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

COMMON COUNCIL MEETING AGENDA

TUESDAY, MAY 6, 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: 4/15/14 and 4/29/14.

Recognition

4. **Mayoral Proclamation:** Poppy Days, May 16-19, 2014, Oelschlaeger-Dallmann American Legion Post 434 and Auxiliary (by Committee of the Whole). NOTE: Poppy Princess Anneliese Oswald will be present to distribute Poppies.
5. **Mayoral Proclamation:** Buddy Poppy Days, May 9-11, 2014, Meyer-Dziedzic VFW Post 8482 (by Committee of the Whole).
6. **Resolution:** Consider Resolution No. 11482-050614, a Resolution of Commendation to Matthew Gorniak, retiring Fire Lieutenant (by Committee of the Whole).
7. **Council Proclamation:** Consider Council Proclamation No. 14-08, Congratulations to Brandon Roger Kawczynski for receiving the Eagle Scout Award (by Committee of the Whole).
8. **Mayoral Proclamation and Presentation:** Building Safety Month, May, 2014 (by Committee of the Whole).

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

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

9. **Street Vacation:** Consider a proposed street vacation and discontinuation of a portion of a public street right-of-way in the City of Oak Creek (ABC Street) (held 3/18/14) (5th District).
10. **Resolution:** Consider Resolution No. 11464-031814, vacating and discontinuing a part of a public street in the City of Oak Creek (SW ¼, NW ¼ and the NE ¼ of the NE ¼ of Section 32-5-22) (ABC Street) (Oakview Business Park) (held 3/18/14) (5th District).
11. **Conditional Use Permit:** Consider a proposed conditional use permit application by John Schuleter, Weasler Number 1, LLC, for an indoor commercial recreation facility (Chasing Tales, Inc.) located at 7265 S. 1st Street (1st District).

12. **Ordinance:** Consider 2718, approving a conditional use permit for an indoor commercial recreation facility located at 7265 S. 1st St. (1st District).

New Business

MAYOR & COMMON COUNCIL

13. **Presentation:** 2013 Preliminary Budget to Actual Report.
14. **Ordinance:** Consider Ordinance No. 2720, creating Section 2.46(a)(2)c, regarding the Human Resources Director (by Committee of the Whole).
15. **Informational:** City Attorney Opinion 685 – Ex Officio Members of Committees.
16. **Ordinance:** Consider Ordinance No. 2721, repealing and recreating Section 2.78 (b) of the Oak Creek Municipal Code, relating to the Community Development Authority (by Committee of the Whole).
17. **Ordinance:** Consider Ordinance No. 2722, repealing and recreating Section 2.23 (a)(5) of the Oak Creek Municipal Code, relating to the Finance Committee (by Committee of the Whole).
18. **Informational:** Common Council President's appointment of Chairperson to the Finance Committee.
19. **Motion:** Consider a motion to support healthy eating initiatives in our community and pledge \$500.00 in support of this promotion to the South Suburban Chamber of Commerce's Health and Wellness Council (by Committee of the Whole).
20. **Motion:** Consider a motion to concur with the Mayor's (re)appointments as follows: **(new appointments bolded)**
- a. Board of Health – to complete 3 year terms to expire 9/2015
Gary Hintz - 10065 S. McGraw Drive
 - b. Board of Review – 5 year term to expire 5/2019
Thomas Lewison
 - c. Board of Zoning Appeals / Housing Appeals – 3 year term to expire 4/2017
Randy Gregorek
Lawrence Bodette
 - d. Celebrations Commission – 3 year term to expire 4/2017
Chaucey Chandler
Sharon Armstrong
 - e. Civil Service Commission – 5 year term to expire 4/2019
Sharon Wiorek
 - f. Community Development Authority – 4 year term to expire 12/2017
Justin Arndt - 8703 S. 13th Street
 - g. Landscape and Beautification Committee – 2 year term to expire 4/2016
Glen Kulas - 420 W. Trillium Terrace
Deb Chvilicek – 9667 S. Chicago Road
Rebecca Lane – City Forester
Jeff Wendt – Streets, Parks & Forestry Department Representative
Steven Bautch – Parks, Recreation & Forestry Commission Representative

- h. Library Board – 3 year term to expire 6/2017
Karen Umbs
- i. Parks, Recreation & Forestry Commission – 3 year term to expire 4/2017
Anne Beyer - 900 W. Glen Crossing Court
Marianne Dickmann
- j. Traffic & Safety Commission - to complete a 3 year term expiring 9/2015
Marta Weirich - 3973 E. High Street
- k. Weed Commissioner – 1 year term to expire 4/2015
Streets, Parks & Forestry Director

21. **Motion:** Consider a *motion* to approve the 2014 Vendor Summary Report in the amount of \$1,146,894.64 (by Committee of the Whole).

STREETS, PARKS & FORESTRY

22. **Motion:** Consider a *motion* to award the 2014 Emerald Ash Borer (EAB) Tree-age (emamectin benzoate) treatment project to M&M Tree Service in the approximate amount of \$5,511.50 (by Committee of the Whole).

COMMUNITY DEVELOPMENT

23. **Resolution:** Consider *Resolution* No. 11484-050614, approving a certified survey map for the properties at 9750 and 9770 S. 20th St. with the condition that all technical corrections are made prior to recording (Black Bear Bottling Group) (6th District).
24. **Resolution:** Consider *Resolution* No. 11486-050614, approving the first amendment to the Declaration of Resolution for Parcel 1 of Certified Survey Map 6868 (Centennial Park Commerce Center, LLC) (3rd District).

ENGINEERING

25. **Motion:** Consider a *motion* to concur with the recommendation of the Traffic and Safety Commission and approve:
- a. installations of 8-inch channelizing line and right-turn arrow pavement markings on S. Mayhew Dr. at E. Puetz Rd; and
 - b. additional advance lane control signs for eastbound traffic on E. Puetz Rd. at S. Shepard Ave; and
 - c. advance lane control sign on E. Puetz Rd. at S. Pennsylvania Ave.; and
 - d. bicycle warning sign with "Share the Road" supplemental plaque on Drexel Avenue at S. Howell Ave.

LICENSE COMMITTEE

The License Committee did not meet prior to the 5/6/14 meeting. Tentative recommendations are being made as follows:

26. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
- Gina M. Reese, 151 W. Oak Leaf Dr., Oak Creek (Walgreens)
 - Kimberle A. Hessel, 3959 Maple, Oak Creek (Ryan Road Mobil)
 - John W. Fleischman, 3105 W. Franklin Terrace, Franklin (Legion)

27. **Motion:** Consider a *motion* to grant a 2014 transient merchant license to The Window Store Home Improvements, 16335 W. Lincoln Ave., New Berlin, and the following salesperson (favorable background report received):
- Keith Harvey, 4163 County Road G, Caledonia

MISCELLANEOUS

28. **Motion:** Consider a *motion* to convene in to Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes to discuss the following:
- a. Section 19.85(1)(c) to discuss an appointment to the position of Director of Streets; Parks and Forestry and provisions of an employment offer, wages and benefits; and
 - b. Section 19.85(1)(c) to discuss an appointment to the position of Human Resource Manager and provisions of an employment offer, wages and benefits; and
 - c. Section 19.85(1)(e) to consider a proposed Right-of-Way Transfer Agreement by and among the City of Oak Creek, Woodman's Food Market, Inc., and One West Drexel (Drexel Town Square) (2nd District); and
 - d. Section 19.85(1)(e) to consider a proposed Tax Incremental District No. 8 Finance Development Agreement with Stella & Chewy's, LLC. (5th District).
29. **Motion:** Consider a *motion* to reconvene into Open Session.
30. **Ordinance:** Consider *Ordinance* No. 2719, amending Section 4 of Ordinance No. 2700 and fixing the salary ranges, salary, wages and allowances for non-union, general, management personnel and other City offices and positions for the year 2014, adding the position of Director of Streets, Parks and Forestry, effective 6/9/14 (by Committee of the Whole).
31. **Ordinance:** Consider *Ordinance* No. 2723, amending Section 4 of Ordinance No. 2700 and fixing the salary ranges, salary, wages and allowances for non-union, general, management personnel and other City offices and positions for the year 2014, establishing annual salary for the position of Human Resource Manager (by Committee of the Whole).
32. **Resolution:** Consider *Resolution* No. 11485-050614, approving the right-of-way transfer agreement by and among the City of Oak Creek, Woodman's Food Market, Inc. and One West Drexel, LLC (2nd District).
33. **Resolution:** Consider *Resolution* No. 11483-050614, establishing a permanent sanitary sewer and water main easement, and a license agreement related to the Drexel Town Square development (Tax Key 813-9014-006) (2nd District).
34. **Resolution:** Consider *Resolution* No. 11487-050614, approving Tax Incremental District No. 8 Finance Development Agreement with Stella & Chewys, LLC (Oakview Business Park) (5th District).

Adjournment.

Public Notice

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 S. Howell Avenue, Oak Creek, Wisconsin 53154.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice

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COMMON COUNCIL MEETING

ADDENDUM

TUESDAY, MAY 6, 2014
AT 7:00 P.M.

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

35. **Motion:** Consider a *motion* to authorize an agreement with Environ in the amount of \$40,820 to perform additional site investigation services at the City's Lake Vista property (formerly Eastern 30 acres of Oak Creek Storage and Handling) (4th District).

Adjournment.

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COMMON COUNCIL MEETING

ADDENDUM NO. 2

TUESDAY, MAY 6, 2014
AT 7:00 P.M.

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

36. **Motion:** Consider a *motion* to convene in to Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes to discuss the following:
- e. Section 19.85 (1)(d) to consider strategy for crime prevention as it relates to construction of the new city hall and library at Drexel Town Square.
37. **Motion:** Consider a *motion* to reconvene into Open Session.
38. **Motion:** Consider a *motion* to take action, if required.

Adjournment.

Public Notice

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MAYORAL PROCLAMATION

**POPPY DAYS
MAY 16th, MAY 17th AND MAY 18th, 2014
OELSCHLAEGER-DALLMANN
AMERICAN LEGION POST 434 AND AUXILIARY**

WHEREAS, The Oelschlaeger-Dallmann American Legion Post and Auxiliary 434 have set aside Friday, May 16, Saturday, May 17, and Sunday, May 18, 2014, to honor all our Veterans of all wars by distribution of poppies on these days on our City; and,

WHEREAS, The annual distribution of poppies is one of the American Legion Post and Auxiliary's many veteran projects of which we are proud; and,

WHEREAS, All monies received from the distribution goes directly to the following:

- 60% percent of all money received will be distributed for:
 - Direct aid to veterans and their families in need in the City of Oak Creek
- 40% percent of all money received will be distributed for:
 - Scholarships and loans for veteran children
 - Rehabilitation projects at Zablocki VA Medical Center
 - Wisconsin Veterans' Home at King, Wisconsin
 - Christmas Gift Shop at Zablocki VA Medical Center
 - Camp American Legion, a rehabilitation center for veterans
 - National Child Welfare Foundation
 - All veteran affairs and rehabilitation programs

BE IT, THEREFORE, RESOLVED that I, Stephen Scaffidi, Mayor of the City of Oak Creek, do hereby proclaim May 16, 17 and 18, 2014, to be Poppy Days in the City of Oak Creek.

BE IT FURTHER RESOLVED that I encourage the citizens of Oak Creek to contribute generously for the annual poppy distribution by the American Legion Post and Auxiliary 434.

Stephen Scaffidi
Mayor, City of Oak Creek

ATTEST:

Catherine A. Roeske
City Clerk

MAYORAL PROCLAMATION

**BUDDY POPPY DAYS
MEYER-DZIEDZIC VFW POST 8482
MAY 9, 10, AND 11, 2014**

WHEREAS, the annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States, Meyer-Dziedzic Post 8482 of Oak Creek, Wisconsin, has been officially recognized and endorsed by governmental leaders since 1922; and

WHEREAS, the annual distribution of Buddy Poppies will be held in Oak Creek on May 9, May 10, and May 11; and

WHEREAS, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans; and

WHEREAS, the basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to "Honor the Dead by Helping the Living".

THEREFORE, BE IT RESOLVED that I, Stephen Scaffidi, Mayor of the City of Oak Creek, do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the days set aside for the distribution of these symbols of appreciation for the sacrifices of our veterans.

BE IT FURTHER RESOLVED that I urge all citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms that we continue to enjoy as American Citizens.

Stephen Scaffidi
Mayor, City of Oak Creek

ATTEST:

Catherine A. Roeske
City Clerk

RESOLUTION 11482-050614

RESOLUTION OF COMMENDATION
TO
MATTHEW GORNIAK

WHEREAS, MATTHEW J. GORNIAK was medical separated from his position as Lieutenant effective April 15, 2014, after 25 years and 2 months of dedicated full time service to the City of Oak Creek Fire Department; and

WHEREAS, MATTHEW J. GORNIAK was appointed as a Fire Fighter on February 6, 1989; and promoted to Lieutenant on June 1, 2002; and

WHEREAS, during his years of service, MATTHEW J. GORNIAK has performed his duties admirably, looking out for the health, safety, and welfare of the citizens of Oak Creek; and

WHEREAS, MATTHEW J. GORNIAK responded without hesitation to many major alarms utilizing his skills in firefighting and rescue with dedication; and

WHEREAS, MATTHEW J. GORNIAK has been an Emergency Medical Technician in the State of Wisconsin. During his career he has cared for thousands of citizens who were sick or injured, always delivering caring and skilled emergency care to them; and

WHEREAS, MATTHEW J. GORNIAK frequently conducted tours, participated in fire prevention activities and Career Days for the students of Oak Creek during his career; and

WHEREAS, MATTHEW J. GORNIAK as a member of the Oak Creek Fire Department Honor Guard, was recognized for performances, presenting colors for sporting and community events, and performing Honor Guard details for funeral services; and

WHEREAS, MATTHEW J. GORNIAK was a member of the department's rope rescue team; and

WHEREAS, MATTHEW J. GORNIAK aided the department in preplanning activities and exercised great care and diligence making sure maps, building plans and drawings were updated to aid in our department's fire and rescue responses.

