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

COMMON COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 15 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: 9/1/15

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

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

4. **DTSMUPDD General Development Plan and Regulating Plan Amendment:** Consider an amendment to the General Development Plan and Regulating Plan for the Drexel Town Square Mixed Use Planned Development District located at 7901, 7940, 7951, 7971, 8001, 8031, and 8040 S. 6th St., 7901 S. Delco Dr., 8031 and 8041 S. Howell Ave., 7902, 7935, 7978, and 7979 S. Main St, 7980 S. Market St., and 120, 130, 140, 150, 151, 160, 171, 320, 350 and 361 W. Town Square Way (2nd District).
5. **Ordinance:** Consider Ordinance No. 2772, amending the General Development Plan and Regulating Plan for the Drexel Town Square Mixed Use Planned Development District at 7901, 7940, 7951, 7971, 8001, 8031 and 8040 S. 6th Street, 7901 S. Delco Drive, 8031 and 8041 S. Howell Avenue, 7902, 7935, 7978 and 7979 S. Main Street, 7980 S. Market Street, and 120, 130, 140, 150, 151, 160, 171, 320, 350 and 361 W. Town Square Way. (2nd District).

New Business

MAYOR & COMMON COUNCIL

6. **Resolution:** Consider Resolution No. 11644-091515, authorizing the issuance and sale of \$10,525,000 Taxable General Obligation Promissory Notes, Series 2015c (by Committee of the Whole).
7. **Motion:** Consider a motion to approve the agreement between the City of Oak Creek and the Labor Association of Wisconsin, Inc. (by Committee of the Whole).
8. **Ordinance:** Consider Ordinance No. 2773, amending Ordinance No. 2743, adjusting the wages for employees represented by the Labor Association of Wisconsin (by Committee of the Whole).

9. **Motion:** Consider a *motion* to concur with the Personnel Committee's recommendation and authorize the Information Technology Department to retain the professional services of Ruekert & Mielke, Inc., in an amount up to \$25,250 for the creation and hosting of a GIS Web Mapping application (by Committee of the Whole).
10. **Motion:**
 - (a) Consider a *motion* to rescind the September 1, 2015 authorization of the purchase of three Sharp MX-3140 copiers from Gordon Flesch Company, Inc., in the amount of \$22,236.00; and
 - (b) Consider a *motion* to authorize the purchase of three Sharp MX-3140 copiers from Office Copying Equipment, LTD. In the amount of \$19,152.00.
11. **Resolution:** Consider *Resolution* No. 11647-091515, approving a Sewer Project Cooperation Agreement by and between the City of Oak Creek and Beazer East, Inc. (5th District).
12. **Motion:** Consider a *motion* to concur with the Personnel Committee's recommendation and authorize one additional full time Administrative Support position, within the approved 2015 budget (by Committee of the Whole).
13. **Motion:** Consider a *motion* to concur with the Mayor's (re)appointments as follows:
 - a. Board of Health – 3 year term to expire 9/2018
Jose M. Avila
 - b. Water & Sewer Utility Commission – 5 year term to expire 9/2020
Gerald Wille
14. **Motion:** Consider a *motion* to approve the Vendor Summary Report in the amount of \$3,145,111.22 (by Committee of the Whole).

POLICE

15. **Motion:** Consider a *motion* to approve the proposed annual Agreement for School Resource Officer Services for the 2015-16 school year (by Committee of the Whole).
16. **Motion:** Consider a *motion* to approve and authorize the Police Department's purchase of 16 Motorola APX7000 portable radios with programming and accessories from Baycom, Inc., at a total cost of \$58,348 (by Committee of the Whole).
17. **Motion:** Consider a *motion* to approve and authorize the Police Department's purchase of a 10-print Livescan Fingerprint System for the Department's booking area from ID Networks, Inc., at a cost of \$17,990 (by Committee of the Whole).

ENGINEERING

18. **Motion:** Consider a request for withdrawal of the bid of KPH Environmental Corp and consider a *motion* to award the City Buildings Hazardous Materials Abatement contract to the lowest responsive, responsible bidder or to reject all bids and re-advertise the work (Project No. 15002A) (3rd District).
19. **Resolution:** Consider *Resolution* No. 11645-091515, acquiring fee property (right-of-way), permanent easements, temporary easements and highway easements for the S. 5th Avenue relocation project from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road, and, to send a payment in the amount of the Award of Damages to the affected property owners (Project No. 12026) (4th District).

20. **Resolution:** Consider *Resolution* No. 11646-091515, a resolution of necessity for acquisition of lands for permanent easements for scour protection, temporary easements for grading and authorizing negotiation for such acquisition and condemnation, if necessary, for the S. Nicholson Road bridge project over Oak Creek (Project No. 13022) (3rd District).
21. **Motion:** Consider a *motion* to concur with the recommendations of the Traffic and Safety Commission and
- a. approve the installation of "NO PARKING ANY TIME" signs between driveways located at 8592 and 8594 S. Jason Court (3rd District) and
 - b. the modification to eastbound pavement markings on E. Drexel Avenue from 450 feet east of S. Howell Avenue to S. Verdev Drive (1st District).

