



COMMON COUNCIL MEETING AGENDA

TUESDAY, JANUARY 20, 2015
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: 1/6/15

Recognition

4. **Resolution:** Consider Resolution No. 11583-012015, Resolution of Appreciation to James G. Antisdell, retiring Police Lieutenant (by Committee of the Whole).
5. **Resolution:** Consider Resolution No. 11584-012015, Resolution of Commendation to David Laehn, retiring Streets, Parks & Forestry Supervisor (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.

6. **Rezone and Conditional Use:** Consider a request by Matthew Lyons, Azura LLC, to rezone the property at 8870 S. Mayhew Dr. B-4, Highway Business to Rm-1, Multifamily Residential with a conditional use for a Community-Based Residential Facility with a capacity for more than 15 persons (3rd District).
7. **Ordinance:** Consider Ordinance No. 2747, approving the rezoning of a portion of the property at 8870 S. Mayhew Dr. (to become 8760 S. Mayhew Dr.) from B-4, Highway Business to RM-1, Multifamily Residential with a Conditional use for a Community Based Residential Facility with a capacity of more than 15 residents (3rd District).
8. **Rezone and Conditional Use:** Consider a request by the Oak Creek Water and Sewer Utility to rezone the properties at 9175 and 9235 S. 5th Ave. and 3975 E. American Ave. from B-2, Community Business to I-1, Institutional with a Conditional Use for water treatment facility water storage and high service distribution pump facilities (4th District)
9. **Ordinance:** Consider Ordinance No. 2748, approving the rezoning of the properties at 9175 S. 5th Ave., 9235 S. 5th Ave., and 3975 E. American Ave. from B-2, Community Business to I-1, Institutional with a Conditional Use for water storage and high service distribution pump facilities (4th District).

New Business

MAYOR & COMMON COUNCIL

10. **Resolution:** Consider Resolution No. 11588-012015, Partnership for Prosperity: An Agenda for a Competitive 21st Century Wisconsin (by Committee of the Whole).
11. **Resolution:** Consider Resolution No. 11585-012015, a Resolution regarding the former Du Pont and EPEC Properties (4th District).
12. **Resolution:** Consider Resolution No. 11590-012015, a Resolution regarding the City of Oak Creek Social Media User Responsibilities Policy (by Committee of the Whole).
13. **Ordinance:** Consider Ordinance 2749, amending Section 2 of Ordinance No. 2743, relating to the salary for the position of Assistant Director of Streets, Parks and Forestry (by Committee of the Whole).
14. **Motion:** Consider a motion to authorize the Finance Department to purchase the citizens request for action module for our current BS&A Software, creating a web portal for citizens to place and track work requests (by Committee of the Whole).
15. **Motion:** Consider a motion to approve the license agreement with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the re-broadcast of music by licensed performers. (by Committee of the Whole).
16. **Motion:** Consider a motion to approve the 2014 Vendor Summary Report in the amount of \$1,817,032.81 and 2015 Vendor Summary Report in the amount of \$417,306.09 for a combined total of \$2,234,338.90 (by Committee of the Whole).

ENGINEERING

17. **Motion:** Consider a motion to approve a contract amendment with Alfred Benesch & Company for an actual cost not-to-exceed \$23,047.85, for additional design services for bridges on S. Nicholson Rd. and W. Marquette Ave. (Project No. 13022) (1st & 3rd Districts).
18. **Resolution:** Consider Resolution No. 11589-012015, approving the State/Municipal Agreement (SMA) with the Wisconsin Department of Transportation (WisDOT) for a Non-Infrastructure Transportation Alternatives Project (TAP) – Safe Routes to School (SRTS) Planning Project (All Districts).

COMMUNITY DEVELOPMENT

19. **Resolution:** Consider Resolution No. 11586-012015, approving a certified survey map for the property at 7867 S. Pennsylvania Ave. (1st District).
20. **Resolution:** Consider Resolution No. 11587-012015, approving a certified survey map for the properties at 3775 and 3785 E. Elm Rd. (4th District).

LICENSE COMMITTEE

The License Committee did not meet prior to the 1/20/15 meeting. Tentative recommendations are being made as follows:

21. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
 - Jodi L. Boutain, 2400 9th Avenue, South Milwaukee (Classic Lanes)
 - Angela F. McCord, 6420 W. Morgan Ave., Milwaukee (Applebee's)
22. **Motion:** Consider a *motion* to grant a Special Event Run/Walk Permit to Crystal Morrow, Event Coordinator for The Balm Shelter, on May 16, 2015 (*favorable department approvals received*).

MISCELLANEOUS

23. **Motion:** Consider a *motion* to convene in to Closed Session immediately following the conclusion of the Common Council meeting pursuant to Wisconsin State Statutes Section 19.85 (1) (e) to consider Memoranda of Understanding with Cobalt Partners LLC for properties at 13th and Drexel adjoining I-94 and at Pennsylvania and College Avenues.
24. **Motion:** Consider a *motion* to reconvene into Open Session.
25. **Motion:** Consider a *motion* to take action, if required.

Adjournment.

Public Notice

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

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

RESOLUTION 11583-012015

**RESOLUTION OF APPRECIATION
TO
JAMES G. ANTISDEL**

WHEREAS, James G. Antisdel began his employment with the City of Oak Creek on March 25, 1985 as a full-time Police Officer; and

WHEREAS, James G. Antisdel has been a valuable employee during his years of dedicated service with the Oak Creek Police Department, always striving to enhance the quality of life for the citizens of the City; and

WHEREAS, during his twenty-nine years and ten months of service, James G. Antisdel has been an integral part of the Police Department, serving as a patrol officer early in his career, then rising through the ranks as a Sergeant, and ending his career as a Lieutenant of the Police Department; and

WHEREAS, during his tenure in the Oak Creek Police Department James G. Antisdel was crucial in the development of the K-9 program, being the first K-9 officer for the Oak Creek Police Department, and was responsible for the development of dozens of innovative policies and procedures which will ensure that he will forever leave his mark on the agency; and

WHEREAS, during James G. Antisdel's career with the Oak Creek Police Department, he attended and graduated from The Northwestern School of Police Staff and Command. He utilized the knowledge and training he received throughout his career and willingly shared it with all members of the Oak Creek Police Department; and

WHEREAS, James G. Antisdel was a founding member of the Oak Creek Police Departments Emergency Response Unit (ERU) and

WHEREAS, James G. Antisdel has been a model for all under his command, being well known for his work ethic, his dedication to the department, and his leadership, and

WHEREAS, James G. Antisdel is retiring from the Oak Creek Police Department force after completing twenty-nine years and ten months of full-time service to the City of Oak Creek.

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

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

Passed and adopted this 20th day of January, 2015.

Approved this 20th day of January, 2015.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

RESOLUTION NO. 11584-012015

RESOLUTION OF COMMENDATION
TO
DAVID LAEHN

WHEREAS, DAVID LAEHN began his employment with the City of Oak Creek on April 15, 1985, as a laborer for the Highway Department at a rate of \$8.28 per hour; and

WHEREAS, DAVID LAEHN was reclassified to the position of Equipment Operator for the Oak Creek Highway Department on July 1, 1992, appointed to the position of Acting Streets Supervisor on January 2, 2002, and then appointed to Streets Supervisor on July 16, 2002; and

WHEREAS, DAVID LAEHN was Acting Streets Superintendent from April 8, 2006 to September 6, 2006, while the position was vacant. On March 1, 2012, Dave's position was reclassified to Streets, Parks & Forestry Supervisor and from March 4, 2013 until June 6, 2014, Dave served as Acting Streets, Parks & Forestry Superintendent during a vacancy in that position.

WHEREAS, DAVID LAEHN was appointed to the Celebrations Commission from March, 2005 until April, 2012, assisting in City-sponsored events including Oak Creek's 4th of July parade, the Christmas tree lighting ceremony, and the Annual Pig and Chicken Roast; and

WHEREAS, DAVID LAEHN performed the duties of Weed Commission in 2013 and 2014 and served on the City's Safety Committee beginning July, 2001 until the time of his retirement; and

WHEREAS, DAVID LAEHN fulfilled the duties of his office with the greatest devotion, pride, integrity and utmost loyalty; and

WHEREAS, DAVID LAEHN has been a valuable employee during his years of dedicated service with the City of Oak Creek, always striving to enhance the quality of life within the Oak Creek community.

WHEREAS, after serving almost 30 years with the City of Oak Creek, DAVID LAEHN is retiring effective January 9, 2015, from his position as Streets, Parks & Forestry Supervisor, freeing up time for more frequent and longer trips to his new retirement home in Arizona, and allowing him more time for his favorite hobbies of sausage making, meat smoking, grandbaby chasing, and deer hunting.

WHEREAS, DAVID LAEHN will be missed by his co-workers for his mechanical wisdom and years of experience and knowledge of the Oak Creek area, as well as his great cooking skills, which include his infamous carrot cake.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that for and on behalf of the Citizens of Oak Creek, sincere gratitude and appreciation be extended to DAVID LAEHN for his many years of dedicated service to the City of Oak Creek and that best wishes for good health and happiness be extended to DAVID LAEHN and his family in his retirement years.

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

Passed and adopted this 20th day of January, 2015.

Approved this 20th day of January, 2015.

President, Common Council

Mayor, City of Oak Creek

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by Matthew Lyons, Azura LLC, to rezone the property at 8870 S. Mayhew Dr. B-4, Highway Business to Rm-1, Multifamily Residential with a Conditional Use for a Community-Based Residential Facility with a capacity for more than 15 persons.

Hearing Date: Tuesday, January 20, 2015
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Applicant: Matthew Lyons, Azura LLC
Property Owner: 8870 Mayhew Drive, LLC, c/o Keystone Development
Property Location: 8870 S. Mayhew Dr. (to become 8760 S. Mayhew Dr.)
Tax Key(s): 860-1001 to 860-1208

Legal Description:

Lot 1 of a Certified Survey Map dated September 17, 2014 (to be recorded).

Part of Lot 2 of Certified Survey Map No. 8121 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on December 18, 2009 as Doc. No. 9681598 being a redivision of Parcel 4 of Certified Survey Map No. 6866 and part of Parcel 3 of Certified Survey Map No. 6766 located in part of the NE ¼, NW ¼, and SW ¼ of the NW ¼, Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Beginning at an iron pipe stake found marking the Northeast corner of said Lot 2; thence South 00°25'12" West 379.83 feet; thence North 89°58'24" West 320.04 feet to the Easterly right of way line of Mayhew Road; thence along said road, North 00°24'58" East, 97.84 feet; thence continuing along said road, 120.99 feet along the arc of a curve to the right having a radius of 330.00 feet and a chord which bears North 10°57'49" East 120.31 feet; thence continuing along said road, North 21°26'33" East, 100.81 feet; thence continuing along said road, 69.13 feet along the arc of a curve to the left having a radius of 180.00 feet and a chord which bears North 10°27'58" East 68.71 feet to the Northwest corner of said Lot 2; thence North 89°28'08" East 249.91 feet to the point of beginning.

The Common Council has scheduled other public hearings for January 20, 2015 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: December 15, 2014
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: January 20, 2015

Item No.: 7

Recommendation: That the Council adopts Ordinance No. 2747 approving the rezoning of a portion of the property at 8870 S. Mayhew Dr. (to become 8760 S. Mayhew Dr.) from B-4, Highway Business to RM-1, Multifamily Residential with a Conditional Use for a Community Based Residential Facility with a capacity of more than 15 residents.

Background: At the October 28, 2014 meeting, the Plan Commission recommended Common Council approval of rezoning a portion of the property at 8870 S. Mayhew Dr. from B-4, Highway Business to RM-1, Multifamily Residential with a Conditional Use for a Community Based Residential Facility (CBRF) with a capacity of more than 15 residents. A Certified Survey Map (CSM) dividing the property into two lots was approved by the Common Council on November 18, 2014. The rezone request is for Lot 1 of that CSM.

Originally, the approved plan for this property included two professional office buildings to be constructed in phases. However, only Phase I was completed. Since the existing professional office condo building was constructed, this area has seen little business development. An application to rezone this property for a 3-story apartment building with underground parking was withdrawn late in 2013.

According to the Comprehensive Plan, this area has been identified for Planned Mixed Use. A CBRF near existing businesses and apartments would achieve this goal. The proposal calls for the development of a two-phase, 60-unit (66-bed), memory care assisted living facility to serve the population with Alzheimer's and dementia. Phase I will consist of 40 units (44 beds) in a 28,000 square-foot building; Phase II will consist of an additional 20-unit (22-bed), 9,000 square-foot building.

As mentioned in the report for the CSM affecting this property, there are concerns that have been raised regarding easements and water and sewer infrastructure. While these issues do not necessarily directly impact this rezoning and conditional use request, they must be resolved prior to submission of an application for site, building, and landscaping plan review. Staff recommends that the Applicant continue to work with the Water and Sewer Utility on infrastructure plans.

The Plan Commission found the following:

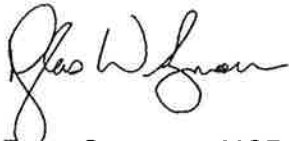
1. **The requested increase in density for senior housing is appropriate.** As stated in the proposal, a majority of the residents will be 62+ due to the typical onset of Alzheimer's/dementia. Section 17.0311(c)(3) states as part of the allowable conditional uses in the Rm-1, Multifamily district: "Housing for the elderly provided that the density of such housing shall not exceed twenty-seven (27) units per acre and shall meet the minimum per unit building area specified" in Sections 17.0311(d) and (g). Due to the prominence of the disease in older adults, the Plan Commission approved of the request to increase the density allowed for the proposed CBRF based on housing for the elderly.
2. **The CBRF may be allowed within 2,500 feet of an existing CBRF.** Statute no longer outright prohibits locating a CBRF within 2,500 feet of an existing facility, instead allowing the City to make this determination.

3. **A reduction in the minimum number of parking stalls is appropriate.** The proposal is to construct 42 parking stalls for employees and residents. As many of the residents will not or cannot drive, the proposal is to construct the equivalent of 1 space per 3 residents (22 stalls) and 18 spaces for the peak staff shift (18 stalls). These calculations are based on the Code requirements for nursing home facilities. Staff has recommended that the Applicant pursue shared future parking with the existing professional office condo building to the south, and to identify a potential future parking area on the site plan.
4. **Age restrictions are not required.** The Plan Commission determined that due to the types illnesses that are being treated at the facility, restricting the age of residents was not necessary. It is also difficult for enforcement purposes and facility management to restrict the facility by age for a percentage, wing, or building. Finally, as stated previously, a majority of the residents will be over the age of 62 due to the typical onset of the illnesses to be treated at the facility.

The attached conditions and restrictions were recommended for approval by the Plan Commission at their November 11, 2014 meeting. Section 11 has been amended to allow phasing of the project.

Fiscal Impact: Approval of this use will allow a business to construct a new Community-Based Residential Facility on a currently vacant lot. Taxes and impact fees generated from the development of this project would result in a positive fiscal impact for the City. Impact fees are estimated at \$80,880.

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

OFFICIAL NOTICE

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

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Any person(s) with questions regarding the proposed change may call the Department of Community Development at (414) 768-6527, during regular business hours.

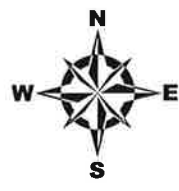
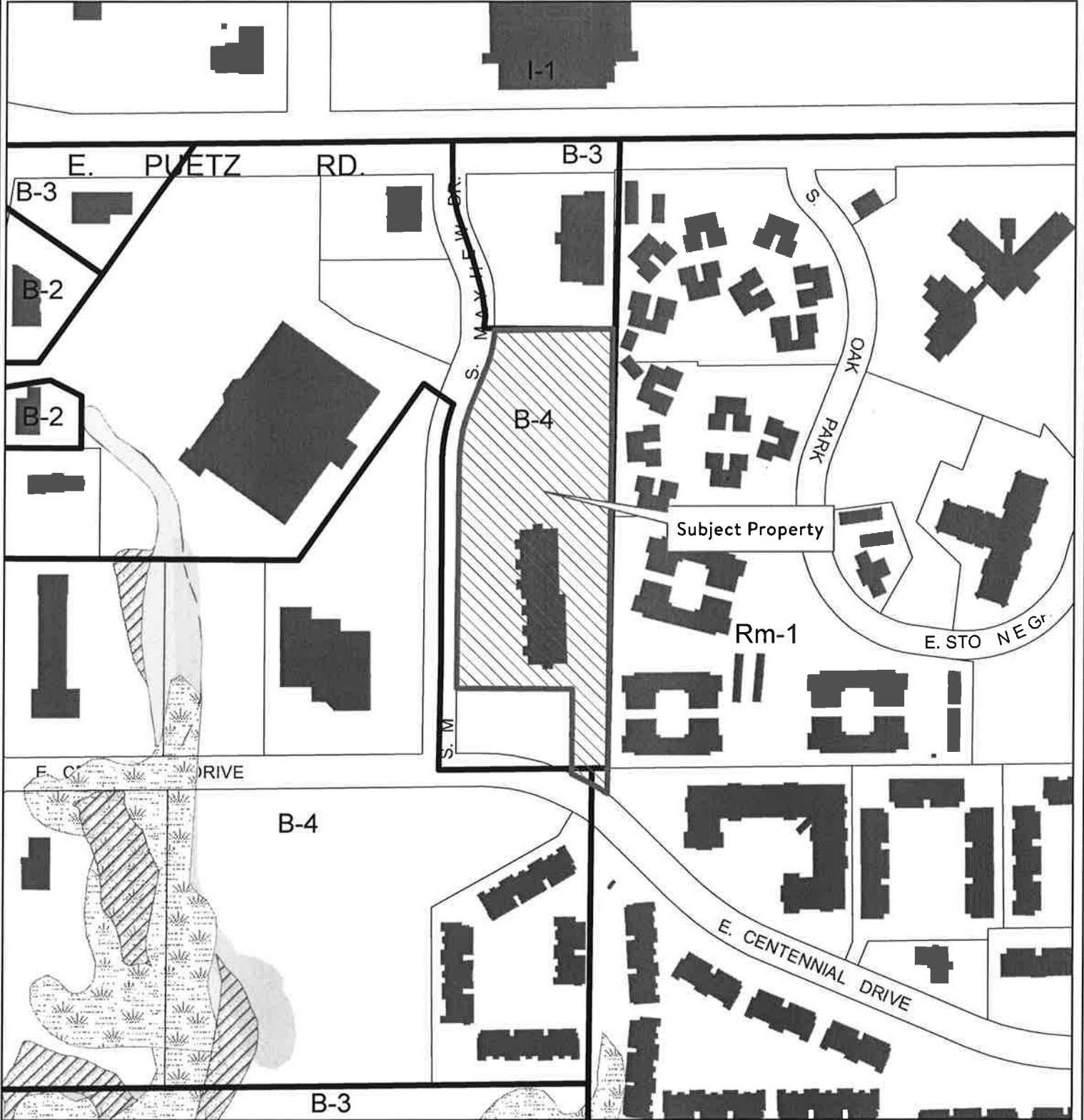
Date of Notice: December 15, 2014
CITY OF OAK CREEK COMMON COUNCIL
By: Steve Scaffidi, Mayor










PUBLIC NOTICE

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Location Map

8870 S. Mayhew Dr.



Legend	
	8870 S. Mayhew Dr.
	Wetland
	Floodway
	Flood Fringe (FF)
	Shoreland Wetland Conservancy (C-1)
	Lakefront Overlay District (LOD)
	Mixed Use Neighborhood Overlay (NO)
	Mixed Use Office Overlay (OO)
	Regional Retail Overlay District (RR)

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

CERTIFIED SURVEY MAP NO. _____

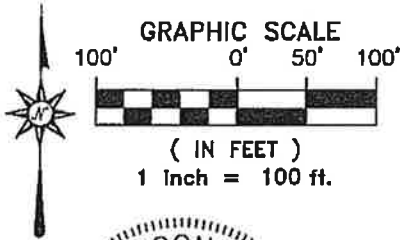
A redivision of Lot 2 of Certified Survey Map No. 8121, being part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 21, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

- Indicates set 1" iron pipe, 18" in length, 1.68 lbs. per lineal foot.
- Indicates found 1" iron pipe.

Bearings are referenced to grid North of the Wisconsin State Plane Coordinate System (South Zone) NAD 27, in which the West line of the Northwest 1/4 of Section 21, Town 5 North, Range 22 East, bears N 00°20'37" E.

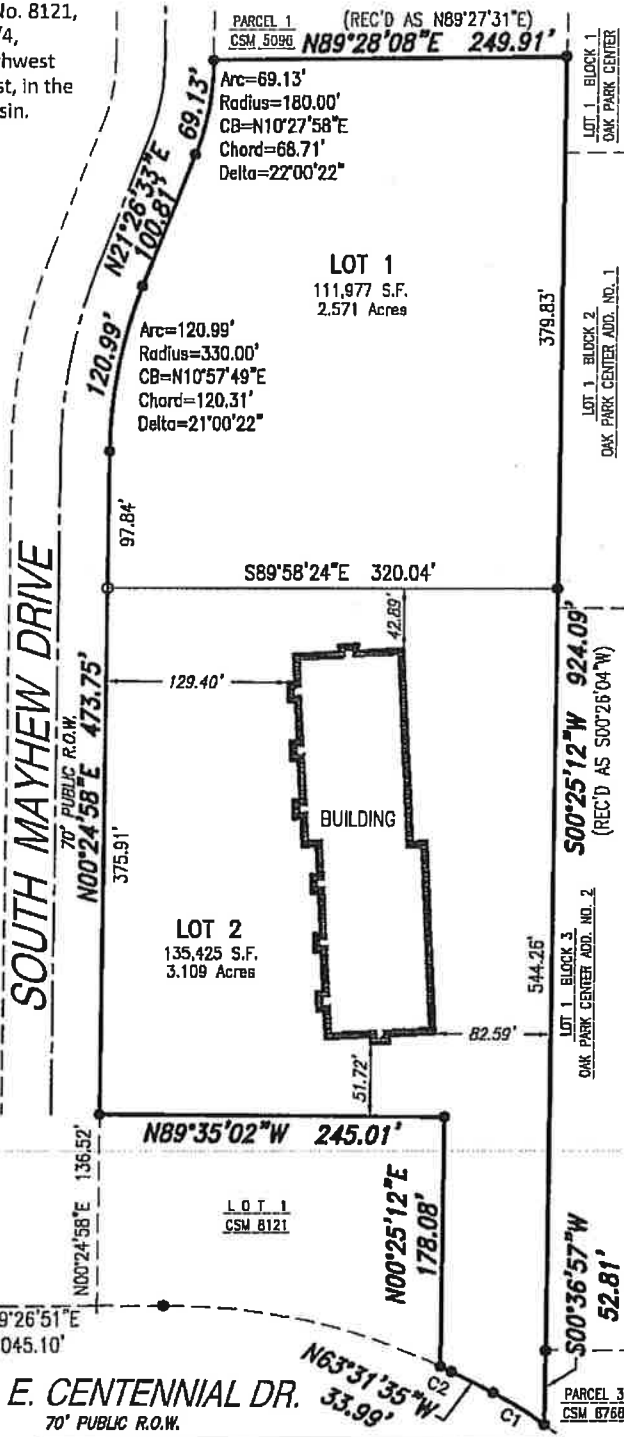
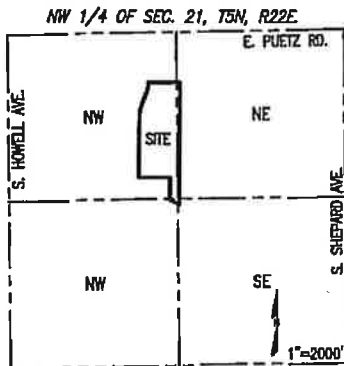
Owner (Lot 1):
Mayhew Development LLC, A WI LLC
13890 Blshops Dr. #120
Brookfield, WI

Owner (Lot 2):
Mayhew Professional Center
Condominium Association



September 17, 2014

VICINITY MAP



CURVE	ARC	RADIUS	DELTA	C. BEARING	C. LENGTH
C1	43.01'	254.17'	9°41'45"	N58°16'38"W	42.96'
C2	8.41'	445.65'	1°04'52"	N63°50'17"W	8.41'

CHAPUT LAND SURVEYS LLC
234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chapullandsurveys.com

Drawing No. 1818-tjn
SHEET 1 OF 4 SHEETS

This instrument was drafted by Donald C. Chaput
Registered Land Surveyor S-1316

PROJECT SUMMARY:

Zoning- RM-1
 Total Site Area- 2.57AC (111,976 sf)
 Total Building Area- 36,537 sf
 Floor Area Ratio- 0.33

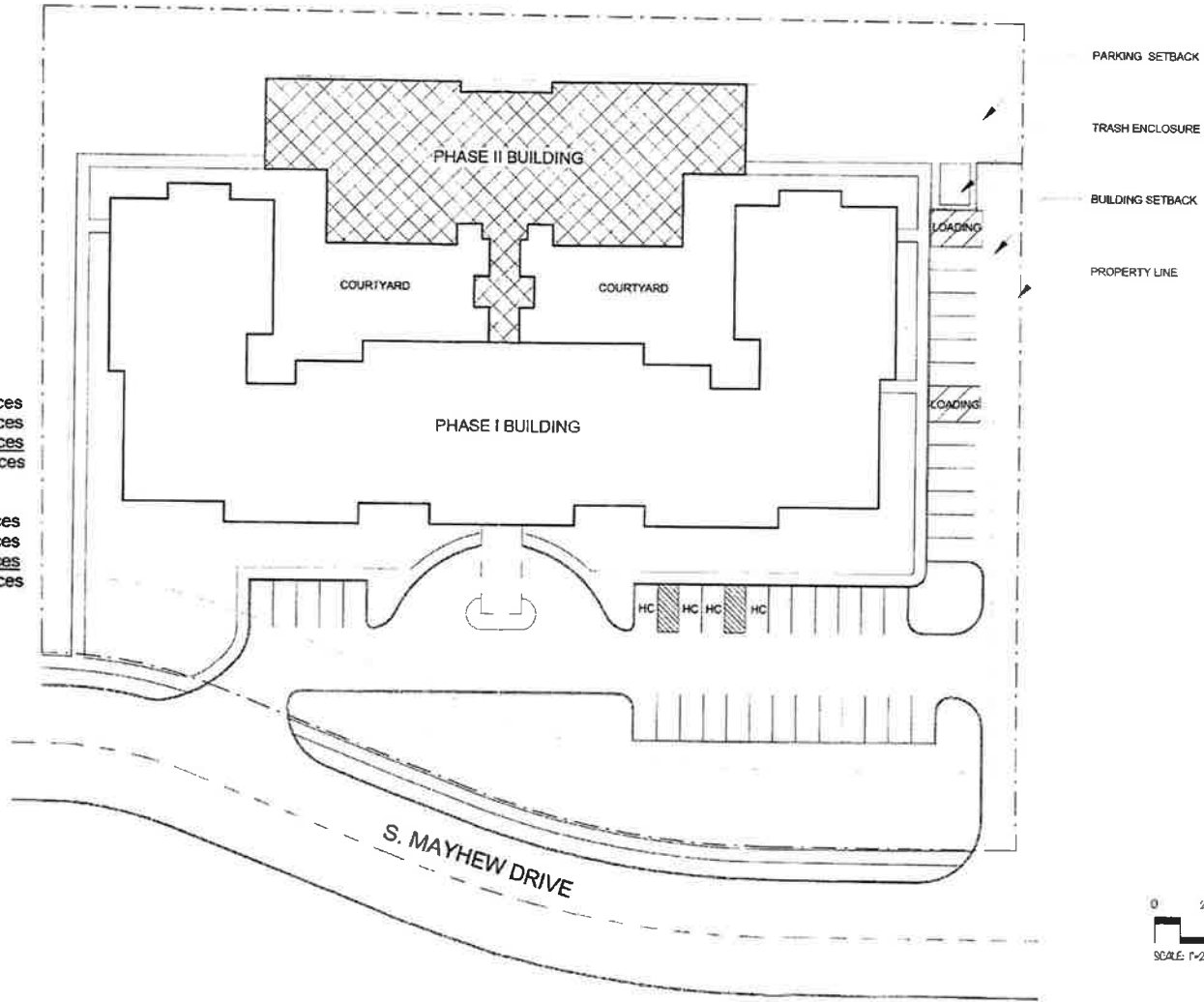
Total Parking and Walks- 26,528 sf
 Total Impervious Area- 63,065 sf

