$10.00.

j. Computer records

1. Miscellaneous computer printouts generated
Charge actual costs
2. Electronic files
Charge actual costs

k. Fax transmittals: \$1.00/page long distance \$.50 per page local

l. Voter Records

1. Statewide Voter Registration System (SVRS) Records (established by State)
Electronic Data file: \$25.00 plus \$5.00 per 1,000 voter names, rounded to the nearest thousand.
2. City voter records
Computer printouts: The actual cost to produce or copy each computer printout shall be charged, plus the actual cost of postage and supplies.

LIBRARY

All patrons shall be charged fees covering the cost of lost and damaged items. In addition, there will be a service charge in the amount of \$3.00 per item.

RECREATION

Recreation Department fees shall be established by the Recreation Manager according to guidelines adopted by the Parks, Recreation and Forestry Commission and subject to review by the Parks, Recreation and Forestry Commission. A list of the fees and charges will be on file in the Parks, Recreation and Forestry Office. The Recreation Manager shall provide a copy of any change to the fees to the City Clerk 15 days prior to the effective date of such change. The Clerk shall provide a copy to the Common Council as soon as practicable. The fees shall go into effect at the end of the 15-day period unless an alderman or the Mayor objects in writing, in which case the fee change shall be brought before the entire Common Council for consideration and approval.

POLICE DEPARTMENT

- a. Transient Merchant Identification Cards
All transient merchants shall pay a fee of \$30.00 at the Police Department
- b. Bicycles
 - 1. Bicycle license - \$3.50, non-expiring
 - 2. Replacement bicycle license - \$2.00
- c. Alarm Permit Fees
 - 1. Alarm devices (except police console connected) – no fee
 - 2. Alarms connected to police consoles - \$100.00 initial installation
- d. Police False Alarm Charges - Annually
 - 1. 1-3 alarms – no charge
 - 2. 4-7 alarms - \$50.00 per alarm
 - 3. 8 or more alarms - \$200 per alarm

STREETS

- a. Driveway Culvert Installation
Driveway culvert installation charges for labor and material provided by the City of Oak Creek shall be determined on a front foot basis in the following manner:
 - 1. 12", 15" or 18" Culvert: \$34.64/foot plus cost of a pipe.
 - 2. 21", 24" or 30" Culvert: \$51.96/foot plus the cost of pipe.
 - 3. 36", 42" or 48" Culvert: \$67.41/foot plus the cost of pipe.
 - 4. 54", 60" or 72" Culvert: \$87.00/foot plus cost of pipe.
- b. Equipment Rental Charges
 - 1. The fee schedule for equipment will reflect the actual costs per hour to use various pieces of equipment in the Street Department inventory, and will be established using the equipment cost comparison agreement between the State of Wisconsin and Milwaukee County Department of Public Works. A complete schedule of equipment and fees shall be maintained at the Street Department.
 - 2. The fee for labor to operate rented equipment shall be:
 - a. Labor performed by Equipment Operators: \$47.32 per hour.
 - b. Labor performed by Mechanics: \$52.93 per hour.
 - c. Supervisor: \$55.38 per hour.
 - d. Street Supervisor: \$64.84 per hour.

- c. Freon disposal fee. \$15.00 for disposal of refrigerators, air conditioners, freezers and dehumidifiers.
- d. Mulch. \$25.00 delivery charge.
- e. Special Pick-ups: \$25.00 for a special pick up.
- f. Tires: \$3.00 per tire.

TREASURER'S OFFICE

Animals

a. Dog Annual License Fee

- 1. \$12.00 if the owner provides certification by a veterinarian that the dog has been spayed or neutered.
- 2. \$24.00 if the dog is fertile.
- 3. A fee that is equal to half the amount of the normal license fee if five (5) months of age after July 1st of license year

b. Cat Annual License Fee

- 1. \$12.00 if the owner provides certification by a veterinarian that the cat has been spayed or neutered.
- 2. \$24.00 if the cat is fertile.
- 3. A fee that is equal to half the amount of the normal license fee if five (5) months of age after July 1st of license year.

c. Late Annual License Fee

- 1. \$ 6.00 for a dog or cat that has been spayed or neutered.
- 2. \$12.00 for a dog or cat that is fertile for animals not licensed prior to April 1 of that year; the annual license is acquired after thirty (30) days of occupancy in the City; or the annual license is obtained after the dog or cat is over five (5) months old.

d. Impound Fee

- 1. \$15.00 for each day or fraction thereof.