LICENSE COMMITTEE

The License Committee did not meet prior to the Council meeting. Tentative recommendations are as follows:

22. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
- Paige E. Heller, 801 Michigan Ave., South Milwaukee (Kwik Trip)
 - Brittany M. Hoffmann, 131 S. 74th St., Milwaukee (Kwik Trip)
 - Mary K. Bauer, 2900 E. Holmes Ave., Cudahy (Kwik Trip)
 - Regina L. Dronso, 8721 S. Country Dr., Oak Creek (Kwik Trip)
 - Jarod T. Hauke, 8714 W. Mallard Court, Franklin (Kwik Trip)
 - Alexander J. Schmidt, 8525 S. Woodvale Dr., Oak Creek (Kwik Trip)
 - Jonathan M. Alles, 7050 Heathmeadow Ct., Greendale (Kwik Trip)
 - Kenneth D. Churchill, 2700 S. Anthony Ln., Racine (Kwik Trip)
23. **Motion:** Consider a *motion* to grant a change of agent to The Noodle Shop Co. – Colorado Inc., dba Noodles & Co., from Grant Ehlert to Jason W. Delmore, W237 S8060 Highland Dr., Big Bend (*favorable background report received*).
24. **Motion:** Consider a *motion* to grant a change of agent to Apple Hospitality Group, LLC dba Applebee's Neighborhood Grill & Bar, 7135 S. 13th St., from Jacob Woods to Ryan Sell, 3711 W. Birchwood Ave., Milwaukee (*favorable background report received*).
25. **Motion:** Consider a *motion* to grant a Reserve Class B Combination license to The Char Grill Inc., dba The Charcoal Grill & Rotisserie, Jeffrey Marsh, Agent, 111 W. Ryan Rd., with issuance subject to Sanitarian and Inspection Department approvals and issuance of an Occupancy permit (*favorable background report received*).

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

TO BE PUBLISHED AUGUST 27 AND SEPTEMBER 3, 2015

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider an amendment to the General Development Plan and Regulating Plan for the Drexel Town Square Mixed Use Planned Development District located at 7901, 7940, 7951, 79718001, 8031 and 8040 S. 6th Street, 7901 S. Delco Drive, 8031 and 8041 S. Howell Avenue, 7902, 7935, 7978 and 7979 S. Main Street, 7980 S. Market Street, and 120, 130, 140, 150, 151, 160, 171, 320, 350 and 361 W. Town Square Way. This amendment would:

1. Correct and clarify maps, text and figures within the document
2. Amend Table 1 Land Use Regulations to allow cosmetic shops, electronics stores, home furnishings and gift stores in the mixed use and perimeter commercial sub districts
3. Amend Table 1 Land Use Regulations to include restaurants (with no drive through) as a permitted use in the residential sub district
4. Amend Table 1 Land Use Regulations to include taverns and cocktail lounges as a conditional use in the residential sub district
5. Remove limitation of commercial, retail and office uses in excess of 20,000 g.s.f.
6. Include landscaping guidelines for perimeter development street yards

Hearing Date: September 15, 2015
Time: 7:00 p.m.
Place: Oak Creek City Hall
 8640 South Howell Avenue
 Oak Creek, WI 53154
 Common Council Chambers

Applicant: One West Drexel, LLC & City of Oak Creek
Property Owner: One West Drexel, LLC & City of Oak Creek
Tax Key(s): 813-9027, 813-9029, 813-9032, 813-9033, 813-9094, 813-9035, 813-9036, 813-9037, 813-9043, 813-9044, 813-9045, 813-9046, 813-9047, 813-9048, 813-9049, 813-9050, 813-9053, 813-9054, 813-9055, 813-9056, 813-9058, 813-9059, 813-9060 and 813-9061

Legal Description:

The proposed amendment affects the following properties:

- CERTIFIED SURVEY MAP (CSM) 8572 – Lots 1 and 3
- CERTIFIED SURVEY MAP (CSM) 8573 – Lots 2, 3 and 4
- CERTIFIED SURVEY MAP (CSM) 8639 – Lots 2, 3 and 4
- CERTIFIED SURVEY MAP (CSM) 8640 – Lots 1, 2 and 3
- CERTIFIED SURVEY MAP (CSM) 8642 – Lots 1 and 2
- CERTIFIED SURVEY MAP (CSM) 8643 – Lots 1 and 2
- CERTIFIED SURVEY MAP (CSM) 8670 – Outlot 1
- CERTIFIED SURVEY MAP (CSM) 8677 – Lot 2
- CERTIFIED SURVEY MAP (CSM) 8713 – Lots 1 and 3

The Common Council has scheduled other public hearings September 15, 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: August 19, 2015
CITY OF OAK CREEK COMMON COUNCIL
By: Stephen Scaffidi, Mayor

PUBLIC NOTICE

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City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.:

5

Recommendation: That the Council adopts Ordinance No. 2772 amending the General Development Plan and Regulating Plan for the Drexel Town Square Mixed Use Planned Development District at 7901, 7940, 7951, 7971, 8001, 8031 and 8040 S. 6th Street, 7901 S. Delco Drive, 8031 and 8041 S. Howell Avenue, 7902, 7935, 7978 and 7979 S. Main Street, 7980 S. Market Street, and 120, 130, 140, 150, 151, 160, 171, 320, 350 and 361 W. Town Square Way.

Background: The City of Oak Creek is requesting amendments to the Drexel Town Square Mixed Use Planned Development (Section 17.0344 of the Municipal Code) and regulating plan. The amendments are being proposed for several reasons:

- To update the figures to reflect the selected street pattern and lot configuration for the parcels based on the actual first generation development plan.
- To correct and/or clarify text and formatting errors within the document.
- To revise the land use regulations to eliminate the maximum 20,000 square foot restriction on offices within the Mixed Use sub-district.
- To revise the land use regulations to allow for additional retail (home furnishings, cosmetic shops, electronics and wireless telecommunications sales and service) in the Mixed Use and Perimeter Commercial sub-districts.
- To revise the land use regulations to allow restaurants (without drive-throughs) as permitted uses in the Residential sub-district (Emerald Row) to reflect the original plans for an accessory retail use along 6th Street.
- To revise the land use regulations to allow taverns and cocktail lounges as conditional uses in the Residential sub-district (Emerald Row) to reflect the original plans for an accessory retail use along 6th Street.
- To create landscaping guidelines for developments within the Perimeter Commercial sub-district.

Each of the proposed changes is contained in the attached document. Please note that no changes are being proposed to Appendix B (Signage Guidelines) or Appendix C (Outlot Building Guidelines for Perimeter Commercial District) at this time.