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 MATTHEW J. GORNIAK for his many years of dedicated and faithful service to the City of Oak Creek and the Fire Department, that the best wishes for good health and happiness be extended to MATTHEW J. GORNIAK and his family on his 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 MATTHEW J. GORNIAK.

Passed and adopted this 6th day of May 2014.

Approved this 6th day of May, 2014.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

COUNCIL PROCLAMATION NO. 14-08
CONGRATULATIONS TO
BRANDON ROGER KAWCZYNSKI
FOR RECEIVING THE EAGLE SCOUT AWARD

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than four percent of all Scouts actually achieve this goal; and

WHEREAS, at a Court of Honor to be held at All Saints Lutheran Church on May 18, 2014, at 1:00 p.m., an Eagle Award will be conferred upon Brandon Kawczynski; and

WHEREAS, as his Eagle project, Brandon chose to design and construct a "Patio of Reflection" on the grounds of All Saints Lutheran Church. The Patio of Reflection, surrounded by personalized bricks, many in memory of loved ones, both passed and still living, includes three benches situated amongst a decorative pedestal and cross statue with a pergola; and

WHEREAS, Brandon organized and coordinated the efforts of many volunteers to construct the Patio of Reflection, putting in a total of over 641.75 man hours of work; thereby beautifying All Saints Lutheran Church grounds for all to enjoy; and

WHEREAS, the Oak Creek Common Council wishes to recognize this noteworthy achievement of Brandon Kawczynski.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Oak Creek hereby extend their congratulations to Eagle Scout Brandon Kawczynski for having an Eagle Scout Award conferred upon him by the Boy Scouts of America.

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

Dated this 6th day of May, 2014.

Presented and adopted this ____ day of May, 2014.

President, Common Council

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

**Mayoral Proclamation
Building Safety Month
May, 2014**

Whereas, our City's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound; and

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings; and

Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play; and

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildfires, floods, earthquakes; and

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings; and

Whereas, "Building Safety: Maximizing Resilience, Minimizing Risks" the theme for Building Safety Month 2014, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, backyard safety; energy efficiency and new technologies in the construction industry. Building Safety Month 2014 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies; and

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Steven Scaffidi, Mayor of the City of Oak Creek, Wisconsin, do hereby proclaim the month of May 2014 as Building Safety Month.

Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

Dated this 6th day of May, 2014.

Mayor

ATTEST

City Clerk

*** * * 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 Tuesday, May 6, 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 March 18, 2014, 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:

ABC Street, dedicated to the public for street purposes in Certified Survey Map No. 8154, recorded in Milwaukee County Register's Office on June 3, 2009 as Document No. 9747350.

MORE PARTICULARLY DESCRIBED AS:

All that part of the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 32, Township 5 North, Range 22 East, located in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northeast corner of said Northeast $\frac{1}{4}$ section; thence South $89^{\circ}44'40''$ West along the north line of said Northeast $\frac{1}{4}$ section, 1006.17 feet; thence South $01^{\circ}15'20''$ East, 45.00 feet to the south line of West Oakwood Road, the northwest corner of Lot 2 of Certified Survey Map No. 8154 and the point of beginning; thence continuing South $01^{\circ}15'20''$ East along the west line of said Lot 2, 100.00 feet to a point of curve; thence southwesterly 308.04 feet along the said west line and along the arc of said curve to the right whose radius is 390.00 feet and whose chord bears South $22^{\circ}22'20''$ West, 300.10 feet to a point of tangency; thence South $45^{\circ}00'00''$ West along said west line, 102.10 feet to a point of curve; thence southwesterly 285.48 feet along said west line and along the arc of said curve to the left whose radius is 355.00 feet and whose chord bears South $21^{\circ}57'43''$ West, 277.85 feet to a point of tangency; thence South $01^{\circ}04'33''$ East, 775.82 feet; thence South $88^{\circ}55'27''$ East, 80.00 feet to the easterly line of Lot 1 of said Certified Survey Map No. 8154; thence North $01^{\circ}04'33''$ West along said easterly line 775.82 feet to a point of curve; thence northeasterly 349.82 feet along said easterly line and along the arc of said curve to the right whose radius is 435.00 feet and whose chord bears North $21^{\circ}57'43''$ East, 340.47 feet to a point of tangency; thence North $45^{\circ}00'00''$ East along said easterly line, 102.10 feet to a point of curve; thence northeasterly 244.86 feet along said easterly line and along the arc of said curve to the left whose radius is 310.00 feet and whose chord bears North $22^{\circ}22'20''$ East, 238.54 feet to a point of tangency; thence North $00^{\circ}15'20''$ West along said easterly line, 100.00 feet to the northeast corner of said Lot 1 and the south line of said West Oakwood Road; thence North $89^{\circ}44'40''$ East along said south line, 80.00 feet to the point of beginning.

Containing in all 125,762 square feet (2.8871 acres) of lands, more or less.

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 to be discontinued and vacated 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 May 6, 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 20th day of March, 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: May 6, 2014

Item No.: 10

Recommendation: That the Council adopts Resolution No. 11464-031814 vacating the "ABC Street" right-of-way in the Oakview Business Park.

Background: Wispark, LLC is requesting that the public street initially named ABC Street as a placeholder in the OakView Business Park be vacated as the configuration shown in CSM 8154 no longer matches the geometry of the public street right-of-way. ABC Street will also be renamed to Oakview Parkway and dedicated as a public right-of-way. There are two additional requests with this vacation:

1. That the "no access" restriction on the south side of Oakwood Road be removed.
2. That the two (2) 50' x 50' vision corner easements at the north end of the current ABC Street be removed.

According to the application, the access restriction will be adjusted on new CSMs, which were also reviewed by the Plan Commission and recommended for Common Council approval, and the vision corners will be part of the Oakview Parkway right-of-way.

The Plan Commission reviewed this request on March 11, 2014 and recommends its approval.

This resolution was introduced on March 18th.

Fiscal Impact: This vacation will allow for a reconfiguration of the public right-of-way serving OakView Business Park. Taxes generated from the development of this project would result in a positive fiscal impact for the City. These properties are part of TID 8.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,



Gerald Peterson, ICMA-CM
City Administrator

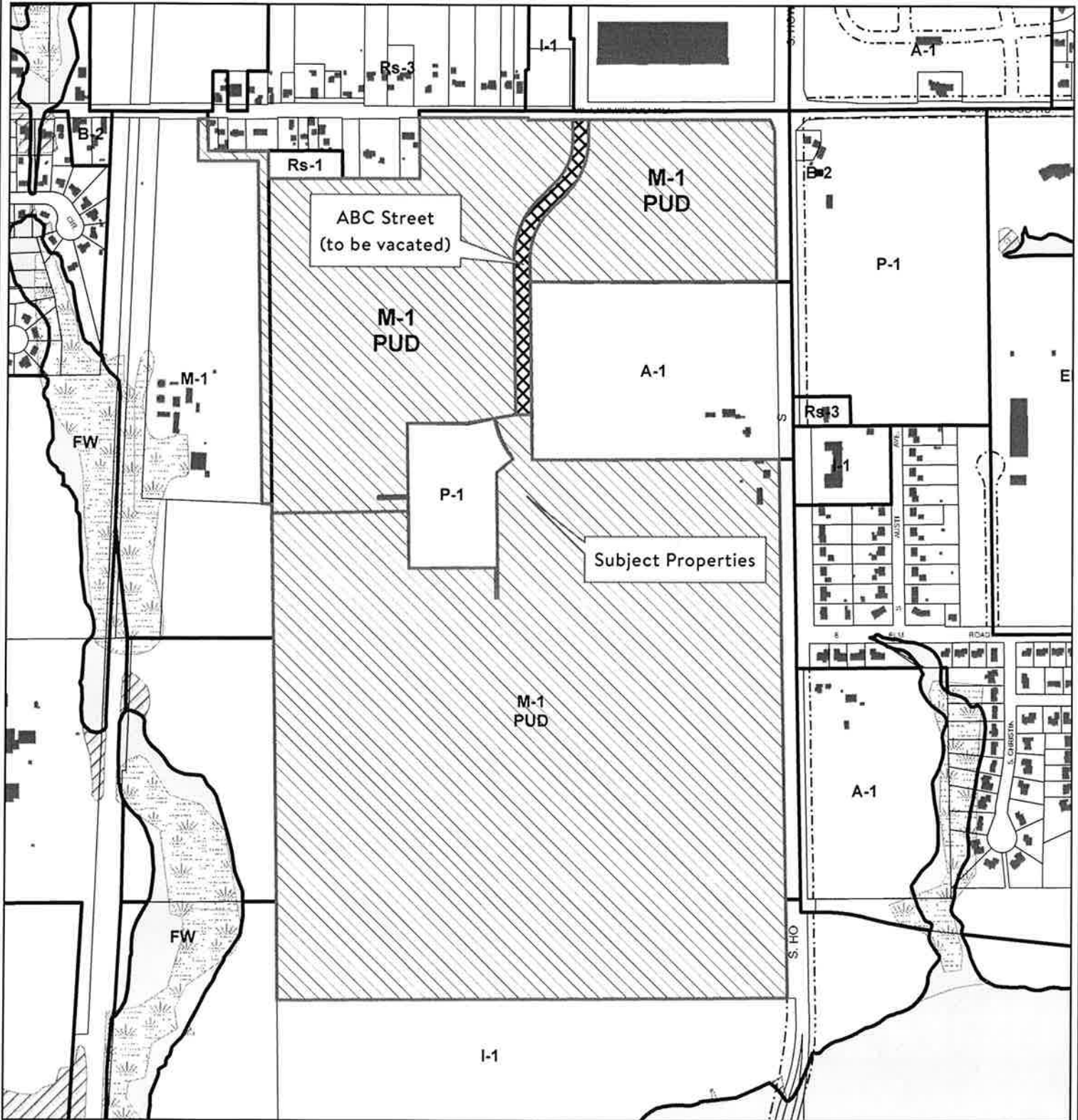
Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Location Map

641 W. Oakwood Rd., 10303 S. Howell Ave., 10711 S. Howell Ave.



OAKCREEK
— WISCONSIN —

Department of Community Development

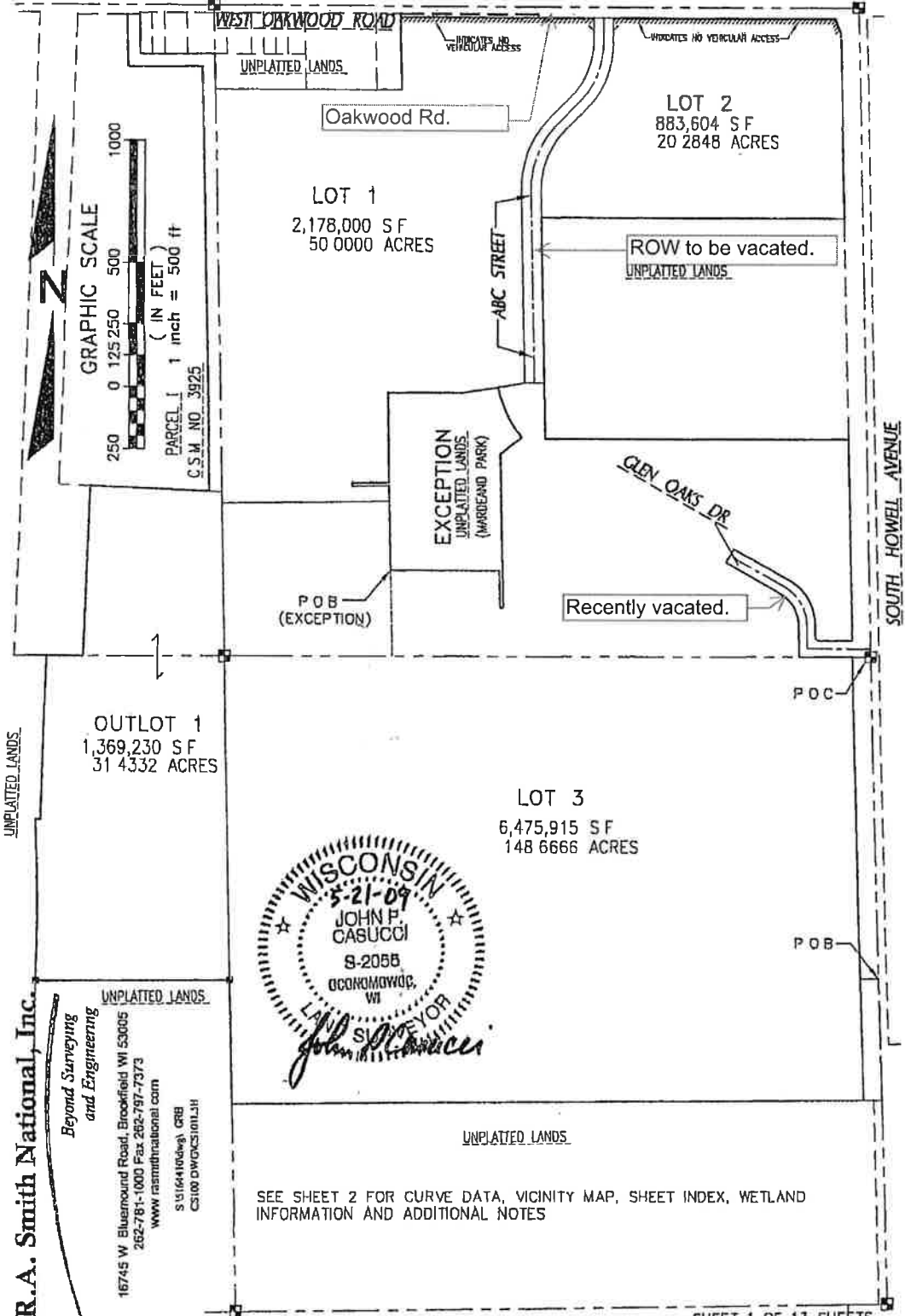


Legend

- ABC Street ROW to be vacated
- 641 W. Oakwood Rd., 10303 & 10711 S. Howell Ave.
- Existing Street Pattern
- Floodfringe
- Wetland
- Floodway

CERTIFIED SURVEY MAP NO. 8154

Parcel 2 of Certified Survey Map No 3925, Parcel 1 and 2 of Certified Survey Map No 1246 and lands in the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southwest 1/4 and part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 all in Section 32, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin



R.A. Smith National, Inc.
*Beyond Surveying
 and Engineering*
 16745 W Bluemound Road, Brookfield, WI 53005
 262-781-1000 Fax: 262-797-7373
 www.ra-smithnational.com
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SEE SHEET 2 FOR CURVE DATA, VICINITY MAP, SHEET INDEX, WETLAND INFORMATION AND ADDITIONAL NOTES

RESOLUTION NO. 11464-031814

RESOLUTION VACATING AND DISCONTINUING A PART OF A
PUBLIC STREET IN THE CITY OF OAK CREEK
(ABC Street in the SW ¼, NW ¼ and the NE ¼ of the NE 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:

ABC Street, dedicated to the public for street purposes in Certified Survey Map No. 8154, recorded in Milwaukee County Register's Office on June 3, 2009 as Document No. 9747350.