Treasurer Service Fees

A charge of \$25.00 per check shall be charged to recover all reasonable costs and expenses in connection with the collection of a worthless check which any person issues to the city:

- a. NSF (non-sufficient funds)
- b. Account Closed
- c. Stop Payment
- d. Refer to Maker
- e. Stale Date
- f. A payment that is returned to the City for any reason

WEIGHTS AND MEASURES

According to Section 98.04 (2), Wis. Stats., the City of Oak Creek may recover an amount not to exceed the cost of fees for weights and measures inspection work by assessing fees on the persons who receive the services rendered. Fees for weights and measures services provided by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection are as follows and shall be billed by the City on an annual basis:

- a. \$20.00 each small capacity scale, meter or liquid measuring device (LMD)
- b. \$50.00 each large capacity scale

BE IT FURTHER RESOLVED that the schedule of fees, permits and charges may be amended from time to time by resolution of the Common Council.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this ____ day of _____, 20 ____.

Passed and adopted this ____ day of _____, 20 ____.

President, Common Council

Approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

Vote: _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 20


Recommendation: That the Common Council adopt Resolution No. 11454-021714 , acquiring fee property (right-of-way), and temporary easements, for the Drexel Town Square project and, to send a payment in the amount of the Award of Damages to the affected property owner (Project No. 13040) (2nd Aldermanic District).

Background: The acquisition (approved with Resolution No. 11392-082013) of real estate and easements is necessary for construction of sidewalks and additional traffic lanes along the Howell Avenue corridor. The work will be included with the Wisconsin Department of Transportation maintenance project to be constructed this year. The required acquisition has been determined to be agreeable by the affected property owners. The City has hired MSA Professional Services to handle all of the real estate acquisitions for the project. The City must acquire TLE and PLE on seven parcels. The acquisition acquired at this time is listed below.

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
Buth	8046 S. Howell Avenue	814-0016	8	TLE	\$100

Fiscal Impact: The total cost of this action is \$100, and is to be paid from CIP funds reserved in Project No. 13040.


Prepared by:


Brian L. Johnston, P.E.
Assistant City 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, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11454-021714

BY: _____

**RESOLUTION ACCEPTING FEE PROPERTY, AND TEMPORARY EASEMENTS FOR
THE DREXEL TOWN SQUARE PROJECT**

(PROJECT NO. 13040)

(2nd ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek decided that public necessity demands the construction of sidewalk and additional travel lanes along S. Howell Avenue for the Drexel Town Square project:

WHEREAS, the road construction work will be completed by the Wisconsin Department of Transportation as part of their maintenance project (2060-15-71); and

WHEREAS, the acquisition of fee simple title, and temporary easements were approved with Resolution No. 11392-082013, and

WHEREAS, the plat and relocation order for this project, with State I.D. 2060-15-22, have been approved and filed with the County Clerk for Milwaukee County, and

WHEREAS, the property owner listed below has agreed to land acquisition and grants easements to the City,

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
Buth	8046 S. Howell Avenue	814-0016	8	TLE	\$100

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached land acquisition and easements be approved and the same is hereby accepted; and

BE IT FURTHER RESOLVED, the Finance Director is hereby authorized and directed to prepare a check(s) in the amount(s) and to the owner(s) shown above for a closing to be scheduled and upon closing the City Clerk is hereby authorized and directed to record the same in the Office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th day of February, 2014.

Passed and adopted this 17th day of February, 2014.

President, Common Council

Approved this 17th day of February, 2014.

Mayor

ATTEST:

City Clerk

VOTE: Ayes____ Noes____

City of Oak Creek Common Council Report

Meeting Date: February 17, 2014

Item No.: 21

Recommendation: That the Council adopts Resolution No. 11455-021714 approving a certified survey map for the properties at 9859 and 9867 S. Chicago Rd. with the condition that all technical corrections are made prior to recording

Background: Thomas Kinnard is requesting approval to combine the two lots at 9859 and 9867 S. Chicago Rd. Both parcels are currently vacant, save for the existing billboards on the southeast portion of 9867 S. Chicago Rd. The lots, once combined, will exceed the minimum lot size and lot width requirements of the B-4, Highway Business District.