At the time the initial document was approved in 2013, there had been no decision made on the public street access point to Howell Avenue. Since that time, the alignment for West Town Square Way has been finalized, constructed, dedicated to the City, and opened for traffic. This amendment changes all of the figures within the document to reflect the correct alignment for this street.

Likewise, the specific alignment of the streets and blocks adjacent to the civic center (library and city hall) had yet to be finalized. This is corrected as part of this plan amendment as well.

Some of the uses have also been clarified as part of this proposed amendment. For instance, the original document had established a maximum of 20,000 gross square feet (g.s.f.) for commercial, retail and office uses in the Mixed Use sub-district. Since that time, a substantial medical office building and fitness center in excess of 20,000 g.s.f. has been proposed within the Mixed Use sub-district.

Home furnishings, cosmetic shops, electronics and wireless telecommunications sales and service are being added to the list of permitted uses in the Mixed Use and Perimeter Commercial sub-districts to better reflect prospective tenants for the mixed use Main Street buildings, as well as the Perimeter Commercial outlots.

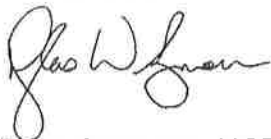
The original plans for the Residential sub-district (Barrett – Emerald Row) included opportunities for accessory retail uses, such as restaurants (no drive-through) or wine bars/cocktail lounges, along the 6th Street frontage of the development. This change to the land use regulations would correct the use chart to reflect the originally contemplated uses for this sub-district.

Finally, new landscape guidelines for the Howell and Drexel Avenue frontages have been developed to provide for a more uniform landscape and streetscape along the edges of the development, and to account for the multiple private and public easements affecting these properties.

Please note that the formatting of the document has been revised for editing purposes. The final document will contain all of the figures and illustrations (some revised) from the original document.

Fiscal Impact: Although there is no direct fiscal impact, the amended plan will allow for the development of the medical office building and fitness facility which will add value to Drexel Town Square and TID 11.

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

ORDINANCE NO. 2772

By: _____

AN ORDINANCE TO AMEND THE GENERAL DEVELOPMENT PLAN AND REGULATING PLAN ADOPTED IN ORDINANCE NOS. 2688 AND 2713 FOR THE DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT DISTRICT (DTSMUPDD)

(2nd Aldermanic District)

WHEREAS, on August 5, 2013 the Oak Creek Common Council adopted Ordinance No. 2688, approving the rezoning of the properties at 7929 S. Howell Avenue and 300 W. Drexel Avenue from M-1, Manufacturing to DTSMUPDD – Drexel Town Square Mixed Use Planned Development and the General Development Plan and Regulating Plan for this District (the “District”); and

WHEREAS, on March 4, 2014, the Oak Creek Common Council adopted Ordinance No. 2713, amending the general development plan and regulating plan for the District; and

WHEREAS, those ordinances affected the following legally described property;

Lots 1 and 3 of CSM 8572, Lots 2, 3 and 4 of CSM 8573, Lots 2,3 and 4 of CSM 8639, Lots 1, 2 and 3 of CSM 8640, Lots 1 and 2 of CSM 8642, Lots 1 and 2 of CSM 8643, Outlot 1 of CSM 8670, Lot 2 of CSM 8677, and Lots 1 and 3 of CSM 8713 in the Northeast and Northwest one-quarters of Section 17, Town 5 North, Range 22 East, City of Oak Creek, County of Milwaukee, State of Wisconsin.

WHEREAS, it is being requested that the Drexel Town Square Mixed Use Planned Development District General Development Plan and Regulating Plan adopted pursuant to Ordinance No. 2688 be amended as summarized in Exhibit A and fully described in see Exhibit B; and

WHEREAS, the Plan Commission reviewed the application and recommended that the requested amendments be approved; and

WHEREAS, the Common Council held a public hearing on said application on September 15, 2015, at which time all interested parties appeared and were heard; and

NOW, THEREFORE, BE IT RESOLVED, 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 Drexel Town Square Mixed Use Planned Development District General Development Plan and Regulating Plan adopted pursuant to Ordinance No. 2688 affecting the lands hereinabove described, is amended as described in Exhibits A and B:

SECTION 2: 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 3: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon 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 _____

Exhibit A

Summary of Changes to DTSMUPDD General Development Plan and Regulating Plan

page	Amendment
3	Removed reference to 10,000 persons per day and replaced with 'a high level of pedestrian activity'.
2	Removed reference to Figure 1c and alternative Howell Avenue access
3	Removed reference to Figure 3 a/b (alternative Howell Avenue access)
3	Removed reference to Figure 1 a/b (alternative Howell Avenue access)
4	Removed reference to Figure 3 a/b (alternative Howell Avenue access)
4	Delete 'a small commercial or community use (such as a day care center)' and replace with 'additional development consistent with the character of the Mixed Use Subarea
4	Removed reference to Figure 1 a/b (alternative Howell Avenue access)
5	Provided alternative language on reclamation of large format retail area
6	Removed reference to Figure 4 a/b (alternative Howell Avenue access)
10	Removed reference to Figure 5 a/b (alternative Howell Avenue access)
10	Removed reference to Figure 2 a/b (alternative Howell Avenue access)
12	Removed reference to Figure 4 a/b (alternative Howell Avenue access)
22	Updated reference to Appendix C
24	Added cosmetic shops including retail to permitted uses in the Mixed Use and Perimeter Commercial sub-districts
24	Added 'electronics' store to appliance category
25	Amend Table 1 to include restaurant-with no drive through as permitted use in residential
25	Amend Table 1 to include taverns and cocktail lounges as conditional use to residential
25	Added home furnishings to permitted uses in the Mixed Use and Perimeter Commercial sub-districts
25	Added 'wireless telecommunications sales and service' to permitted uses in Mixed Use and Perimeter Commercial sub-districts
25	Changed gift stores from 'not permitted' to 'permitted' in Mixed Use sub-district
27-30	Updated figures to reflect final First Generation Development plans
24-25	Remove limitation of commercial, retail and office uses in excess of 20,000 g.s.f.
Appendix A	Updated figures to reflect final First Generation Development plans
Appendix D	Insert Appendix D – Landscaping Design Guidelines for Perimeter Development Street Yards