MORE PARTICULARLY DESCRIBED AS:

All that part of the Southwest ¼, Northwest ¼ and the Northeast ¼ of the Northeast ¼ of Section 32, Township 5 North, Range 22 East, located in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northeast corner of said Northeast ¼ section; thence South 89°44'40" West along the north line of said Northeast ¼ section, 1006.17 feet; thence South 01°15'20" East, 45.00 feet to the south line of West Oakwood Road, the northwest corner of Lot 2 of Certified Survey Map No. 8154 and the point of beginning; thence continuing South 01°15'20" East along the west line of said Lot 2, 100.00 feet to a point of curve; thence southwesterly 308.04 feet along the said west line and along the arc of said curve to the right whose radius is 390.00 feet and whose chord bears South 22°22'20" West, 300.10 feet to a point of tangency; thence South 45°00'00" West along said west line, 102.10 feet to a point of curve; thence southwesterly 285.48 feet along said west line and along the arc of said curve to the left whose radius is 355.00 feet and whose chord bears South 21°57'43" West, 277.85 feet to a point of tangency; thence South 01°04'33" East, 775.82 feet; thence South 88°55'27" East, 80.00 feet to the easterly line of Lot 1 of said Certified Survey Map No. 8154; thence North 01°04'33" West along said easterly line 775.82 feet to a point of curve; thence northeasterly 349.82 feet along said easterly line and along the arc of said curve to the right whose radius is 435.00 feet and whose chord bears North 21°57'43" East, 340.47 feet to a point of tangency; thence North 45°00'00" East along said easterly line, 102.10 feet to a point of curve; thence northeasterly 244.86 feet along said easterly line and along the arc of said curve to the left whose radius is 310.00 feet and whose chord bears North 22°22'20" East, 238.54 feet to a point of tangency; thence North 00°15'20" West along said easterly line, 100.00 feet to the northeast corner of said Lot 1 and the south line of said West Oakwood Road; thence North 89°44'40" East along said south line, 80.00 feet to the point of beginning.

Containing in all 125,762 square feet (2.8871 acres) of lands, more or less.

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 March 18, 2014 and a Notice of Public Hearing was published in the Oak Creek NOW, the official City newspaper on March 20, March 27, and April 3, 2014, that a copy of said Notice was duly served on the following property owners in accordance with Wisconsin State Statutes:

OWNER

PROPERTY ADDRESS

WisPark, LLC

405 W. Oakwood Rd., Oak Creek, WI 53154
10303 S. Howell Ave., Oak Creek, WI 53154
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 6th day of May, 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 17th day of March, 2014 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:

ABC Street, dedicated to the public for street purposes in Certified Survey Map No. 8154, recorded in Milwaukee County Register's Office on June 3, 2009 as Document No. 9747350.

MORE PARTICULARLY DESCRIBED AS:

All that part of the Southwest $\frac{1}{4}$, Northwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 32, Township 5 North, Range 22 East, located in the City of Oak Creek, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northeast corner of said Northeast $\frac{1}{4}$ section; thence South $89^{\circ}44'40''$ West along the north line of said Northeast $\frac{1}{4}$ section, 1006.17 feet; thence South $01^{\circ}15'20''$ East, 45.00 feet to the south line of West Oakwood Road, the northwest corner of Lot 2 of Certified Survey Map No. 8154 and the point of beginning; thence continuing South $01^{\circ}15'20''$ East along the west line of said Lot 2, 100.00 feet to a point of curve; thence southwesterly 308.04 feet along the said west line and along the arc of said curve to the right whose radius is 390.00 feet and whose chord bears South $22^{\circ}22'20''$ West, 300.10 feet to a point of tangency; thence South $45^{\circ}00'00''$ West along said west line, 102.10 feet to a point of curve; thence southwesterly 285.48 feet along said west line and along the arc of said curve to the left whose radius is 355.00 feet and whose chord bears South $21^{\circ}57'43''$ West, 277.85 feet to a point of tangency; thence South $01^{\circ}04'33''$ East, 775.82 feet; thence South $88^{\circ}55'27''$ East, 80.00 feet to the easterly line of Lot 1 of said Certified Survey Map No. 8154; thence North $01^{\circ}04'33''$ West along said easterly line 775.82 feet to a point of curve; thence northeasterly 349.82 feet along said easterly line and along the arc of said curve to the right whose radius is 435.00 feet and whose chord bears North $21^{\circ}57'43''$ East, 340.47 feet to a point of tangency; thence North $45^{\circ}00'00''$ East along said easterly line, 102.10 feet to a point of curve; thence northeasterly 244.86 feet along said easterly line and along the arc of said curve to the left whose radius is 310.00 feet and whose chord bears North $22^{\circ}22'20''$ East, 238.54 feet to a point of tangency; thence North $00^{\circ}15'20''$ West along said easterly line, 100.00 feet to the northeast corner of said Lot 1 and the south line of said West Oakwood Road; thence North $89^{\circ}44'40''$ East along said south line, 80.00 feet to the point of beginning.

Containing in all 125,762 square feet (2.8871 acres) of lands, more or less.

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 18th day of March, 2014.

Passed and adopted this ____ day of _____, 2014.

President, Common Council

Approved this ____ day of _____, 2014.

ATTEST:

Mayor

City Clerk

VOTE: Ayes ____ Noes ____

Minutes of the March 11, 2014 Plan Commission Meeting

Right-of-Way Vacation – WISPARK, LLC ABC Street in OakView Business Park

WISPARK, LLC is requesting that ABC Street in OakView Business Park be vacated as the configuration shown in CSM 8154 no longer matches the geometry of the public street right-of-way. ABC Street will also be renamed to Oakview Parkway and dedicated as a public right-of-way. There are two additional requests with this vacation:

1. That the "no access" restriction on the south side of Oakwood Road be removed.
2. That the two (2) 50' x 50' vision corner easements at the north end of the current ABC Street be removed.

According to the application, the access restriction will be adjusted on the new CSM (see Items 4c and 4d), and the vision corners will be part of the Oakview Parkway right-of-way.

Arden Degner, 8540 S. Pennsylvania Avenue, inquired about the access to the park. He is requesting the City to provide sidewalk access to every lot that is proposed in OakView Business Park.

Jim Potter, 10656 S. Howell Avenue, asked for an explanation regarding the right-of-way. Commissioner Johnston explained that this is "housekeeping," it is an existing road that was platted on a previous certified survey map. The new certified survey map (next item) shows the new road alignment. The road will tie into Opus and run down and come out at Elm Road. There are sidewalks on both sides of the proposed road, and there is a 70' right-of-way.

Commissioner Johnston moved that the Plan Commission recommends to the Common Council that the ABC Street right-of-way in OakView Business Park be vacated after a public hearing. Commissioner Chandler seconded. All voted aye. Motion carried.

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 John Schlueter, Weasler Number 1, LLC, for an indoor commercial recreation facility (Chasing Tales, Inc.) located at 7265 S. 1st St.

Hearing Date: Tuesday, May 6, 2014
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Applicant: John Schlueter, Weasler Number 1, LLC
Property Owner: Weasler Number 1, LLC
Property Location: 7265 S. 1st St.
Tax Key(s): 765-9054-001

Legal Description:

Lot 2 of Certified Survey Map No. 7840, recorded on November 15, 2006, as Document No. 09340122, being a redivision of Parcel 1 of Certified Survey Map No. 3251 and Parcels 1 and 2 of Certified Survey Map No. 3690, being a part of the Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for May 6, 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: April 10, 2013
CITY OF OAK CREEK COMMON COUNCIL
By: Steve Scaffidi, Mayor

PUBLIC NOTICE

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 768-6511, (FAX) 768-9587, (TDD) 768-6513 or by writing to the ADA Coordinator at the Health Department, City Hall, 8640 South Howell Avenue, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 12

Recommendation: That the Council adopts Ordinance No. 2718 approving a conditional use permit for an indoor commercial recreation facility located at 7265 S. 1st St.

Background: At the March 25, 2014 meeting the Plan Commission recommended Common Council approval of a conditional use permit that would allow an indoor commercial recreation facility within the existing building at 7265 S. 1st St.

Cindy Zielinski, Chasing Tales, Inc., will occupy a portion (Suite A) of the existing building as a family play center with limited food concessions, special event space, and office space.

Indoor commercial recreation facilities are considered conditional uses in the M-1, Manufacturing District. The proposal does not include any changes to the exterior of the building or site. No outdoor storage is requested.

Target ages for the center are under 1 year up to 5 years during the weekdays, and up to 10 years during the evenings and weekends. This will not be a drop-off or day care facility; rather, children must be accompanied and supervised by a parent/guardian at all times. Proposed hours of operation are:

- Monday, Wednesday, Thursday - 9:00 AM to 6:00 PM
- Friday – 9:00 AM to 7:00 PM
- Saturday – 10:00 AM to 7:00 PM
- Sunday – 11:00 AM to 6:00 PM

Currently, the parking lot is approved for 63 stalls to be shared by all tenants of the building. Based on the proposed use, at least one parking stall is required for every four patrons plus one space for each employee during the largest work shift. Assuming each child is accompanied by a parent/guardian and four employees are working concurrent hours, this would equate to:

- 5-9 parking stalls during non-party/field trip weekdays
- 12-17 stalls during non-party weekdays with field trips
- 11-19 stalls during non-party weekend days
- 31-49 stalls during weekends with parties
- 16-26 stalls during special events

Staff recognizes that the parking figures are based on admission estimates and that there will not necessarily be one parent/guardian per child at the facility. Similarly, the parking requirements are based on the number of patrons, including children. It is very likely that the child-to-parent/guardian ratio will be higher than 1:1, reducing the number of necessary parking stalls.

Trash receptacles currently exist on the property within an enclosure west of the retaining wall. No new trash receptacles are proposed. No sign details have been included as part of this proposal. Should the applicant wish to add a monument or wall sign a permit will be required.

The attached conditions and restrictions were recommended for approval by the Plan Commission at their April 8, 2014 meeting.

Fiscal Impact: As there is an existing business in the multi-tenant space to be occupied by Chasing Tales, Inc., 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. 2718

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR THE PROPERTY
AT 7265 S. 1ST ST. FOR AN INDOOR COMMERCIAL RECREATION FACILITY

(1st Aldermanic District)

WHEREAS, John Schlueter, Weasler Number 1, LLC, has applied for a Conditional Use Permit that would allow for an indoor commercial recreation facility located at 7265 S. 1st St.; and

WHEREAS, this property is more precisely described as follows:

Lot 2 of Certified Survey Map No. 7840, recorded on November 15, 2006, as Document No. 09340122, being a redivision of Parcel 1 of Certified Survey Map No. 3251 and Parcels 1 and 2 of Certified Survey Map No. 3690, being a part of the Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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 May 6, 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 an indoor commercial recreation facility located at 7265 S. 1st St., 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 indoor commercial recreation 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

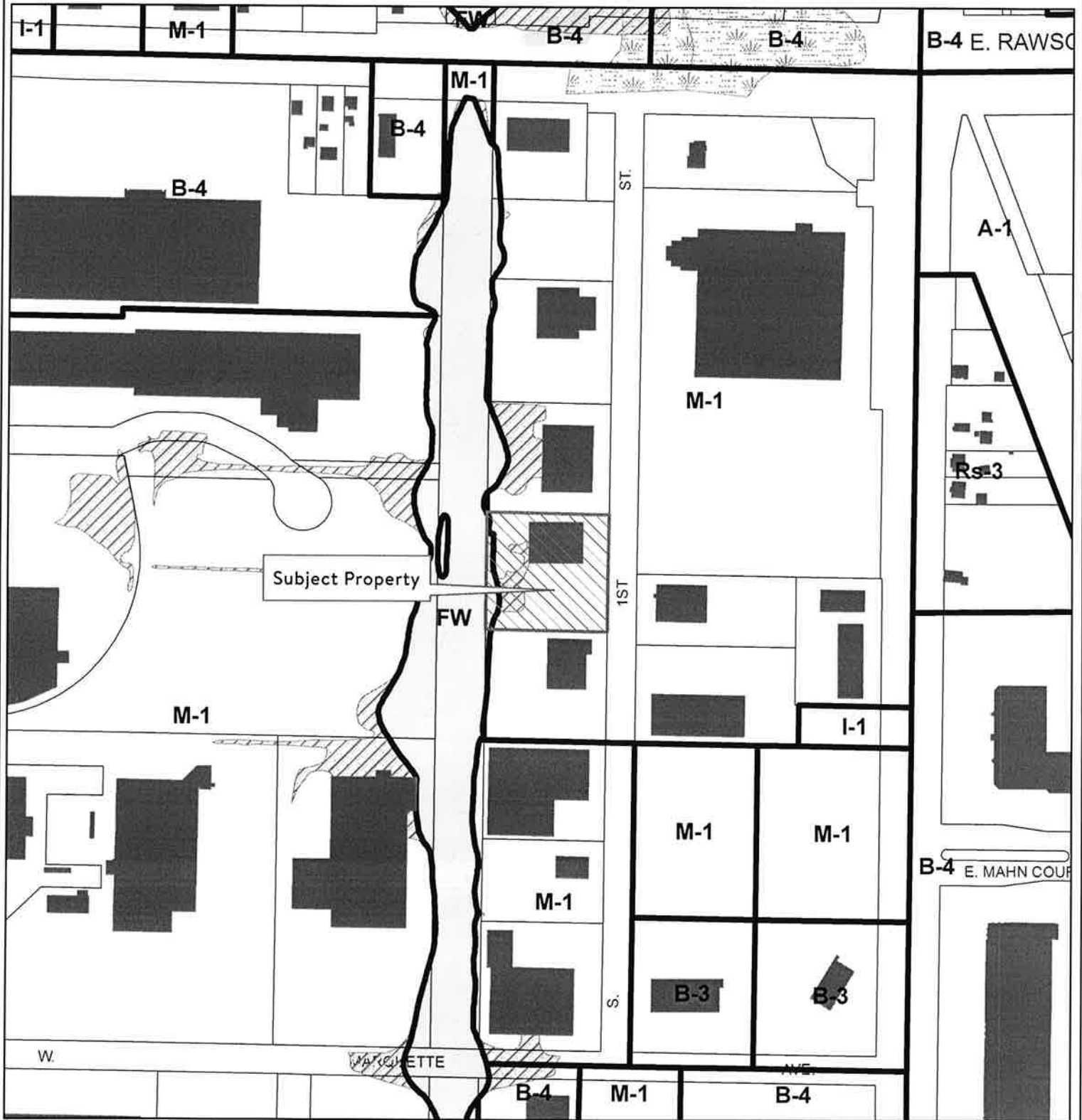
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