Several easements are missing from the Certified Survey Map and must be included as technical corrections prior to recording. The missing easements are:

1. A 10' x 10' triangle within the right-of-way on the southeast corner.
2. A 35-foot water and sewer utility easement along South Chicago Rd.
3. Access off of Fitzsimmons Rd. for the existing billboards (if they are to remain).

Information received from the Wisconsin Department of Transportation (WisDOT) also indicates that WIS 32 (S. Chicago Rd.) will be widened to 4 lanes, and they will not allow access off of that road as the parcel will have "reasonable alternative access" off of Fitzsimmons Rd.


The Plan Commission has reviewed this request and has recommended its approval with the condition that all technical corrections are made prior to recording.

Fiscal Impact: Combining the two lots will allow the Applicant to develop the property in conformance with State and local requirements, which will have a positive fiscal impact for the City. Potential development options include a single-family home with a home-based business. Single-family homes generate \$3,996 in local impact fees.

Prepared by:


Doug Seymour, AICP
Director of Community Development

Respectfully submitted,

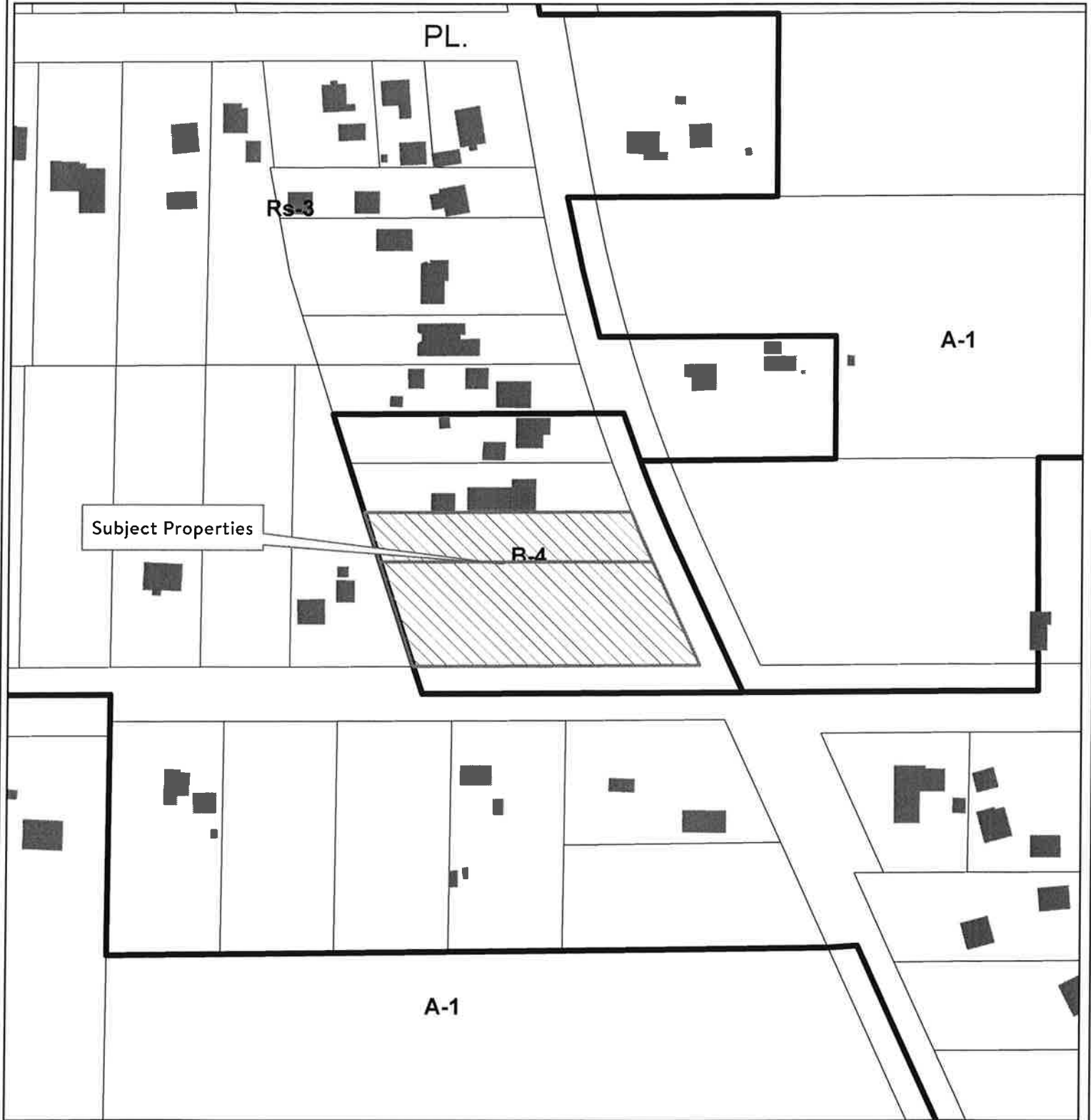

Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Location Map

9859 & 9867 S. Chicago Rd.



Subject Properties

A-1

A-1

PL.

Rs-3

B-4





OAKCREEK
— WISCONSIN —

Department of Community Development

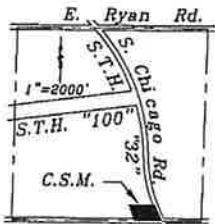


Legend

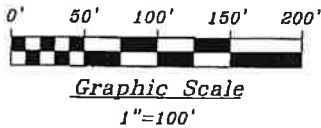
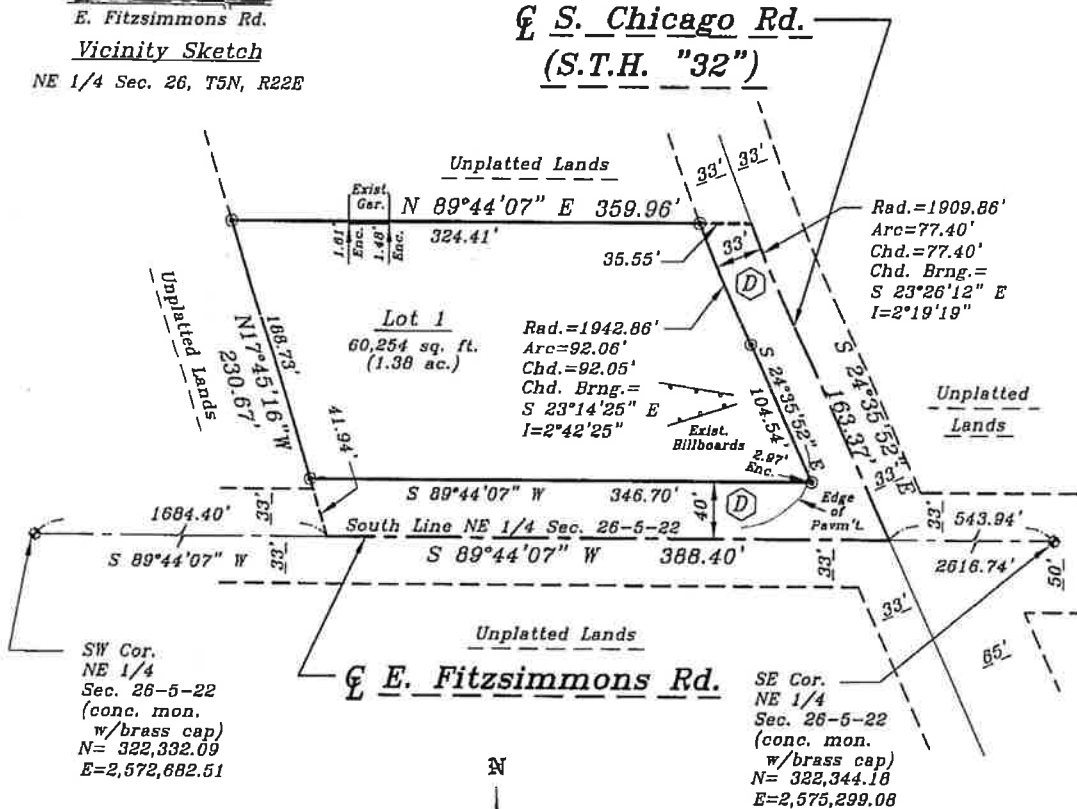
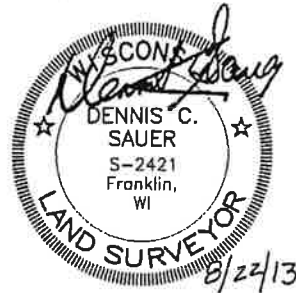
-  9859 & 9867 S. Chicago Rd.
-  Existing Street Pattern

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 26,
Town 5 North, Range 22 East, in the City of Oak Creek,
Milwaukee County, Wisconsin.