Exhibit B

Drexel Town Square Mixed Use Planned Development (DTSMUPDD)

General Development Plan and Regulating Plan

(NOTE: Plan may be revised to reflect formatting changes)

**GENERAL DEVELOPMENT PLAN AND REGULATING PLAN
DREXEL TOWN SQUARE MIXED USE PLANNED DEVELOPMENT
DISTRICT (DTSMUPDD)**

ADOPTED BY ORDINANCE NO. 2688 (8-5-13)

REVISED BY ORDINANCE NO. 2713 (3-4-14)

PROJECT DESCRIPTION

Drexel Town Square (DTS) is a new type of hybrid town center that combines complementary ideas from economics, environmental quality, and community design:

Economics

DTS combines a solid foundation of retail customers with time- tested concepts of main streets and town squares. This enables DTS to generate a significant tax base while populating the town center over time, with a high level of pedestrian activity.

Environment

DTS combines natural features with a high-capacity green infrastructure. The project combines water quality features, wetlands, advanced stormwater features, and a community park, linked together with a continuous, walkable street system throughout the retail, residential, and civic areas.

Community

DTS combines a diversity of contemporary architectural styles harmonized and integrated with a continuous high quality streetscape and urban patterns. This creates a planning system that combines the first phase of economic investment with options for long term growth and urban development.

The primary goal of the plan is to create a high quality, mixed-use district with the amenities, livability, and stimulating community places similar to a well-designed town center. The site design includes walkable, tree-lined streets with easy access to a variety of community places, activities, commercial and civic uses.

DTS occupies an 85-acre area located at the southwest corner of the intersection of West Drexel Avenue and South Howell Avenue (formerly called the "Delphi" site). The site is 0.75 miles from an I-94 Interchange. A new underlying zoning district will be established for this area and included in the City's zoning ordinance.

The proposed plan provides:

- Moderate density multi-family units along the western portion of the site
- Mixed-use commercial, residential and civic buildings surrounding the central town square
- Traditional suburban large format retail at the southeast corner of the site with freestanding outlot buildings on the periphery
- New City Hall and Library
- Multi-acre environmentally park and wetland preserve.

One West Drexel LLC (OWD)

Given the unique nature of Drexel Town Square and the considerable public investment represented by the creation of the Tax Increment Financing District and the location of the new City Hall and Public Library, a public / private partnership known as One West Drexel LLC (OWD) was created. OWD is overseen by a 5-person board of directors

consisting of three members from the private development team and two from the city government. The board is responsible for overseeing the implementation of the development plans for the project as well as reviewing and approving sales transactions, capital budgets and related issues.

APPLICATION OF DTSMUPDD

Due to the scale and potential phasing involved in the project and given the uncertainties inherent in predicting future markets, the DTSMUPDD contains a certain degree of flexibility to allow for adaptation to changing market conditions.

PLAN COMMISSION REVIEW

The Oak Creek Plan Commission will be charged with interpreting and assuring compliance with the DTSMUPDD. Building permits will not be issued without Plan Commission approval. The review process should:

- Allow for the successful implementation of the general urban design patterns as in the DTSMUPDD.
- Allow designers and developers reasonable flexibility in the creation of specific designs to meet current and future market and economic realities.
- Generate and sustain economic and social value as subareas develop and redevelop over time.
- Ensure high quality development that creates a vibrant, diverse, clean, safe, destination
- Create meaningful community places for current and future users through the integration of buildings, site, and landscape features.
- Ensure that building and site designs create an attractive, interactive environment for pedestrians, cyclists, and motorists.

First Generation Proposals

First generation proposals include the design concepts for architecture and site layout that are submitted as part of the combined development effort of the City, One West Drexel LLC (OWD), and selected developers as designated by OWD. These design concepts have been substantially reviewed and presented to the general public as part of the overall DTS process. These private development proposals also represent higher financial risks because they are part of the initial investment which carries greater uncertainty and unforeseen difficulties with implementation. Given these circumstances, the review of first generation development should be granted far more flexibility in the approval process. These nonbinding first generation design concepts are illustrated in **Figure 1**.

As part of the First Generation development, key components of the infrastructure will also be implemented that establish the basic "street and block" plan for the site. This is shown in **Figure 2**

Plan Changes and Future Development Options

To allow for a reasonable degree of flexibility in site and building design, staff should make an official determination if a proposal demonstrates "substantial compliance" with the general development plan or first generation proposals. Specific exceptions and the rationale for exceptions should be stated by staff as part of the materials submitted to the Plan Commission for review.

Common sense and reasonable interpretations should be used to evaluate development proposals with the recognition that current and future market conditions may suggest alternate development solutions that have not been anticipated by these guidelines. If necessary, they can be modified in the future with appropriate City approvals. In all cases, specific site and building designs should protect the health, safety and welfare of the general public and ensure the economic viability of the overall project.

Required Plans, Easements, Agreements And Public Improvements

For the purposes of this planned unit development, the Street and Block Plan as illustrated in Figure 3 shall serve as the general development plan for this DTSMUPDD. All detailed site plans must be in general conformance with the adopted general development plan or the first generation development proposal (Figure 1) contained in this document. Any substantive change to the planned unit development and general development plan shall be considered a new and separate proposal, and shall be required to comply with all of the review and approval requirements of the planned unit development zoning district, including the requirement for submittal of development plans and the conduct of public hearings.