Resident Rooms-
 Phase I- 40 Units
 Phase II- 20 Units
 Density- 23.35 DU-AC

Parking-
 Req'd:
 1 per 3 residents: 22 Spaces
 1 per Staff- (Peak shift): 18 Spaces
 Loading: 2 Spaces
 Total Parking Req'd: 42 Spaces

Provided:
 Standard: 38 Spaces
 HC: 4 Spaces
 Loading: 2 Spaces
 Total Parking Provided: 42 Spaces

Setbacks-
 Building Setbacks:
 ROW: 30 ft
 Side: 10 ft
 Rear: 25 ft
 Parking Setbacks:
 ROW: 25 ft
 Side: 15 ft
 Rear: 15 ft



AZURA OAK CREEK

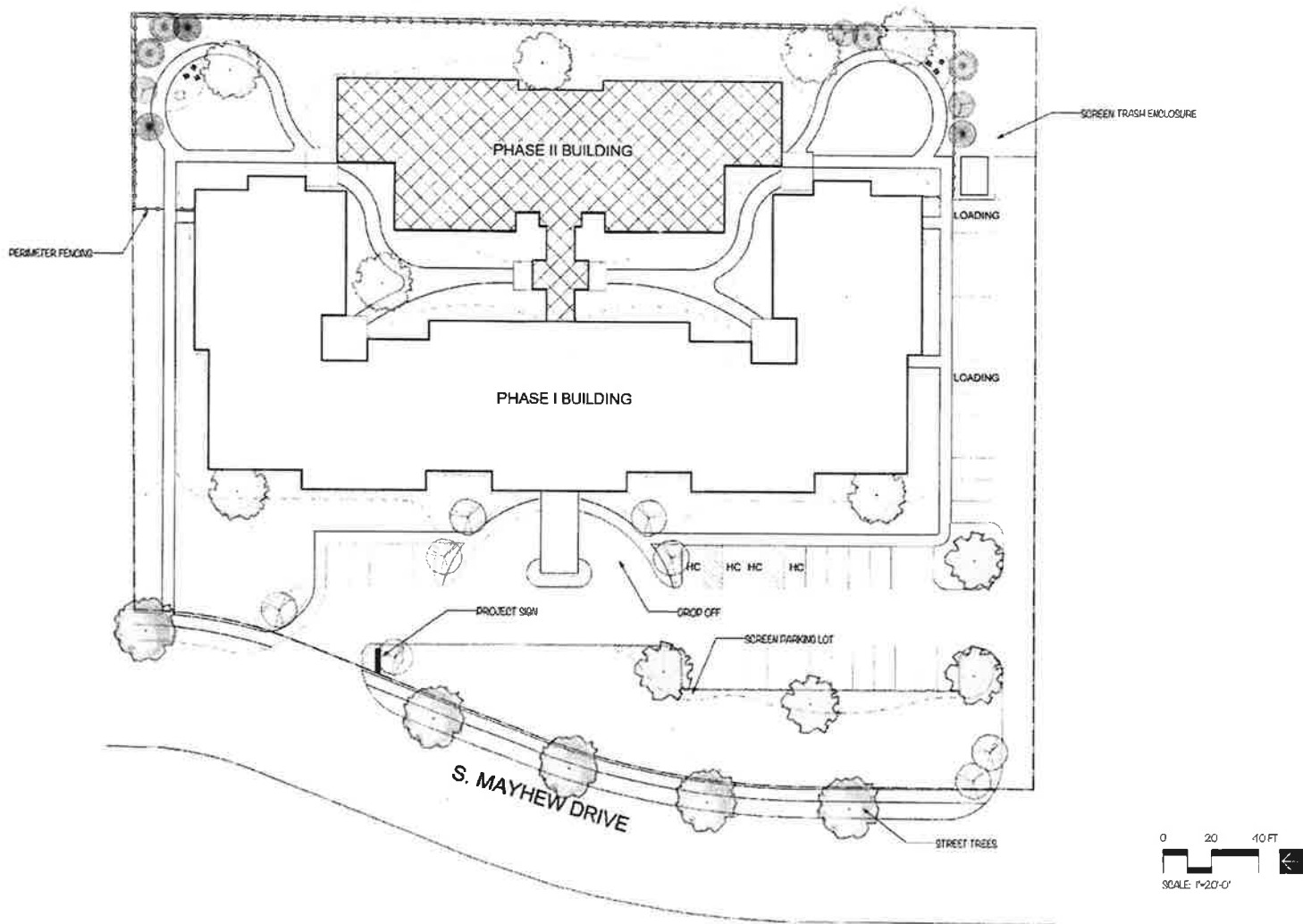
AZURA

PROPOSED PLAN

September 30, 2014

Studio Architecture
 1350 Pine Street, Suite 1
 Boulder, CO 80302

STUDIO



AZURA OAK CREEK
AZURA

CONCEPT LANDSCAPE PLAN

September 30, 2014

Studio Architecture
1350 Pine Street, Suite 1
Boulder, CO 80302

STUDIO
ARCHITECTURE

City of Oak Creek – Conditional Use Permit
Conditions and Restrictions

Applicant: Azura, LLC

Property Address: 8870 S. Mayhew Dr.
(to become 8760 S. Mayhew Dr.)

Tax Key Number(s): 860-1001 to 860-1208

Conditional Use: Community-Based Residential Facility (capacity for more than 15 persons)

Approved by Plan Commission: 11-11-14

Approved by Common Council: TBD
(Ord. #2747)

1. LEGAL DESCRIPTION

Part of Lot 2 of Certified Survey Map No. 8121 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on December 18, 2009 as Doc. No. 9681598 being a redivision of Parcel 4 of Certified Survey Map No. 6866 and part of Parcel 3 of Certified Survey Map No. 6766 located in part of the Northeast 1/4, Northwest 1/4, and Southwest 1/4 of the Northwest 1/4, Section 21 Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows: Beginning at an iron pipe stake found marking in the Northeast corner of said Lot 2; thence South 00°25'12" West 379.83 feet; thence North 89°58'24" West 320.04 feet to the Easterly right of way line of Mayhew Drive; thence along said road, North 00°24'58" East, 97.84 feet; thence continuing along said road, 120.99 feet along the arc of a curve to the right having a radius of 330.00 feet and a chord which bears North 10°57'49" East 120.31 feet; thence continuing along said road, North 21°26'33" East, 100.81 feet; thence continuing along said road, 69.13 feet along the arc of a curve to the left having a radius of 180.00 feet and a chord which bears North 10°27'58" East 68.71 feet to the Northwest corner of said Lot 2; thence North 89°28'08" East 249.91 feet to the point of beginning.

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 & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
- 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) Types of poles
- d) Photometrics of proposed fixtures

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

- a) Contours (existing & 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
- 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(j)(6)(f) of the Municipal Code. The Plan Commission has approved the request to utilize this Section based on the type of facility (CBRF for Alzheimer's/dementia patients) and the ability to utilize shared parking with the property to the south.
- 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. **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

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

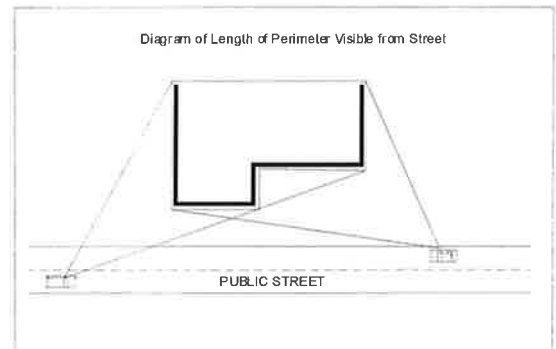
* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. **Interior Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. 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.
- C. **Perimeter Landscape Area.** In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. **Landscaping Adjacent to Buildings.** There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. **Screening of Trash.** Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. **Screening of Ground Mounted Mechanical Equipment.** Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. **Screening of Roof Mounted Mechanical Equipment -** Roof mounted mechanical equipment shall be screened from casual view.

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

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. 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.
- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.



- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	30'	25'	10'
Accessory Structure*	30'	See Section 17.0501	See Section 17.0501
Off-street Parking	25'	15'	15'

* 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 Rm-1, Multifamily Residential zoning district.
- B. One (1) Community-Based Residential Facility (CBRF) with a capacity for more than fifteen (15) persons. Density for this CBRF is approved at a maximum of 27 units per acre in accordance with Section 17.0311(c)(3). Due to the nature of the care of the facility, there is no age restriction imposed.
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions as follows:

- A. **Phase I** of the conditional use shall commence within **twelve (12) months** from the date of adoption of the ordinance authorizing the issuance of a conditional use permit.
- B. **Phase II** of the conditional use shall commence within **thirty-six (36) months** from the date of adoption of the ordinance authorizing the issuance of a conditional use permit.
- C. This conditional use approval shall expire
 - a. Within **twelve (12) months** after the date of adoption of the ordinance if a building permit for **Phase I** has not been issued for this use, **OR**
 - b. Within **thirty-six (36) months** after the date of adoption of the ordinance if a building permit for **Phase II** has not been issued for this use.
- D. Upon expiration of this permit **for Phase I only**, the zoning for the property will revert back to B-4, Highway Business.
- E. Upon expiration of this permit per Section (C), the applicant shall re-apply for a conditional use approval prior to recommencing work or construction for either Phase of development.

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 / Authorized Representative Signature

Date

(please print name)

DRAFT

ORDINANCE NO. 2747

By: _____

AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY AT 8870 S. MAYHEW DRIVE FROM B-4, HIGHWAY BUSINESS TO RM-1, MULTIFAMILY RESIDENTIAL WITH A CONDITIONAL USE FOR A COMMUNITY BASED RESIDENTIAL FACILITY WITH A CAPACITY OF MORE THAN 15 RESIDENTS

(3rd Aldermanic District)

WHEREAS, MATTHEW LYONS, AZURA, INC., has applied for a rezoning of a portion of the property at 8870 S. Mayhew Drive from B-4, Highway Business to Rm-1, Multifamily Residential and a Conditional Use Permit that would allow for a community based residential facility with a capacity of more than 15 residents located at 8870 S. Mayhew Drive; and

WHEREAS, this property is more precisely described as follows:

Lot 1 of a Certified Survey Map dated September 17, 2014 (to be recorded).

Part of Lot 2 of Certified Survey Map No. 8121 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on December 18, 2009 as Doc. No. 9681598 being a redivision of Parcel 4 of Certified Survey Map No. 6866 and part of Parcel 3 of Certified Survey Map No. 6766 located in part of the NE ¼, NW ¼, and SW ¼ of the NW ¼, Section 21, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin, described as follows:

Beginning at an iron pipe stake found marking the Northeast corner of said Lot 2; thence South 00°25'12" West 379.83 feet; thence North 89°58'24" West 320.04 feet to the Easterly right of way line of Mayhew Road; thence along said road, North 00°24'58" East, 97.84 feet; thence continuing along said road, 120.99 feet along the arc of a curve to the right having a radius of 330.00 feet and a chord which bears North 10°57'49" East 120.31 feet; thence continuing along said road, North 21°26'33" East, 100.81 feet; thence continuing along said road, 69.13 feet along the arc of a curve to the left having a radius of 180.00 feet and a chord which bears North 10°27'58" East 68.71 feet to the Northwest corner of said Lot 2; thence North 89°28'08" East 249.91 feet to the point of beginning.

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

WHEREAS, the Common Council held a public hearing on said request on January 20, 2015, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from B-4, Highway Business to Rm-1, Multifamily Residential and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for a community based residential facility with a capacity of more than 15 residents located at 8870 S. Mayhew Dr., which shall include the aforementioned conditions and restrictions.

SECTION 3: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the community based residential facility with a capacity of more than 15 residents.

SECTION 4: 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 5: 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 6: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this _____ day of _____, 2015.

President, Common Council

Approved this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by the Oak Creek Water and Sewer Utility to rezone the properties at 9175 and 9235 S. 5th Ave. and 3975 E. American Ave. from B-2, Community Business to I-1, Institutional with a Conditional Use for water treatment facility water storage and high service distribution pump facilities.

Hearing Date: Tuesday, January 20, 2015
Time: 7:00 p.m.
Place: Oak Creek City Hall
8640 South Howell Avenue
Oak Creek, WI 53154
Common Council Chambers

Applicant: Oak Creek Water and Sewer Utility
Property Owner: City of Oak Creek
Property Location: 9175 S. 5th Ave., 9235 S. 5th Ave., and 3975 E. American Ave.
Tax Key(s): 869-9006-000, 869-9995-004, 869-9998-003

Legal Description:

9175 S. 5th Ave: CERTIFIED SURVEY MAP NO. 1120 PARCEL 1 SE1/4 SEC 23-5-22 CONT. 0.32 ACS.

9235 S. 5th Ave.: COM 896.50 FT S & 24.75 FT W OF NE COR SE1/4 SEC. 23-5-22 TH S 107.68 FT W 277 FT N 107.68 FT TH E 277 FT TO BEG. CONT. 0.685 ACS.

3975 E. American Ave.: S 330 FT OF N 896.50 FT OF E 301.75 FT OF SE1/4 SEC. 23-5-22 EXC: COM 566.50 FT S & 220.75 FT W OF NE COR OF SD 1/4 SEC TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. & EXC E 24.75 FT THEREOF & CSM NO. 1120. CONT. 1.488 ACS.

The Common Council has scheduled other public hearings for January 20, 2015 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: December 17, 2014
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: January 20, 2015

Item No.: 9

Recommendation: That the Council adopts Ordinance No. 2748 approving the rezoning of the properties at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave. from B-2, Community Business to I-1, Institutional with a Conditional Use for water storage and high service distribution pump facilities.

Background: At the December 9, 2014 meeting, the Plan Commission recommended Common Council approval of rezoning properties at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave. be rezoned from B-2, Community Business to I-1, Institutional with a Conditional Use for water storage and high service distribution pump facilities. A Certified Survey Map will be submitted to combine the properties with the current Utility property immediately south of the subject parcels.

Part of the reason for the request is that the existing chlorine contact tank on the Utility property at 9325 S. 5th Ave. does not meet current codes according to the Wisconsin Department of Natural Resources. This issue must be resolved by 2018. Therefore, the Utility proposes to construct a new high service pump facility, new intermediate pump facility, ultraviolet light (UV) disinfection, additional storage, and related appurtenances (e.g., yard piping and electrical distribution). Conversions to the existing high service pump room will allow for standby electric power generation. The existing chlorine contact tank will be bypassed and "abandoned" in place. Due to stormwater management requirements, the existing layout of the Utility property, and the requirements for the new equipment, the current Utility property does not allow sufficient space to locate the improvements at 9325 S. 5th Ave.

According to the Comprehensive Plan, this area has been identified for Two-Family/Townhouse Residential. However, the Comprehensive Plan from 2002 is currently going through an update process to more closely reflect development that has occurred, is planned, and that is recommended for specific areas. Two-Family/Townhouse Residential development is not reflected in the current zoning districts for the area, nor does it reflect the existing uses in the area. The proximity of the subject parcels for this request to the existing Utility property, in addition to the consideration of Comprehensive Plan updates and existing adjacent uses, have led to staff's recommendation for approval.

The attached conditions and restrictions were recommended for approval by the Plan Commission at their January 13, 2015 meeting.

Fiscal Impact: Approval of this use will allow the continued provision of excellent water and sewer utility services to the City of Oak Creek in compliance with Wisconsin DNR regulations.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully Submitted,

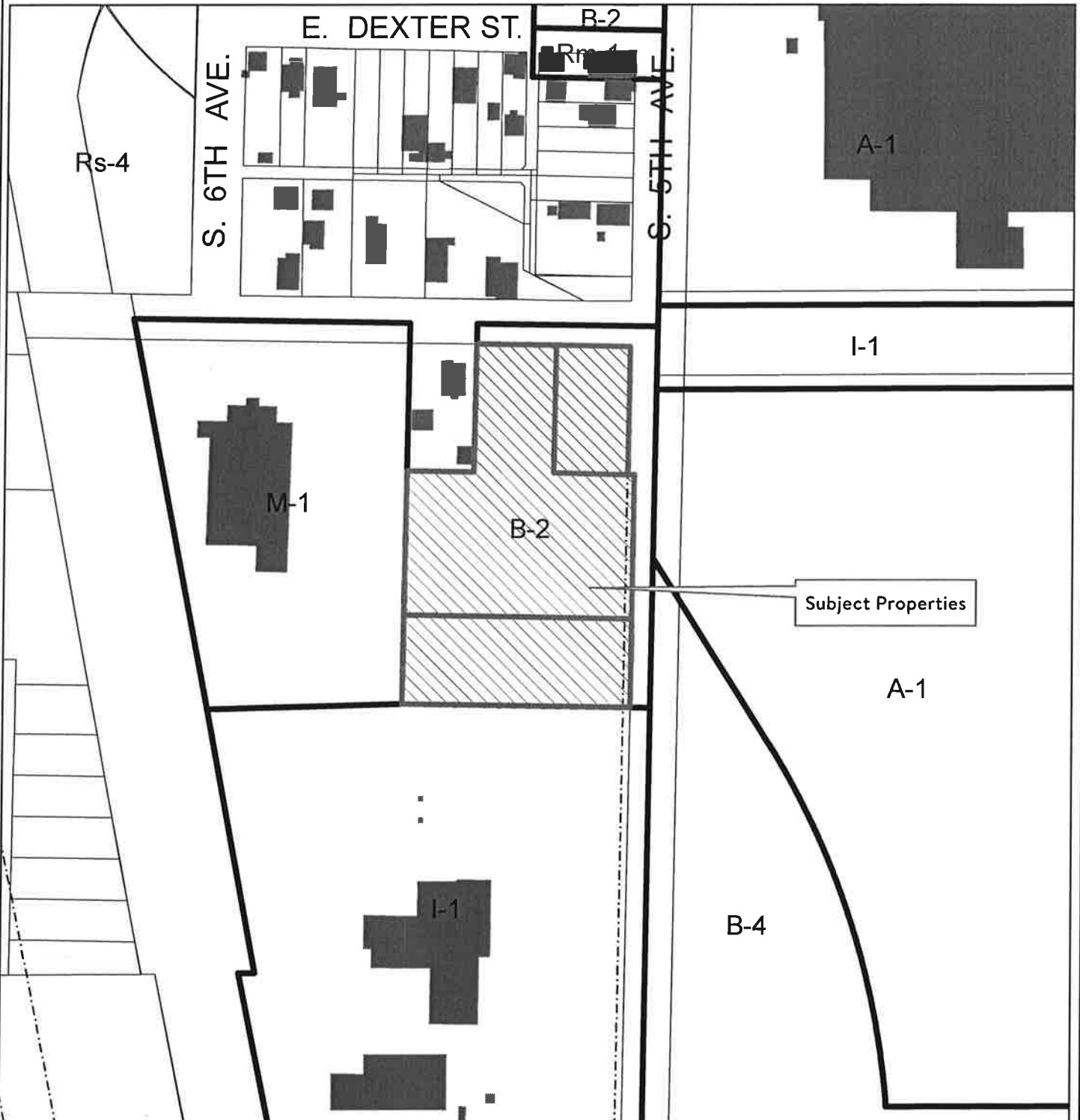
Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant
Finance Director/Comptroller

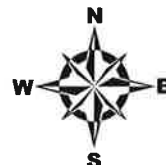
Location Map 9175 & 9235 S. 5th Ave., 3975 E. American Ave.



OAKCREEK

— WISCONSIN —

Department of Community Development



Legend



Subject Properties

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

COMPONENTS OF ALTERNATIVE 4

- 1. CHLORINE CONTACT TANK ROOF MODIFICATIONS
- 2. NEW INTERMEDIATE PUMP STATION
- 3. UV FACILITY
- 4. NEW STORAGE TANK
- 5. NEW HIGH LIFT PUMP STATION
- 6. HIGH SERVICE PUMP STATION AVAILABLE FOR GENERATOR AND/OR CHEMICALS

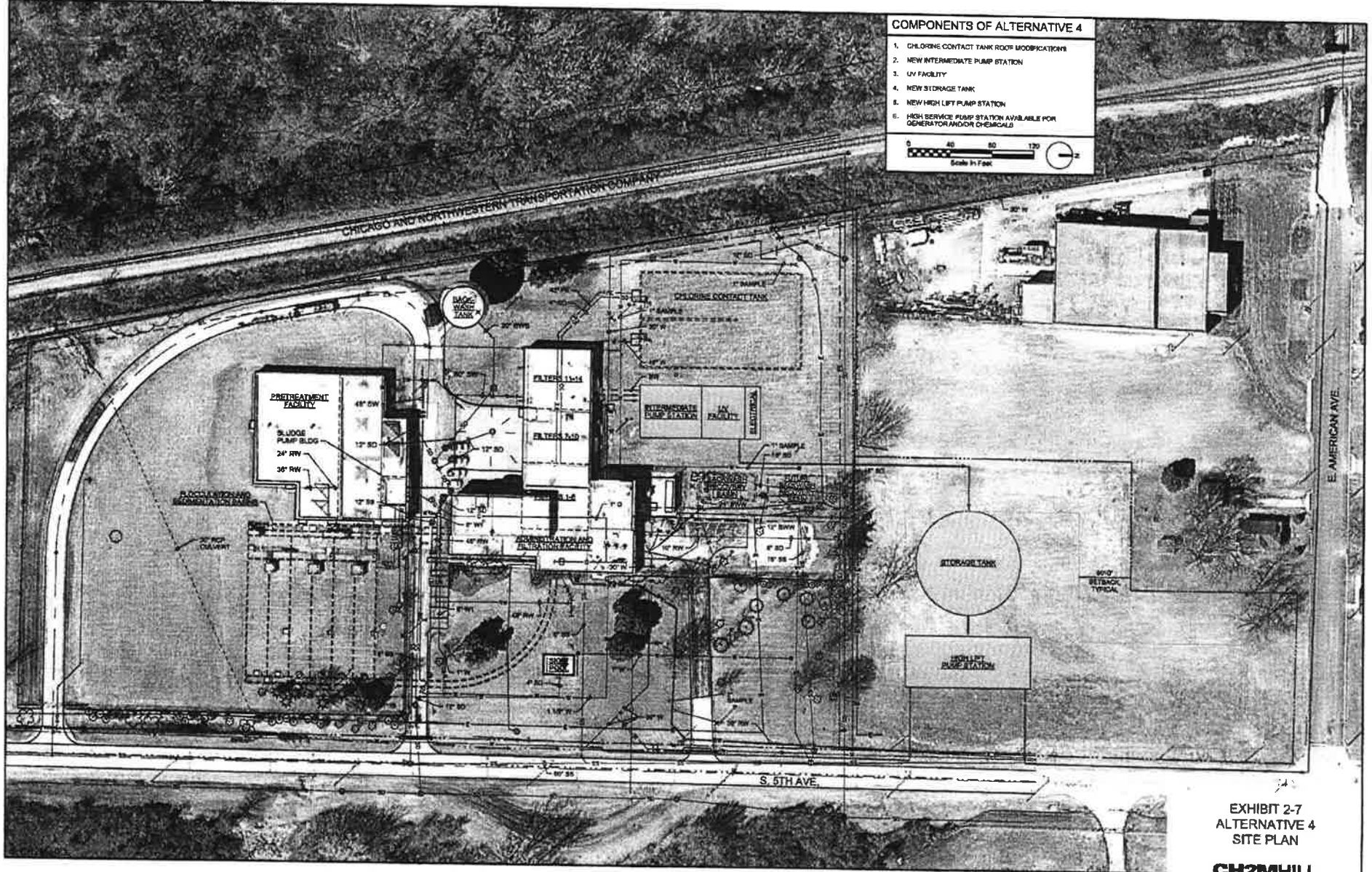
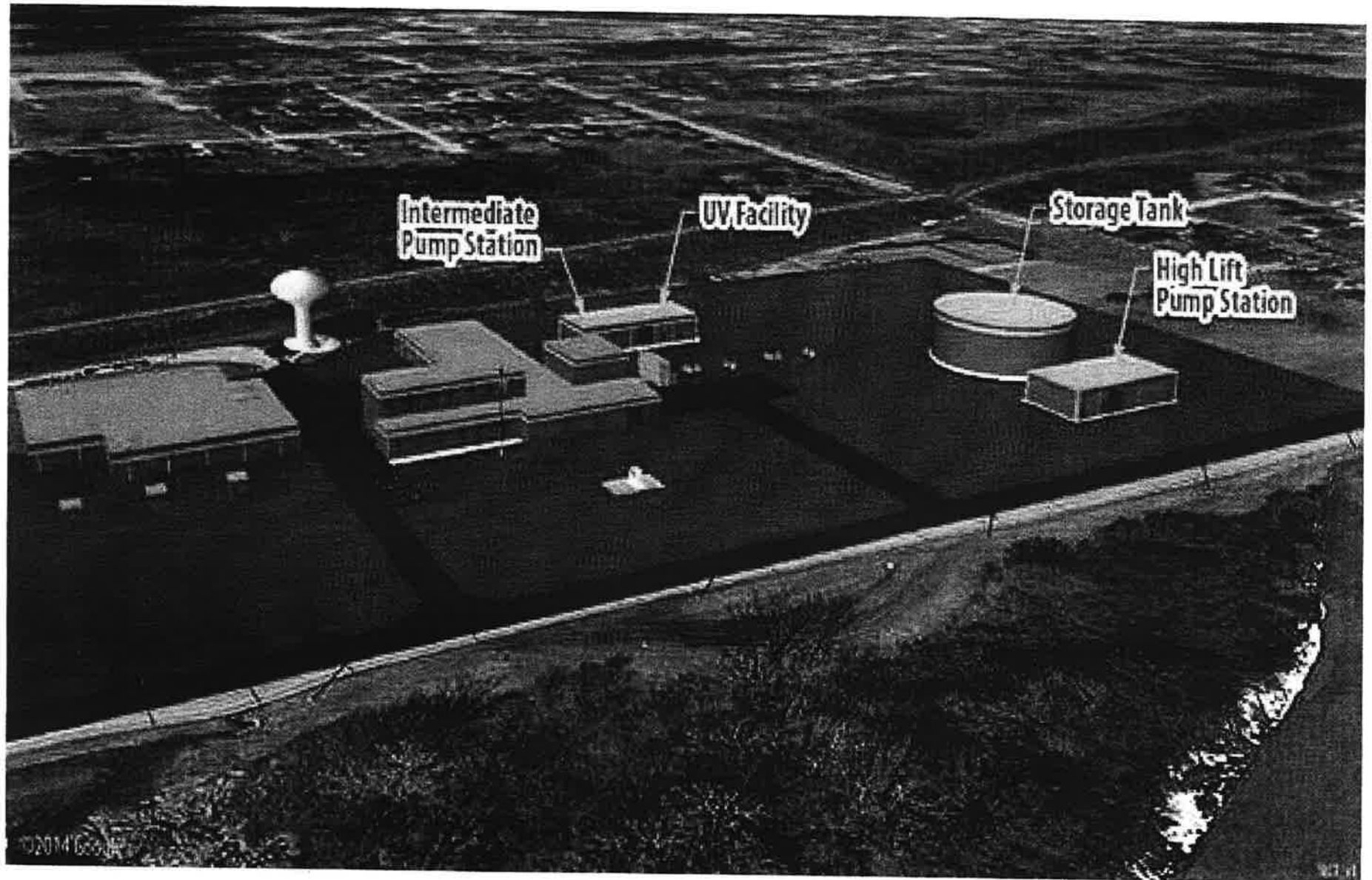


EXHIBIT 2-7
ALTERNATIVE 4
SITE PLAN

CH2MHILL.