7265 S. 1st St.



OAKCREEK
— WISCONSIN —

Department of Community Development



Legend

- 7265 S. 1st St.
- Existing Street Pattern
- Flooding
- Wetland
- Floodway
- Flood Fringe (FF)
- Shoreland Wetland Conservancy (S-1)
- Lakeshore Overlay District (LOD)
- Mixed Use Neighborhood Overlay (MNO)
- Mixed Use Office Overlay (MCO)
- Regional Retail Overlay District (RR)

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

Applicant: John Schlueter, Weasler Number 1, LLC. Approved by Plan Commission: 4/8/2014
Property Address: 7265 S. 1st St. Approved by Common Council: 5/6/2014
Tax Key Number: 765-9054-001 (Ord. #2718)
Conditional Use: Indoor Commercial Recreation Facility

1. LEGAL DESCRIPTION

Lot 2 of Certified Survey Map No. 7840, recorded on November 15, 2006, as Document No. 09340122, being a redivision of Parcel 1 of Certified Survey Map No. 3251 and Parcels 1 and 2 of Certified Survey Map No. 3690, being a part of the Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

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
- 2) **Landscape Plan**
 - a) screening plan for outdoor storage
 - b) number, initial size and type of plantings
 - c) parking lot screening/berming
- 3) **Building Plan**
 - a) architectural elevations
 - b) building floor plans
 - c) materials of construction
- 4) **Lighting Plan**
 - a) types of fixtures
 - b) mounting heights
 - c) type of poles
 - d) photometrics of proposed fixtures
- 5) **Grading, Drainage and Stormwater Management Plan**
 - a) contours (existing and proposed)
 - b) location of storm sewer (existing and proposed)
 - c) location of stormwater management 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

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

C. For any new buildings or structures and additions, site grading and drainage, stormwater

management and erosion control plans shall be submitted to the City Engineer for approval, if required. The City Engineer's approval must be received prior to the issuance of any building permits.

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

3. PARKING AND ACCESS

- A. Parking requirements for this project shall be provided in accordance with Section 17.0403 of the Municipal Code.
- B. Where 90° parking is indicated on the site plans, individual-parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 6 of the Oak Creek Municipal Code. Any off-site improvements shall be the responsibility of the property owner.
- G. 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, and landscaping plans approved by the City of Oak Creek Plan Commission August 22, 2006.
- 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.

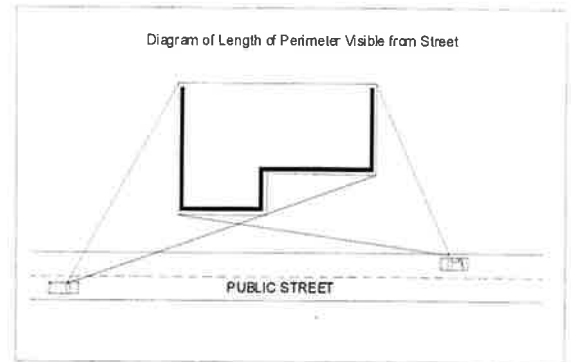
- 4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- C. Interior Landscape Area. All public off-street parking lots which serve five (5) vehicles or more shall be provided with 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 Roof Mounted Mechanical Equipment - Roof mounted mechanical equipment shall be screened from casual view.
- I. Retaining Walls. No retaining wall shall exceed four (4) feet in height unless it has been designed and its construction supervised by a Professional Engineer. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than four (4) feet in height and shall be set back a minimum of three (3) feet from the previous step. Acceptable materials for retaining walls are: segmental masonry type, timber, railroad ties, or concrete
- J. Berms. Side slopes of berms shall not exceed a gradient of 1-ft. vertical to 3-ft. horizontal unless approved by the City Engineer.
- K. Buffer Yards. Appropriate buffers shall be provided between dissimilar uses as set forth in Section 17.0205 (d) of the Municipal Code, and in accordance with the plans approved by the Plan Commission on May 23, 2000 and September 24, 2013.
- L. Submittal Requirements. A Landscape Plan (to scale) must be submitted which includes details of all proposed landscaping, buffering and screening, including the estimated cost of the landscaping. These plans shall be prepared by a landscape professional and show the location and dimensions of all existing and proposed structures, parking, drives, right-of-ways and any other permanent features, and all other information required by the Plan Commission, including but not limited to the following:
 - 1. A plant list and coverage chart showing the location, quantity, size (at time of planting and at maturity), spacing and the scientific and common names of all landscape materials used.
 - 2. The location and type of existing trees over four (4) inches in diameter (measured six (6) inches above the ground) within the area to be developed.
 - 3. The location and percent of slope of all proposed berms using one (1) foot contours.
 - 4. Detailed sections showing elevations of all proposed architectural features, such as walls, lighting or water features.
 - 5. Methods used in staking, mulching, wrapping or any other early tree care used.
 - 6. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

6. ARCHITECTURAL STANDARDS

- A. The site and building containing this conditional use shall be constructed and maintained in accordance with the site, building, landscaping and lighting plans dated August 9, 2006 and approved by the City of Oak Creek Plan Commission on August 22, 2006. Any changes to these plans shall be submitted to the Plan Commission for their review and approval.
- 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 (CMUs). 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	40'	20'	20'
Accessory Structure*	40'	20'	20'
Off-street Parking	40'	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.

9. SIGNS

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

10. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing (PUD) zoning district.
- B. One (1) indoor commercial recreation facility (no outdoor storage).
- 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)

DRAFT

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 14

Recommendation: Approve Ordinance 2720 creating Human Resources Manager position.

Background: At its November 19, 2013 meeting, the Common Council authorized the City Administrator advertise and seek candidates for filling a Human Resources Manager position. Attached is ordinance 2720 which creates the position. By separate action tonight, the Council will be asked to establish the pay for the position and be introduced to the candidate for the position.

Fiscal Impact: None by this action.

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

ORDINANCE NO. 2720

BY: _____

AN ORDINANCE TO CREATE SEC. 2.46(a)(2)c. REGARDING
THE HUMAN RESOURCES MANAGER

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

SECTION 1: Section 2.46(a)(2)c. is hereby created to read as follows:

SEC. 2.46 NON-UNION EMPLOYEES BELOW DEPARTMENT MANAGER STATUS

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

(2) City Administrator. The following positions shall be filled by the City Administrator from and eligible list supplied by the Civil Service Commission:

c. Human Resources Manager

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 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.

ATTEST:

Mayor

City Clerk

VOTE: Ayes ____ Noes ____



OakCreek

OFFICE OF THE
CITY ATTORNEY

Lawrence J. Haskin,
City Attorney

Melissa L. Karls,
Assistant City Attorney

MEMORANDUM

TO: Mayor Stephen Scaffidi
Common Council Members

FROM: Lawrence J. Haskin, City Attorney

DATE: April 29, 2014

RE: **Ex Officio Members of Committees
(CAO # 685)**

A question has been raised regarding the status of ex officio members of the Finance Committee. This question has caused us to review the status of ex officio members of other committees within the City. The question that has been raised is whether an ex officio member of a committee has the right to vote.

The following committees have ex officio members and include the following language:

- 2.23(a)(4) Small Claims Committee: The Small Claims Committee shall consist of the Mayor, the City Clerk, an Aldermanic representative appointed by the Mayor for a one year term. In addition, the City Administrator shall be an ex-officio member of the Small Claims Committee and shall not be entitled to vote on matters before the Committee.
- 2.23(a)(5) Finance Committee: The Finance Committee shall consist of (3) three aldermen appointed annually by the Common Council president, one citizen representative appointed annually by the Mayor and the Finance Director. The term of the Citizen Representative shall be for one (1) year commencing on May 1st. The Mayor, City Administrator, City Clerk and City Treasurer shall be ex officio members of the Committee.
- 2.63(a) Plan Commission: The City Plan Commission shall consist of the Mayor, who shall be its presiding officer, the City Engineer/Public Works Director or his/her designee, two (2) Aldermen who shall be chosen by the Common Council President at the second meeting in April of each year, five (5) citizens of recognized experience and qualifications. In addition, the Building Commissioner or his/her designee and a representative of the Planning Department shall be ex-officio members of the Plan Commission, and shall not be entitled to vote on matters before the Plan Commission.
- 2.67(b) Water & Sewer Utility Commission: The Water & Sewer Utility Commission shall consist of five Commissioners. One member of the Commission shall be a member of the Common Council who shall be

appointed for a one year term. The remaining members of the Commission shall be appointed for a five-year term. The terms shall be staggered so that, except for the aldermanic representative, no more than one Commissioner's term shall expire each year. The Mayor shall be an ex-officio member of the Commission without the authority to vote.

- 2.78(b) Community Development Authority: The Mayor, City Attorney, City Administrator, and Director of Community Development shall serve as ex-officio members.

As you can see there is inconsistency in the language of the ordinances as to whether ex officio members explicitly have the right to vote by virtue of the language in the ordinance. The Small Claims Committee, Plan Commission and Water & Sewer Utility Commission explicitly indicate that the ex officio members do not have the right to vote. The ordinances for the Finance Committee and CDA do not contain such restriction.

The issue is whether in the absence of language that indicates that the ex officio members do not have the right to vote whether, in fact, the ex officio members do have the right to vote. Black's Law Dictionary (5th ed.) defines ex officio as "from office; by virtue of the office; without any other warrant or appointment than that resulting from the holding of a particular office". This means an ex officio member of a governmental body holds his or her membership by virtue of holding some other office. According to Robert's Rules of Order Newly Revised (10th ed.) pages 466 and 480, there generally is no distinction between the rights and powers of an ex officio member of a committee and a "regular" member of the committee. The distinction between the two is their path to membership on the committee, not their authority. The phrase "ex officio" is commonly misunderstood to mean non-voting.

The actual practice has been that the ex officio members of the Finance Committee and the CDA have been treated as non-voting members of both committees. If the Common Council wishes to codify this practice, it would need to clarify that the ex officio members of both the Finance Committee and the CDA are non-voting members. Alternatively, if the Common Council decides that the ex officio members of both these committees should be voting members, then the practice of both committees should be altered to allow the ex officio members to vote.

cc: Gerald Peterson, City Administrator
Catherine Roeske, City Clerk
Douglas Seymour, Director of Community Development
Bridget Souffrant, Finance Director
Barbara Guckenberger, City Treasurer
Michael Sullivan, Utility Director

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 16

Recommendation: That the Common Council adopt Ordinance 2721 repealing and recreating section 2.78(B) relating to the Community Development Authority (CDA).

Background: Questions have been raised regarding the status of ex-officio members on the City's Committees. City Attorney, Larry Haskin has issued an opinion to serve as information for your decision making. All City Committees with the exception of the CDA and the Finance Committee specifically state that ex-officio members do not vote. The ex-officio members on the CDA and the Finance Committee do not actually vote during the Committee meetings, thus to have consistency in the municipal code it is being recommended that the ordinances for these two Committees be updated and be on the same basis as the other Committees in specifically stating that the ex-officio members are not entitled to vote.


The attached ordinance would add the language to ex-officio members of "shall not be entitled to vote on matters before the Committee for the Community Development Authority (CDA)".

Fiscal Impact: There would be no direct fiscal impact as a result of this action.

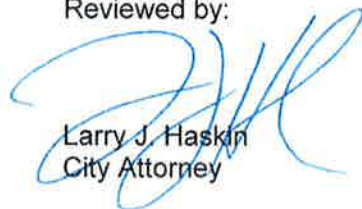
Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

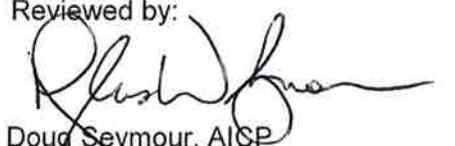
Prepared and Submitted by:


Gerald R. Peterson, ICMA-CM
City Administrator

Reviewed by:


Larry J. Haskin
City Attorney

Reviewed by:


Doug Seymour, AICP
Director of Community Development

ORDINANCE NO. 2721

AN ORDINANCE REPEALING AND RECREATING SECTION 2.78(B) OF THE MUNICIPAL CODE RELATING TO THE COMPOSITION OF THE COMMUNITY DEVELOPMENT AUTHORITY (CDA)

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

SECTION 1: Section 2.78(b) of the Municipal Code is hereby repealed and recreated to read as follows:

- (b) **Ex-Officio Members.** The Mayor, City Attorney, City Administrator, and Director of Community Development shall serve as ex-officio members and shall not be entitled to vote on matters before the Committee.