Detailed site, building, landscaping, and lighting plans shall be approved by the Plan Commission for each phase of the development. As part of the detailed review of site and building plans, the Plan Commission, with the written consent of the property owner, may make site specific modifications to any of the architectural standards in this regulating plan by a ¾ majority vote of those Commissioners present at a meeting, but only if supplemental design elements or improvements are incorporated into the project which compensate for the modifications of the particular standard. Such modifications, as well as the supplemental design elements or improvements must be specifically identified as part of the record of the Plan Commission's approval.

For each phase of the development, site grading and drainage, public streets and easements, stormwater management and erosion control plans shall be submitted to the City Engineer for approval, if required. Strict adherence to the approved grading plan will be required of the owners during and after construction.

If required by the City of Oak Creek, public easements for cross access, 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. All new electric, telephone and cable TV service wires or cables shall be installed underground within the boundaries of this DTSMUPDD.

If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. Lots within the boundaries of this Planned Unit Development are not required to have public street frontage as long as the appropriate access easements are established and are included on any future any certified survey map or plat.

Use of Terms

For the purposes of these guidelines, certain terms are defined as follows:

- A "suggestion" is indicated by terms like may, could, or can;
- A "recommendation" is indicated by terms like should or encouraged;
- A "requirement" is indicated by terms like shall, will, or must.

Additional Covenants, Deed Restrictions, Developer Agreements

Additional and possibly more restrictive guidelines may be contained in covenants, deed restrictions, and developer agreements established by OWD. Such guidelines should be anticipated as part of the maintenance and operational agreements for the site and the activities in community areas. Such conditions might include design, operation and maintenance of:

- Shared parking
- Snow plowing and removal
- Waste management and recycling
- Parks and landscape features
- Lighting

- Signage
- Infrastructure for stormwater
- Natural environmental quality
- Community events and activities (including staff support)
- Hours of operation
- Compatibility of uses and activities
- Other staff and management needs for Drexel Town Square

Phasing

At this time, several projects are intended to be implemented as part of the first phases including basic infrastructure, City Hall and Library, large format retail, main street mixed use, components of the park and environmental preserve, and some of the multifamily housing. Due to the scale, complexity, and extended implementation period and given the uncertainties in predicting future real estate markets, it is anticipated that there could be significant adjustments to the phasing scenario and timeline. Phasing plans will vary over time in response to the unique conditions and opportunities of the project.

Management and Maintenance

Long-term economic viability and sustainability of the district relies, in large measure, upon effective management and maintenance of the community places. A property owners association will be tasked with significant management and maintenance responsibilities in addition to those which are conducted exclusively by the City or by private property owners. Such responsibilities will be described in agreements between the City and property owners that establish the assignment of various responsibilities, shared responsibilities, costs, and monitoring/compliance measures.

SUB-DISTRICTS & GENERAL DEVELOPMENT PLAN

The DTSMUPDD for Drexel Town Square development is organized into separate but integrated districts. Each sub-district has unique features and a preferred mix of uses. The sub-districts are shown in **Figure 3**. The land uses guidelines for the sub-districts are shown in **Table 1**.

Mixed-Use Sub-district

This area is conceived as an urban mixed-use sub-district with a variety of residential, commercial, and mixed-use buildings. The vision for the area is to create a vertically and/or horizontally integrated mixed-use concept where the interaction of housing types and commercial uses provide the opportunity for an interesting urban experience and economically viable commercial enterprises. The southern portion of this area is occupied by a town square that will attract pedestrian traffic from all across the site. Hospitality buildings or a larger commercial office building may fit the northwest portion of this area. The southeast corner (between the city Hall and large format retail) has the opportunity to accommodate additional development consistent with the Mixed Use subarea. The buildings along the north side of Blocks B and C, as shown in Figure 1, may include drive-throughs provided that they are consistent with the site plan for the First Generation Proposal and are consistent with the goals of active and walkable streets described in this document.

Residential Sub-district

This area forms the residential core of the development with a mix of townhomes, rental apartments and possibly condominiums. Small format commercial spaces may be placed at the ground floor of buildings along 6th Street.

Generally, lot sizes range from between 1.75 acres to 3 acres. Many structures will have a view of the town square or the park and wetland area.

Park and Environmental Preserve Sub-district

This area consists of a series of natural areas which include public park areas for picnics, trails (for walking, bicycling, strolling), wetlands (both existing and reconstructed), wildlife habitat, forested areas, and related natural environmental features. Portions of the private land for residential development also include natural features which blend with, and extend the visual impact of the public park. A few key sites have been identified for open air pavilions, service structures, and possibly a small weather-protected building for rest rooms, exhibits, and events.

Civic Sub-district

This sub-district will contain the new Oak Creek City Hall and Library. The building design will front the town square to the north.

Perimeter Commercial Sub-district

This area fills peripheral lots and will include several small/medium format commercial buildings. These auto-oriented outlot buildings require strong pedestrian connections to other community places in the subdistrict. Enhanced and integrative landscape and streetscape will be essential within this area.

Large Format Retail Sub-district

This area is the location of the large-format retail building which serves as an economic anchor for DTS. For the purpose of DTSMUPDD, a “large format retail building” is defined as a one story structure, in excess of 50,000 square feet, used for retail purposes consistent with Table 1. The building is located at the southern edge of the area with a parking field in front of the building. Pedestrian connections are a priority in this area; not only to lead people to the large-format retail, but also to encourage pedestrians to easily walk to other nearby areas around the town square, park, and Main Street. Based on comparable large format retail uses, daily vehicular trips (which often average 1.3 to 1.4 users per vehicle) can generate a base of 10,000 pedestrians per day, for whom linkages to the other sub-districts can be encouraged and facilitated.

Design of large format retail developments should include consideration for reclamation of the subarea if and when the initial anchor retail uses should diminish in economic activity and value.

Such reclamation plans should be achievable with minimal cost to the City and in a manner that protects the economic value of adjacent development.