Conceptual Plan with Round Water Tank



City of Oak Creek – Conditional Use Permit
Conditions and Restrictions

Applicant: Oak Creek Water & Sewer Utility

Approved by Plan Commission: 1-13-15

Property Addresses: 9175 S. 5th Ave., 9235 S. 5th Ave.,
3975 E. American Ave.

Approved by Common Council: TBD
(Ord. #2748)

Tax Key Numbers: 869-9006-000, 869-9995-004, 869-9998-003

Conditional Use: Water storage and high service distribution pump facilities.

1. LEGAL DESCRIPTION

9175 S. 5th Ave: CERTIFIED SURVEY MAP NO. 1120 PARCEL 1 SE1/4 SEC 23-5-22 CONT. 0.32 ACS.

9235 S. 5th Ave.: COM 896.50 FT S & 24.75 FT W OF NE COR SE1/4 SEC. 23-5-22 TH S 107.68 FT W
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FT TO BEG. & EXC E 24.75 FT THEREOF & CSM NO. 1120. CONT. 1.488 ACS.

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 & proposed)
- j) Location of water (existing & proposed)
- k) Location of storm sewer (existing & proposed)
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- a) Screening plan for outdoor storage
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- a) Architectural elevations
- b) Building floor plans
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- a) Types of fixtures
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- a) Contours (existing & proposed)
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6) **Fire Protection**

- a) Location of existing and proposed fire hydrants
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- 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(j)(6)(f) 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. **Parking Lot Screening.** Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way. All screening materials shall be placed and maintained at a minimum height of three (3) feet.
1. At least one ornamental deciduous tree, no less than 2.5" caliper, shall be incorporated into the design for every 35 linear feet of public street frontage.
 2. At least 25% of the total green space area shall be landscaped utilizing plant materials, other than maintained turf, that contribute to ground coverage.
 3. For purposes of determining the number of plants necessary to meet the minimum 25% ground coverage requirement, plant types are categorized by their general size and potential mature at-grade coverage area.

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

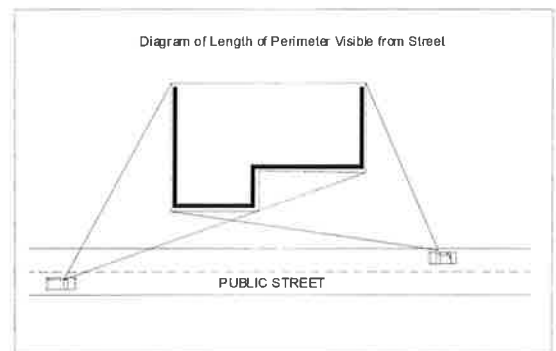
* Note shade and ornamental trees are not considered a plant type contributing to "at grade" coverage.

4. To assure a diversity of color, texture and year-round interest, the total number of plant materials must be comprised of a minimum 25% evergreens, but no more than 70%.
- B. **Interior Landscape Area.** All public off-street parking lots which serve five (5) vehicles or more shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. 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.
- C. **Perimeter Landscape Area.** In an effort to prevent adjacent parking lots from becoming one large expanse of paving, perimeter landscaping shall be required. The perimeter strip shall be a minimum 5 feet in width. A minimum of one tree and five shrubs is required for every 35 linear feet of the perimeter of the parking area and located within the perimeter landscape area.
- D. **Landscaping Adjacent to Buildings.** There shall be a minimum three-foot landscaped area provided between the edge of pavement and the entrance elevation of the building.
- E. **Screening of Trash.** Trash receptacles shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- F. **Screening of Ground Mounted Mechanical Equipment.** Ground mounted mechanical equipment shall not be located within the front or street yard, and shall be screened from casual view by means of screening that is compatible with the main building/structure and landscaping.
- G. **Screening of Roof Mounted Mechanical Equipment -** Roof mounted mechanical equipment shall be screened from casual view.

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

6. ARCHITECTURAL STANDARDS

- A. No building shall be permitted if the design or exterior appearance is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades of surrounding properties and presents an attractive appearance to the public. Predominant exterior building materials must be of high quality. 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.
- C. The facade of a manufacturing, commercial, office, institutional, or park building shall be finished with an aesthetically pleasing material. A minimum of seventy-five (75) percent of the visible perimeter (see diagram) shall be finished with glass, brick or decorative masonry material.
- D. Material and color samples shall be submitted to the Plan Commission for review and approval.



- E. The Plan Commission has the discretion to adjust this minimum for building additions.
- F. The relative proportion of a building to its neighboring buildings or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
- G. Each principal building shall have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- H. Sides of a building that are visible from adjoining residential properties and/or public streets should contribute to the pleasing scale features of the building by featuring characteristics similar to the front façade of the building.
- I. Dumpsters and other trash receptacles shall be fenced and/or screened from view from street rights-of-way and adjacent residential uses.
- J. The Plan Commission shall impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule; as well as the approved protection of the identified wetlands and woodlands on the approved plan.

7. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	30'	15'	15'
Accessory Structure*	30'	15'	15'
Off-street Parking	15'	15'	15'

** 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.

10. PERMITTED USES

- A. All permitted uses in the I-1, Institutional zoning district.
- B. Water storage and high service distribution pump facilities in the locations depicted on the concept plan approved by the Plan Commission on January 13, 2015.
- C. Usual and customary accessory uses to the above listed permitted uses.

11. TIME OF COMPLIANCE

The operator of the conditional use shall commence work in accordance with these conditions and restrictions for the conditional use within eighteen (18) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within eighteen (18) months after the date of adoption of the ordinance if a building 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. REVOCATION

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 / Authorized Representative Signature

Date

(please print name)

ORDINANCE NO. 2748

By: _____

AN ORDINANCE TO REZONE THE PROPERTIES AT 9175 S. 5TH AVENUE, 9235 S. 5TH AVENUE, AND 3975 E. AMERICAN AVENUE FROM B-2, COMMUNITY BUSINESS TO I-1, INSTITUTIONAL WITH A CONDITIONAL USE FOR WATER STORAGE AND HIGH SERVICE DISTRIBUTION PUMP FACILITIES

(3rd Aldermanic District)

WHEREAS, THE OAK CREEK WATER AND SEWER UTILITY, has applied for a rezoning of the properties at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave. from B-2, Community Business to I-1, Institutional with a Conditional Use for water storage and high service distribution pump facilities; and

WHEREAS, the properties are more precisely described as follows:

9175 S. 5th Ave: CERTIFIED SURVEY MAP NO. 1120 PARCEL 1 SE1/4 SEC 23-5-22 CONT. 0.32 ACS.

9235 S. 5th Ave.: COM 896.50 FT S & 24.75 FT W OF NE COR SE1/4 SEC. 23-5-22 TH S 107.68 FT W 277 FT N 107.68 FT TH E 277 FT TO BEG. CONT. 0.685 ACS.

3975 E. American Ave.: S 330 FT OF N 896.50 FT OF E 301.75 FT OF SE1/4 SEC. 23-5-22 EXC: COM 566.50 FT S & 220.75 FT W OF NE COR OF SD 1/4 SEC TH S 155.25 FT W 81 FT N 155.25 FT TH E 81 FT TO BEG. & EXC E 24.75 FT THEREOF & CSM NO. 1120. CONT. 1.488 ACS.

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

WHEREAS, the Common Council held a public hearing on said request on January 20, 2015, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from B-2, Community Business to I-1, Institutional and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 water storage and high service distribution pump facilities located at 9175 S. 5th Ave., 9235 S. 5th Ave., 3975 E. American Ave., which shall include the aforementioned conditions and restrictions.

SECTION 3: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for the water storage and high service distribution pump facilities.

SECTION 4: 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 5: 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 6: This ordinance shall take effect and be in force from and after its passage and publication.

Passed and adopted this _____ day of _____, 2015.

President, Common Council

Approved this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015

Item No.: 10

Recommendation: Approve Resolution #11588-012015 Partnership for Prosperity: An Agenda for a Competitive 21st Century Wisconsin.

Background: Communities throughout Wisconsin have been working with the Wisconsin Municipal League to identify ways to create a positive partnership with the State of Wisconsin that would lead to economic growth and job creation. The culmination of this municipal input was the creation of a "Partnership for Prosperity: An Agenda for a Competitive 21st Century Wisconsin" (attached). It is important that our elected state officials hear the voices of municipal officials and commit to a positive working relationship to advance mutual interests.

Attached for Council consideration is Resolution #11588-012015, Partnership for Prosperity: An Agenda for a Competitive 21st Century Wisconsin which urges the Governor and Legislature to work in concert with municipal leaders to accomplish critical goals, job creation, and economic growth. A media release, should the Council approve this resolution, is also attached for your review.

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

City of Oak Creek

Resolution No. 11588-012015

**Partnership for Prosperity:
An Agenda for a Competitive 21st Century Wisconsin**

Whereas, the state Legislature and the Governor understand that job creation and economic growth is a top priority; and

Whereas, municipalities are the foundation of Wisconsin’s economy and local leaders share the same goal of job creation and economic vitality;

Whereas, the state should focus its support and limited resources for local government on incorporated communities, which are the economic engines of the state as evidenced by the following:

- Wisconsin’s metropolitan regions already account for 75% of the state’s Gross Domestic Product.
- Wisconsin’s cities and villages are home to 70 percent of the state’s population, 87 percent of all manufacturing property, and 89 percent of all commercial property.
- Most of the small businesses created in Wisconsin get their start in cities and villages.
- Cities and villages are where nearly all technology based entrepreneurship is occurring in Wisconsin.
- Startups and other knowledge-based economic activity occur almost exclusively within cities and villages.

Whereas, to compete globally, Wisconsin needs to develop and maintain quality communities that can attract and retain talent and enterprise and spur job creation;

Whereas, for the state’s economy to flourish, state and local leaders must work collaboratively;

Whereas, the Wisconsin Municipal League’s *Partnership for Prosperity* legislative agenda recognizes that thriving municipalities are critical to a successful state economy and calls for a new state-local partnership to drive the state’s economy forward and spur job creation by:

- 1) Helping communities continue to provide quality local services while holding the line on property taxes.
- 2) Investing in local transportation infrastructure.
- 3) Enhancing and promoting economic development best practices, like the expansion of the historic tax credit that was accomplished in the 2013-2014 legislative session.

Now, Therefore, Be It Resolved, that the City of Oak Creek urges the Governor and the Legislature to work collaboratively with municipal leaders to accomplish the critical goals of job creation and economic growth.

Be it Further Resolved, that the City of Oak Creek urges the Legislature and the Governor to enact the League of Wisconsin Municipalities’ *Partnership for Prosperity* agenda.

Common Council President

Mayor

ATTEST:

City Clerk

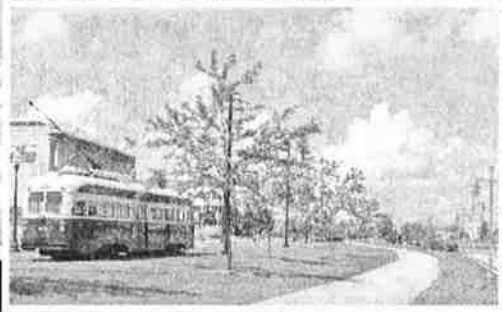
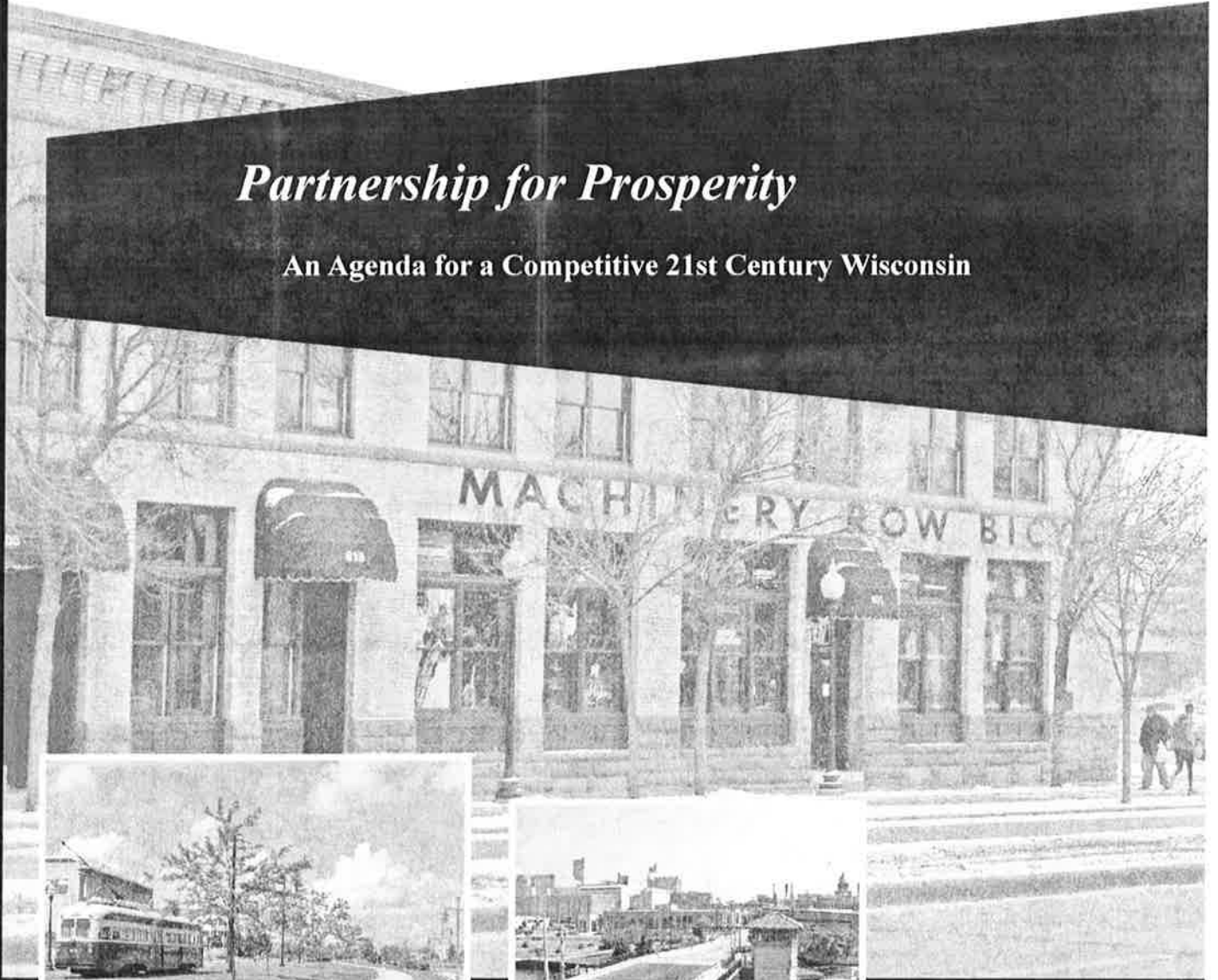
VOTE: Ayes: _____ Noes: _____



LEAGUE of
Wisconsin
Municipalities

Partnership for Prosperity

An Agenda for a Competitive 21st Century Wisconsin



Partnership for Prosperity:

An Agenda for a Competitive 21st Century Wisconsin

Thriving cities and villages are a key to Wisconsin's long-term economic success. To compete globally, Wisconsin needs to develop quality communities that can attract and retain talent and enterprise and spur job creation. Wisconsin cities and villages provide the core services that businesses and people expect and need from their local governments, including police and fire protection, sewer and water, roads and other transportation infrastructure, garbage collection, recycling, libraries, and parks.

At a time when our state and local resources are diminishing, it is imperative the state receive a strong return on its investment in local services. The state should invest its limited resources where most of the state's economic activity is already occurring and where the most jobs are being created. By doing so, the state is more efficiently targeting its resources to maximize job growth outcomes. The state should focus its support and limited resources for local government on cities and villages because:

- Wisconsin's metropolitan regions already account for 75 percent of the state's Gross Domestic Product.
- Wisconsin cities and villages are home to:
 - ◆ 70 percent of the state's population
 - ◆ 87 percent of all manufacturing property
 - ◆ 89 percent of all commercial property
- Most of the small businesses created in Wisconsin get their start in cities and villages.

- Cities and villages are where nearly all technology based entrepreneurship and knowledge based economic activity occurs in Wisconsin.

This agenda proposes a commitment of action in partnership between the state and its municipalities to assist communities in providing key services and amenities that contribute to a high quality of life and facilitate Wisconsin's economic growth and job creation. The following proactive legislative agenda is designed to create a new state-local partnership for prosperity to drive the state's economy forward by:

- Helping communities continue to provide quality local services while controlling property taxes.
- Investing in local transportation infrastructure.
- Enhancing and promoting economic development best practices, like the expansion of the historic tax credit that was accomplished last session (2013 Wisconsin Act 62).

Partnership for Prosperity Legislative Agenda

SUSTAINABLE FUNDING FOR LOCAL SERVICES

Municipalities are responsible for providing the public services necessary for a high quality of life and economic vitality. The delivery of quality services depends on having reliable and sufficient revenues. Wisconsin municipalities receive most of their revenue from two sources: property taxes and state revenue sharing programs. We recommend the following policy changes to ensure financial stability and flexibility for municipalities:

A. REDI FOR JOBS PLAN

Create a new Regional Economic Development Incentive (REDI) program to supplement and ultimately replace shared revenue. A version of REDI was originally introduced as 2009 Assembly Bill 833/Senate Bill 532. REDI calls for increasing funding for the shared revenue program annually by the same percentage that the state general fund expenditures grew over the previous budget. Under REDI, the

current shared revenue appropriation would continue to be distributed to municipalities in the same manner it has been in recent years. Any new dollars added to the program would be distributed to cities, villages and towns according to the following formula:

Distribute any additional dollars to shared revenue according to the following formula:

- a. One-third to be distributed by economic regions based on the percentage growth in *new private sector jobs* created from the previous year.
- a. Two-thirds to be distributed statewide on a per capita basis to cities, villages, and towns that levy at least 1 mill. Percentage adjustments would be made to each municipality's population based on an average of the following two factors: per capita property value and per capita adjusted gross income.

B. TIE LEVY LIMITS TO RATE OF INFLATION

The current state imposed levy limit allows a municipality to increase its levy over the prior year by the percentage increase in equalized value from net new construction. While every community is different, in 2014, the growth in the state's total equalized value from net new construction was 1.12 percent. Levy limits this strict are unsustainable and are negatively impacting the ability of municipalities to provide the services necessary for economic development and job growth. The minimum allowable annual growth in a community's tax levy should be at least the rate of inflation.

C. MODIFY NEW CONSTRUCTION ADJUSTMENT FOR LEVY LIMITS

A municipality's current maximum allowable levy is the percentage increase in equalized value from *net* new construction. Net new construction is new construction minus buildings demolished. A limit based on net new construction negatively impacts older urban areas engaged in redevelopment projects. The maximum allowable levy should be the percentage change in the municipality's equalized value due to new construction, not *net* new construction.

D. CREATE ECONOMIC DEVELOPMENT EXEMPTION FROM LEVY LIMITS

Exempt from levy limits the amount municipalities spend on economic development.

Define "economic development" to include development incentives and grants, recruitment and retention efforts, community branding and marketing, urban service area extensions, land acquisition, brownfields clean-up, infrastructure improvements necessary for particular developments, and salaries for staff engaged in economic development.

E. CREATE AN INCENTIVE FOR CLOSING TIDS EARLY

Allow Municipalities to treat more of the growth in value within a terminated TID as net new construction for levy limit purposes. When a TIF district terminates, allow up to 85 percent of the value increment of the former district to be treated as net new construction and added to the municipality's allowable levy. Current law allows up to 50 percent of the value increment to be added to the allowable levy.

F. ENCOURAGE MUNICIPALITIES TO HOLD DOWN SPENDING BY EXPANDING THE EXPENDITURE RESTRAINT PROGRAM

To receive payments under the Expenditure Restraint Program (ERP), municipalities must limit the year-to-year growth in their budgets to a percentage equal to CPI plus

60 percent of the percentage change in the municipality's equalized value due to net new construction. To receive aid, a municipality must also have a municipal purpose tax rate in excess of five mills.

To be eligible for a 2014 payment, municipalities had to limit their 2013 general fund increases to 2.4 percent plus 60 percent of the percentage change in the municipality's equalized value due to net new construction. There are over 1,800 cities, villages and towns in Wisconsin. Out of the 454 municipalities that had tax rates exceeding 5 mills and were potentially eligible for a 2014 payment, only 359 met the budget test. The other 95 municipalities either did not meet the test or did not submit budget worksheets to DOR in a timely manner.

We recommend increasing funding for this successful program, which has been frozen at \$58 million since 2003. Increased funding will create more of a financial incentive for eligible communities to strive to meet the program's spending limits and qualify for ERP dollars. We also recommend that a portion of any funding increase be set aside in a separate pot as a bonus payment available only to those communities that limit their general fund increases a certain percentage (e.g., 5 percent) below the current budget test of CPI plus 60 percent of net new construction.

TRANSPORTATION FUNDING

The State's Transportation Fund must be adequately funded to build and maintain a modern transportation system that works seamlessly to move commerce and people. A safe, efficient and well-maintained transportation system, including transit, is critical to Wisconsin's economic prosperity and quality of life. Wisconsin needs to reverse its chronic underfunding of our state and local transportation systems.

According to the most recent (2012) figures available, the condition of Wisconsin's highway system is below average. The pavement on less than half of it is rated "good" based on smoothness. Thirty-five states had highways in better condition, including three neighboring states. The situation is significantly worse in the state's 15 urbanized areas. There, only 15 percent of the highway system is rated good; just over half is considered "acceptable." (Source: *Filling the Potholes: Addressing Local Transportation Funding in Wisconsin*; A Wisconsin Taxpayers Alliance Study for the Local Government Institute.)

If Wisconsin is to compete successfully with other states for jobs and workers over the next 30 years, it will need high-quality infrastructure. That means the system of state and Interstate highways needs to be modern and efficient for producers looking to deliver their goods to consumers. It also means local transportation infrastructure must be able to move

workers efficiently from where they live to where jobs are. Yet, the percentage of local transportation related costs that the state reimburses has steadily declined, shifting ever more of the cost onto property taxpayers. When the current general transportation aid formula was established in 1988, cities and villages received payments covering 24 percent of their costs. Today, general transportation aid payments equal on average about 13 percent of municipal costs.

To counter this unsustainable trend we propose the following recommendations:

A. INCREASE FUNDING FOR GTA

At a minimum, restore the \$30 million cut that was made to the share of cost component of the program in the 2011-2012 state budget.

B. MODIFY GTA DISTRIBUTION FORMULA

The current method of distributing GTA is based on 20th century goals of making sure dairy and other farm products get to market. Such an exclusive focus no longer makes sense if Wisconsin is to succeed in today's global economy. The formula should be modified to direct more resources to where most job creation and economic activity takes place, which is in Wisconsin cities and villages. GTA currently covers nearly 40 percent of towns' reported costs and only 13% of municipal transportation related costs. The proposed solution: Eliminate the rate per-mile payment option and distribute GTA to all local governments, including towns, exclusively on a share of cost basis.

C. REALIGN DISTRIBUTION OF LOCAL ROAD IMPROVEMENT PROGRAM (LRIP)

Prioritize spending in cities and villages, where 70 percent of state's population resides and most of the state's economic activity occurs. The state should reprioritize how it distributes limited LRIP dollars to better reflect where the state's population lives and works. LRIP was established in 1991 to assist local governments in improving seriously deteriorating local streets and roads. Total funding for the program is \$59 million. LRIP has an entitlement and a discretionary component.

The \$27 million **discretionary component** is currently distributed as follows: 43 percent to counties; 48 percent to towns; and 8.3 percent to municipalities. A portion of the program is also earmarked for certain specific projects.

The \$32 million **entitlement program** is currently distributed as follows: 43 percent to counties; and 28.5 percent to municipalities; and 28.5 percent to towns.

A higher percentage of LRIP dollars should be allocated to projects in cities and villages where the economic payoff will be greater and the investment is more likely to stimulate additional economic opportunities and job creation.

D. ENACT REGIONAL TRANSPORTATION AUTHORITY ENABLING LEGISLATION

Enact legislation similar to 2009 Assembly Bill 282/Senate Bill 205, authorizing local governments to create RTAs with ability to levy a sales tax to raise sufficient revenue to finance both road and transit capital costs and operations.

ABOUT THE LEAGUE

The League of Wisconsin Municipalities is a voluntary not-for-profit, non-partisan association of Wisconsin cities and villages working to advance municipal government. First established in 1898, the League provides a variety of services to its members including, legislative advocacy, information sharing, legal advice, education and training, and insurance options. The League's membership consists of 394 villages and all 190 cities. For more information about the League's legislative agenda contact: Jerry Deschane, Executive Director <jdeschane@lwm-info.org>; or Curt Witynski, Assistant Director <witynski@lwm-info.org>; or visit <www.lwm-info.org>.