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 from and after its passage and publication.

Introduced this 6th day of May, 2014.

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 Common Council Report

Meeting Date: May 6, 2014

Item No.: 17

Recommendation: That the Common Council adopt Ordinance 2722 repealing and recreating section 2.23(a)(5) relating to the Finance Committee.

Background: Mayor Scaffidi and the Finance Director/Comptroller have been discussing the structure of the Finance Committee in light of the resignation of the citizen representative, who was also the Finance Committee Chair and are recommending some minor changes.

The attached ordinance would add an alternate citizen representative to the Committee that could vote when the citizen representative is absent. The Finance Committee chair would be designated by the Common Council President. The ordinance would also create consistency in the role of ex-officio members across all City Committees, in that they are non-voting members.

Fiscal Impact: There would be no direct fiscal impact as a result of this action, however it will allow the Committee to continue moving forward updating policies and giving financial recommendations to the Common Council.

Fiscal Review by:



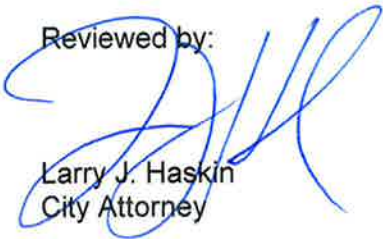
Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

Reviewed by:



Larry J. Haskin
City Attorney

ORDINANCE NO. 2722

BY: _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 2.23(a)(5)
OF THE OAK CREEK MUNICIPAL CODE REGARDING
THE FINANCE COMMITTEE

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

SECTION 1: Section 2.23(a)(5) of the Municipal Code is hereby created to read as follows:

SEC. 2.23 STANDING COMMITTEES

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

(5) Finance Committee.

The Finance Committee shall consist of (3) three aldermen appointed annually by the Common Council president, and one citizen representative (and one alternate to vote when the citizen representative is not in attendance) appointed annually by the Mayor, and the Finance Director/Comptroller. The term of the Citizen Representative shall be for one (1) year commencing on May 1st. The Mayor, City Administrator, City Clerk and City Treasurer shall be ex officio members of the Committee and shall not be entitled to vote on matters before the Committee. The Finance Committee shall perform such duties as assigned by the Council, including making recommendations to the Council on policy revisions, tax incremental financing, capital funding of vehicles, equipment and buildings, investments, revenue analysis, cash flow analysis and other financial related issues.

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

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

Introduced this ____ day of _____, 2014.

Passed and adopted this ____ day of _____, 2014.

Approved this ____ day of _____, 2014.

President, Common Council

Mayor

ATTEST:

VOTE: Ayes _____ Noes _____

City Clerk

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

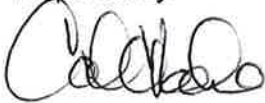
Item No.: 19

Recommendation: The City of Oak Creek shows support of healthy eating initiatives in our community.

Background: The week of June 1 through June 7, 2014 the City of Oak Creek and the City of Franklin will participate in "Eat Better, Eat Together": Franklin and Oak Creek's Dine-Out Week. The South Suburban Chamber's Health and Wellness Council is planning a new restaurant promotion to help promote healthy eating in the communities. This will allow area restaurants an opportunity to showcase their healthy menu options in addition to helping support healthy eating in our communities.

Fiscal Impact: The City would pledge \$500.00 in support of this promotion.

Prepared by:



Catherine A. Roeske
City Clerk

Fiscal Review by:



Bridget M. Seuffrant, CMTW
Finance Director/Comptroller

Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

“ Eat Better, Eat Together”: Franklin and Oak Creek’s Dine-Out Week

The South Suburban Chamber’s Health and Wellness Council is planning a new restaurant promotion to help promote healthy eating in the communities of Franklin and Oak Creek. This will give area restaurants an opportunity to showcase their healthy menu options in addition to helping to support healthy eating in our communities.

Duration: One Week. June 1-June 7, 2014.

Menu Price: We are requesting all participating restaurants offer their meals at 10-15% below their normal pricing to help incentivize customers to try these meals during the week.

Cost per Participating Restaurant: Free to chamber members. \$25 to non-chamber members.

Number of Menu Options: 1-3 options for either an appetizer, entrée or dessert. This can include breakfast, lunch or dinner options.

Marketing: Posters and flyers will be printed. Include in Chamber and local business emails and websites, city newsletters and local newspapers. Other options to be considered.

Healthy Options: Must meet *some* of the criteria below as outlined by the American Heart Association. We are asking each restaurant to list details on why the selection meets the standards of being a healthy option, as outlined below.

Calories: 700 calories or less per the entire meal

Total Fat: 3 grams or less total fat per 100 grams, and 30 percent or less calories from total fat in the meal, and 26 grams or less total fat per the entire meal.

Saturated Fat: 1 gram or less saturated fat per 100 grams, and less than 10 percent calories from saturated fat in the meal, and 5 grams or less saturated fat per the entire meal.

Cholesterol: 20 milligrams or less cholesterol per 100 grams, and 105 milligrams or less cholesterol per the entire meal.

Trans Fat: Less than 0.5 grams trans fat per the entire meal.

Sodium: 800 milligrams or less sodium per the entire meal.

Beneficial Nutrient: 10 percent or more of the Daily Value of one of the following nutrients per the entire meal: vitamin A, vitamin C, calcium, iron, dietary fiber or protein.

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 21

Recommendation: That the Common Council approves payment of the obligations as listed on the April 30, 2014 Vendor Summary Report.

Background: Of note are the following payments:

1. \$397,575.00 to Bray Associates Architects Inc. (pg #3) for March/April city hall, library and fire station architectural services.
2. \$32,456.58 to Deere & Company (pg #4) for side discharge mower and rear discharge mower.
3. \$8,549.52 to Doormaster Garage Door Co, LLC (pg #5) for removal and installation of new southwest door fire station #2.
4. \$173,726.50 to Dueco, Inc. (pg #5) for new bucket truck less trade in.
5. \$25,987.76 to Engberg Anderson, Inc. (pg #6) for February & March Oak Creek Civic Center FF & E.
6. \$22,212.09 to Godfrey & Kahn S.C. (pg #7) for February legal services Lakeview Project and Drexel Town Square Projects.
7. \$7,249.60 to Hein Electric Supply Company (pg #8) for storm damage replacement part and building maintenance.
8. \$28,061.37 to Hiller Ford, Inc. (pg #8) for police department new Ford Explorer.
9. \$34,850.00 to John's Disposal Service, Inc. (pg #9) for April disposal service.
10. \$6,382.50 to Kapur & Associates Inc. (pg #9) for Drexel Town Square fire station, city hall, & library permitting services.
11. \$89,835.59 to Micjensar Development, LLC (pg #10) for release of developer escrow, Shepard Orchard.
12. \$10,424.28 to Milwaukee County Treasurer (pg #11) for February/March court fines.
13. \$9,979.51 to National Insurance Company (pgs #11-12) for disability insurance.
14. \$20,233.47 to Reinders, Inc. (pg #14) for an infield groomer.
15. \$7,596.24 to Russell Metals (pg #15) for Nicholson Bridge steel plates.
16. \$7,500.00 to Strand Associates, Inc. (pg #16) for South 5 Avenue relocation services.
17. \$5,125.80 to Temple Display, Ltd (pg #16) for Christmas boulevard decorations.
18. \$6,816.00 to 3M Company (pg #16) for 8 staff conversion stations related to RFID tagging.
19. \$5,405.35 to Voorhees Associates, LLC (pg #18) for street division superintendent recruitment services.
20. \$14,595.00 to Wheaton Franciscan Medical Grp (pg #18) for March clinic services.
21. \$29,767.90 to WI Court Fines & Surcharges (pg #19) for February/March court fines.
22. \$80,812.93 to WE Energies (pgs #19-20) for street lighting and gas/electric utilities.
23. \$9,200.00 to WI Dept of Agriculture, Trade (pg #20) for weights & measure inspection service.
24. \$27,898.94 to World Fuel Services, Inc. (pg #20) for fuel inventory.

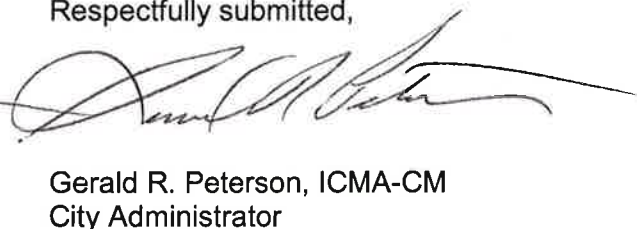
Fiscal Impact: Total claims paid of \$1,146,894.64

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: May 6, 2014

Item No.: 22

Recommendation: That the Common Council award the 2014 Emerald Ash Borer (EAB) TREE-age (emamectin benzoate) treatment project to M&M Tree Service in the approximate amount of \$5,511.50.

Background:

Since 2007, City Forestry has been working to reduce the number of street, park and rural right-of-way ash trees through removal and replacement. Treatments have made it possible to stay ahead of the cost and chaos of failing, dying trees that other communities with less time to prepare have experienced.

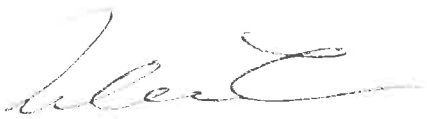
It is important that we rebound from ash removals with a tree canopy for obvious environmental reasons but also for home value retention. It is our strategy now to leave some large remaining ash along streets that have experienced 50 to 75 percent removals, for a few years, to give new trees a chance to establish before final removals. Meanwhile we continue to glean out ash trees in poor condition.

Emamectin Benzoate (TREE-age) treatments will keep 114 trees (1935 inches) EAB-free for two (plus) years. We propose to purchase the chemical directly at 10 Liters for approximately \$4,940 (for a savings of \$19 per liter municipal discount and to avoid mark-up).

2013 Emerald Ash Borer Treatment Quotes	Project Total
Buckley Tree Service, New Berlin	\$13,545.00
The Davey Tree Expert Company, New Berlin	\$7,740.00
First Choice Tree Care, Mequon	\$6,366.15
Green-tech Tree Care, West Allis	\$9,675.00
M&M Tree Service, Milwaukee, WI	\$5,611.50

FISCAL IMPACT: The 2013/2014 combined CIP Forestry funds total \$91,303.57 to which approximately \$16,000 was allocated to Contractor tree treatments.

Prepared by:



Rebecca Lane,
City Forester

Respectfully submitted,



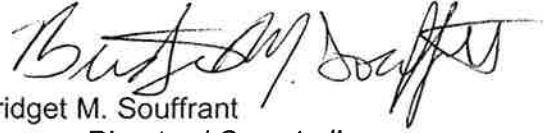
Gerald Peterson
City Administrator

Approved by:



Dave Laehn
Acting Streets, Parks & Forestry
Superintendent

Fiscal Review by:



Bridget M. Souffrant
Finance Director / Comptroller

City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 23

Recommendation: That the Council adopts Resolution No. 11484-050614 approving a certified survey map for the properties at 9750 and 9770 S. 20th St. with the condition that all technical corrections are made prior to recording.

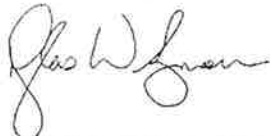
Background: Black Bear Bottling Group is requesting approval of a Certified Survey Map combining the two properties at 9750 and 9770 S. 20th St. Black Bear is currently in the process of acquiring the property at 9750 S. 20th St., which is owned by the City of Oak Creek (Water Utility). As the property is no longer used or needed for the Water Utility, they have indicated their intention to sell and are considered co-applicants for this request.

This CSM is required in anticipation of relocating the approved parking for the Black Bear facility. The Water Utility has indicated that there is an existing hydrant that will need to be removed or relocated. Staff recommends that Black Bear representatives coordinate with the Water Utility and the Fire Department with regard to onsite hydrants.

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: A positive fiscal impact resulting from this CSM is that a formerly tax-exempt lot at 9750 S. 20th St. will be combined with the manufacturing facility property at 9770 S. 20th St. This facility was recently approved for expansion, which also results in a positive fiscal impact for the City.

Prepared by:



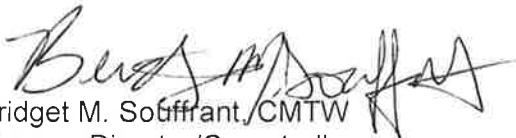
Doug Seymour, AICP
Director of Community Development

Respectfully submitted,



Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11484-050614

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP
FOR PETER CARUSO, BLACK BEAR BOTTLING GROUP AND THE CITY OF OAK
CREEK

9750 S. 20th St. and 9770 S. 20th St.
(6th Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by PETER CARUSO, BLACK BEAR BOTTLING GROUP and the CITY OF OAK CREEK, hereinafter referred to as the subdividers, is in compliance with all statutory requirements; and

WHEREAS, the subdividers have 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 6th Day of May, 2014.

Passed and adopted this ___ Day of _____, 2014.

President, Common Council

Approved this ___ Day of _____, 2014.