INFRASTRUCTURE DESIGN:

ACTIVE STREETS AND SUSTAINABILITY

The infrastructure design for DTS includes community places, facilities, amenities, and streetscape. This infrastructure design creates an integrated network of streets, blocks, and community places. This plan should be viewed as a series of suggested changes that vary slightly from the First Generation Plan in order to integrate all of the elements and achieve the following objectives:

- Establish economically viable sites for retail, residential, office, entertainment, hospitality, and institutional uses
- Encourage placement of buildings to enclose and activate pedestrian-oriented streets
- Maximize everyday pedestrian use of streets for customers, residents, and visitors
- Maximize everyday community use of community places
- Build a sustainable urban infrastructure (with regard to the environment, economy, and community)

Vehicular circulation must be safe, efficient to maintain and operate, and supportive of the major economic, environmental and community goals of DTS. An internal vehicular circulation pattern is facilitated by a hierarchy of public/private roads and driving lanes within the development. This internal system allows vehicles to navigate within the site, thereby lessening the traffic burden on Drexel and Howell Avenues.

The provisions of Section 17.0401 of the Municipal Code pertaining to traffic visibility shall remain in effect unless otherwise modified by the Plan Commission as part of the approval of detailed site and building plans upon recommendation by the City Engineer.

ACTIVE STREETS AND WALKABILITY

The circulation network consists of a variety of street types that are bordered by friendly, landscaped sidewalks with sustainable stormwater features such as stormwater trees, bioswales or permeable paving. In some areas, the road system also contains traffic calming features making the overall experience of walking through the site easier, safer, and more visually interesting. Vehicular and pedestrian circulation in and around the site is accomplished through an interconnected network of streets, sidewalks and trails. Several alternative entry points are available on the site to alleviate traffic congestion.

Build-to-zone (BTZ) and related street edge conditions

The most critical requirement for active pedestrian streets is a sense of enclosure provided by buildings with ground floor activities linked to the street. Conventional planning practice achieves this goal by creating **Build-to-Zones** (BTZ). To help ensure that buildings are located near the front and corners of the building lot, a Build-to-Zone (BTZ) is established for lots facing public streets and easements within these areas. As shown in **Figure 4**, a build-to-zone is defined as the space extending between (a) the property line defining the edge of a public right-of-way (or the line defining the edge of the public easement on a private road, or the functional equivalent of such lines) and (b) a predetermined maximum setback line (shown in the diagrams for each block). For the BTZ:

- At least 60%-90% of the linear edge shall be building facade.
- The BTZ must include the building's front facade.
- Architectural elements such as porches, decks, stoops, bay or oriel windows, balconies, awnings, roof eaves, pergolas, covered walkways, ornamental features, chimneys, and lights should also fall within the BTZ range.
- In no case shall BTZs extend into a utility easement, beyond a property line, or interfere with required vision triangles.
- Within a public right-of-way some encroachments should be allowed for temporary uses such as tables, planters, heaters, sidewalk signage, and similar elements that extend past the property line. All encroachments must take out a permit and be approved by the City of Oak Creek.

In addition to the build-to-zone intended to locate building facades along street edges, two other types of zones are identified:

- **Landscape zone** (LZ), in which a strong landscape perimeter is intended to replace the building edge. In order to do this, landscape zones must include multiple layers of continuous elements such as hedges, decorative fences, and closely spaced trees. The goal is to create a strong, rhythmic system of elements that clearly designates the public walkways/easements and acts as an attractive, pedestrian friendly feature. Typical lot edge landscapes with sparsely placed plant materials should not be considered adequate. Longer landscape zones, which extend for more than 100', should be more

elaborate and wider with more layers of elements (e.g., a hedge, decorative fence and double tree line). Other features might be used to create a surrogate building face with free-standing pergolas, arbors, loggias, arcades, and garden walls.

- A **Mixed Building and Landscape Zone (MLZ)**, in which it is difficult to prescribe the precise locations of building on the lot. In such case, such as the Perimeter Commercial Sub-district, a new building might occupy the edge of the lot along one side or, in some case, just be located in the middle of the lot. In such circumstances the zone along the outer perimeter of the lot, abutting the public right of way should be a combination of a build-to-zone and a landscape zone.

Residential Street Edges

To encourage walkability on residential street fronts the following guidelines shall be considered:

- Moderate use of shallow front setbacks or building recesses are encouraged for landscape elements:
- If buildings are substantially setback from the street, decorative fences, walls and/or landscape elements should be used to reinforce the street edge, enhance the pedestrian experience and emphasize the community "territory" along the street.
- The use of berms in the front of these buildings is prohibited.
- Ground floors may be raised above street level to increase the sense of privacy for residential units but still allow for the perception of an active street facade.
- Encourage multiple designs for street edges in order to create the visual diversity and grain/texture of an urban experience (as opposed to overly repetitive design concepts).
- Features such as pedestrian courtyards, or small gardens are encouraged when they enhance the aesthetic appeal and community experience along the street and do not create overly large gaps in the street edge (exceeding 100').
- Avoid ground floor use of parking stalls, mechanical rooms or storage spaces that create continuous facades which are not pedestrian friendly.
- Each building (or independent use such as a store or townhouse) shall have at least one pedestrian entrance facing a public street/easement, publicly accessible courtyard or plaza or other community space. That entrance should be easily identified and emphasized through the use of architectural details and/or other treatments such as awnings, canopies or porches.
- For residential structure in a townhouse configuration, each unit shall have a street-level entry.
- The use of steps, porches, stoops, bays, canopies, awnings, and balconies should be encouraged.
- Where appropriate, the creation of small front patio gardens, enclosed by decorative fences, walls and/or landscaping is encouraged to help enliven the street.