League of Wisconsin Municipalities
131 W. Wilson St.
Suite 505
Madison, WI 53703
www.lwm-info.org

City of Oak Creek
Common Council Report

#11

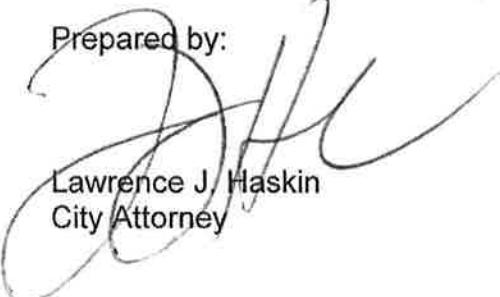
Meeting Date: 1-20-15

Recommendation: That the Common Council adopt Resolution No. 11585-012015, a Resolution Regarding the Former Du Pont and EPEC Properties.

Background: A citizen has raised the issue of whether or not the public would be allowed access to the former Du Pont and EPEC properties at this time. This matter has been reviewed by the Plan Commission, which has recommended that access by the public be denied until construction of the public park has been completed. If this Resolution is adopted, public access to the former Du Pont and EPEC properties will be prohibited until the public park is completed. The reasons for denying access prior to construction of the public park are set forth in the Resolution.

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. 11585 - 012015

RESOLUTION REGARDING THE FORMER DU PONT AND EPEC PROPERTIES
(Lake Vista Project)
(4th Aldermanic District)

WHEREAS, E. I. Du Pont De Nemours (“Du Pont”) and EPEC Polymers, Inc. (“EPEC”) owned approximately 98 acres located on Oak Creek’s lakefront east of 5th Avenue and north of East Ryan Road at 9300 South 5th Avenue (the “Du Pont Property”) and 4240 East Ryan Road (the “EPEC Property”) respectively (collectively the “Properties”); and,

WHEREAS, on December 5, 2014, Du Pont and EPEC conveyed the Properties to the City of Oak Creek (the “City”); and,

WHEREAS, the Properties are depicted on an ALTA/ACSM Land Title Survey prepared by R. A. Smith National, Inc., and dated November 4, 2014 attached hereto as Exhibit A; and,

WHEREAS, the Common Council has approved the Consensus Design and Programming Concept Plan prepared by JJR Smith Group, LLC (the “Concept Plan”), a copy of which is attached hereto as Exhibit B, which identifies a proposed park on the eastern half of the Du Pont Property and on a portion of the EPEC Property which is not proposed for a future development site as depicted on the Concept Plan and as further identified on Exhibit C attached hereto and incorporated herein by reference; and,

WHEREAS, the areas west of the Active Recreation Zone on the Du Pont Property depicted on the Concept Plan and west of the Development Zone A on the EPEC Property as depicted on Exhibit C are proposed for future development purposes; and,

WHEREAS, in 2015 and in 2016 the City intends to construct recreational fields, shelters and restrooms, paved parking areas, paved hiking paths and a roadway with street lights as depicted on the Concept Plan; and,

WHEREAS, until construction occurs there is no hard surfaced means of access to the Properties and there are no street lights on the Properties; and,

WHEREAS, properties along the lakefront south of the Milwaukee Metropolitan Sewerage District South Shore Water Reclamation Facility, east of 5th Avenue and north of East Ryan Road have been the subject of vandalism in the past; and,

WHEREAS, it would be difficult for emergency services to have reasonable access to the Properties in the event of an emergency; and,

WHEREAS, the Properties will be a construction zone starting in the spring of 2015; and,

WHEREAS, the Properties are subject to environmental restrictions including a Soil Management Plan and a Barrier Maintenance Plan that are mandatory requirements of the Wisconsin Department of Natural Resources ("DNR"); and,

WHEREAS, it has been recommended by the Engineering Department, the Police Department and the Fire Department that access to the Properties by the public be prohibited until such time as the park areas as depicted on Exhibit B are constructed; and,

WHEREAS, once construction of the proposed park is complete, public access to the Properties will be allowed; and,

WHEREAS, this issue has been reviewed by the Plan Commission which has recommended that public access to the Properties be prohibited until the public park is complete.

NOW THEREFORE BE IT RESOLVED by the Oak Creek Common Council that:

- 1) The Common Council confirms that the areas as depicted on Exhibit B, the Concept Plan, be devoted to public park purposes.
- 2) Until construction of the public park is completed access to the Properties by the public is prohibited.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of January, 2015.

Passed and adopted this 20th day of January, 2015.

President, Common Council

Approved this 20th day of January, 2015.

Mayor Stephen Scaffidi

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

EXHIBIT C

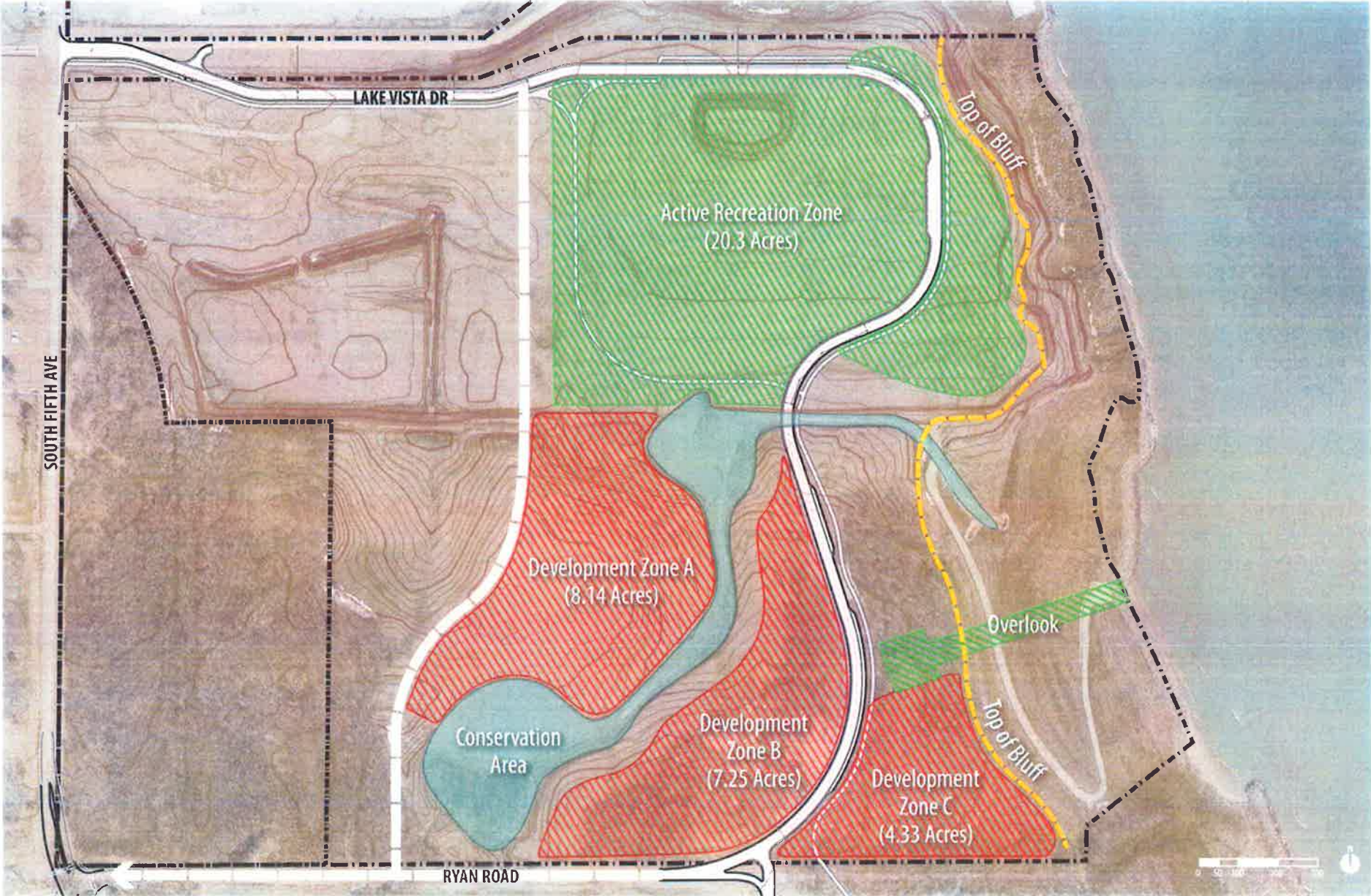
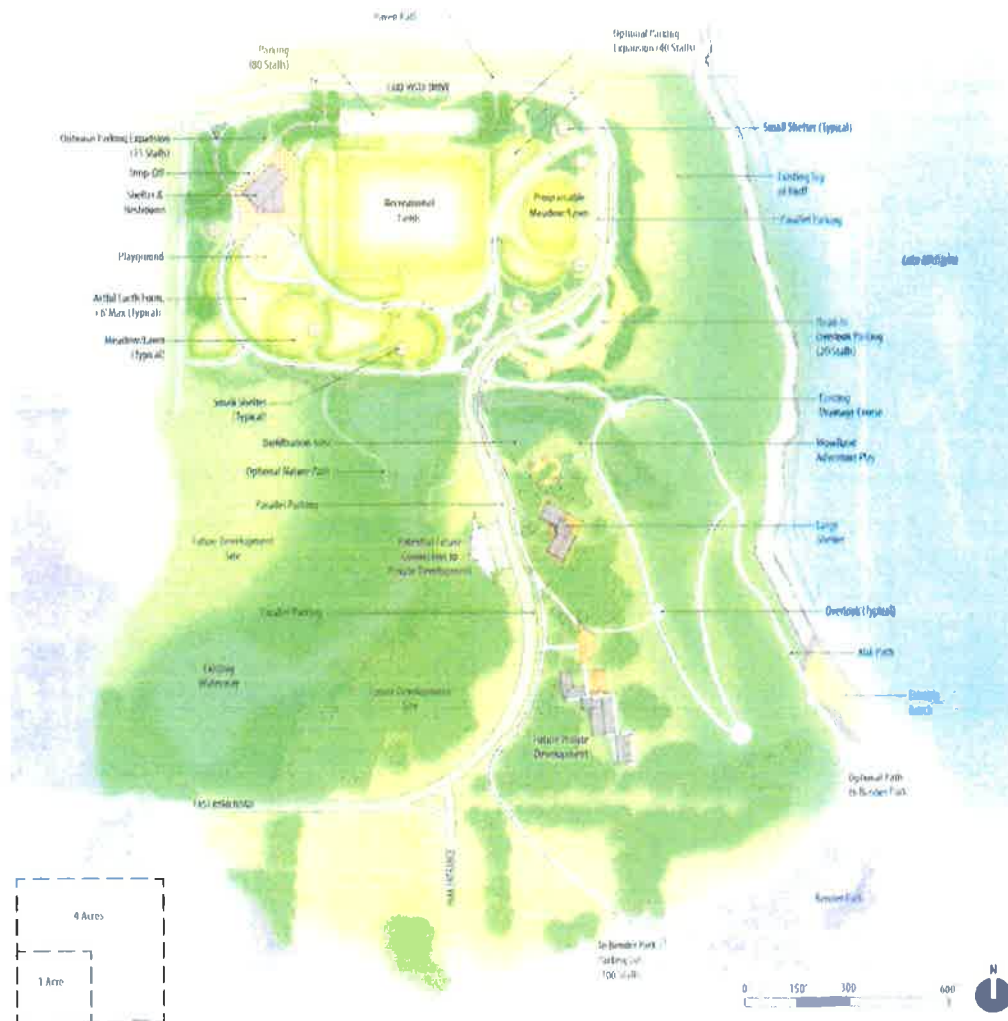


EXHIBIT B

Consensus Design & Programing Concept (DRAFT)



• Park Facility Organization

- Turf for informal use or dedicated athletic events, flexibility in programming
- Small shelters within meadows or naturalized areas
- Parking along north boundary of park
- Series of outdoor rooms
- Large traditional playground, woodland adventure area for nature-based exploratory play

• Landscape Character

- Primarily naturalized landscaping with small areas of mown turf and meadow
- Mix of flat areas with artful topography / earth forms

• Bluff Facilities

- Multiple overlooks at top of stabilized bluff
- Multiple trailhead locations
- Twelve month pull-up parking facing the lake with a view
- Bluff trail terminates at existing beach, upland trail continues to Bender Park

• Potential Programmatic Uses

- Farmer's Market
- Disc Golf
- Kite Flying
- Winter Sports (Cross Country Skiing, Snowshoe, Hockey, Ice Skating)
- Bird Watching
- Model Airplanes
- Food Truck Rodeo
- Art Installations
- Temporary Beer Garden
- Fire / Council Ring(s)
- Public Fireworks Viewing
- Zip Line / Adventure Play
- Wellness Course
- Smart Phone Apps

City of Oak Creek Common Council Report

#12

Meeting Date: 1-20-15

Recommendation: That the Common Council adopt Resolution No. 11590-012015, a Resolution Regarding the City of Oak Creek Social Media User Responsibilities Policy.

Background: The City of Oak Creek encourages its residents, businesses, visitors and other interested parties to communicate with the City in support of the City's mission using social media. Applications such as Facebook and Twitter provide the City and its stakeholders with considerable opportunities to interact with the City and remain informed about City matters. In order to ensure appropriate use of these applications, staff is recommending the implementation of this Social Media User Responsibilities Policy.

Fiscal Impact: None.

Prepared by:



Melissa L. Karls
Assistant City Attorney

Respectfully submitted,

Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11590 - 012015

RESOLUTION REGARDING THE CITY OF OAK CREEK
SOCIAL MEDIA USER RESPONSIBILITIES

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the attached Social Media User Responsibilities Policy be and the same is hereby approved.

BE IT FURTHER RESOLVED that any future amendments or modifications to the Social Media User Responsibilities Policy shall be approved by the City Administrator.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of January, 2015.

Passed and adopted this 20th day of January, 2015.

President, Common Council

Approved this 20th day of January, 2015.

Mayor Stephen Scaffidi

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes ____ Noes ____

CITY OF OAK CREEK
SOCIAL MEDIA USER RESPONSIBILITIES POLICY

Your comments are welcome on the City of Oak Creek Government Facebook page and other official social media sites.

The purpose of these sites is to present matters of public interest to City of Oak Creek residents, businesses, visitors and other interested parties. The City encourages you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not an unedited public forum. All content posted to the City of Oak Creek's social media sites by the public should be related to discussion of City promoted programs, services, projects, issues, events, and activities.

Articles and comments containing any of the following forms of content shall not be allowed:

1. Comments not topically related to the particular post being commented upon;
2. Profane language or content;
3. Personal attacks or name-calling of any kind;
4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
5. Comments that support or oppose political campaigns or ballot measures;
6. Sexual content or links to sexual content;
7. Solicitations of commerce;
8. Conduct or encouragement of illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems; or
10. Content that violates a legal ownership interest of any other party.

This comment policy is subject to amendment or modification at any time. Repeated violations of the City of Oak Creek social media comment policy may result in the offending user being blocked from use of City social media sites at any time and without prior notice.

While the City of Oak Creek understands that social media is a 24 hour-a-day, 7 days-a-week medium, the monitoring capability of the City's staff is not. The City therefore asks that no requests for emergency service or immediate response be made through social media.

Any removed comments will be collected and archived for Records Management purposes and in order to comply with Wisconsin's Public Records law and the Freedom of Information Act.

Please note that the comments expressed on this site do not reflect the opinions and position of the City of Oak Creek or its officers and employees.

Activity on City of Oak Creek Government Facebook pages is subject to public disclosure (Wis. Stat. 19.31-19.39).

Thank you for your respectful participation in our online community.

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015


Item No.: 13

Recommendation: That the Common Council adopt Ordinance 2749 Amending Section 2 of Ordinance 2743 relating to the salary for the position of Assistant Director of Streets, Parks, and Forestry.

Background: Due to increasing technological advancements and additional demands on the department, the Streets Supervisor job description has been updated and is more accurately identified as the Assistant Director of Streets, Parks, and Forestry. The wage range remains the same as it had been for the Streets Supervisor position.

Fiscal Impact: None at this time. An ordinance will be brought forward for consideration and approval of the specific annual wage when an individual is selected for this position.

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

Submitted by:

Ted Johnson
Director of Streets, Parks, and Forestry

ORDINANCE NO. 2749

BY: _____

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2743 AND FIXING THE SALARY RANGES, SALARY, WAGES AND ALLOWANCES FOR NON-UNION, GENERAL, MANAGEMENT PERSONNEL AND OTHER CITY OFFICES AND POSITIONS FOR THE YEAR 2015 ESTABLISHING A WAGE RANGE FOR THE POSITION OF ASSISTANT DIRECTOR OF STREETS, PARKS, AND FORESTRY

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

SECTION 1: Ordinance No. 2743 is hereby amended as follows:

Position Title	Starting Salary	Top Salary
Assistant Director of Streets, Parks, and Forestry	\$68,788	\$76,289

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 full force and effect from and after its passage and publication and shall apply as of January 21, 2015.

Introduced this _____ day of _____, 2015.

Passed and adopted this _____ day of _____, 2015.

President, Common Council

Approved this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Vote: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015

Item No.: 14

Recommendation: That the Common Council considers a motion authorizing the Finance Department to purchase the citizens request for action module for our current BS&A Software. The addition of this module would create a web portal for the citizens to place and track work requests with the City of Oak Creek.

Background: During the 2015 budget process, the Capital Improvement Committee and Common Council approved \$25,000 for the purchase of a work order management system for the Streets, Parks and Forestry Department. A committee was formed consisting of a diverse cross section of city employees to evaluate a number of software solutions to determine the best fit for the city. The committee evaluated a number of software programs and selected six companies to present to the committee for final consideration.

Once the evaluation process was completed, the committee discussed the strengths and weaknesses of each vendor's presentation and proposal. Although each had its pros and cons, eventually the group unanimously chose to forward a recommendation for the BS&A Software. BS&A was selected was based on, overall cost, a user friendly interface, and the fact that multiple groups within the city will be using this software so there would be no need for any integration.

Fiscal Impact: Cost of Purchase, implementation and training of this software will be \$22,725, and will be taken from project 15019 Work Order & Asset Management Software. See cost breakout below:

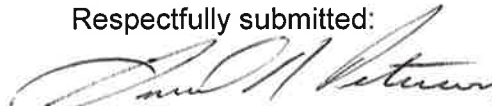
Applications	\$12,495
Project Management and Implementation Planning	\$1,650
Implementation and Training	\$6,600
Total Proposed	\$20,745
Travel Expenses	<u>\$1,980</u>
Grand Total (with Travel Expenses)	\$22,725
Cost for annual user support:	\$2,500

Prepared by:



Ted Johnson
Director of Streets Parks and Forestry

Respectfully submitted:



Gerald Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

City of Oak Creek Common Council Report

Meeting Date: 1/20/15

Item No.: 15

Recommendation: That the Common Council approve license agreements with SESAC (Society of European Stage Authors and Composers), BMI (Broadcast Music Inc.), and ASCAP for the re-broadcast of music by licensed performers.

Background: There are three music copyright protection/licensing companies - ASCAP, BMI and SESAC. The artists receive royalties when their work is used, including music in the park, replaying radio music over the phone system, etc. It is recommended that these annual payments be approved.

Fiscal Impact: The fees that are due pursuant to the agreement are based on population. In this instance, Oak Creek falls in the 1-50,000 population category for BMI for a 2013 fee of \$301.50; SESAC - 25,001-50,000 for a fee of \$719. and ASCAP - 1-50,000 for a fee of \$335.


Payment will be taken from Account 40-420 General Government Dues and Publications.

Prepared by:



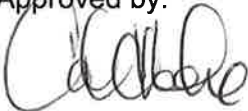
Christa J. Miller, WCMC
Deputy City Clerk

Respectfully submitted by:



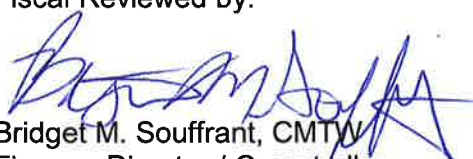
Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:



Catherine A. Roeske
City Clerk

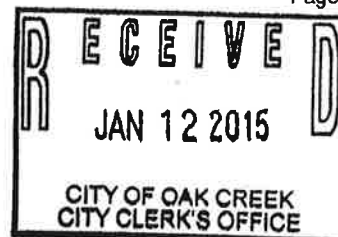
Fiscal Reviewed by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller



Invoice & Remittance Advice	
Account Number:	1894386
Billing Number:	25954701
Billing Date:	02-JAN-2015
Total Amount Due:	USD 301.50
Amount Enclosed:	



Please do not send correspondence with this payment
Pay Online: www.bmi.com/payments



City Clerk
Oak Creek, Wisconsin
8640 S Howell Ave
P O Box 27
Oak Creek WI 53154

1894386259547010000003015016

BMI
PO Box 630893
Cincinnati OH 45263-0893

Contact us: (888) 492-6264
www.bmi.com/email

Please return the above portion with your payment
Correspondence written on this notice or sent to this address will not be recognized by BMI

Billing Number	Beginning Balance	Billed and Adjusted	Payments	Ending Balance
25954701	\$0.00	\$301.50	\$0.00	\$301.50

Date	Type	Transaction #	Description	Amount Due (in USD)
Account# 1894386				
Oak Creek, Wisconsin				
8640 S Howell Ave P O Box 27 Oak Creek WI 53154				
01-JAN-2015	INV	8678661	Estimated Fee 01/01/2015 - 12/31/2015	\$301.50

If you are billed quarterly or semi-annually and your payment is 90 days past due, the unpaid balance of your Annual Fee is now due in full.

BMI customers have the following online features:

Manage your account online using the account and billing numbers appearing on the top of this invoice at: www.bmi.com/lge. Make a payment at: www.bmi.com/payments. In addition to American Express, MasterCard, Discover and VISA, we now accept payments from BOTH business and personal checking accounts.

Recently held a Special Event with gross revenues in excess of \$25,000 or more? These events should be reported within 90 days as outlined in your BMI Local Government Entities License agreement. Please contact your BMI representative at 877-264-2137 to request a report form.

Connect with additional savings for your business at: www.bmi.com/jbl - www.bmi.com/dell - www.bmi.com/fedex.

RETAIN THIS
PORTION FOR
YOUR RECORDS.

MUSIC LICENSE ACCOUNT INVOICE

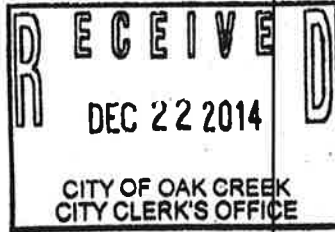


55 MUSIC SQUARE EAST
NASHVILLE, TN 37203-4362
1-615-320-0055

Acct # 63-48-01019 ID# 240838
City of Oak Creek
INVOICE
ACCOUNT BILLED: ANNUALLY
Date printed: 12-12-14

SESAC FED. I.D. NO.: 13-1325220

REF. NO.	TRANS. DATE	CURRENT CHARGES	PAYMENTS/ADJUSTMENTS	SUB-TOTAL	CODE
3973646	1-01-15	719.00		719.00	IV



The 1-01-15 invoice amount noted above represents License fees for the period of 1-01-15 thru 12-31-15.

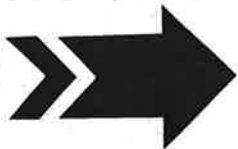
AJ - ADJUSTMENT
CM - CREDIT MEMO
DS - DISCOUNT

IV - INVOICE
LC - LATE CHARGE
PY - PAYMENT

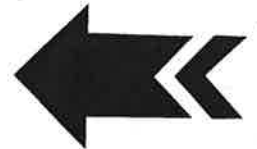
TX - TAX

TOTAL DUE

\$719.00



In accordance with your SESAC license, your 2015 annual fee is \$719.00.



Please detach and return the bottom portion with your payment.
Mail any correspondence to: SESAC Inc., 55 Music Square East, Nashville, TN 37203

PAYMENTS RECEIVED AFTER THE 15TH OF THE MONTH DO NOT APPEAR ON THIS INVOICE
PAYMENTS ARE POSTED TO THE OLDEST OUTSTANDING CHARGES

Two ways to pay! 1) Return this stub with your check or 2) Pay online at www.sesac.com/pay

To avoid late charges, please pay the total due by the due date.

DATE DUE 01-01-15 TOTAL DUE \$719.00

If paying by check:

CHECK NO.: _____ AMOUNT PAID \$ _____

FOR INTERNAL USE ONLY

Loc: Oak Creek WI
Acct: 63-48-01019 ID#: 240838
CnCd: IB



Pay online at www.sesac.com/pay
Account Number: 63-48-01019 ID Number: 240838
or Call 1-615-320-0055

CITY OF OAK CREEK
C/O CITY HALL
8640 S HOWELL AVE
OAK CREEK WI 53154-2918

SESAC
P.O. BOX 900013
Raleigh, NC 27675-9013

25485



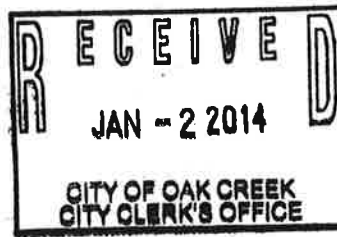
63480101902408380000071900

Please send all correspondence to 55 Music Square East, Nashville, TN 37203



ASCAP

PO BOX 331608-7515
Nashville, TN 37203-9998
Attn: Account Services
Phone: 1-800-505-4052
Fax: 1-615-691-7795



December 20, 2014

G43RHL003003771 -

Christa Miller
Mayor
City Of Oak Creek
City Of Oak Creek
8640 S Howell Ave
Oak Creek, WI 53154-2918

Re: Account No. - 500601424
City Of Oak Creek
City Of Oak Creek
8640 S Howell Ave
Oak Creek, WI 53154-2918

Dear Mr. Miller:

Your 2015 ASCAP Rate Schedule is attached. Based on the Consumer Price Index, All Urban Consumers - (CPI-U) between October 2013 and October 2014, the 2015 Rate Schedule increased by 1.66434% over the 2014 Rate Schedule. We recommend that you attach the Rate Schedule to your License Agreement for future reference.

In accordance with the terms of the Agreement, Base Licensee Fees are due and payable within 30 days of the renewal date, and shall be accompanied by a statement confirming whether any Special Events were presented during the previous calendar year. Please complete and return the enclosed report form, along with your payment within 30 days of the renewal date of your License Agreement, which is 05/31/2015. You may also copy this form to report any Special Events you have during the year.

Should you prefer to make a payment via Electronic Check or Credit Card, and/or view your account balance and payment history, you may visit us at our secure ASCAP website: www.ASCAP.com/mylicense. Your account information is encrypted for maximum security. It is our strict policy not to make any individual customer data available to third parties for any reason. You may continue to send your report form by mail, via fax (1-615-691-7795) or to us via email at glcs@ascap.com.

We at ASCAP are proud to serve your licensing needs and would like to take this opportunity to extend our best wishes to you for a successful new year.