Mayor

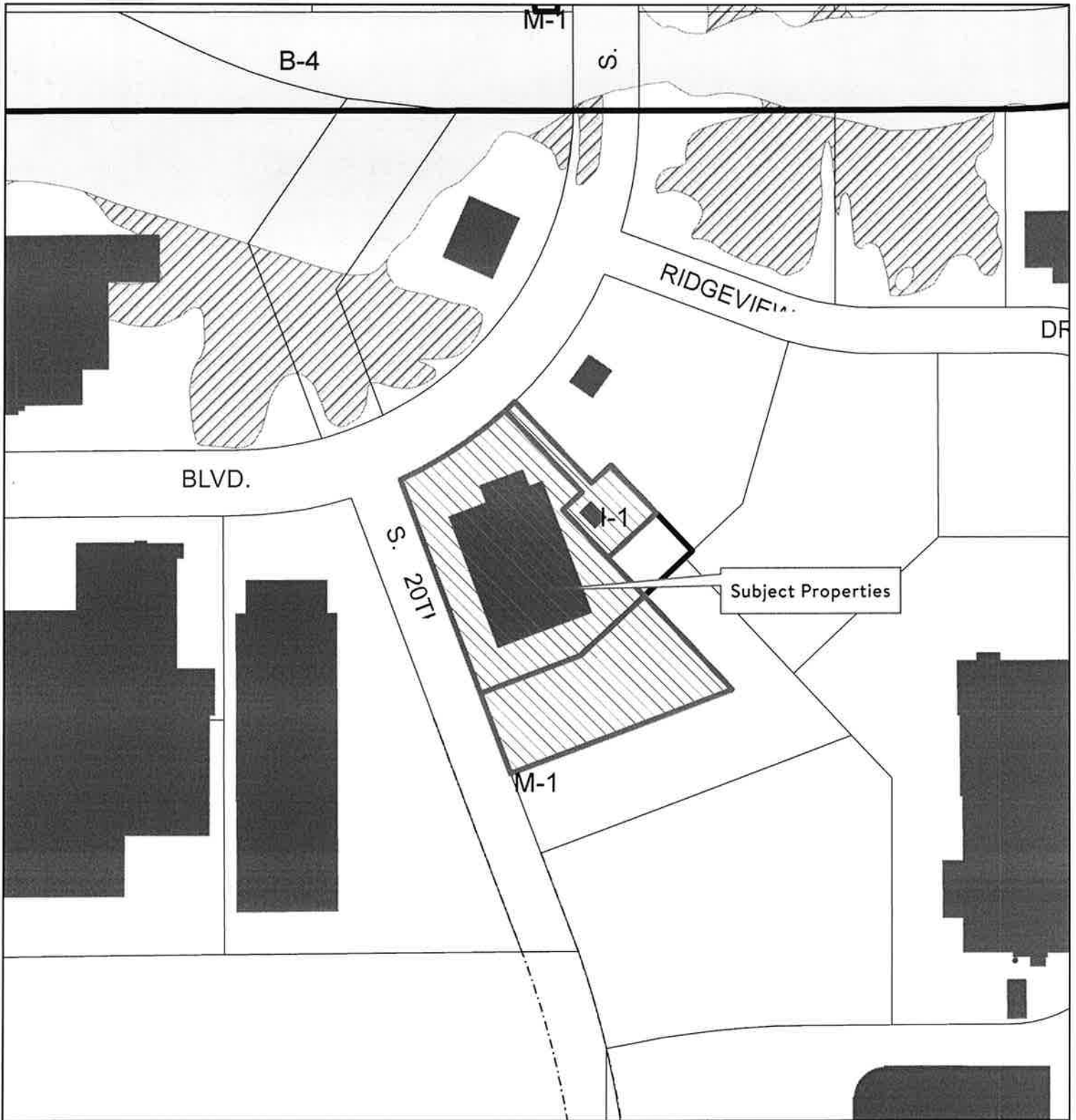
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

9750 & 9770 S. 20th St.




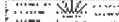



OAKCREEK
— WISCONSIN —

Department of Community Development

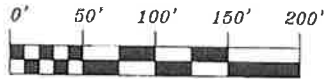


Legend

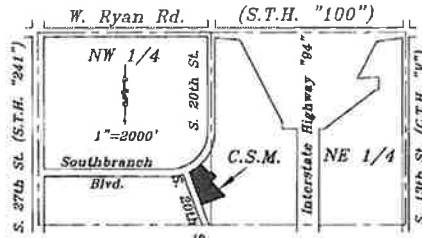
-  9750 & 9770 S. 20th St.
-  Existing Street Pattern
-  Floodfringe
-  Wetland
-  Floodway

CERTIFIED SURVEY MAP NO. _____

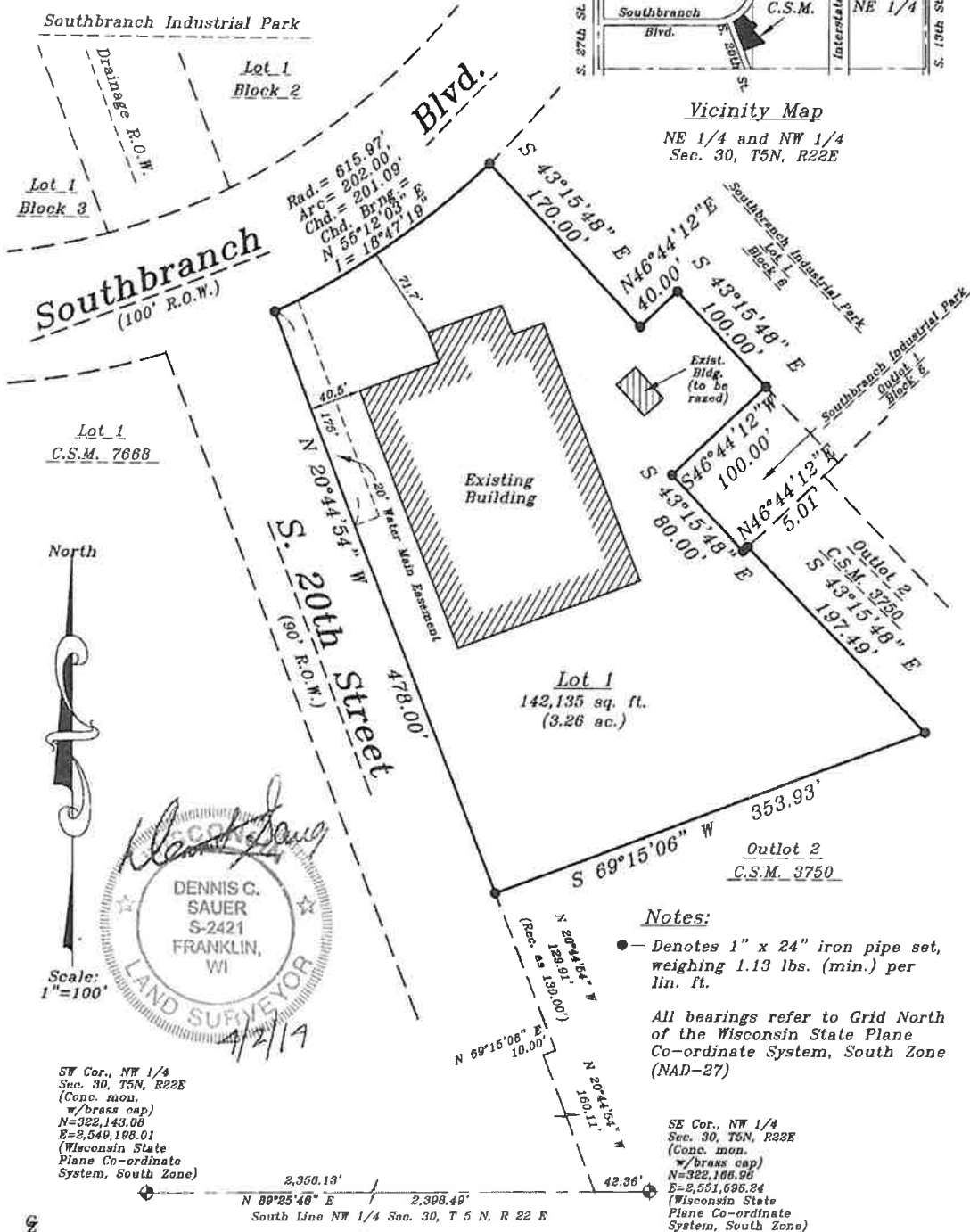
Being all of Lot 1 of C.S.M. No. 623 and all of Lot 1 of C.S.M. No. 8582, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



Graphic Scale:
1"=100'



Vicinity Map
NE 1/4 and NW 1/4
Sec. 30, T5N, R22E



DENNIS C. SAUER
S-2421
FRANKLIN, WI
LAND SURVEYOR
4/2/19

Scale:
1"=100'

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 of C.S.M. No. 623, all of Lot 1 of C.S.M. No. 8582, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 30, 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 all of Lot 1 of C.S.M. No. 623, all of Lot 1 of C.S.M. No. 8582, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

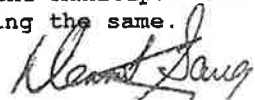
Bounded and described as follows: Commencing at the Southwest corner of the Northwest 1/4 of said Section 30; thence N 89°25'48" E along the South line of said Northwest 1/4, 2,356.13 feet to a point; thence N 20°44'54" W, 160.11 feet to a point; thence N 69°15'06" E, 10.00 feet to a point; thence N 20°44'54" W, 129.91 feet to the place of beginning of the lands to be described; thence continuing N 20°44'54" W, 478.00 feet to a point; thence Northeasterly 202.00 feet along the arc of a curve whose center is to the North, whose radius is 615.97 feet, and whose chord bears N 55°12'03" E, 201.09 feet to a point; thence S 43°15'48" E, 170.00 feet to a point; thence N 46°44'12" E, 40.00 feet to a point; thence S 43°15'48" E, 100.00 feet to a point; thence S 46°44'12" W, 100.00 feet to a point; thence S 43°15'48" E, 80.00 feet to a point; thence N 46°44'12" E, 5.01 feet to a point; thence S 43°15'48" E, 197.49 feet to a point; thence S 69°15'06" W, 353.93 feet to the place of beginning. Said lands containing 142,135 square feet (3.26 Acres).

That I have made such survey, land division and map by the direction of Triwire, LLC, and the City of Oak Creek, 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.

APRIL 2, 2014
Date
REV APRIL 7, 2014


Dennis C. Sauer
Registered Land Surveyor S-2421



PREPARED FOR:
Triwire, LLC
2025 W. Southbranch Blvd.
Oak Creek, WI 53154

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

CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 of C.S.M. No. 623, all of Lot 1 of C.S.M. No. 8582, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

We, Triwire, LLC, as owner, 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__.

Peter Caruso, Managing Member

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, Peter Caruso, Managing Member, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____

OWNER'S CERTIFICATE OF DEDICATION

City of Oak Creek, as owner, 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__.

(Name), _____ (Title)

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

PERSONALLY came before me this _____ day of _____, 20__, _____ (Name) _____ (title), to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public-State of Wisconsin
My Commission Expires: _____



CERTIFIED SURVEY MAP NO. _____

Being all of Lot 1 of C.S.M. No. 623, all of Lot 1 of C.S.M. No. 8582, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Southeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

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

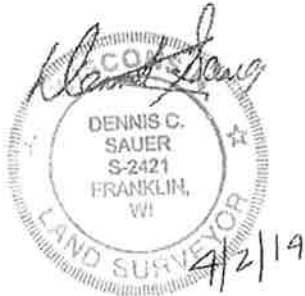
Douglas W. Seymour, Secretary
City of Oak Creek

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

City of Oak Creek Common Council Report

Meeting Date: 5/6/14

Item No.: 24

Recommendation: That the Common Council adopt Resolution No. 11486-050614, a Resolution Approving the First Amendment to the Declaration of Restriction for Parcel 1 of Certified Survey Map 6868

Background: Centennial Park Commerce Center, LLC ("Centennial") developed the Centennial Apartments west of the proposed new Fire Station No. 1. As part of the approval of the Centennial Apartments, Centennial conveyed Parcel 1 of Certified Map ("CSM") 6868 to the City. A Declaration of Restriction for Parcel 1 dated November 30, 2010 was executed and recorded with the Milwaukee County Register of Deeds Office.

The Declaration provides that an area which was 150 feet parallel with and perpendicular to the adjoining property line of Parcel 2 of Certified Survey Map 6868 which is owned by Centennial was required to be maintained in its natural state with no destruction of any natural condition except for maintenance of existing water courses, removal of dead or diseased trees or undergrowth, and removal of noxious or dangerous plants.

As part of the construction of the new Fire Station No. 1, it was determined that a relatively small portion of this restricted area needs to be cleared of trees to accommodate the new building. Centennial graciously agreed to lift the deed restriction over the area identified on the exhibits attached to the First Amendment to the Declaration of Restriction to allow for the construction of the fire station. By adoption of this Resolution the Common Council will authorize the Mayor and City Clerk to approve execution of this First Amendment.

Fiscal Impact: None.

Prepared by:



Lawrence J. Haskin
City Attorney

Respectfully submitted,



Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11486-050614

RESOLUTION APPROVING THE FIRST AMENDMENT TO THE DECLARATION
OF RESTRICTION FOR PARCEL 1 OF CERTIFIED SURVEY MAP 6868
(Centennial Park Commerce Center, LLC)
(3rd Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the First Amendment to the Declaration of Restriction for Parcel 1 of Certified Survey Map 6868 executed by Centennial Park Commerce Center, LLC, Mark J. Wimmer, Member, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign the First Amendment to the Declaration of Restriction in behalf of the City of Oak Creek.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 6th day of May, 2014.

Passed and adopted this 6th day of May, 2014.

President, Common Council

Approved this 6th day of May, 2014.

Mayor Stephen Scaffidi

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

**FIRST AMENDMENT TO THE
DECLARATION OF RESTRICTION FOR
PARCEL 1 OF CERTIFIED SURVEY MAP 6868**

WHEREAS, Centennial Park Commerce Center, LLC (the “Declarant”) executed the Declaration of Restriction for Parcel 1 of Certified Survey Map 6868, dated November 30, 2010 which was recorded with the Milwaukee County Register of Deeds on December 16, 2010 as Document No. 09950356; and,

WHEREAS, Declarant transferred title to Parcel 1 of Certified Survey Map 6868 to the City of Oak Creek (the “City”); and,

WHEREAS, Article III of the Declaration provides that the area identified on Exhibit B attached to the Declaration which was 150 feet measured parallel with and perpendicular to the adjoining property line of Parcel 2 of Certified Survey Map 6868, as further described in the Declaration, was required to be maintained in its natural state and no destruction of the natural condition would be allowed, except for the following activities: maintenance of existing water courses, removal of dead or diseased trees or undergrowth, and the removal of noxious or dangerous plants. No building, play equipment, animal enclosures, fences, accessory structures, access roadway, surface parking, or other improvements of any kind were allowed to be placed, erected, or permitted to remain thereon. In addition, no snowmobiles, all-terrain motor vehicles, bicycles, or any other propelled or self-propelled equipment were permitted; and,

WHEREAS, Declarant and City wish to amend the Declaration to allow the City to clear trees, grade and replant vegetation in accordance with the attached Site Grading Plan (“SGP”) and Site Landscaping Plan (“SLP”) dated January 24, 2014; and,

WHEREAS, Article IV of the Declaration, Section 4.2 provides that the Declaration may be amended at any time and in any respect by the recording of an instrument executed by the Owner of Parcel 2 of Certified Survey Map 6868.