Commercial and Mixed-use Street Edges

To encourage walkability on commercial street fronts the following guidelines shall be considered:

- Where possible, building uses that activate the street, such as shops, restaurants, lobbies, and other service activities that move goods and people in and out of the building and outdoor community areas should be located directly behind glazed facades on the ground floor.
- One of the simplest ways to make a place active is by creating outdoor places for people to gather. Outdoor spaces, such as cafes and restaurants with outdoor seating areas are to be encouraged where economically feasible.
- In lieu of active retail, landscaped areas or other well-defined seating locations are encouraged. Overly large spaces should be discouraged in favor of smaller, more intimately scaled places for just a few people to gather.
- Street activating uses can also include areas that are not open to the community yet still provide visual

interaction with the interior space.

- Street edge uses should exclude long expanses of parking stalls, mechanical rooms or storage spaces that create continuous facades which are not pedestrian friendly.
- At least one pedestrian entrance shall be provided along the facade of each building along the abutting public right-of-way for each separate business, use, or activity at street level. On corner buildings and sites, it is important that at least one of the street facing facades have a pedestrian entry. If possible this entrance should be placed on the primary street or at the corner of the building. Entries on the sides of buildings within approximately 30 feet of the public street/easement may be acceptable as a street entrance. However, it is important that these entries are easily identified from and feel connected to, the public street/easement and sidewalk.
- Multiple entries on the street should be considered for buildings with over 100 feet of frontage. Pedestrian entries should be provided for each distinct ground floor use.
- Commercial development, regardless of size, should be oriented toward the streets and should not be located at the rear of the parcel with a parking lot at the street. One exception to this is the provisions for a large format retail structure and for the building type referred to as “auto-oriented” commercial outlot development.

Pedestrian and Bicycle Networks and Links

The overall site circulation system should be designed to maximize pedestrian movement throughout the district. Strong pedestrian circulation patterns into, through and around the Drexel Town Square development are vital to the success of the plan. Pedestrian movement patterns need to be planned thoughtfully, designed efficiently and be made safe and desirable to use. The pedestrian network follows the public streets/easements, drive lanes, parking lot edges and building footprints. Routes are direct, simple and numerous. Streets must have sidewalks on both sides where possible as well as a paved or landscaped terrace. Pedestrian paths also work in tandem with linear stormwater Best Management Practice (BMP) elements such as swales. Sidewalks also run the entire length of Drexel and Howell Avenues adjacent to the development site. Additional pedestrian trails will be built at the western edge of the site around the park, pond, and wetland area. This trail is intended to be a public, multi-purpose trail accessed from the terminating streets that branch off of 6th Street.

The pedestrian network should include:

- Pedestrian friendly design concepts
- Creation and linkage of key pedestrian destinations
- Prioritization of “everyday” walkability for shoppers, residents, visitors, and employees
- Traffic calming at key intersections to give pedestrians both the perception and substance of safety
- Avoidance of major pedestrian “gaps” (areas in excess of 150’ in which there no significant positive pedestrian experiences or activities.
- Parking areas should be designed to have the least visual impact on pedestrian views and movement.

Pedestrian edges of parking lots should be organized as simple geometric shapes with strong edges of landscaping, decorative fences/garden walls, lighting and/or building to reinforce the space as well as provide screening from adjacent rights-of-way and community spaces and residential areas. Pedestrian walks should be incorporated into all site plans.

The following table shows key elements that create a high pedestrian “Level of Service”:

PEDESTRIAN LEVEL OF SERVICE
Walkability
Pedestrian priority, protection, ease of crossing
Two way pedestrian movement
Parallel lanes for activity (curb, circulation, building use)
Street Definition
Strong corners
Continuity (no gaps exceeding 80', no more than 1 gap per block)
Layered edges—ground level and upper levels
Visual Harmony and Diversity
Multiple lots, lot widths, clear building "grain"
Changes in texture, color, light and shade
Moderated continuity—height, proportion, datum, style
Visual Depth—interior/exterior linkage
Frequent entries
First level, upper levels, inside/outside
Maintenance
Comprehensive, daily, seasonal, private/public
Quality
Detail, materiality, authenticity, installation

The large parking area required for the DTS large format retail should be traversed with pedestrian walking systems that link to the town square, Main Street, and park. Trees, plantings and other features should be located along the edges of walkways, especially in open areas. Walkways should be buffered from driving lanes and parking stalls with landscaping; walkways could be pronounced with decorative paving and pedestrian-scaled lighting. When possible, parking areas should be shared by adjacent users and mixed-use developments to eliminate unnecessary parking stalls and impervious asphalt.

Attractive, well-defined pedestrian crossings should be provided where walkways intersect driveways. In all cases driveways and drive lanes should be designed to operate without endangering the public safety.

The design of the landscape and streetscape plans for this DTSMUPDD must integrate with and complement the adjacent Oak Leaf Recreational Trail along the Drexel Avenue frontage of this development.

Parking Supply, Demand, and Value

In many large development projects, the economic value depends on access for customers, employees, residents, and visitors. Site access varies substantially in urban versus suburban settings due to user expectations, site layouts, and transit availability. For DTS this becomes a more complex issue because a compact, active district which depends almost entirely on adequate parking, especially during the initial stages of growth when there are few, if any, residents on site. At the same time, the parking patterns that are

considered acceptable to users in urban areas become unacceptable for the same people who are expecting a suburban-style parking system.

To resolve these issues DTS has adopted a wide variety of parking strategies and options. Figure 5 depicts concepts for the use and location of parking. As each project is developed there should be a careful analysis of parking supply and demand to ensure a reasonable level of success for each investment. An analysis of overall DTS parking value, supply, and demand should be prepared prior to detailed site approvals. The minimum required parking for uses within this DTSMUPDD may vary from the standards established in Section 17.0403(j)(1) of the Municipal Code.

Liberal dispersion of both off-street and on-street parking facilitates shared parking and convenience. Many of the multi-family and mixed-use buildings will provide a large proportion of their parking spaces in under-building structures. Some of the retail activities may use linked parking areas to limit the total amount of needed parking for peak demands.