Sincerely,

Account Services

Account Services

Enclosures:
Rate Schedule
Report Form
Return Envelope

F0166_0115
IMLA



**LOCAL GOVERNMENT ENTITIES
2015 Rate Schedule and Report Form**

Account No.: 500601424

Premise Name: City Of Oak Creek; Oak Creek, WI

Report Due: 12/30/2015

3RHL0030037710203-40000



SCHEDULE A: Base License Fee

Population Size			Base License Fee
1	to	50,000	\$335.00
50,001	to	75,000	\$668.00
75,001	to	100,000	\$804.00
100,001	to	125,000	\$1,071.00
125,001	to	150,000	\$1,339.00
150,001	to	200,000	\$1,740.00
200,001	to	250,000	\$2,141.00
250,001	to	300,000	\$2,544.00
300,001	to	350,000	\$2,946.00
350,001	to	400,000	\$3,347.00
400,001	to	450,000	\$3,747.00
450,001	to	500,000	\$4,151.00
500,001	Plus***		\$5,086.00

*** \$5,086.00 plus \$500 for each 100,000 of population above 500,000 to a maximum fee of **\$66,929.00**

SCHEDULE B: Special Events

The rate for Special Events shall be 1% of Gross Revenue.

"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$335.00

License Fee for Year 2016 and Thereafter

For each calendar year commencing 2016, all dollar figures set forth in Schedules A, B and C above (except for \$500.00 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by ASCAP.



LOCAL GOVERNMENT ENTITIES
2015 Rate Schedule and Report Form

Account No.: 500601424

Premise Name: City Of Oak Creek; Oak Creek, WI

Report Due: 12/30/2015

SCHEDULE A: Base License Fee (Due upon execution of Agreement and within 30 days of the Agreement's Renewal Date.)

Population Size: 34707
 (Per current U.S. Census Data)

Base License Fee: \$ 335.00
 (Please refer to attached Rate Schedule)

SCHEDULE B: Special Events* (Report and Payment due 90 days after the conclusion of each Special Event)

Event Date (mm/dd/yyyy) If More than 1 Event Per Day, Please Report As Separate Entries)	Performer(s) or Group(s) Appearing	Gross Revenue of Event (Must Exceed \$25,000)	% Applies to Gross Revenue	Event Fee	Is a Program of Musical Works Attached? (Yes/No)	If the Event is Co-Sponsored (Please Identify The Co-sponsor's Name, Address, Phone Number and ASCAP Account Number)
n/a			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____
			x .01	\$		Name: _____ Address: _____ Phone No: _____ Account No: _____

***"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

***"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

ASCAP, P. O. Box 331608-7515, Nashville, TN 37203-9998 1-800-505-4052 1-615-691-7795 (FAX)
 Payment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>

City of Oak Creek Common Council Report

Meeting Date: January 20, 2014

Item No.: 16

Recommendation: That the Common Council approves payment of the obligations as listed on the January 15, 2015 and January 14, 2015 Vendor Summary Reports.

Background: Of note are the following payments:

1. \$13,076.00 to Arlington Computer Products (pg #2) for computer equipment and supplies.
2. \$21,569.50 to Buelow Vetter Buikema Olson (pgs #2-3) for December services regarding police negotiations and various personnel matters.
3. \$1,436,035.92 to Corporate Contractors Inc. (pg #4) for 5th progress payment on fire station and city hall/library.
4. \$34,850.00 to John's Disposal Service, Inc. (pg #8) for December disposal service.
5. \$5,049.00 to Journal Broadcast Group (pg #8) for November Packer radio advertising and promotion.
6. \$46,889.46 to JPMorgan Chase Bank NA (pgs #8-13) for travel/training, office supplies, dues/publications, recreation equipment/supplies, books, legal notices, medical & safety supplies, ERU equipment, and building/grounds maintenance.
7. \$17,581.00 to Master Repair Company (pg #14) for painting at fire station #3.
8. \$9,117.57 to Milwaukee County Treasurer (pg #14) for unclaimed funds.
9. \$8,170.00 to Security Benefit Group (pg #17) for VEBA payment.
10. \$21,888.25 to R.A. Smith National (pg #17) for Drexel Town Square November services.
11. \$25,073.41 to SmithgroupJJR (pg #17) for November Lake Vista redevelopment planning, programming, and conceptual design services.
12. \$14,880.00 to Tyler Technologies, Inc. (pg #19) for assessor contracted services.
13. \$17,282.92 to Verizon Wireless (pgs #19-20) for 4th quarter wireless services.
14. \$38,887.01 to WE Energies (pg #21) for street lighting and gas/electric utilities.
15. \$25,485.08 to WI Dept. of Transportation (pg #21) for Howell resurfacing progress payment.
16. \$7,469.00 to WI DSPS (pg #21) for state portion of agent plan reviews.
17. \$25,000.00 to Burkwald & Associates, Inc. (pg #2) for 2015 consulting fee.
18. \$24,747.59 to A Compass Minerals Company (pg #2) for road salt.
19. \$5,156.32 to Demco, Inc. (pg #3) for 2015 magazine subscriptions.
20. \$27,440.00 to Executime Software, LLC (pg #3) for time keeping software and training.
21. \$94,823.77 to City of Franklin (pg #3) for contract payment S. 27th Street reconstruction.
22. \$50,803.00 to Local Government Property (pg #6) for 2015 insurance.
23. \$23,924.39 to Motorola Solutions, Inc. (pg #7) for equipment and set up dispatch center.
24. \$69,408.90 to ProPhoenix Corporation (pg #8) for annual maintenance and support.
25. \$5,000.00 to Silver Circle, LLC (pg #14) for tax overpayment refund.
26. \$6,685.68 to Corelogic Tax Services (pg #14) for tax overpayment refund.
27. \$6,355.34 to Lake Michigan Credit Union (pg #15) for tax overpayment refund.
28. \$5,020.34 to Jan P Piwowarczyk (pg #16) for tax overpayment refund.

Fiscal Impact: Total claims paid of \$1,817,032.81 for 2014 and \$417,306.09 for 2015, combined total \$2,234,338.90

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: January 20, 2015

Item No.: 17

Recommendation: That the Common Council considers a motion to approve a contract amendment with Alfred Benesch & Company for an actual cost not-to-exceed \$23,047.85, for additional design services for bridges on S. Nicholson Road and W. Marquette Avenue. (Project No. 13022) (1st & 3rd Aldermanic Districts)

Background: The Nicholson Road and Marquette Avenue bridges have been under design by Alfred & Benesch and they have completed the 60% WisDOT design review process. Through the review process, Bureau of Structures (WisDOT) has indicated that the soil borings are not deep enough to fully support the design of the bridge foundations selected. In order to meet the design requirements, additional boring lengths will be required. It was also discovered that the east side of S. Nicholson Avenue adjacent to the bridge was never dedicated to the City of Oak Creek by Milwaukee County. Milwaukee County Park staff is willing to assist the City in acquiring the required right-of-way. Alfred Benesch is preparing the necessary legal descriptions and exhibits to facilitate the land transfer.

This amendment covers the following:

- 1) Soils & Subsurface Investigations (\$18,642.68)
 - a. Additional four soil borings to a depth of 120 feet or auger refusal, whichever is shallower
 - b. Sampling at 5 foot intervals
 - c. Revision of geotechnical report
- 2) Plats (\$4,405.17)
 - a. Prepare legal descriptions
 - b. Prepare exhibits to be attached to conveyance documents

Fiscal Impact: This design work will be paid through the Bridge Replacement CIP fund (Project No. 13022).

Prepared by:



Matthew J. Sullivan, P.E.
Design 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

January 6, 2015

City of Oak Creek
Attn: Matt Sullivan
8640 South Howell Ave.
PO Box 27
Oak Creek, WI 53154

RE: Design of Nicholson, Marquette, and 6th Street Bridges

Dear Mr. Sullivan,

Thank you again for the opportunity to continue our work for you on this project. The Wisconsin Department of Transportation, through their review of the preliminary bridge plans, has indicated that the soil borings are not deep enough to fully support the design of the bridge foundations. Benesch and Himalayan Consultants have looked at foundation types, sizes, and lengths, and we have determined that additional boring lengths will be required in order to meet the design requirements.

Additionally, through coordination with Milwaukee County, it was revealed that the east side of S Nicholson Ave in the vicinity of the Oak Creek Bridge has not been dedicated to the City of Oak Creek, but remains property of Milwaukee County. Additional work to prepare legal descriptions and exhibits to facilitate transfer of the Right of Way will be done.

The following changes in scope are required.

This letter provides clarification to Alfred Benesch & Co. (Benesch) proposed Amendment No. 2 for the design of Nicholson, Marquette, and 6th Street bridges.

1. Section G – SOILS AND SUBSURFACE INVESTIGATIONS

The original contract included 50 foot borings at Marquette Ave and at S Nicholson Rd. Soils at those depths were found to be unsuitable for the required pile bearing capacity. The geotechnical subconsultant will drill the borings deeper (approximately 120 ft below ground surface), and revise the geotechnical report accordingly.

2. Section L - PLATS

Through coordination with Milwaukee County, it was found that the east half of S Nicholson Rd was not conveyed to the City of Oak Creek. The City of Oak Creek is coordinating with Milwaukee County to properly convey these lands. Benesch will prepare a legal description and an exhibit to be attached to the conveyance documents.

3. Cost

- a. Total design cost increase for the project is \$23,047.85.

We hope this explanation for the additional services provides the City with sufficient information to approve Amendment No. 2. If further information is needed, please call me.

Sincerely,



William Zippel
Project Manager

Enclosures

**AMENDMENT NO. 2 TO THE CONTRACT
BETWEEN THE CITY OF OAK CREEK
AND ALFRED BENESCH & COMPANY (CONSULTANT) FOR**

Project ID's: 12017, 12018 and 12019

The contract made and entered into by and between the CITY OF OAK CREEK and CONSULTANT, dated January 30, 2013 is hereby amended as set forth on the following pages.

In witness whereof, the parties hereto have caused this amendment to be executed and approved on the date signed by their authorized officers or representatives.

CITY OF OAK CREEK, WISCONSIN

ALFRED BENESCH & COMPANY

By: _____
Stephen A. Scaffidi
Mayor

By: _____

By: _____
Gerald R. Peterson
City Administrator

Date: _____

By: _____
Catherine A. Roeske
City Clerk

By: _____
Michael C. Simmons
City Engineer

Approved as to Form:

Lawrence J. Haskin
City Attorney

EXHIBIT A

SCOPE OF SERVICES

G. SOILS AND SUBSURFACE INVESTIGATIONS – Add Subsection 4 below:

- (4) Perform investigative activities in accordance with the existing WisDOT practices including WisDOT's Bridge Manual and Geotechnical Bulletin Number 1, applicable ASTM and AASHTO procedures, Wisconsin Department of Natural Resources (WDNR) rules and regulations, and commonly accepted engineering practices

Bridge borings: Total four borings. Extend four borings, B-1 to B-4 included in the original contract, to a depth of approximately 120 feet below ground surface (bgs).

Drilling and sampling for the borings will be conducted in accordance with the Standard Penetration Test Procedure (AASHTO T-206). Sampling and testing of soils will be conducted at every 5-foot intervals for bridge borings per WisDOT guidelines. The first 50 feet will be blind drilled and then sampling at 5 foot intervals to the terminal depth of 120 feet or auger refusal, whichever is shallower in accordance with ASTM D-1587.

L. PLATS – Add Subsection 11 below:

- (11) Prepare an exhibit and legal descriptions for conveyance of the east side of S Nicholson Rd, in the vicinity of bridge B-40-18, from Milwaukee County to the City of Oak Creek.

Alfred Benesch & Co.
Consultant Contract Total Fee Computation

Project ID	12017, 12018, 12019 - Oak Creek Bridges Amendment #2	12017, 12018, 12019 - Oak Creek Bridges Amendment #1	12017, 12018, 12019 - Oak Creek Bridges Original Contract		Total for Contract
Number of Staff Hours	42	140	1702		1884
Total Direct Labor	\$1,584.00	\$4,335.80	\$55,473.48		\$61,393.28
Total Overhead Costs	\$2,532.98	\$6,927.74	\$89,173.60		\$98,634.32
Fixed Fee/Profit	\$288.19	\$788.45	\$10,125.30		\$11,201.94
Reimbursable Expenses	\$0.00	\$0.00	\$1,197.75		\$1,197.75
Subtotal	\$4,405.17	\$12,051.99	\$165,970.13	\$0.00	\$172,427.29
Himalayan Consultants, LLC	\$18,642.68	\$0.00	\$19,239.74		\$37,882.42
Single Source	\$0.00	\$0.00	\$6,100.00		\$6,100.00
TRC	\$0.00	\$0.00	\$3,150.00		\$3,150.00
					\$0.00
Subcontract Subtotal	\$18,642.68	\$0.00	\$28,489.74	\$0.00	\$47,132.42
TOTAL COST	\$23,047.85	\$12,051.99	\$184,459.87	\$0.00	\$219,559.71

Home Office Overhead Rate 159.91% Percent Profit: 7%

Alfred Benesch & Co.
Fee Computation Summary by Engineering Task

PROJECT TOTAL

Project ID: 12017, 12018, 12019 - Oak Creek Bridges Amendment #2

Task	Activity Code	Direct Labor Costs	Overhead Costs	Fixed Fee/Profit	Reimbursable Expenses	Total
Administration	740	\$93.40	\$149.36	\$16.99	\$0.00	\$259.75
Soils Engineering	208	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Survey General	729	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Response to Inquiries	739	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Preliminary Design - General	741	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Finalize Design Elements	742	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Public Info Meetings & Hearings	743	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Design-R/W-Plats Development	745	\$1,490.60	\$2,383.62	\$271.20	\$0.00	\$4,145.42
Proj Dev - Utilities/RR/Agency	746	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Development - Meetings	747	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Design - Reports	748	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - Archeology	763	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - Contaminated Sites	765	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - Drainage/Stormwater	766	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - Environment Documents	767	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - Erosion Control	768	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Envir Imp - History	769	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Project Management	771	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Consultant Management	773	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Process Survey Data	775	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Preliminary Design - Geometrics	776	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Preliminary Design - Drainage	778	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Compute Quantities & Details	786	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Final Design - Drainage	789	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plans, Sps & PSE Documents	794	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Preliminary Structure Design	1001	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Final Structure Design	1002	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Plan Review	799	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Post PS&E Work	790	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL:		\$1,584.00	\$2,532.98	\$288.19	\$0.00	\$4,405.17

Home Office Overhead Rate - 159.91% Percent Profit: 7.00%

Alfred Benesch & Co.
Summary of Staff Hours and Direct Labor Costs

PROJECT TOTAL

Project ID:

12017, 12018, 12019 - Oak Creek Bridges Amendment #2

Classification		Project Manager / Lead SE		Project Engineer		Drainage Engineer		Designer II		Survey Crew Chief		Surveyor		Structure Engineer		Senior Project Manager		Technician		Clerical		Total Direct Labor	
Avg. Hourly Wage		\$46.70		\$35.90		\$35.70		\$28.90		\$37.00		\$28.65		\$34.50		\$58.50		\$32.90		\$15.10			
Task	Activity Code	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars
740 ADMINISTRATION / COORDINATION	740	2	\$93.40	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	2	\$93.40
758 SOILS ENGINEERING	208	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
729 SURVEY GENERAL	729	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
739 RESPONSE TO INQUIRIES	739	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
741 PRELIMINARY DESIGN - GENERAL	741	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
742 FINALIZE DESIGN ELEMENTS	742	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
743 PUBLIC INVOLVEMENT	743	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
745 DESIGN-R/W-PLATS DEVELOPMENT	745	2	\$93.40	8	\$287.20	0	\$0.00	0	\$0.00	30	\$1,110.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	40	\$1,490.60
746 PROJ DEV - UTILITIES / RR / AGENCY	746	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
747 PROJECT DEVELOPMENT - MEETINGS	747	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
748 DESIGN - REPORTS	748	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
763 ENVIR IMP - ARCHAEOLOGY	763	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
765 ENVIR IMP - CONTAMINATED SITES	765	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
766 ENVIR IMP - HYDRAULICS	766	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
767 ENVIR IMP - ENVIRONMENT DOCUMENTS	767	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
768 ENVIR IMP - EROSION CONTROL	768	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
769 ENVIR IMP - HISTORY	769	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
771 PROJECT MANAGEMENT	771	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
773 CONSULTANT MANAGEMENT	773	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
775 PROCESS SURVEY DATA	775	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
776 PREL DESIGN - GEOMETRICS	776	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
778 PREL DESIGN - DRAINAGE	778	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
786 COMPUTE QUANTITIES AND DETAILS	786	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
789 FINAL DESIGN - DRAINAGE	789	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
794 PLANS, SPs AND P.S. & E DOCUMENTS	794	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
1001 PRELIMINARY STRUCTURE DESIGN	1001	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
1002 FINAL STRUCTURE DESIGN	1002	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
793 PLAN REVIEW	793	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
790 POST PS&E WORK	790	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
TOTAL:		4	\$186.80	8	\$287.20	0	\$0.00	0	\$0.00	30	\$1,110.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00	42	\$1,584.00

Alfred Benesch & Co.
Consultant Direct Labor Rates

Project ID: 12017, 12018, 12019 - Oak Creek Bridges Amendment #2

Employee Name(a)	Classification(b)	Current Rate(c)	% Pay Increase(d)	New Pay Rate(e)	Weighted Average Hourly Rate(i)
William Zippel	Project Manager / Lead SE	\$46.70	0.00%	\$46.70	\$46.70
Ben Weigand	Project Engineer	\$35.90	0.00%	\$35.90	\$35.90
Cathy Rutkowski	Drainage Engineer	\$35.70	0.00%	\$35.70	\$35.70
Heather Decker	Designer II	\$28.90	0.00%	\$28.90	\$28.90
Tom Obency	Survey Crew Chief	\$37.00	0.00%	\$37.00	\$37.00
Tom Pajula	Surveyor	\$28.65	0.00%	\$28.65	\$28.65
Structural Engineer	Structure Engineer	\$34.50	0.00%	\$34.50	\$34.50
Amanda Zacharias	Senior Project Manager	\$58.50	0.00%	\$58.50	\$58.50
Bill Nuoffer	Technician	\$32.90	0.00%	\$32.90	\$32.90
Kim Hansen	Clerical	\$15.10	0.00%	\$15.10	\$15.10

Contract Completion Date: 7/1/2016

	ESTIMATED PROJECT MANHOURS										MANHOURS PER TASK
	Project Manager / Lead SE	Project Engineer	Drainage Engineer	Designer II	Survey Crew Chief	Surveyor	Structure Engineer	Senior Project Manager	Technician	Clerical	
740 ADMINISTRATION / COORDINATION											
A. Monthly Invoices, Scheduling and Coordination	2										2
											0
											0
Subtotal	2	0	0	0	0	0	0	0	0	0	2
208 SOILS ENGINEERING											
A. Analyze Soil Borings & Review Report Recommendations											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
729 SURVEY GENERAL											
A. Topo Survey and Control B-40-18											0
B. Topo Survey and Control P-40-557											0
C. Topo Survey and Control P-40-558											0
D. Coordination with Diggers Hotline											0
											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
730 RESPONSE TO INQUIRIES											
A. Contacts/Progress Updates With Property Owners											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
741 PRELIMINARY DESIGN - GENERAL											
A. Preliminary Plan B-40-18											0
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections (existing and RDWY mill approach)											0
5. Special Construction Details (1 anticipated - bridge approach pvmt)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile (1 sheet)											0
8. Cross Sections (Preliminary) - 1 each side of bridge for sloping											0
B. Field Review											0
											0
C. Preliminary Plan P-40-557											0
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections (existing and RDWY mill approach)											0
5. Special Construction Details (1 anticipated - bridge approach pvmt)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile (1 sheet)											0
8. Cross Sections (Preliminary)											0
D. Field Review											0
											0
E. Preliminary Plan P-40-558											0
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections (existing and RDWY mill approach)											0
5. Special Construction Details (1 anticipated - bridge approach pvmt)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile											0
8. Cross Sections (Preliminary)											0
F. Field Review											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
743 PUBLIC INVOLVEMENT											
A. Public Involvement Plan											0
B. PIM Location Coordination (1 Meeting combined for 3 bridges)											0
C. PIM Mailing Database Coordination (50 Max)											0
D. PIM Invitation Ltr Standard Format (1 Mtgs) and Mailing (50 Max)											0
E. PIM Displays and handouts (4 Maximum - 1 Meeting)											0
F. Local Officials Meetings before PIM (1 Meeting)											0
G. PIM Meeting (1)											0
H. PIM Summary											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
742 FINALIZE DESIGN ELEMENTS											
A. Final Plan B-40-18											0
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections											0
5. Special Construction Details (6 anticipated)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile											0
8. Cross Sections Final											0
9. Signing and Marking (SDD only - no signing/marketing plan)											0
10. Earthwork											0
11. Detour Plan and road closure details (1 sheet)											0
12. Tie Sheet											0
13. Plan Details - on plan/profile											0
											0
B. Final Plan P-40-557											0

Alfred Benesch & Co.

Project I.D. 12017, 12018, 12019

Project Name Oak Creek Bridges Amendment #2

	ESTIMATED PROJECT MANHOURS										MANHOURS PER TASK
	Project Manager / Lead SE	Project Engineer	Drainage Engineer	Designer II	Survey Crew Chief	Surveyor	Structure Engineer	Senior Project Manager	Technician	Clerical	
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections											0
5. Special Construction Details (6 anticipated)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile											0
8. Cross Sections Final											0
9. Signing and Marking (SDD only - no signing/marketing plan)											0
10. Earthwork - none											0
11. Detour Plan and road closure details (1 sheet)											0
12. Tie Sheet											0
13. Plan Details - on plan/profile											0
C. Final Plan P-4-558											0
1. Title Sheet											0
2. General Notes											0
3. Project Overview											0
4. Typical Sections											0
5. Special Construction Details (6 anticipated)											0
6. Alignment Plan including stream alignment											0
7. Plan/Profile											0
8. Cross Sections Final											0
9. Signing and Marking (SDD only - no signing/marketing plan)											0
10. Earthwork - none											0
11. Detour Plan and road closure details (1 sheet)											0
12. Tie Sheet											0
13. Plan Details - on plan/profile											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
745 DESIGN-RW-PLATS DEVELOPMENT											
A. Exhibit and Legal Description for E side of S Nicholson dedication	2	8			30						40
											0
											0
Subtotal	2	8	0	0	30	0	0	0	0	0	40
746 PROJ DEV - UTILITIES / RR / AGENCY											
A. Introduction Letter and Forms (1077)											0
B. Review Facility Maps											0
C. Letter, Forms and Plan Submittal for Relocations (1078)											0
D. Review Work Plans											0
E. Utility Contact Log (1079)											0
F. Utility Special Provisions											0
G. Coordination with Village - Approval of Work Plans											0
H. Utility Coordination Meetings on-site (3)											0
I. RR Crossing Report											0
J. RR Coordination Meeting											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
747 PROJECT DEVELOPMENT - MEETINGS											
B. 30% Preliminary Plan Review Meeting											0
C. 60% Preliminary Plan Review Meeting											0
C. 90% Plan Review Meeting											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
748 DESIGN - REPORTS											
											0
											0
C. Pavement Design Abbreviated (2)											0
D. Trans75 Documentation											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
763 ENVIR IMP. - ARCHAEOLOGY											
A. Tribal Letters (2)											0
B. Screening List Coordination (Marquette)											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
765 ENVIR IMP. - CONTAMINATED SITES											
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
766 ENVIR IMP - HYDRAULICS											
											0
											0
											0
											0
											0
											0
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											0
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											0
											0
											0
											0

Alfred Benesch & Co.

Project I.D. 12017, 12018, 12019
 Project Name Oak Creek Bridges Amendment #2

ESTIMATED PROJECT MANHOURS											
	Project Manager / Lead SE	Project Engineer	Drainage Engineer	Designer II	Survey Crew Chief	Surveyor	Structure Engineer	Senior Project Manager	Technician	Clerical	MANHOURS PER TASK
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
767 ENVIR IMP - ENVIRONMENT DOCUMENTS											
A. Initial CNR Letter (1)											0
B. pER (2)											0
C. 401 Water Quality and ACOE 404 Permit (2)											0
D. Environmental (DNR) clearance and permits for 6th											0
E. Programmatic 4(f) for Nicholson											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
768 ENVIR IMP - EROSION CONTROL											
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
769 ENVIR IMP - HISTORY											
A. Section 106 (Nicholson)											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
775 PROCESS SURVEY DATA											
A. Process survey data into CADD system											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
776 PREL. DESIGN - GEOMETRICS											
A. Analyze and Establish Horizontal Alignments (3)											0
B. Analyze and Create Vertical Profile (3)											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
778 PREL. DESIGN - DRAINAGE											
A. B-40-18											0
1. Gather existing information and as-built research											0
2. Storm Water Calculation and SE Region SW SS											0
3. Preliminary storm sewer plan											0
4. Preliminary bridge outfall/rdwy SS design - hydraulic calculations											0
											0
B. P-40-557											0
1. Gather existing information and as-built research											0
2. Storm Water Calculation and SE Region SW SS											0
3. Preliminary storm sewer plan											0
4. Preliminary bridge outfall/rdwy SS design - hydraulic calculations											0
											0
C. P-40-558											0
1. Gather existing information and as-built research											0
2. Storm Water Calculation and SE Region SW SS											0
3. Preliminary storm sewer plan											0
4. Preliminary bridge outfall/rdwy SS design - hydraulic calculations											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
788 COMPUTE QUANTITIES AND DETAILS											
A. Preliminary Estimate											0
B. Miscellaneous Quantities RDWY items (Final Only -3)											0
C. Engineer's Estimate at PS&E											0
D. TransPort (2)											0
E. B-40-18											0
F. P-40-557											0
G. P-40-558											0
											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
789 FINAL DESIGN - DRAINAGE											

Alfred Benesch & Co.