NOW THEREFORE, Declarant as owner of Parcel 2 of Certified Survey Map 6868, with the approval and consent of the City, hereby amends the Declaration to provide as follows:

ARTICLE III, SECTION 3.1 of the Declaration shall read as follows: Except for that area identified on the SGP and SLP where vegetation may be removed and disposed of offsite by the City if unsuitable for reuse and except for that area identified on the SGP and SLP where the City may clear and grub vegetation and remove roots and stumps, Parcel 1 of Certified Survey

Map 6868 shall be subject to a Restriction on that area identified on Exhibit B further described as:

SITUATED ON EAST CENTENNIAL DRIVE IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN.

PART OF PARCEL 1, CERTIFIED SURVEY MAP NO. 6868, BEING PART OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 21, TOWN 5 NORTH, RANGE 22 EAST, IN THE CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS; BEGINNING AT THE MOST NORTHEAST CORNER OF SAID PARCEL 1, SAID POINT LYING ON THE SOUTH LINE OF EAST CENTENNIAL DRIVE; THENCE SOUTH 31°19'10" WEST ALONG THE WEST LINE OF PARCEL 2 A DISTANCE OF 58.71 FEET TO A POINT; THENCE SOUTH 60°29'01" WEST ALONG SAID WEST LINE 306.71 FEET TO A POINT; THENCE SOUTH 00°31'29" EAST ALONG SAID WEST LINE 373.38 FEET TO A POINT; THENCE SOUTH 80°28'31" WEST ALONG THE SOUTH LINE OF SAID CERTIFIED SURVEY MAP NO. 6868 A DISTANCE OF 150.00 FEET TO A POINT; THENCE NORTH 00°31'29" WEST 461.75 FEET TO A POINT; THENCE NORTH 60°29'01" EAST 335.92 FEET TO THE SOUTH LINE OF EAST CENTENNIAL DRIVE; THENCE SOUTHEASTERLY 135.99 FEET ALONG SAID SOUTH LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 375.65 FEET AND WHOSE CHORD BEARS SOUTH 73°38'59" EAST 135.25 FEET TO A POINT; THENCE SOUTH 63°16'44" EAST ALONG SAID SOUTH LINE 29.25 FEET TO THE POINT OF BEGINNING.

Such area shall be maintained in its natural state and no destruction of this condition shall be allowed, except for the following activities: maintenance of existing water courses, removal of dead or diseased trees or undergrowth, and the removal of noxious or dangerous plants; no building, play equipment, animal enclosures, fences, accessory structures, access roadway, surface parking, or other improvements of any kind shall be placed, erected, or permitted to remain thereon; no snowmobiles, all-terrain motor vehicles, bicycles, or any other propelled or self-propelled equipment shall be permitted therein; provided that the City as the Owner of Parcel 2 of Certified Survey Map 6868 may remove and grub existing deciduous trees and underbrush, replant the area with evergreens and regrade the area consistent the attached SGP and SLP.

Except as herein amended the Declaration shall remain in full force and effect.

Dated at Hales Corners, Wisconsin the date and year first above written.

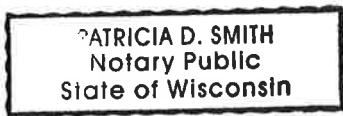
Centennial Park Commerce Center, LLC

By: 

Mark J. Wimmer, Member

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

Personally came before me, this 24 day of April, 2018, the above-named Mark J. Wimmer who acknowledged himself to be a Member of Centennial Park Commerce Center, LLC, and to me known to be the person who executed the foregoing instrument as such office of such corporation, by its authority, and acknowledged the same.



By: Patricia Smith
Notary Public, State of Wisconsin
My Commission Expires: 1-15-2018

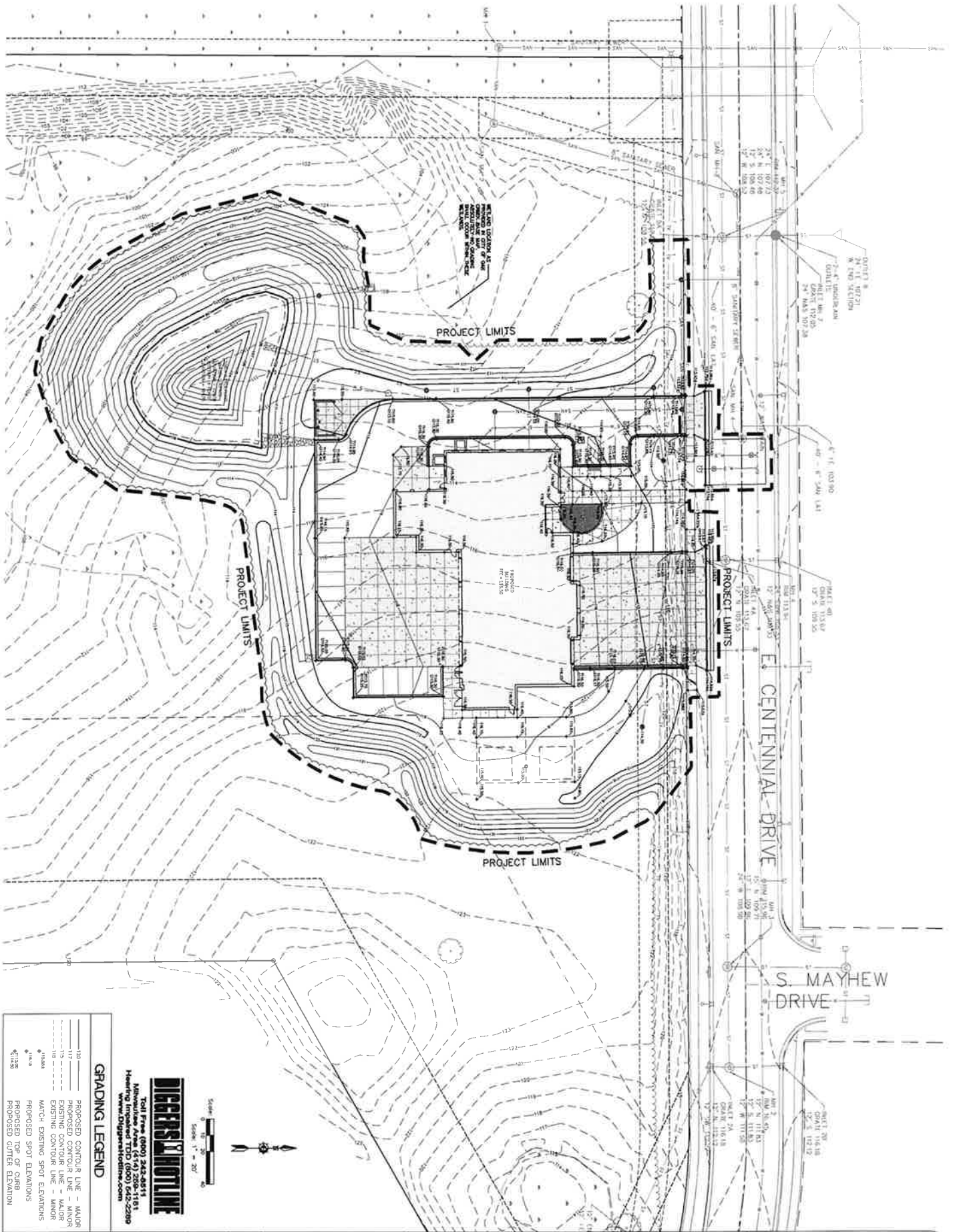
Approved by the City of Oak Creek:

By: _____
Stephen Scaffidi, Mayor

By: _____
Catherine A. Roeske, City Clerk

THIS INSTRUMENT WAS DRAFTED BY LAWRENCE J. HASKIN.

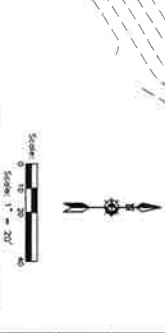
SITE GRADING PLAN



GRADING LEGEND

120	PROPOSED CONTOUR LINE - MAJOR
117	PROPOSED CONTOUR LINE - MINOR
116	EXISTING CONTOUR LINE - MAJOR
115	EXISTING CONTOUR LINE - MINOR
113.5	MATCH EXISTING SPOT ELEVATIONS
113.4	PROPOSED SPOT ELEVATIONS
113.3	PROPOSED TOP OF CURB
113.2	PROPOSED GUTTER ELEVATION

DIGGERS & DIRTLINE
 Total Free (800) 243-6211
 14000 Highway 100, Suite 100
 Hayward, CA 94541
 www.diggersanddirtyline.com



Sheet Number
C1.4

Project Title
SITE GRADING PLAN

CONSTRUCTION DOCUMENTS
 Project Number
3101

Project Title
Oak Creek Fire Station #1
 Oak Creek Fire Department
 Centennial Drive
 Oak Creek, WI



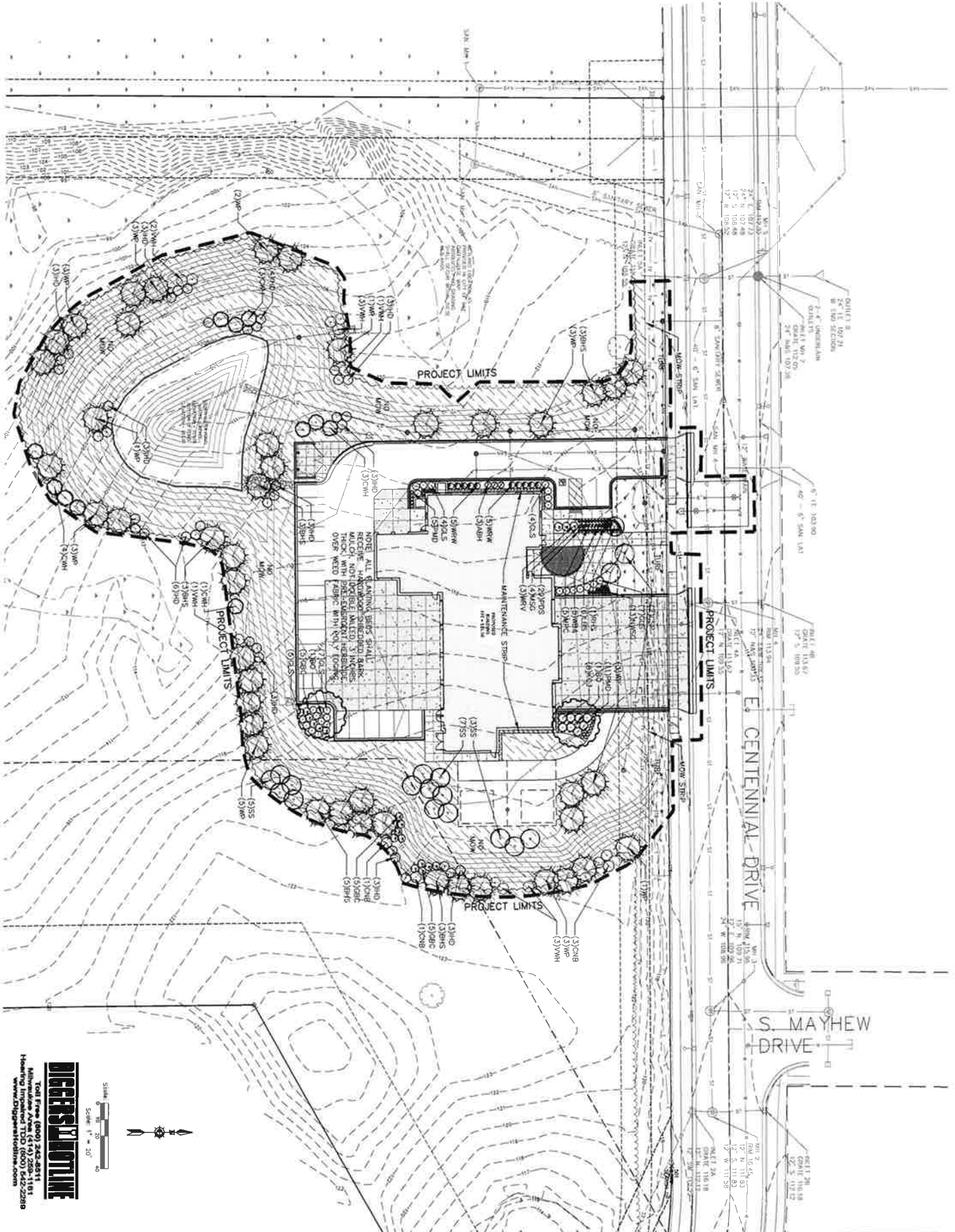
KAPUR & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 1111 W. BAYVIEW BOULEVARD
 MILWAUKEE, WISCONSIN 53212
 PHONE 414.591.8882 FAX 414.591.8141
 www.kapurandassociates.com

Project Title
Oak Creek Fire Station #1
 Project Number
3101

Client Name
Oak Creek Fire Department
 2150 S. OAKWOOD DRIVE
 OAK CREEK, WI 53002



SITE LANDSCAPING PLAN



DIGERS OUTLINE
 Total Free (800) 243-8811
 2480 S. Western Ave. Ste. 100 | Denver, CO 80202 | 303.755.2619
 www.DigersOutline.com

L11	SITE LANDSCAPING PLAN	Project Title: Oak Creek Fire Station #1 Oak Creek Fire Department Centennial Drive Oak Creek, WI	KAPUR & ASSOCIATES, INC. ENGINEERS ARCHITECTS 1111 W. PLYMOUTH ROAD SUITE 300 PLYMOUTH WISCONSIN 53090 PHONE: 414.337.8888 FAX: 414.201.8117 www.kapurengrs.com	bray architects solid foundation. forward thinking.
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City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 25

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installations of 8-inch channelizing line and right-turn arrow pavement markings on S. Mayhew Drive at E. Puetz Road; and, additional advance lane control signs for eastbound traffic on E. Puetz Road at S. Shepard Avenue; and, advance lane control sign on E. Puetz Road at S. Pennsylvania Avenue; and, bicycle warning sign with, "Share The Road," supplemental plaque on Drexel Avenue at S. Howell Avenue.