E. Fitzsimmons Rd.
Vicinity Sketch
NE 1/4 Sec. 26, T5N, R22E



Prepared by:
Dennis C. Sauer RLS 2421
Metropolitan Survey Service, Inc.
5800 Broad Street
Greendale, WI 53129

Prepared for:
Thomas and Suxian Kinnard
2921 5 Mile Rd.
Racine, WI 53402

CSM's\Oak Creek\104091.dwg

Map bearings refer to Grid North of the Wisconsin State Plane Co-ordinate System, South Zone, with the South line of the NE 1/4 of Section 26, T5N, R22E having an assumed bearing of N 89°44'07" E. (1929 Datum)

- ⓓ Denotes lands dedicated for public street purposes.
- ⊙ Denotes iron pipe set

This lot is served by public sanitary sewer and water.

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Dennis C. Sauer, Registered Land Surveyor, do hereby certify:

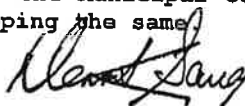
That I have surveyed, divided and mapped a part of the Southeast 1/4 of the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Southeast corner of said Northeast 1/4; thence S 89°44'07" W along the South line of said Northeast 1/4, 543.94 feet to the place of beginning of the lands to be described; thence continuing S 89°44'07" W along said South line, 388.40 feet to a point; thence N 17°45'16" W, 230.67 feet to a point; thence N 89°44'07" E, 359.96 feet to a point; thence Southeasterly 77.40 feet along the arc of a curve whose center is to the East, whose radius is 1909.86 feet, and whose chord bears S 23°26'12" E, 77.40 feet to a point; thence S 24°35'52" E, 163.37 feet to the place of beginning. Said lands containing 88,173 square feet (1.89 Acres).

That I have made such survey, land division and map by the direction of Thomas Kinnard and Suxian Kinnard, husband and wife, owners of said lands.

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

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 14 of the Municipal Code of the City of Oak Creek in surveying, dividing and mapping the same.

AUGUST 22, 2013
Date


Dennis C. Sauer
Registered Land Surveyor S-2421



PREPARED FOR:
Thomas & Suxian Kinnard
2921 5 Mile Road
Racine, WI 53402

PREPARED BY: Dennis C Sauer
Metropolitan Survey Service
5800 Broad Street
Greendale, WI 53129

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE OF DEDICATION

We, Thomas Kinnard and Suxian Kinnard, husband and wife, as owners, do hereby certify that we have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236.34 of the Wisconsin State Statutes and Chapter 14 of the Municipal Code of the City of Oak Creek.

WITNESS the hand and seal of said owners this _____ day of _____, 20__.

Thomas Kinnard

Suxian Kinnard

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, Thomas Kinnard and Suxian Kinnard, husband and wife, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

PLAN COMMISSION APPROVAL

APPROVED by the Plan Commission of the City of Oak Creek on this _____ day of _____, 20__.

Stephen Scaffidi, Chairman
City of Oak Creek

Douglas W. Seymour, Secretary
City of Oak Creek

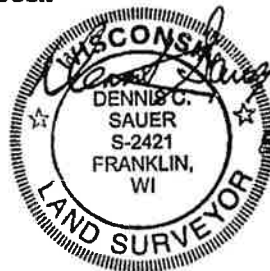
COMMON COUNCIL APPROVAL

APPROVED and Dedication Accepted by the Common Council of the City of Oak Creek on this _____ day of _____, 20__, by Resolution No. _____.

Stephen Scaffidi, Mayor
City of Oak Creek

Catherine A. Roeske, City Clerk
City of Oak Creek

THIS INSTRUMENT WAS DRAFTED BY:
Dennis C. Sauer, R.L.S. S-2421



RESOLUTION NO. 11455-021714

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP
FOR THOMAS KINNARD

9859 and 9867 S. Chicago Rd.
(4th Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by THOMAS KINNARD, 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 subject to any technical corrections bring 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 any technical corrections bring made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 17th Day of February, 2014.

Passed and adopted this ___ Day of _____, 2014.

President, Common Council

Approved this ___ Day of _____, 2014.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____