Project I.D. 12017, 12018, 12019
 Project Name Oak Creek Bridges Amendment #2

	ESTIMATED PROJECT MANHOURS										MANHOURS PER TASK
	Project Manager / Lead SE	Project Engineer	Drainage Engineer	Designer II	Survey Crew Chief	Surveyor	Structure Engineer	Senior Project Manager	Technician	Clerical	
A. B-40-18											
1. Final Storm Sewer Plan											0
2. Final Bridge Outfalls											0
B. P-40-557											0
1. Final Storm Sewer Plan											0
2. Final Bridge Outfalls											0
C. P-40-558											0
1. Final Storm Sewer Plan											0
2. Final Bridge Outfalls											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
794 PLANS, SPs AND P.S. & E DOCUMENTS											
A. Time Chart (2)											0
B. Special Provisions & Proposal (3)											0
C. Plan Letter (2)											0
D. USR (2)											0
E. RW Status Report (2)											0
F. Other SE Region Docs (2)											0
G. Data Transfer (3)											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
1001 PRELIMINARY STRUCTURE DESIGN											
A. Preliminary Plans and SSR B-40-18 (Nicholson)											0
B. Preliminary Plans and SSR P-40-557 (Marquette)											0
C. Preliminary Plans and SSR P-40-558 (6th Street)											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
1002 FINAL STRUCTURE DESIGN											
A. Final Plans B-40-18 (Nicholson)											0
B. Final Plans P-40-557 (Marquette)											0
C. Final Plans P-40-558 (6th Street)											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
799 PLAN REVIEW											
A. Preliminary Plans QA/QC											0
B. Final Plans and PS&E QA/QC											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
790 POST PS&E WORK											
A. WisDOT Central Office comment responses											0
B. Respond to Contractor's Question											0
Subtotal	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4	8	0	0	30	0	0	0	0	0	42



Himalayan Consultants, LLC

Engineers and Hydrogeologists

December 23, 2014

William Zippel, P.E., S.E.
Project Manager
Alfred Benesch & Company
1300 W. Canal Street, Suite 150
Milwaukee, WI 53233

RE: City Project Numbers: 12017, 12018, and 12019
Bridge Replacements at S. Nicholson Avenue (B-40-0018), W. Marquette Avenue (P-40-0557), and S. 6th Street (P40-0558)
Amendment No. 1

Dear Mr. Zippel:

As requested, Himalayan Consultants, LLC (Himalayan) is submitting this scope of work and cost proposal for conducting a supplemental geotechnical investigation (drilling test borings and sampling) for the project referenced above.

1.0 SCOPE OF WORK

A. Geotechnical Investigation and Analysis

Himalayan will perform all investigative activities in accordance with the existing WisDOT practices including WisDOT's Bridge Manual and Geotechnical Bulletin Number 1, applicable ASTM and AASHTO procedures, Wisconsin Department of Natural Resources (WDNR) rules and regulations, and commonly accepted engineering practices, and will include:

- Contact and coordinate with the Digger's Hotline to obtain utility clearance at the boring locations and surrounding areas prior to commencement of drilling. Perform all utility coordination in accordance with WisDOT guidelines.
- Provide adequate traffic control and signage to ensure safe working conditions per WisDOT requirements and the requirements specified in the Manual on Uniform Traffic Control Devices (MUTCD). Submit a Traffic Control Plan to City of Oak Creek for approval, if needed.

- Administer a drilling contract to advance four test borings (total boring footage: 480 lineal feet) as follows:
 - **Bridge borings: Total four borings.** Extend four borings, B-1 to B-4 included in the original contract, to a depth of approximately 120 feet below ground surface (bgs).
- Drilling and sampling for the borings will be conducted in accordance with the Standard Penetration Test Procedure (AASHTO T-206). Sampling and testing of soils will be conducted at every 5-foot intervals for bridge borings per WisDOT guidelines. The first 50 feet will be blind drilled and then sampling at 5 foot intervals to the terminal depth of 120 feet or auger refusal, whichever is shallower in accordance with ASTM D-1587.
- The field and laboratory tests conducted on soil samples will include tests for: moisture content determination [ASTM D2216-05] on 75% of the cohesive soil samples (estimated about 40 samples based on the geology of the area), blow counts, and unconfined compressive strengths using pocket penetrometer on cohesive soil samples.
- Classify soils using driller's observations using minimal laboratory testing. A geotechnical engineer/geologist will visually/manually classify the soils to determine the soil type in accordance with Unified Soil Classification System (USCS) [ASTM D2488-93].
- Water level observations will be made during and after completion of drilling.
- All boreholes and monitoring wells shall be abandoned / backfilled as per the April 20, 1992 guidelines titled "Wisconsin Department of Transportation Geotechnical Section -Drilled Borehole and Monitoring Well Abandonment Procedures". Excess soil cuttings generated during the investigation will be evenly spread at the site (soils assumed free of hazardous materials/petroleum impacts).
- Boring logs will be completed for each boring and submitted with the report as attachments.
- Professional Service Industries, Inc. (PSI) will be the drilling subcontractor for geotechnical drilling, sampling, and traffic control.

2.0 ASSUMPTIONS

- Drilling and sampling to be accomplished utilizing a combination of conventional truck mounted rig (one day) and an all-terrain vehicle (ATV) mounted rig (one day) (estimated field drilling operations=4 days as indicated in the attached PSI proposal). Truck rig off road for Marquette Avenue, Truck Rig with Arrow Board for S. 6th Street, ATV rig off road for S. Nicholson Avenue.

- Coring of the existing pavement for retrieval of pavement cores is not considered necessary. The existing pavement is assumed to consist of 3-inch of asphalt over 9-inch of reinforced concrete. Additionally, no rock coring is anticipated as part of the geotechnical investigation. If obstruction is encountered at boring locations due to bedrock/large boulder preventing any further drilling, borings will be terminated at the depth(s) of such obstruction.
- If unexpected marshy or unstable soils are encountered at terminal depths of the proposed borings, Himalayan will contact Benesch to seek approval for drilling deeper in such location(s). It is Himalayan's understanding that the extra costs incurred due to any potential additional drilling and sampling would be addressed through a change order at a later date.
- The proposal is based on the scope of work outlined above under normal working conditions encountered at the job site and does not take into consideration delays caused by changes in site conditions, inclement weather, sub-freezing temperatures, or other unforeseen circumstances.

4.0 ESTIMATED COSTS

The NOT TO EXCEED costs for the scope of work outlined above is up to **\$18,642.68**, and is summarized in the attached spreadsheet.

5.0 PROJECT SCHEDULE

Himalayan will initiate the investigative activities immediately after your authorization to proceed and complete the investigation activities in accordance with the project schedule.

Himalayan greatly appreciates the opportunity to submit this proposal and looks forward to working with you in this and the upcoming projects through their completion. If you have any questions regarding this proposal, please call me at (262) 502-0066.

Sincerely,

HIMALAYAN CONSULTANTS, LLC



Gopal K. Adhikary, P.E.
Principal/Senior Engineer

Project Numbers: 12017, 12018, 12019
 S. Nicholson Road (B-40-0018), W. Marquette Avenue (P-40-0557)
 and S. 6th Street (P40-0558) Bridges
 City of Oak Creek, WI
 Amendment #2

Himalayan Consultants, LLC

CONSULTANT CONTRACT DIRECT LABOR DETAIL

(a) Employee Name	(b) Classification	(c) Current Rate	(d) % Pay Increase	(e) New Pay Rate	(f) Date of Increase	(g) % Work at Current Rate	(h) % Work at Increased Rate	(i) Weighted Average Hourly Rate
Gopal Adhikary	Senior Engineer	\$60.00	0.00%	\$60.00	1/1/2012	100.00%	0.00%	\$60.00
Mark Babich	Project Engineer	\$36.00	0.00%	\$36.00	1/1/2012	100.00%	0.00%	\$36.00
Ryan Biesek	Staff Engineer	\$23.00	0.00%	\$23.00	1/1/2012	100.00%	0.00%	\$23.00

Contract Completion Date: 8/1/2015

Project Numbers: 12017, 12018, 12019
 S. Nicholson Road (B-40-0018), W. Marquette Avenue (P-40-0557)
 and S. 6th Street (P40-0558) Bridges
 City of Oak Creek, WI
 Amendment #2

Himalayan Consultants, LLC

SUMMARY OF STAFF HOURS AND DIRECT LABOR COSTS

Classification		Senior Engineer		Project Engineer		Staff Engineer		Senior Hydrogeologist		Surveyor		Total Direct Labor	
Avg. Hourly Wage		\$60.00		\$36.00		\$23.00		\$25.00		\$28.00			
Task	Activity Code	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars	Hours	Dollars
Project Management/ Administration	771	1	\$60.00	2	\$72.00		\$0.00		\$0.00		\$0.00	3	\$132.00
Geotechnical Engineering /Subsurface Exploration	644	4	\$240.00	10	\$360.00	55	\$1,265.00		\$0.00		\$0.00	69	\$1,865.00
TOTAL:		5	\$300.00	12	\$432.00	55	\$1,265.00	0	\$0.00	0	\$0.00	72	\$1,997.00

Project Numbers: 12017, 12018, 12019
 S. Nicholson Road (B-40-0018), W. Marquette Avenue (P-40-0557)
 and S. 6th Street (P40-0558) Bridges
 City of Oak Creek, WI
 Amendment #2

Himalayan Consultants, LLC

FEE COMPUTATION SUMMARY BY ENGINEERING TASK

PROJECT TOTAL

Task	Activity	Direct Labor Costs	Overhead Costs	Fixed Fee/Profit	Direct Expenses	Total
Project Management	771	\$132.00	\$202.58	\$23.42	\$0.00	\$358.00
Geotechnical Engineering /Subsurface Exploration	644	\$1,865.00	\$2,862.22	\$330.91	\$13,226.55	\$18,284.68
TOTAL:		\$1,997.00	\$3,064.80	\$354.33	\$13,226.55	\$18,642.68

Company Wide Overhead Rate: 153.47%

Percent Profit: 7.00%

Project Numbers: 12017, 12018, 12019
 S. Nicholson Road (B-40-0018), W. Marquette Avenue (P-40-0557)
 and S. 6th Street (P40-0558) Bridges
 City of Oak Creek, WI
 Amendment #2

Himalayan Consultants, LLC

DIRECT EXPENSES BY ITEM

Direct Expenses-Himalayan Consultants, LLC				
Item	Quantity	Unit	Unit Cost	Amount
Mileage - three round trips (Employee Vehicle)	210	Miles	\$0.555	\$116.55
Copying WDNR and WDSPS Files- Outside		Sites	\$75.00	\$0.00
Copies (Black and White)- In House		Each	\$0.10	\$0.00
Copies (Color) - In House		Each	\$0.20	\$0.00
Database Procurement		Sites	\$275.00	\$0.00
Sanborn Maps		Sites	\$135.00	\$0.00
GPS Rover Equipment		Day	\$200.00	\$0.00
Laboratory Testing (Moisture Content) [ASTM D2216]- Himalayan Consultants, LLC	40	Each	\$5.00	\$200.00
TOTAL				\$316.55

Direct Expenses-Project Total Himalayan Consultants, LLC				
Item	Unit Amount	Unit Type	Rate	Total Expenses
Himalayan Consultants, LLC	1	Corridor	\$316.55	\$316.55
Professional Service Industries, Inc. (Subconsultant)	1	Corridor	\$12,910.00	\$12,910.00
TOTAL				\$13,226.55

Project Numbers: 12017, 12018, 12019
 S. Nicholson Road (B-40-0018), W. Marquette Avenue (P-40-0557)
 and S. 6th Street (P40-0558) Bridges
 City of Oak Creek, WI
 Amendment #2

Himalayan Consultants, LLC

CONSULTANT CONTRACT TOTAL FEE COMPUTATION

Project Numbers	12017, 12018, 12019		Total for Contract
	Original	Amendment #2	
Number of Staff Hours	136	72	208
Total Direct Labor	\$3,926.00	\$1,997.00	\$5,923.00
Total Overhead Costs	\$6,337.74	\$3,064.80	\$9,402.54
Fixed Fee/Profit	\$718.45	\$354.33	\$1,072.78
Direct Expenses	\$8,257.55	\$13,226.55	\$21,484.10
Subtotal	\$19,239.74	\$18,642.68	\$37,882.42
TOTAL COST	\$19,239.74	\$18,642.68	\$37,882.42
Company Wide Overhead Rate		153.47%	
Profit		7.00%	

December 17, 2014

Mr. Gopal K. Adhikary, P.E./President
Himalayan Consultants, LLC
W156 N11357 Pilgrim Road
Germantown, WI 53022

Re: Subcontract Drilling Proposal
Two Bridges
S. Nicholson Road (B-40-0018) and W. Marquette Avenue (P-40-0557)
City Project Numbers 12017 and 12018
Oak Creek, Wisconsin
PSI Proposal No.: PO-052-139187R1

Dear Mr. Adhikary:

Thank you for giving Professional Service Industries, Inc. (PSI) this opportunity to propose our services to you. PSI is submitting this proposal to conduct geotechnical exploration services for the proposed bridge projects in Oak Creek, Wisconsin. Presented below is a review of furnished project information, along with PSI's proposed scope of services and general conditions.

SCOPE OF SERVICES

Based upon information provided by Himalayan Consultants, PSI understands that the scope of services requested includes the following:

- Drill 4 bridge borings, blind drill to 50 feet, then continue boring to a total depth of 120 feet below current ground surface, or auger refusal, whichever is shallower; split spoon sampling at 5 intervals in accordance with ASTM D-1587; Marquette Avenue and S. 6th Street Bridges will be completed with a truck mounted drill rig. The borings for Marquette Avenue are planned to be drilled off road in the shoulder. The borings for Nicholson Avenue will be drilled in road using flaggers for traffic control.
- Obtain groundwater readings while drilling and at completion;
- Abandon borehole with bentonite chips and patch with asphalt patch to grade;
- Provide field logs and samples including the thickness of asphalt/concrete, base course materials;

PSI understands that the boring locations will be staked in the field by Himalayan Consultants prior to PSI's arrival onsite. Field logs and samples will be provided to the Himalayan representative on-site.

SPECIAL INSTRUCTIONS

Some damage to ground surface may result from the drilling operations near the work areas and along ingress/egress pathways. PSI will attempt to minimize such damage, but no restoration other than backfilling the soil borings and patching the surface with asphalt patch is included. Soil spoils will be cleaned up and removed from the project as needed. The borings will be backfilled to ground surface and cold patch asphalt compacted to cover the hole once the borehole has been completed. Due to the self consolidation of hole backfill, it is likely that the hole will settle overtime, sometimes up to several feet after rain events. It is the responsibility of the local municipality to monitor the boreholes once PSI has completed the proposed work.

PSI understands that Himalayan Consultants will have all utilities marked in the field by prior to PSI's arrival onsite.

FEES

It is proposed that the fee for performance of the outlined scope of services be charged on a unit price basis in accordance with the attached Schedule of Geotechnical Services and Fees. Based on the scope of services outlined above, the total fee for geotechnical services is estimated to be \$12,910.00 as indicated on the attached schedule of geotechnical services and fees.

AUTHORIZATION

If this proposal is acceptable to you, PSI will perform the work in under the same general conditions as agreed to under the original contract according to PSI Proposal Number PO-052-83851R2, dated December 7, 2012. Please sign below as notice to proceed and return one copy of this proposal intact to our office. PSI will proceed with the work upon receipt of authorization.

PSI appreciates the opportunity to offer our services to your project and look forward to working with you. Please call with any questions you may have, or if PSI can be of additional service.

Respectfully submitted,

PROFESSIONAL SERVICE INDUSTRIES, INC.

Electronic Copy

Paul J. Koszarek, P.E.
Geotechnical Department Manager

Electronic Copy

David M. Barndt, P.E.
Senior Vice President

Attachments: Schedule of Geotechnical Services and Fees
 Proposal Acceptance
 General Conditions

ATTACHMENT
SCHEDULE OF GEOTECHNICAL SERVICES & FEES

Task	Quantity	Unit	Unit Cost	Amount
Drilling and Sampling				
Rig and Crew Mobilization	1	trips	\$ 350.00	\$ 350.00
Daily Mobilization-support truck/crew-drilling	3	trips	\$ 250.00	\$ 750.00
Daily Mobilization-support truck/crew-flagging	2	Trips	\$ 250.00	\$ 500.00
Drilling through existing asphaltic concrete pavement (12 inches)	4	each	\$ 35.00	\$ 140.00
Blind Drill (0-50 ft)	200	ft	\$ 8.45	\$ 1,690.00
Drilling and sampling @ 5-ft intervals per AASHTO T-206 (50-70 ft)	80	Ft	\$ 13.00	\$ 1,040.00
Drilling and sampling @ 5-ft intervals per AASHTO T-206 (70-75 ft)	20	ft	\$ 16.00	\$ 320.00
Drilling and sampling @ 5-ft intervals per AASHTO T-206 (75-100 ft)	100	ft	\$ 19.00	\$ 1,900.00
Drilling and sampling @ 5-ft intervals per AASHTO T-206 (100-120 ft)	80	ft	\$ 25.00	\$ 2,000.00
Rotary Mud Drilling Setup	4	Each	\$ 75.00	\$ 300.00
Flaggers	2	Day	\$ 900.00	\$ 1,800.00
Setup/Diggers	2	Sites	\$ 100.00	\$ 200.00
Traffic Signage	4	day	\$ 100.00	\$ 400.00
Borehole Abandonment per NR 141	480	ft	\$ 3.00	\$ 1,440.00
Asphalt/concrete patching	4	each	\$ 20.00	\$ 80.00
TOTAL-DRILLING COSTS				\$ 12,910.00

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015

Item No.: 18

Recommendation: That the Common Council approves Resolution No. 11589-012015, a resolution approving the State/Municipal Agreement (SMA) with the Wisconsin Department of Transportation (WisDOT) for a Non-Infrastructure Transportation Alternatives Project (TAP) – Safe Routes to School (SRTS) Planning Project. (All Aldermanic Districts)

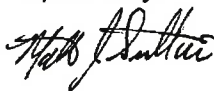
Background: On March 18, 2014, the Common Council approved Resolution No. 11459-031814 supporting the submission of the application for 2014-2018 TAP award cycle under the SRTS category. On August 1, 2015, staff was notified that the SRTS Planning Project had been selected to be in the funding program.

The SMA is an 80%-20% arrangement in which the City would be required to front all costs for the project and then be reimbursed 80% of those costs with the dedicated TAP funds. The total reimbursable amount has been capped at \$48,000, therefore, any costs incurred on the project greater than this amount are 100% the City's responsibility.

The project has been scheduled to begin in 2015 and be completed in 2016. The City will be seeking qualified consultants once this agreement is signed.

Fiscal Impact: Total cost for the planning project is estimated at \$60,000, with \$48,000 to be reimbursed through the TAP program. This will be funded from the sidewalk repair CIP fund (Project No. 13023).

Prepared by:



Matthew J. Sullivan, P.E.
Design 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. 11589-012015

BY: _____

**RESOLUTION APPROVING THE STATE/MUNICIPAL AGREEMENT
FOR NON-INFRASTRUCTURE TRANSPORTATION ALTERNATIVES PROJECT (TAP)
SAFE ROUTES TO SCHOOL (SRTS) PLANNING PROJECT**

(ALL ALDERMANIC DISTRICTS)

WHEREAS, the City of Oak Creek (City) and the State (WisDOT) are entering into a State/Municipal Agreement (SMA) for cost sharing of the planning project for Safe Routes to School, and;

WHEREAS, the federal government has provided Transportation Alternatives Project (TAP) grant funding, \$48,0000 of which has been awarded and administered through WisDOT to the City's Safe Routes to School Planning Project, and;

WHEREAS, the SMA provides that the City will pay all costs with WisDOT reimbursing 80% of the costs, up to the maximum of \$48,000, and;

WHEREAS, the SMA provides that the City will be responsible for the remaining 20% of the project cost, plus the balance of all costs above the capped \$48,000 State contribution, and;

WHEREAS, project local cost share will be funded from the sidewalk repair CIP fund;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the SMA is hereby approved and the Mayor and City Clerk are authorized to execute the same, and;

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit the three City-signed documents to WisDOT for its execution and return of one fully-executed document back to the City.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th day of January, 2015.

Passed and adopted this this 20th day of January, 2015.

President, Common Council

Approved this this 20th day of January, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____



**STATE/MUNICIPAL AGREEMENT
FOR A NON-INFRASTRUCTURE
TRANSPORTATION ALTERNATIVES
PROGRAM (TAP) PROJECT**

Subprogram #: 290
Program Name: TAP
Safe Routes to School Non-Infrastructure
Planning Project

Date: **12/15/2014**

I.D.: **1009-00-71**

Project Title: **City of Oak Creek Safe Routes to
School Planning Project**

Location/Limits (as applicable): All elementary and
middle schools in the **City of Oak Creek**

Project Length (if applicable): **2015 - 2016 (one
phase)**

Project Sponsor: **City of Oak Creek**

County: **Milwaukee**

MPO Area: **Southeastern Wisconsin Regional
Planning Commission**

The signatory, **City of Oak Creek** hereinafter called the Project Sponsor, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the **non-infrastructure transportation planning project** hereinafter described.

Wisconsin Statute 85.021 authorizes the State to administer a program to award grants of assistance to certain political subdivisions, state agencies, counties, local government units, Indian tribes, consistent with federal law 23 U.S.C. 213.

The authority for the Project Sponsor to enter into this agreement with the State is provided by Sections 86.25(1), (2), and (3) and Section 66.0301 of the Statutes.

NEEDS AND ESTIMATE SUMMARY:

All components of the project must be defined in the environmental document if any portion of the project is federally-funded. The Project Sponsor agrees to complete all participating and any non-participating work included in this improvement consistent with the environmental document. No work on final engineering and design may occur prior to approval of the environmental document.

Proposed Project - Nature of work: City of Oak Creek Safe Routes to School Planning Project will be used to frame work for future infrastructure projects throughout the city. A task force comprised of school officials, city officials, parents, businesses and city staff will be used to gather information from audits, surveys, stakeholders meetings and existing information to create the frame work for future projects. The planning project will begin in 2015 and complete in 2016, during one phase.

The Oak Creek-Franklin Joint School District has seven elementary (K-5) and two middle (6-8) schools with an approximate enrollment of 3,000 students. The City also has two private schools that have an approximate enrollment of 275 students. The Master Plan for the school district has that enrollment growing to over 4,000 students in the next ten years. The planning project could potentially provide safe routes to a significant student population within City of Oak Creek.

The Planning Project would provide the City a solid basis to create a funding structure to implement projects in future years.

Need for or Benefits of Project:

Connectivity The proposed planning project will provide the framework to follow in future transportation, sidewalk or bike facility projects. The framework of the plan will include utilizing existing and future state and local transportation facilities.

The proposed planning project would investigate all elementary and middle schools. Many of the schools are located within or abut existing residential subdivisions or public parks. The task force will be used to prioritize the future sidewalk and bike facility projects. As the City continues to develop residential, park space and commercial areas it will rely on guidance developed through the plan produced.

Safety As the City continues to develop new commercial/residential/park spaces and transform its older residential areas identifying areas of deficiencies of pedestrian and bike amenities are essential in allowing the increase public to safety. The existing conditions within existing subdivision and along most major roads in throughout the City of Oak Creek are very inhospitable for pedestrians. Major City roads with narrow gravel shoulders, steep ditches and residential roads with narrow lanes and no shoulders can make biking or walking very difficult, especially for children. This planning project is an important part in developing a network of safe routes to schools that children can utilize.

The Project Sponsor agrees to the following State Fiscal Year 2014-2018 TAP project funding conditions:

All project sponsors and processes, including real estate acquisition and environmental documentation, must comply with *A Sponsor's Guide to Non-Traditional Transportation Project Implementation (Sponsor's Guide)* and the current WisDOT Facilities Development Manual (FDM).

The subject planning project is funded with 80% federal/earmark funding up to a maximum of **\$48,000.00** for all federally-funded project phases when the Project Sponsor agrees to provide funds in excess of the **\$48,000.00** federal funding maximum, in accordance with TAP guidelines. Non-participating costs are 100% the responsibility of the Project Sponsor. Any work performed by the Project Sponsor prior to federal authorization is not eligible for federal funding. The Project Sponsor will be notified by the State when each project phase or ID is authorized and available for charging.

The project is subject to a discretionary DBE goal assessment. The Catalogue of Federal Domestic Assistance (CFA) number for this project is 20.205 – Highway Planning and Construction.

The subject project must be commenced within four (4) years of the project award date or the grant is rescinded. Sec. 85.021, Wis. Stats.

- 1) For construction projects, a project is commenced when construction is begun.
- 2) For planning projects, a planning project is commenced when the planning study is begun.
- 3) For non-infrastructure projects that do not fall within any of the above categories, a project is considered commenced on the date that WisDOT receives the first reimbursement request from the project sponsor, as noted on form DT1713 in the 'Date Received' field.

Project Award date: August 1, 2014

Commencement deadline: August 1, 2018

Completion deadline: August 1, 2021

The project commencement deadline is fixed by statute, and may not be extended.

The subject project must be completed by August 1, 2021, and the Project Sponsor must submit a project completion certificate to WisDOT central office on or before this date. WisDOT may consider a written request to extend the completion deadline from the Project Sponsor and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

In the summary funding table below, the federal share of the total estimated cost distribution indicates the maximum amount of federal funding available to the project, to be distributed across federally-funded project phases. The final Project Sponsor share is dependent on the final federal participation, and the actual costs will be used in the final division of costs for billing and reimbursement.

TAP Planning Project: PHASE 1	SUMMARY OF COSTS				
	Total Est. Cost	Federal Funds	%	Project Sponsor Funds	%
ID 1009-00-71					
Project Meetings: Kickoff meeting (consultant); 4 stakeholder meetings; 2 public information meetings; 2 project meetings	\$24,000	\$19,200	80%*	\$4,800	BAL*
Data Gathering: Audit of Sidewalks and Paths; 1 student/parent surveys; city provided as-built information; and 2 field visits	\$18,000	\$14,400	80%*	\$3,600	BAL*
Preliminary SRTS Plan	\$12,000	\$9,600	80%*	\$2,400	BAL*
Final SRTS Plan	\$6,000	\$4,800	80%*	\$1,200	BAL*
Total Est. Cost Distribution	\$60,000	\$48,000	MAX	\$12,000	N/A

*This project has a TAP federal funding maximum of \$48,000. This maximum is cumulative for all federally funded project phases.
 # Review costs are administered and paid for by WisDOT. The Project Sponsor will be billed for any required local match and for costs beyond the cumulative federal or state funding.

This request is subject to the terms and conditions that follow (pages 4 – 11) and is made by the undersigned under proper authority to make such request for the designated Project Sponsor and upon signature by the State shall constitute agreement between the Project Sponsor and the State. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing duly executed by both parties to this State/Municipal Agreement.

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

GENERAL TERMS AND CONDITIONS:

1. All projects must be in an approved Transportation Improvement Program (TIP) or State Transportation Improvement Program (STIP) prior to requesting authorization.
2. Work prior to federal authorization is ineligible for federal funding. The Project Sponsor will be notified by the State when each project phase or ID is authorized and available for charging.
3. The initiation and accomplishment of the project will be subject to the applicable federal and state regulations, as referenced in the document *A Sponsor's Guide to Non-Traditional Project Implementation*. The Project Sponsor, throughout the entire project, commits to comply with and promote all applicable federal and state laws and regulations that include, but are not limited to, the following:
 - a. Environmental requirements, including but not limited to those set forth in 23 U.S.C. 139 and the National Environmental Policy Act (42 U.S.C. 4321 et seq.).
 - b. Equal protection guaranteed under the U.S. Constitution, WI Constitution, Title VI of the Civil Rights Act and Wis. Stat. 16.765. The Project Sponsor agrees to comply with and promote applicable Federal and State laws, Executive Orders, regulations, and implementing requirements intended to provide for the fair and equitable treatment of individuals and the fair and equitable delivery of services to the public. In addition the Project Sponsor agrees not to engage in any illegal discrimination in violation of applicable Federal or State laws and regulations. This includes but is not limited to Title VI of the Civil Rights Act of 1964 which provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Project Sponsor agrees that public funds, which are collected in a nondiscriminatory manner, should not be used in ways that subsidize, promote, or perpetuate illegal discrimination based on prohibited factors such as race, color, national origin, sex, age, physical or mental disability, sexual orientation, or retaliation.
 - c. All DBE requirements that the State specifies.
 - d. Federal and state statutes that govern the Transportation Alternatives Program, including but not limited to 23 U.S.C. 213 and Wis. Stat. 85.021.
4. Additional applicable state and federal requirements may include, but are not limited to, the following:
 - a. Prevailing wage requirements, including but not limited to 23 U.S.C. 113 and Wis. Stat. 103.50.
 - b. Buy America Provision and its equivalent state statutes, set forth in 23 U.S.C. 313 and Wis. Stat. 16.754.
 - c. Competitive bidding requirements set forth in 23 U.S.C. 112 and Wis. Stat. 84.06.