Background: Pavement Markings Mayhew –Engineering Department staff recommended that only pavement markings be placed, because typically when entering a "T" intersection, the only movement is to turn left or right. Commission members suggested that, in order to provide direction to drivers, channelizing lane and right-turn arrow should be installed due to the roadway length and width.


Puetz/Shepard Advance Lane Control Signs –Engineering Department staff stated the existing pavement markings met the Manual of Uniform Traffic Control Devices (MUTCD), but the signs needed updating. The exhibit provided to the commission (and below) meets minimum sign size and placement. The commission members determined these improvements would help provide clear directions to the driving public.

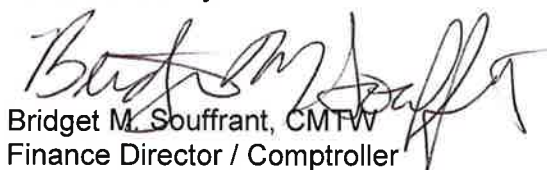
Puetz/Pennsylvania Advance Lane Control Sign - Engineering Department staff stated that installation of advance lane control sign is warranted, and meets the minimum guidance of the MUTCD.

Drexel/Howell Bicycle Signs - Engineering Department staff stated these signs meet the minimum requirement for size and location per the MUTCD. The commission members in attendance determined this was acceptable.

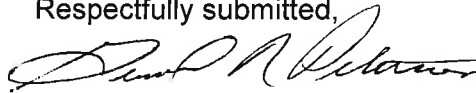
FISCAL IMPACT: No Impact.

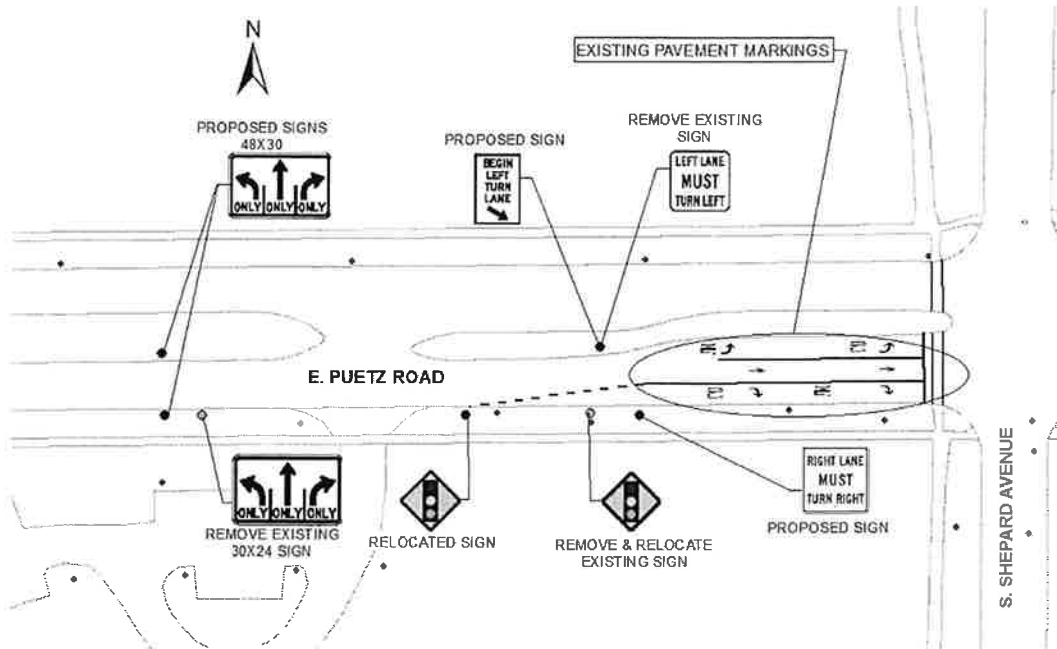
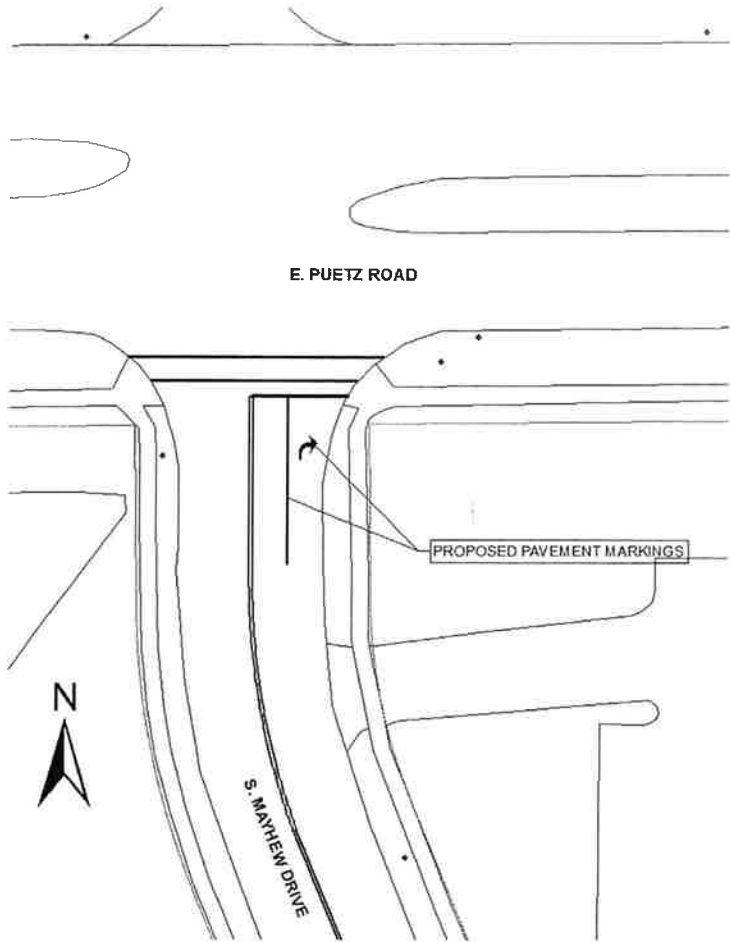
Prepared by:

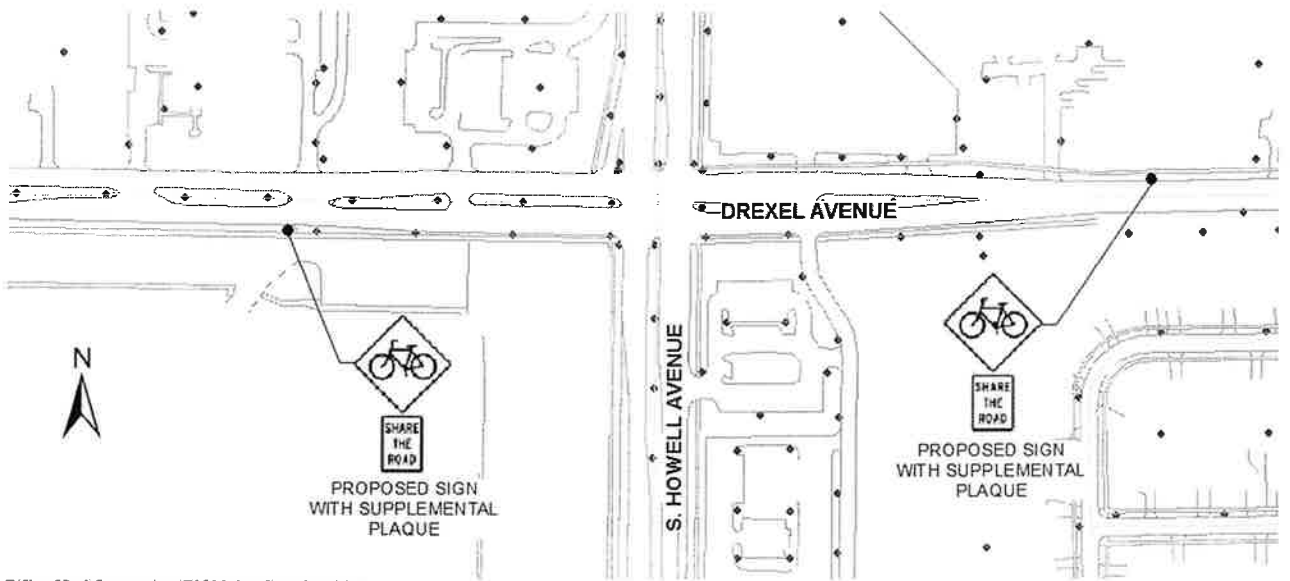
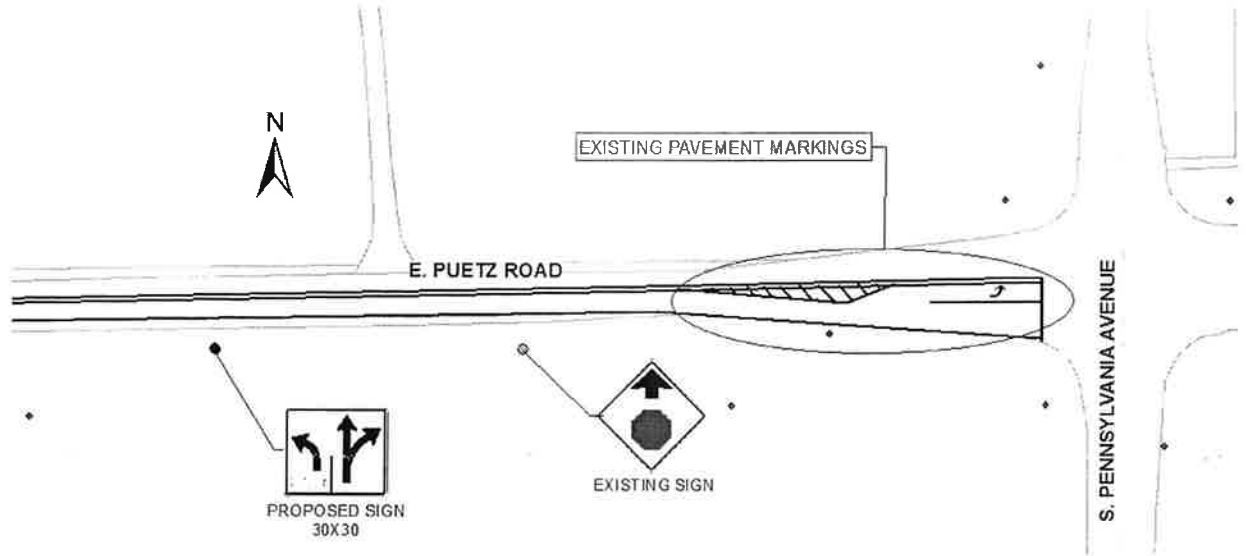

Matthew J. Sullivan, P.E.
Design Engineer
Fiscal review by:


Bridget M. Souffrant, CMTW
Finance Director / Comptroller

Respectfully submitted,


Gerald R. Peterson, ICMA-CM
City Administrator





City of Oak Creek Common Council Report

Meeting Date: May 6, 2014

Item No.: 33

Recommendation: That the Common Council adopts Resolution No. 11483-050614, a resolution establishing a permanent sanitary sewer and water main easement, and a license agreement related to the Drexel Town Square development. (Tax Key 813-9014-006) (2nd Aldermanic District).

Background: As part of the Drexel Town Square (DTS) development, there is a need to install sanitary sewer and water main along the east side of 6th Street. These two facilities will tie into existing sewer and water main within Forest Hill Avenue, and extend northerly to DTS. Due to space limitations with the existing pavement, these two facilities must be located primarily within a permanent easement on the private property at 8131 S. Howell Avenue (Woodman's). This easement would establish the City the right to install and maintain the public sanitary sewer and water main.

Other work related to the construction of DTS, including grading and storm facility modifications, will require obtaining a license agreement to encroach upon the 8131 S. Howell property along its west and north boundaries. This agreement would establish the right to enter the described area to perform this work. Once the work is completed, or by December 31, 2015, the access right will expire.

Fiscal Impact: None.

Prepared by:



Brian L. Johnston, P.E.
Assistant City Engineer

Respectfully submitted,



Gerald 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. 11483-050614

BY: _____

**RESOLUTION ESTABLISHING A PERMANENT
SANITARY SEWER AND WATER MAIN EASEMENT
AND A LICENSE AGREEMENT
RELATED TO THE DREXEL TOWN SQUARE DEVELOPMENT**

(TAX KEY NO. 813-9014-006)

(2ND ALDERMANIC DISTRICT)

WHEREAS, sanitary sewer and water main extensions from Drexel Town Square to Forest Hill Avenue are required to serve the development, and;

WHEREAS, the permanent sanitary sewer and water main easement would be located along and upon the western portion of the private property of 8131 S. Howell Avenue (Woodman's), as shown in the exhibit, and;

WHEREAS, the permanent sanitary sewer and water main easement would give the City the ongoing right to access and maintain the sanitary sewer and water main within the easement limits on the property, and;

WHEREAS, a license agreement is necessary to complete grading and storm facility modifications that are proposed to take place along and upon the west and north boundaries of 8131 S. Howell (Woodman's), and;

WHEREAS, the license agreement would give the City and One West Drexel LLC the right to access the described area to perform the grading and storm facility modification work;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the permanent sanitary sewer and water main easement and the license agreement at 8131 S. Howell Avenue be approved and the Mayor and City Clerk are hereby authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to record the easements 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 6th day of May, 2014.

Passed and adopted this 6th day of May, 2014.

Approved this 6th day of May, 2014.

President, Common Council

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____