STATE RESPONSIBILITIES AND REQUIREMENTS:

5. Funding for the project is subject to inclusion in Wisconsin's approved Transportation Alternatives Program. Federal funding will be limited to participation in the costs of the following items, as applicable to the **non-infrastructure transportation planning project**:
 - a. The grading, base, pavement, curb and gutter, sidewalk, and replacement of disturbed driveways in kind.
 - b. Storm sewer mains necessary for the surface water drainage.
 - c. Catch basins and inlets for surface water drainage of the improvement, with connections to the storm sewer main.

- d. Construction engineering incident to inspection and supervision of actual construction work (except for inspection, staking, and testing of sanitary sewer and water main).
 - e. Signing and pavement marking, including marking of detour routes. Detour routes and haul roads are not eligible on local projects.
 - f. New installations or alteration of street lighting and traffic signals or devices.
 - g. Landscaping.
 - h. Preliminary Engineering
 - i. Real estate for the improvement
 - j. Management Consultant and State Review Services
 - k. Eligible TAP non-infrastructure items as enumerated in the approved application.
6. Project items purchased with federal funding are for the primary use of the Transportation Alternatives Program.
7. State Disbursements:
- a. Payment by the State to the Project Sponsor shall be made on a regular basis upon presentation of vouchers for expenditures incurred during prior periods of the project duration subject to the allowable maximum payment. Exceptions to this schedule will be made as appropriate. In general, State reimbursements will be made after sufficient proof of payment is sent to the state.
 - b. A final adjustment of state payments will be made upon completion of the State's audit of the project. If the State's audit establishes that the State paid more than its share of the eligible project costs, the Project Sponsor shall refund to the State upon demand a sum equal to the overpayment.

PROJECT SPONSOR RESPONSIBILITIES AND REQUIREMENTS:

8. Work necessary to complete the TAP project to be financed entirely by the Project Sponsor or other utility or facility owner includes the items listed below, when applicable to the project.
- a. New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
 - b. Damages to abutting property after project completion due to change in street or sidewalk widths, grades or drainage.
 - c. Detour routes and haul roads. The Project Sponsor is responsible for determining the detour route.
 - d. Conditioning, if required and maintenance of detour routes.
 - e. Repair of damages to roads or streets caused by reason of their use in hauling materials incident to the improvement.
 - f. All work related to underground storage tanks and contaminated soils.
 - g. Street and bridge width in excess of standards, in accordance with the current WisDOT Facilities Development Manual (FDM).

9. The work eligible for federal and state participation will be administered by the Project Sponsor. The project sponsor is an eligible recipient of these grant funds pursuant to Wisconsin Statute 85.021 and federal law at 23 U.S.C. 213.
10. Where applicable, all contracts will be let by competitive bid and awarded to the lowest responsible bidder in accordance with the requirements set forth in 23 U.S.C. 112 and Wis. Stat. 84.06. Where applicable, all contracts for design related services shall be awarded and administered in accordance with the requirements of 23 CFR 172 and procedures published in the Wisconsin Department of Transportation Facilities Development Manual (FDM), Chapter 8, Consulting Services.
11. The Project Sponsor must receive, read, and agree to meet the requirements outlined in the *Sponsor's Guide to Non-Traditional Transportation Project Implementation*. The Project Sponsor must indicate this understanding and agreement by submitting the *Sponsor's Guide Acknowledgement Form*, which must be accepted by the State before approval of this State/Municipal Agreement shall be granted.
12. The Project Sponsor must complete and submit *Certification for Non-Traditional Project Administration and Delivery* documentation, and this documentation must be accepted by the State, before approval of this State/Municipal Agreement shall be granted. The Project Sponsor, and all consultants and other entities working on behalf of the Project Sponsor, are required to comply with the federal and state rules and requirements for projects being administered through a local letting process.
13. The project, in accordance with its scope, must employ the services of a registered professional engineer, architect or landscape architect, to be responsible for design and construction engineering and related activities.
14. A copy of the plans, specifications, and estimates containing the engineer's, architect's, or landscape architect's seal as prepared for bidding purposes (in accordance with project scope) must be provided to the State for approval prior to advertising the project for bids.
15. The improvement will take place in accordance with the appropriate standards unless an exception to standards is granted by the State prior to construction. The entire cost of the construction project, not constructed to standards, will be the responsibility of the Project Sponsor unless such exception is granted.
16. Work to be performed by the Project Sponsor without Federal funding participation, necessary to ensure a complete improvement acceptable to the Federal Highway Administration and/or the State may be done in a manner at the election of the Project Sponsor but must be coordinated with all other work undertaken during construction.
17. The Project Sponsor is responsible for financing administrative expenses related to Project Sponsor responsibilities.
18. The project is subject to a discretionary DBE goal assessment.
19. The Project Sponsor will not proceed with any contract revisions without first receiving prior approval from the State. A contract change order must be executed for revisions to the contract prior to the Project Sponsor's request for reimbursement for the revisions.
20. If reviews or audits show any of the work to be ineligible for Federal funding, the Project Sponsor will be responsible for any withdrawn costs associated with the ineligible work.
21. If the Project Sponsor should withdraw the project, it will reimburse the State for any costs incurred by the State on behalf of the project.
22. Sponsors of TAP projects within the Safe Routes to School eligibility category are required to conduct pre and post project/activity surveys using the SRTS Parent Survey and Student Tally Sheets. The results will be provided to the State at the conclusion of the project.

23. The Project Sponsor will assume all responsibility for retaining a complete project file that includes not only construction documentation but also copies of letting documents, all local and State submittals and approvals contained in these instructions, and other pertinent documents to support project procurement, development, implementation and cost and any other item required by 49 CFR part 18 and submitting such information, upon request, in order to receive reimbursement. The Project Sponsor will keep all project records and have them available for inspection by representatives of the Federal Government and the State and will furnish copies thereof when requested.
24. Federal Single Audits of the Project Sponsor:
 - a. The Project Sponsor shall have a single organization audit performed by a qualified independent auditor if required to do so under Federal law and regulations. (See Federal Office of Management and Budget (OMB) Circular No. A-133).
 - b. This audit shall be performed in accordance with federal OMB Circular No. A-133 and State single audit guidelines issued by the Wisconsin Department of Administration (DOA).
 - c. The Project Sponsor will keep records of costs of construction, inspection tests, and maintenance done by it to enable the Federal Government and the State to review the amount and nature of the expenditure for those purposes. Such accounting records and any other related records shall be retained for three years from the date of final payment. If any litigation, claim, or audits are started before the expiration of the three year period, the records shall be retained until all litigations, claims or audit findings involving the records have been resolved.
25. In connection with the performance of work under this State/Municipal Agreement, the Project Sponsor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in S. 51.01(5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Except with respect to sexual orientation, the Project Sponsor further agrees to take affirmative action to ensure equal employment opportunities. The Project Sponsor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the employment officer setting forth the provisions of the nondiscrimination clause.
26. The Project Sponsor will include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin.
27. When applicable to the project, the Project Sponsor will at its own cost and expense:
 - a. Maintain all portions of the project that lie within its jurisdiction (to include, but not limited to, cleaning storm sewers, removing debris from sumps or inlets, and regular maintenance of the catch basins, curb and gutter, parking lanes, bicycle lanes, trails, and other facilities, sidewalks and other pedestrian facilities, and other project infrastructure) for such maintenance through statutory requirements in a manner satisfactory to the State, and will make ample provision for such maintenance each year. The Project Sponsor will ensure that facilities are available in all weather conditions, including clearing snow from sidewalks and multi-use trails.
 - b. Regulate [or prohibit] parking at all times in the vicinity of the proposed improvements during their construction.
 - c. Regulate [or prohibit] all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
 - d. Assume general responsibility for all public information and public relations for the project and to make fitting announcement to the press and such outlets as would generally alert the affected

property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the projects.

- e. Provide relocation orders and real estate plats and easements, as required by the project.
- f. Use the *WisDOT Utility Accommodation Policy* unless it adopts a policy, which has equal or more restrictive controls.
- g. Provide maintenance and energy for lighting.
- h. Provide proper care and maintenance of all landscaping elements of the project including replacement of any plant materials damaged by disease, drought, vandalism or other cause.

28. It is further agreed by the Project Sponsor that:

- a. The Project Sponsor assumes full responsibility for the design, installation, testing and operation of any sanitary sewer and water main infrastructure within the improvement project and relieves the State and all of its employees from liability for all suits, actions, or claims resulting from the sanitary sewer and water main construction under this State/Municipal Agreement.
- b. The Project Sponsor assumes full responsibility for the plans and special provisions provided by their designer or anyone hired, contracted or otherwise engaged by the Project Sponsor. The Project Sponsor is responsible for any expense or cost resulting from any error or omission in such plans or special provisions. The Project Sponsor will reimburse the State if the State incurs any cost or expense in order to correct or otherwise remedy such error or omission or consequences of such error or omission.
- c. The Project Sponsor will be 100% responsible for all costs associated with utility issues involving the Contractor, including costs related to utility delays.
- d. All signs and traffic control devices and other protective structures erected on or in connection with the project including such of these as are installed at the sole cost and expense of the Project Sponsor or by others, will be in conformity with such "Manual on Uniform Traffic Control Devices" as may be adopted by the American Association of State Highway and Transportation Officials, approved by the State, and concurred in by the Federal Highway Administration.

29. The subject project must be completed by August 1, 2021, and the Project Sponsor must submit a project completion certificate to WisDOT central office on or before this date. WisDOT may consider a written request to extend the completion deadline from the Project Sponsor and may approve such a request in the presence of extenuating circumstances. The written request shall explain the reasons for project implementation delay and revised timeline for project completion.

LEGAL RELATIONSHIPS:

30. **Responsibility for Damage and Tort Claims:** The Project Sponsor and the Project Sponsor's surety shall indemnify and save harmless the State, its officers and employees, from all suits, actions or claims of any character brought because of any injuries or damages received or sustained by any person, persons or property on account of the operations of the Project Sponsor; or on account of or in consequence of any neglect in safeguarding the work; or because of any act or omission, neglect or misconduct of the Project Sponsor; or because of any claims or amounts recovered for any infringement by the Project Sponsor of patent, trademark or copyright; or from any claims or amounts arising or recovered under the Worker's Compensation Act, relating to the Project Sponsor's employees; or any other law, ordinance, order or decree relating to the Project Sponsor's operations. So much of the money due the Project Sponsor under and by virtue of the contract as shall be considered necessary by the State for such purposes, may be retained for the use of the State; or, in case no money or insufficient money is retained, the Project Sponsor's surety may be held until such suit or suits, action or actions, claim or claims for injuries or damages as aforesaid shall have been settled and suitable evidence to that effect furnished to the State; except that money due the Project Sponsor will not be withheld when the Project Sponsor produces satisfactory evidence that the

Project Sponsor is adequately protected by public liability and property damage insurance. The Project Sponsor also shall comply with all of the above requirements indemnifying and saving harmless the county, town, or municipality in which the improvement is made and each of them separately or jointly and officers and employees.

The State shall not be liable to the Project Sponsor for damages or delays resulting from work by third parties. The State also shall be exempt from liability to the Project Sponsor for damages or delays resulting from injunctions or other restraining orders obtained by third parties except where the damage or delay is a direct result of an injunction or restraining order obtained by a citizen's action alleging violations of 42 U.S.C. 4331 - 4332, 23 U.S.C. 138 or Public Law 91-646.

It shall be the Project Sponsor's responsibility to see that all of the contract operations incident to the completion of the contract are covered by public liability and property damage liability insurance so the general public or any representative of the contracting authority may have recourse against a responsible party for injuries or damages sustained as a result of the contract operations. This requirement shall apply with equal force, whether the work is performed by the Project Sponsor, by a subcontractor or by anyone directly or indirectly employed by either of them.

It is the express intent of this provision that a Project Sponsor that is a county, town or municipality may and should contractually pass on this entire Responsibility for Damage and Tort Claims provision to any public and private entities with which it may subcontract any of the work covered by this agreement.

- a. The word, "surety" in the above paragraphs refers to the issuer of a payment and performance bond under section 779.14 Wis. Stats. (1997 - 98).
- b. Nothing in this section should be construed as a waiver of any statutory defenses that may be available to any governmental party.

31. The Project Sponsor, also known as the primary participant, as that term is defined in 49 CFR Part 29, certifies to the best of its knowledge and belief, that it and its principals, as that term is defined in 49 CFR Part 29:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded by any State of Wisconsin or Federal department or agency;
- b. Have not, within a three-year period preceding this State/Municipal Agreement, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated above;
- d. Have not within a three-year period preceding this agreement had one or more public transactions (Federal, State or local) terminated for cause or default; and
- e. That all grantees, contractors, and suppliers, including what is also known as lower tier participants as that term is used in 49 CFR Part 29 and the Appendix to Part 29 -- Covered Transactions, have certified in writing that neither they or their principals are presently debarred, suspended, proposed for debarment or suspension, have been declared ineligible, or have voluntarily been excluded from participating in this or any other Federal, state or local transaction by any Federal, State or local department, agency or official.

32. *Contract Modification:* This State/Municipal Agreement can only be modified by written instruments duly executed by both parties. No term or provision of neither this State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally.
33. *Binding Effects:* All terms of this State/Municipal Agreement shall be binding upon and inure to the benefits of the legal representatives, successors and executors. No rights under this State/Municipal Agreement may be transferred to a third party. This State/Municipal Agreement creates no third- party beneficiary rights to be held by any person or entity who is not a party to this State/Municipal Agreement. Nor does it accord on any non-party the right of enforcement.
34. *Choice of Law and Forum:* This State/Municipal Agreement shall be interpreted and enforced in accordance with the laws of the State of Wisconsin. The Parties hereby expressly agree that the terms contained herein and in any deed executed pursuant to this State/Municipal Agreement are enforceable by an action in the Circuit Court of Dane County, Wisconsin.
35. Nothing in this State/Municipal Agreement shall be construed as a waiver of the State's sovereign immunity.

PROJECT FUNDING CONDITIONS

36. The Project Sponsor agrees to the following State Fiscal Year 2014-2018 TAP project funding conditions:
 - a. The maximum participation of federal/ earmark funding will be limited to 80% of the actual eligible project cost or the total cost distribution of TAP funds shown on page 3 of this State/Municipal Agreement, whichever is less. The project federal/earmark funding maximum of \$48,000 is cumulative for all federal/ earmark funded project phases.

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015

Item No.: 19

Recommendation: That the Council adopts Resolution No. 11586-012015 approving a certified survey map for the property at 7867 S. Pennsylvania Ave.

Background: Joseph Frederick, Humble Habitat, LLC, is requesting approval of a Certified Survey Map to divide the 2.52-acre parcel at 7867 S. Pennsylvania Ave. into two lots. Lot 1 will retain the existing house, but will not include additional development at this time. It is anticipated that Lot 2 will be developed with a Community-Based Residential Facility (CBRF); however, that future development is not part of this application.

There are extensive wetlands on Lot 2 that cross over the northwest corner of Lot 1 as depicted on the CSM. According to a note on the CSM, the wetland boundaries were field staked by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) on June 2, 2011. Wetland delineations are valid for a period of 5 years.

The CSM also depicts the officially-mapped street pattern on the east side of both lots and the south side of Lot 1. This is for future right-of-way improvements on S. Pennsylvania Ave. and E. Drexel Ave. At such time right-of-way improvements are required on S. Pennsylvania Ave., the existing house will be required to be moved or removed as it is currently encroaching into the dedicated right-of-way.

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

Fiscal Impact: This CSM affects property that currently is developed with a residential home. Lot 1 may be developed with a Community-Based Residential Facility, which will have a positive fiscal impact for the City in terms of impact fees and taxes.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully submitted,

Gerald Peterson, ICMA-CM
City Administrator

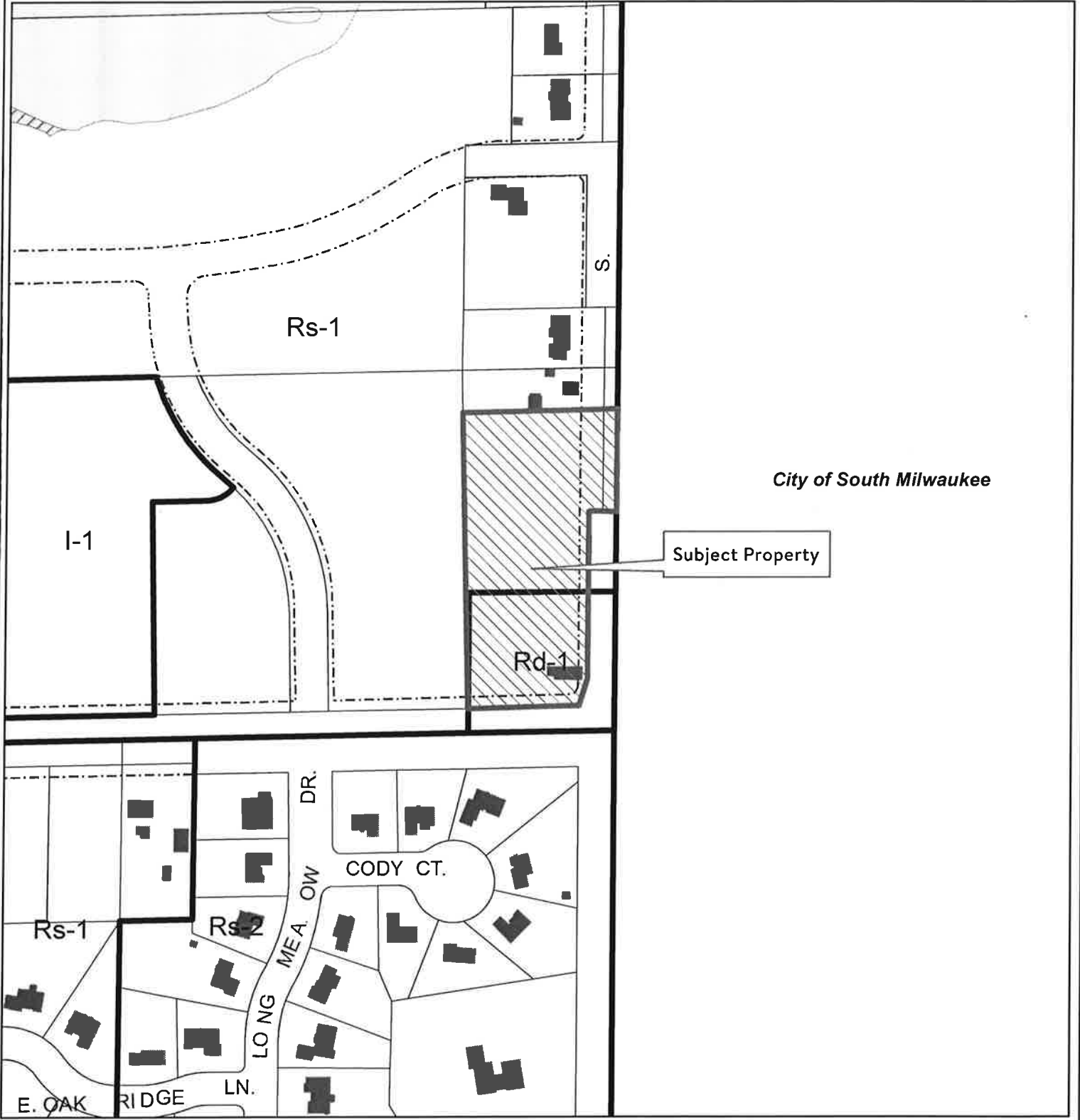
Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Location Map

7867 S. Pennsylvania Ave.



City of South Milwaukee

Subject Property



OAKCREEK
— WISCONSIN —

Department of Community Development



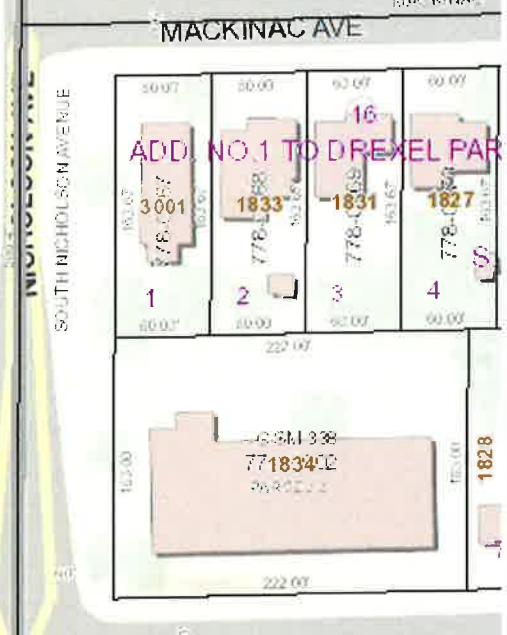
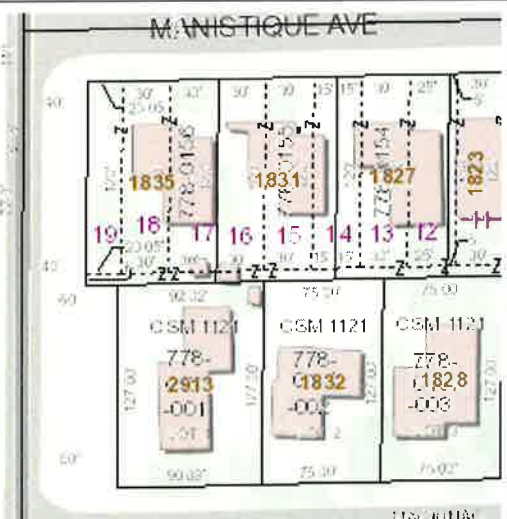
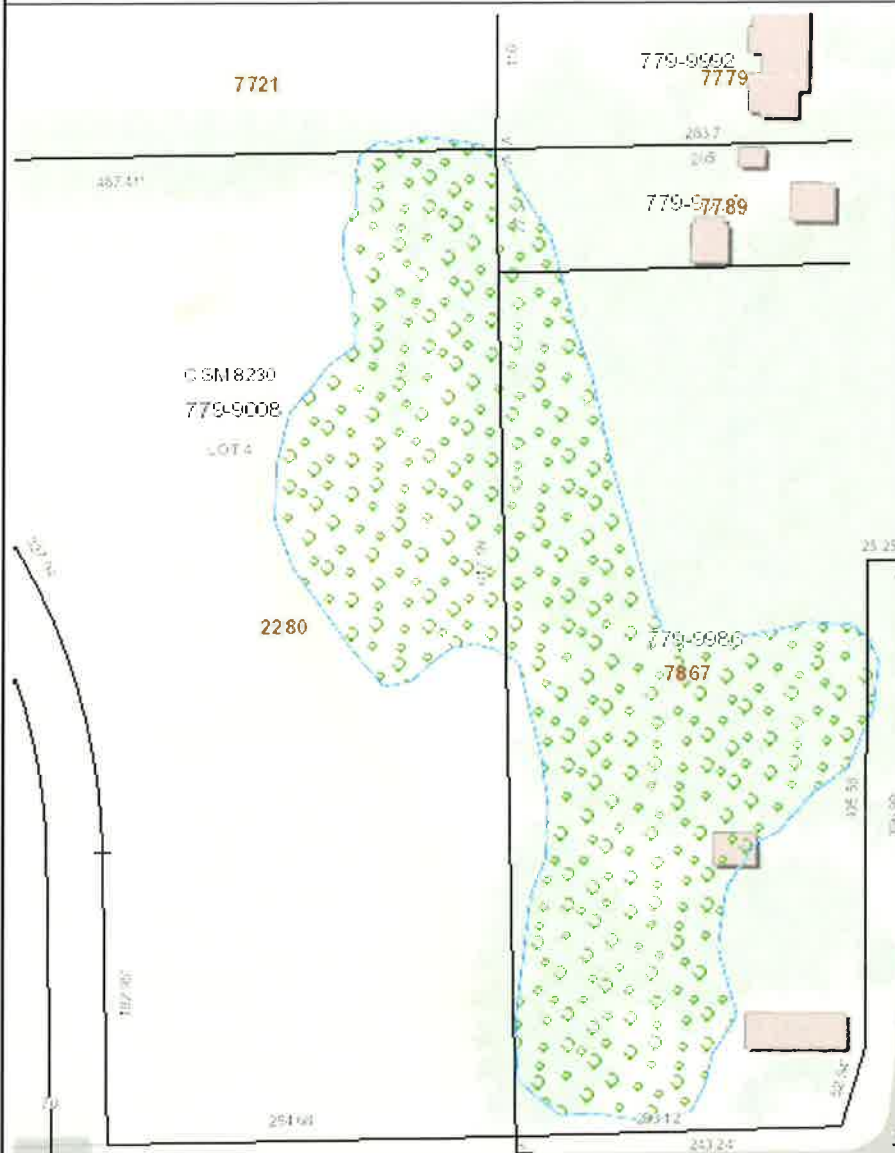
Legend

-  7867 S. Pennsylvania Ave.
-  Floodfringe
-  Floodway

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



MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



Projection
 NAD_1927_StatePlane_Wisconsin
 South_FIPS_4803

Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION © MCAMLIS

DISCLAIMER: This map is a user generated static output from the Milwaukee County Land Information Office Interactive Mapping Service website. The contents herein are for reference purposes only and may or may not be accurate, current or otherwise reliable. No liability is assumed for the data delineated herein either expressed or implied by Milwaukee County or its employees.



Legend 1: 1,359

- Tax Parcels
- Taxparcel Boundary
 - ParcelLine
 - ExtParcelLine
- ROW
 - Right of Way
 - + Railway
- Carto Line
 - Extended Tie Line, Hook, or PT
 - Dimension, Identification, or Note Arrow

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

Being part of the SE 1/4 of the SW 1/4 Section 10, Town 5 North, Range 22 East of the Fourth Principal Meridian, City of Oak Creek, Milwaukee County, State of Wisconsin.

WETLANDS LOCATION

LINE	DIRECTION	DISTANCE
L1	S28°12'42"W	8.26'
L2	S36°38'33"W	21.60'
L3	S71°52'17"W	19.78'
L4	S61°18'57"W	16.97'
L5	N78°33'15"W	14.92'
L6	N48°28'01"W	15.36'
L7	N83°45'51"W	27.86'
L8	N14°14'14"W	16.63'
L9	N74°41'13"W	17.69'
L10	N83°48'48"W	15.79'
L11	N75°58'17"W	18.04'
L12	S30°53'45"W	21.46'
L13	S76°53'57"W	22.53'
L14	S68°57'06"W	23.33'
L15	S38°12'55"E	15.22'
L16	S28°14'03"E	10.79'
L17	S25°10'02"E	24.91'
L18	S31°43'38"E	28.61'
L19	S68°24'11"E	30.25'
L20	S31°39'00"W	12.11'
L21	S13°06'59"E	20.61'
L22	S82°06'20"E	14.62'
L23	S77°28'57"W	18.63'
L24	N41°53'49"W	19.19'
L25	N46°20'14"W	18.76'
L26	N67°51'17"W	18.17'
L27	N37°44'16"W	25.65'

Wetlands boundaries were field staked by SEHRPC staff on June 2, 2011, SEHRPC file # GA-411-142

PROPERTY BEING SUBJECT TO:

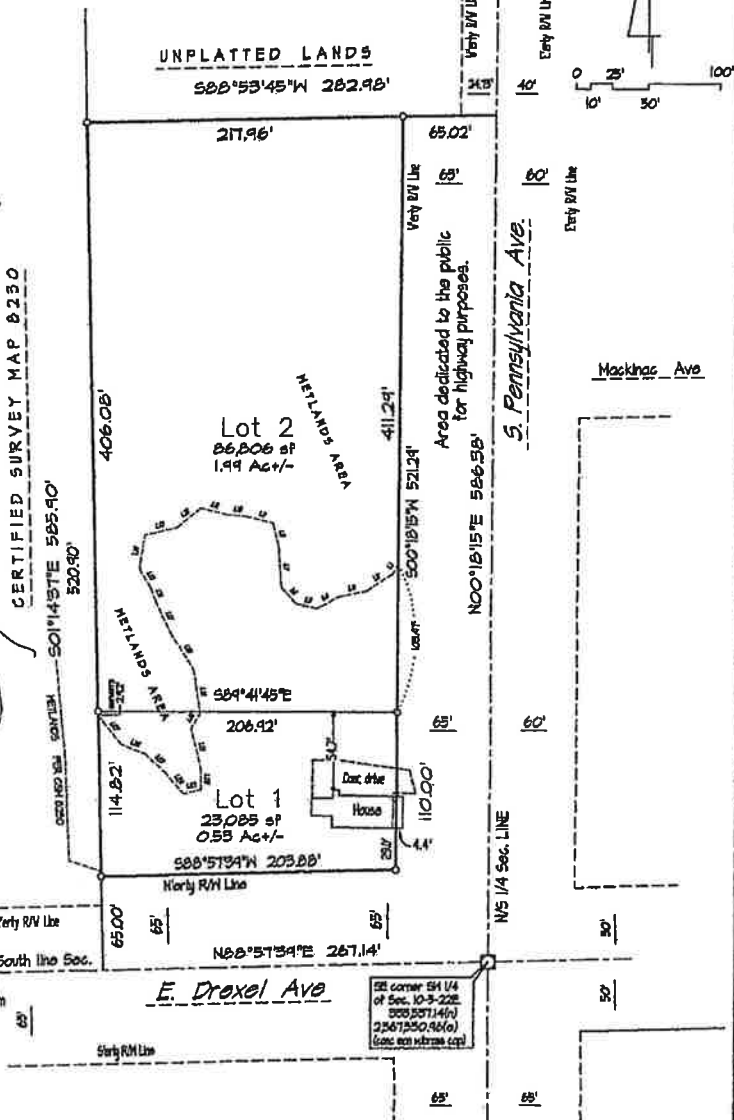
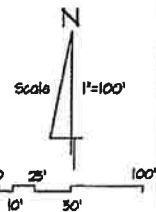
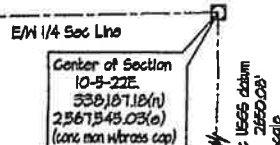
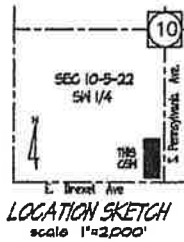
Permanent Storm Drainage Easement recorded in Reel 3164, Image 548 as Doc 1200004
 Permanent Watermain and Sanitary Sewer Easement in Reel 3164, Image 208 as Doc 6816195.

ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE SW 1/4 OF SECTION 10, T5N, R22E ASSUMED BEARING N0°18'15"E, STATE PLANE COORDINATE SYSTEM SOUTH ZONE MARCH 2011 DATUM.

DENOTES 1 1/2" IRON PIPE SURVEY MARKER SET. Weighing not less than 1.15 lbs per ft.



December 2nd, 2014



MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

Being part of the SE ¼ of the SW ¼ Section 10, Town 5 North, Range 22 East of the Fourth Principal Meridian, City of Oak Creek, Milwaukee County, State of Wisconsin.

SURVEYOR'S CERTIFICATE:

I, Michael R. Kotlarek, surveyor, hereby certify that at the direction of the present owner Joseph B. Frederick, that I have surveyed the land described as:

Being part of the SE ¼ of the SW ¼ of Section 10, Town 5 North, Range 22 East of the Fourth Principal Meridian, City of Oak Creek, Milwaukee County, State of Wisconsin, being more particularly described as follows; Begin Southeast corner of the SW ¼ of said section; thence N.0°18'15"E. along the east line of the SW ¼ of said section a distance of 586.38 feet; thence S.88°53'45"W. 282.98 feet; thence S.01°14'37"E. 585.90 feet to the south line the SW ¼ of said section; thence N.88°57'39"E. along said south line a distance of 267.14 feet to the point of beginning.

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

And that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Municipal Code of the City of Oak Creek in surveying, division and mapping the same.

Dated this 2nd Day of December, 2015



Michael R. Kotlarek, surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

Being part of the SE ¼ of the SW ¼ Section 10, Town 5 North, Range 22 East of the Fourth Principal Meridian, City of Oak Creek, Milwaukee County, State of Wisconsin.

OWNERS CERTIFICATE

I, as owners, hereby certify that we caused the land described on this map to be surveyed, divided, mapped, and dedicated as represented hereon. I also certify that this map is required by s.236.34 of the Wisconsin Statutes and Chapter 18 of the Municipal Code of the City of Oak Creek.

Dated this _____ day of _____, 2015

Joseph B. Frederick, Owner

STATE OF WISCONSIN)
Milwaukee COUNTY)ss

Personally came before me this _____ Day of _____, 2015, the above named Joseph B. Frederick, to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public
My Commission Expires:

PLANNING COMMISSION APPROVAL:

Approved by the Planning Commission of the City of Oak Creek on this _____ day of _____, 2015

Chairman: Stephen Scaffidi

Secretary: Douglas Seymour

COMMON COUNCIL APPROVAL

Approved and Adopted and Accepted by the Common Council of the Oak Creek on this _____ day of _____, 2015.

Mayor: Stephen Scaffidi

Clerk: Catherine A. Ropske

RESOLUTION NO. 11586-012015

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP
FOR JOSEPH FREDERICK, HUMBLE HABITAT, LLC

7867 S. Pennsylvania Ave.
(1st Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by JOSEPH FREDERICK, HUMBLE HABITAT, LLC, hereinafter referred to as the subdivider, is in compliance with all statutory requirements; and

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

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

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to any technical corrections being made prior to recording and including a note on the map prior to recording stating that the existing house on Lot 1 must be moved or removed at such time right-of-way improvements are required.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th Day of January, 2015.

Passed and adopted this ___ Day of _____, 2015.

President, Common Council

Approved this ___ Day of _____, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

City of Oak Creek Common Council Report

Meeting Date: January 20, 2015

Item No.: 20

Recommendation: That the Council adopts Resolution No. 11587-012015 approving a certified survey map for the properties at 3775 & 3785 E. Elm Rd.

Background: David Losiniecki & Bruce Schmidt are requesting approval of a Certified Survey Map (CSM) that would reconfigure the properties at 3775 & 3785 E. Elm Rd. Lot 1 will receive 39,897 square feet (0.9159 acres) from the southern portion of Lot 2. Following the land swap, both parcels will be of conforming size (Lot 1 = 109,599 square feet or 2.516 acres; Lot 2 = 23,000 square feet or 0.528 acres).

Setbacks for existing structures will continue to be maintained following the land swap. The wetland shown on the southern portion of Lot 1, as well as the officially mapped street pattern, will be unaffected by the proposal. Should the applicants wish to have the officially mapped street pattern removed, an official map amendment will be required.

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: This CSM affects two properties that are currently developed with single-family residences.

Prepared by:



Doug Seymour, AICP
Director of Community Development

Respectfully submitted,

Gerald Peterson, ICMA-CM
City Administrator

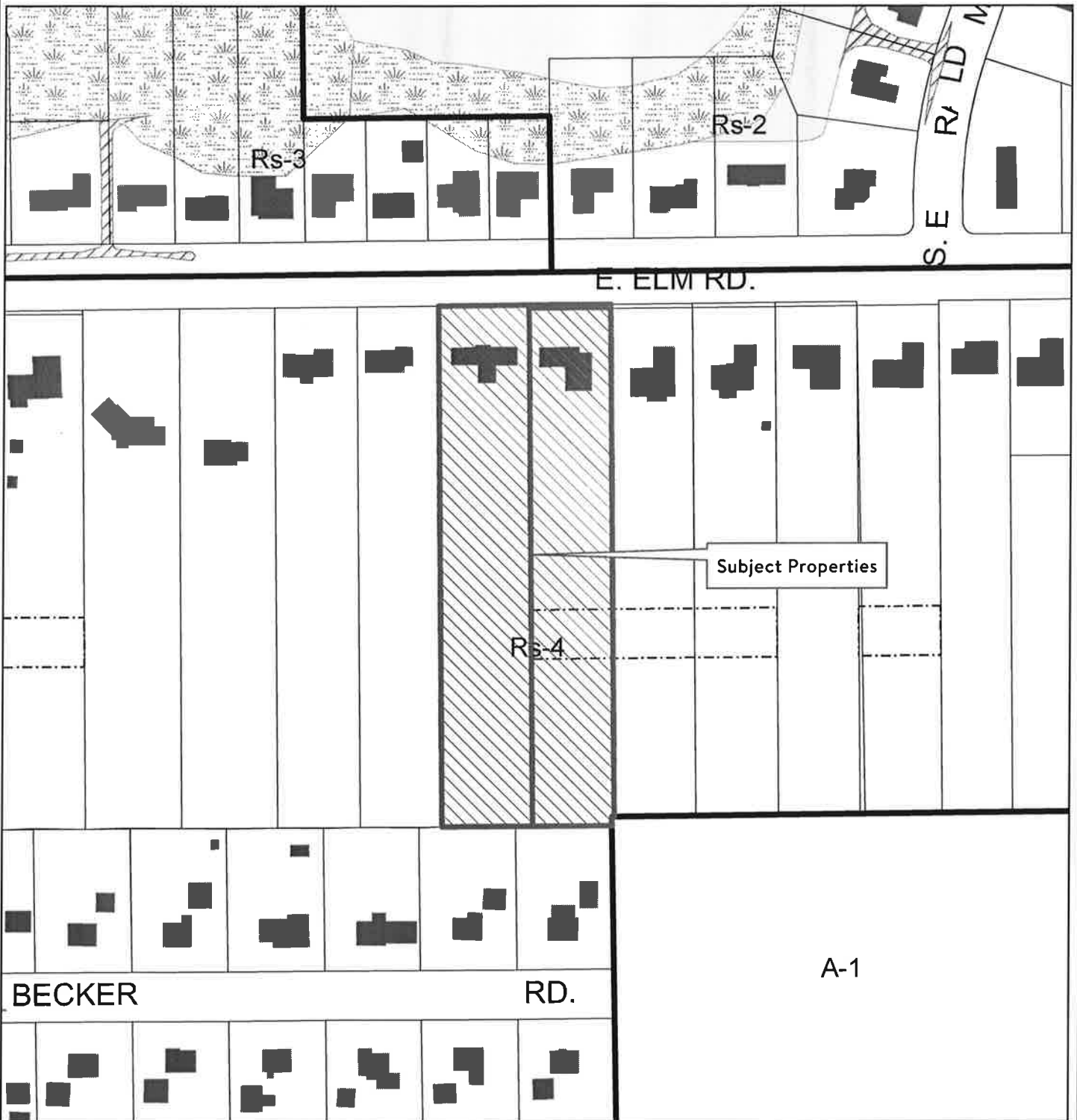
Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Location Map

3775 & 3785 E. Elm Rd.

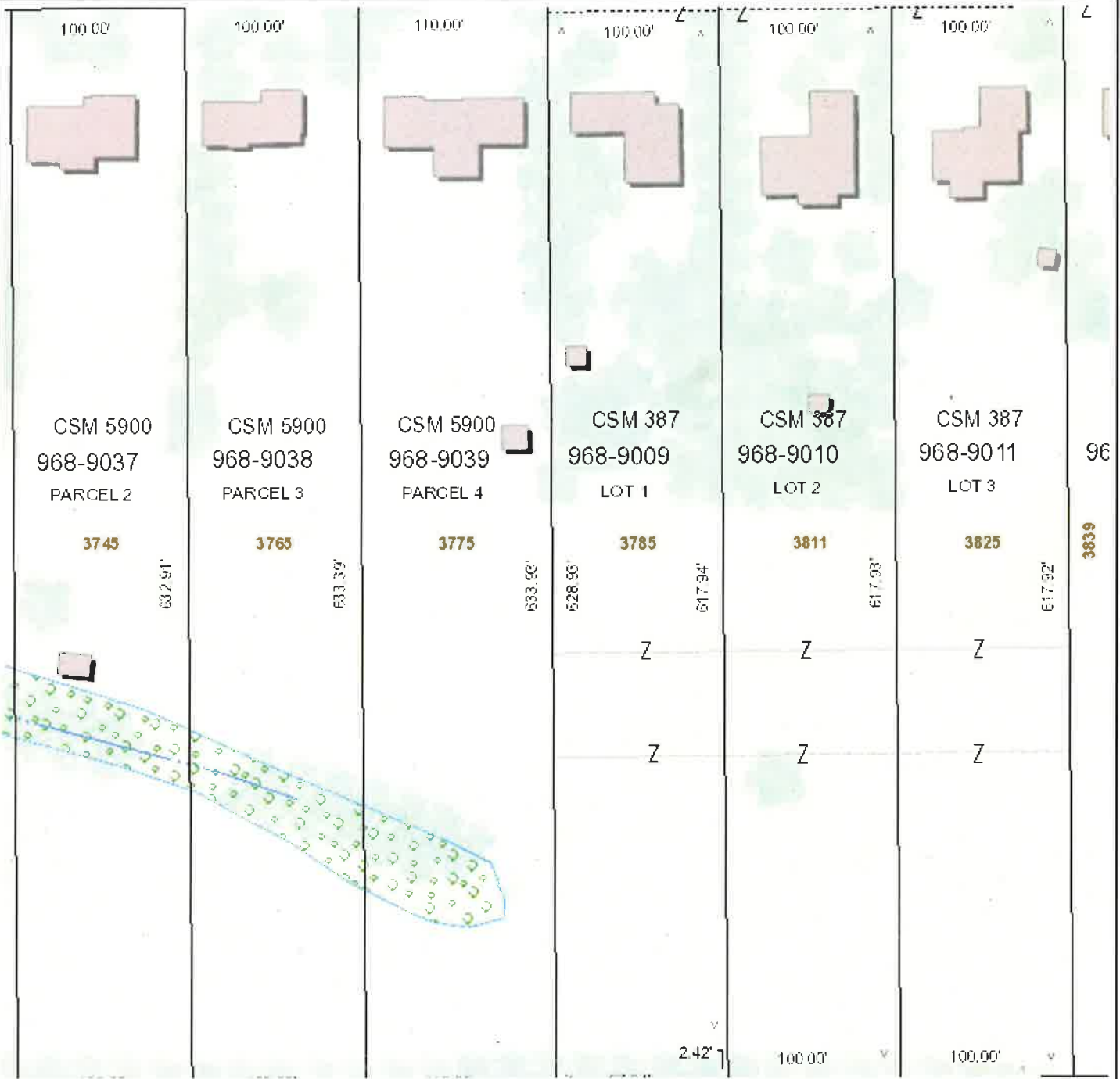


Legend	
	3775 & 3785 E. Elm Rd.
	Wetland
	Floodfringe
	Floodway

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



MILWAUKEE COUNTY INTERACTIVE MAPPING SERVICE



Projection
 NAD_1927_StatePlane_Wisconsin_South_FIPS_4803

Notes

Legend 1: 980

THIS MAP IS NOT TO BE USED FOR NAVIGATION © MCAMLIS

- Tax Parcels
- Taxparcel Boundary
 - ParcelLine
 - ExtParcelLine
- ROW
 - Right of Way
 - + Railway
- Carto Line
 - Extended Tie Line, Hook, or PT
 - Dimension, Identification, or Note Arrow

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163 0 82 163 Feet

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE THE NORTH 1/2 OF THE SE. 1/4, LOT 1 OF CERTIFIED SURVEY MAP #387,
 PARCEL 4 OF CERTIFIED SURVEY MAP #5900, ALL LOCATED IN THE NORTH 1/2 OF THE SE. 1/4 OF
 SECTION 35, T.5N., R.22E., CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

LAND MARK

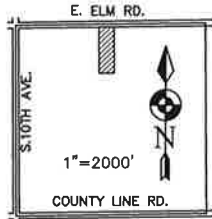
ENGINEERING SCIENCES, INC.
 119 COOLIDGE AVE., SUITE 100
 WAUKESHA, WI 53186
 (414) 719-2769

SURVEYOR:
 MARK AUGUSTINE, PLS

SURVEY FOR:
 DAVE & TERESA LOSINECKI
 BRUCE & PATRICIA SCHMIDT

PROPERTY:
 3775 AND 3785 E. ELM ROAD
 OAK CREEK, WI 53154

LOCATION MAP

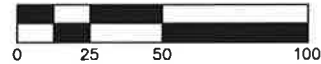


SE. 1/4 SEC. 35-T5N-R22E

LEGEND

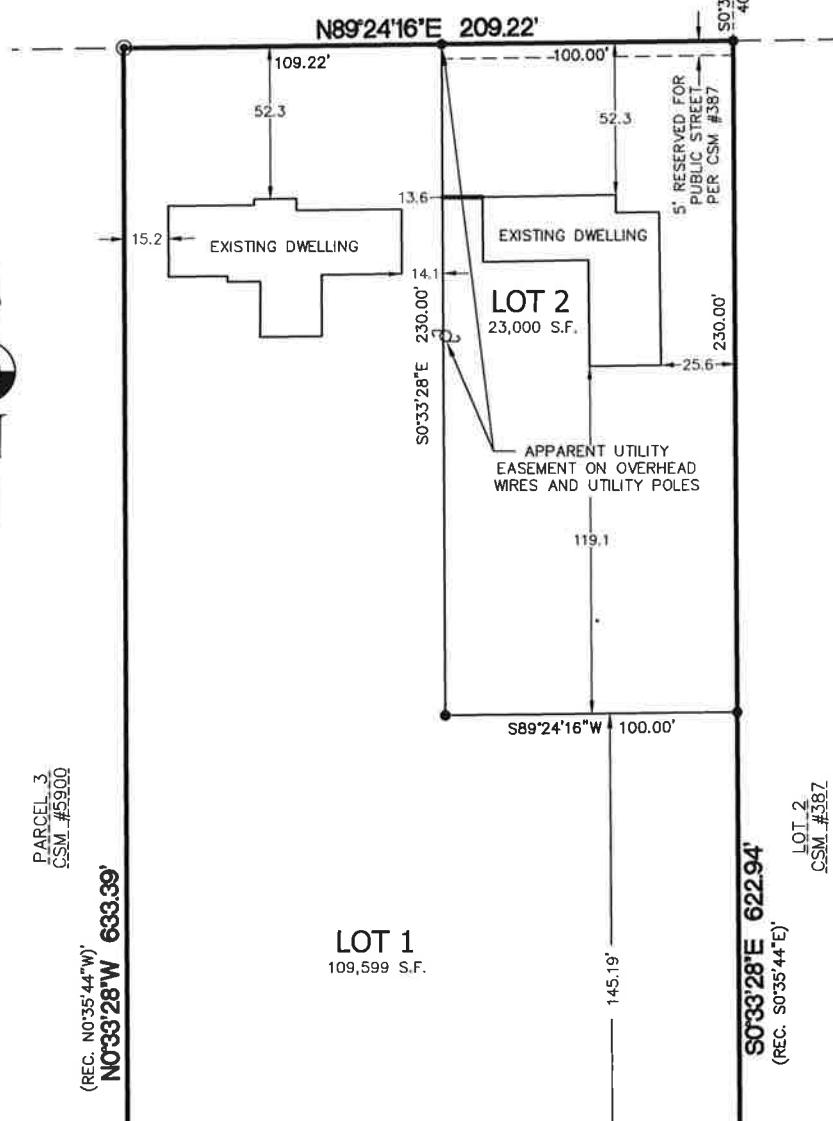
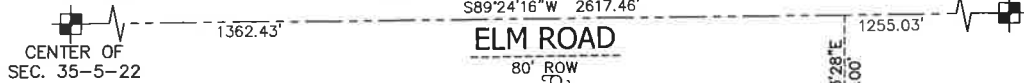
- CONC. MON. W/ BRASS CAP FND.
- 1" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
- 1" DIA. IRON PIPE SET, 18" LONG, WT. = 1.13 LBS./LIN. FT.

SCALE: 1" = 50'



NORTH LINE OF THE SE 1/4 SEC. 35-5-22
 S89°24'16"W 2617.46'

E 1/4 CORNER
 SEC. 35-5-22



PARCEL 3
 CSM #5900

(REC. N0°35'44"W)
N0°33'28"W 633.39'

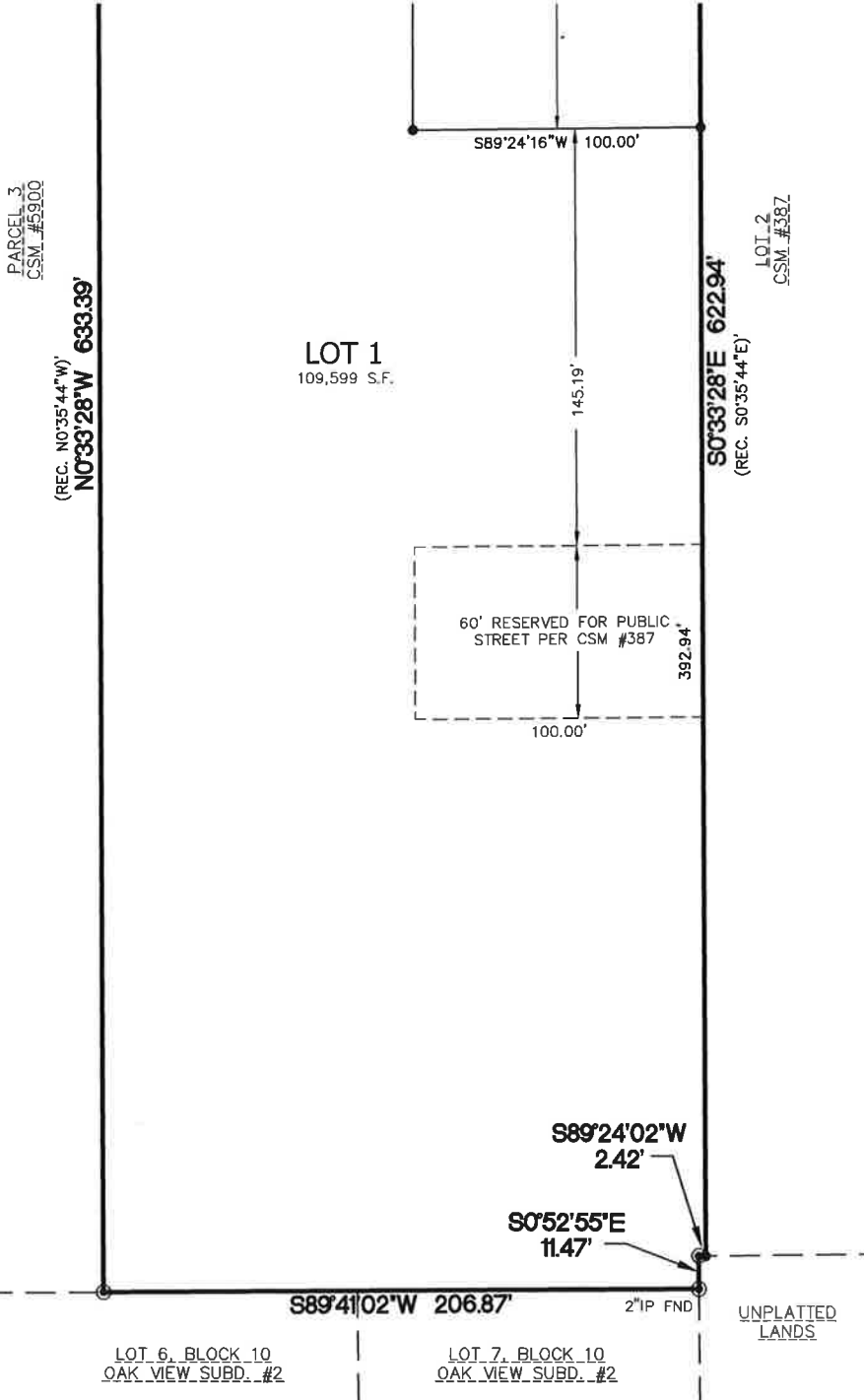
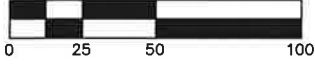
LOT 1
 109,599 S.F.

LOT 2
 CSM #387
S0°33'28"E 622.94'
 (REC. S0°35'44"E)

CERTIFIED SURVEY MAP NO. _____

BEING PART OF THE THE NORTH 1/2 OF THE SE. 1/4, LOT 1 OF CERTIFIED SURVEY MAP #387,
PARCEL 4 OF CERTIFIED SURVEY MAP #5900, ALL LOCATED IN THE NORTH 1/2 OF THE SE. 1/4 OF
SECTION 35, T.5N., R.22E., CITY OF OAK CREEK, MILWAUKEE COUNTY, WISCONSIN

SCALE: 1" = 50'



RESOLUTION NO. 11587-012015

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP
FOR DAVID LOSINIECKI AND BRUCE SCHMIDT

3775 and 3785 E. Elm Rd.
(4th Aldermanic District)

WHEREAS, it appears that the certified survey map submitted by DAVID LOSINIECKI AND BRUCE SCHMIDT, 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 being made prior to recording;

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 20th Day of January, 2015.

Passed and adopted this ___ Day of _____, 2015.

President, Common Council

Approved this ___ Day of _____, 2015.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____