Parking in the development is accomplished through a mix of on-street, structured, under the building and off-street surface parking lots. On street parking is provided on public streets/easements and should be considered for all calculations of parking needs of future users.

While automobile parking is essential to the economic success of any development plan, too much surface parking can have an adverse effect on social and economic conditions. Proper balance between parking and aesthetic concerns is necessary in the creation of an attractive and economically vibrant area. The plan's intention is to create ample parking opportunities with the least visual, environmental, and economic impact on surrounding properties and community spaces.

Initially, customers, residents, and employees should be expected to follow the typical behaviors and attitudes of persons using suburban development. For example, the use of structured parking at upper levels for retail activity is unlikely to be successful during the initial development of DTS. Over time, and with slowly changing attitudes of users, parking behavior and attitudes will change, facilitating new arrangements and probably allowing for more intense development.

Parking Estimates for Project Approval

Each use requires a reasonable amount of parking. All users for DTS (with the exception of those arriving by bus, bicycle, or on foot) will arrive via a parked vehicle. Based on this necessity, we can also look at the approximate level of development – and development value – generated by each “needed” parking space. Please note, that an excess supply of parking – that is, an “unneeded” parking space has no value for development and, in fact, accrues a capital and maintenance cost as well as an opportunity loss. Consequently, getting the parking “right” is a critical economic exercise.

Each development proposal, when reviewed for approval, should include an estimate of the regular and peak parking demands and how these demands will be accommodated relative to the other existing/proposed uses on the same block (as referenced in the street and block plan in Figure 2.)

The following tables show some of the factors to be considered in estimating supply and demand, at the initial stages of development. Metrics in these tables change with different uses, degree of urbanization, and social trends. Detailed evaluations should be based on industry-standard sources for parking estimates. Briefly, the approximate value for parking spaces is as follows:

Approximate Parking Supply and Demand for Users and Employees

Land use	Typical demand	Additional considerations
Housing	1 unit per bedroom	1 per unit for average renters/owners
Senior Housing	.5 to 1.0 spaces per unit	Varies substantially by type of facility
Retail	3.5 - 5 spaces per 1,000 gsf	Parking in ramps may be problematic
Restaurant (sit down)	8-12 spaces per 1,000 gsf	Parking in ramps may be problematic
Restaurant (fast food)	20 spaces per 1,000 gsf	Parking in ramps may be problematic
Commercial office	3.5 - 5 spaces per 1,000 gsf	Viable for users
Medical Office Building	5 spaces per 1,000	Reasonable for some employee parking
Hotel	1.25 - 1.75 spaces per room	Structured parking viable
Civic	3.5 - 5 spaces per 1,000 gsf	Structured parking viable

Mitigating Factors

- 1 Street parking should be counted when it can be guaranteed**
- 2 Shared parking should be counted when it is highly likely**
- 3 Peak parking demands may be offset by abutting non-peak uses**
- 4 Business operators should be consulted as part of the parking evaluation process**

Value of Parking Spaces by Land Use

Use	Approximate building value per square foot	Approximate building area (in square feet) per parking space	Approximate tax base per "needed" parking stall
Senior Housing (private)	\$175	650	\$113,750
Health Care	\$350	250	\$87,500
Housing	\$125	650	\$81,250
Medical Office Building	\$200	250	\$50,000
Hotel	\$125	400	\$50,000
Grocery	\$150	300	\$45,000
Commercial Office	\$150	250	\$37,500
Bank	\$125	300	\$37,500
Retail	\$125	250	\$31,250
Restaurant (sit down)	\$200	100	\$20,000
Restaurant (quick service)	\$250	50	\$12,500
Civic	\$0	250	\$0

Parking Design

Parking design should follow these guidelines:

- Surface parking is prohibited between the public street/easement and the building facades except for the Perimeter Commercial Sub-district and along the "landscape zones" shown in Figure 4.
- Parking lots should be organized as simple geometric shapes with strong edges of landscaping, decorative fences/garden walls, lighting and/or buildings to reinforce the space as well as provide screening from adjacent rights-of-way, community spaces, and residential uses.
- Vehicular access between adjacent sites is required when possible, eliminating the need to return to the adjacent collector or arterial street when visiting multiple adjacent sites.
- Bicycle travel should also be promoted through the use of permanent bicycle racks.
- Parking lots should not be placed at street corners.
- Street facing garage doors are discouraged, however they may be used on a limited basis for access to under building parking or where site conditions make access from the rear or side impractical.
- Street facing garage doors should be placed behind the front main building façade, should be attractively designed and constructed of high quality materials.
- Parking areas in the Perimeter Commercial Sub-district should be at the rear of the building, with the building facing Drexel Avenue or Howell Avenue.
- Parking areas should be designed to have the least visual impact possible on the landscape.

Parking Management

Parking management should follow these guidelines:

- New uses should be required to produce a parking design and management study which documents the level of use at regular and peak times, the degree of sharing for parking with nearby users, the way in which the owner/user intends to maximize efficient use and sharing of the parking
- Shared parking strategies are encouraged to eliminate redundant and unnecessarily large parking areas. Shared parking should be counted for all calculations for parking needs of future users. For example, during evening hours surface parking spaces on the City Hall site could be used for nearby restaurants as well as for users of the park and environmental preserve.
- Cross access and/or joint parking easements may need to be developed in the event of the parcel being subdivided.
- Shared driveways should be used to serve groups of buildings with shared parking courts between buildings.
- Sharing arrangements should be codified in covenants, deed restrictions, and developer agreements.
- Parking management should promote effective economic activity, maximize the sharing of parking areas for commercial activity, and avoid inefficiencies in parking in which parking occupancy patterns discourage higher density, compact development. (This should be shown in the parking analysis for each development proposal).

Driveways and Drive-throughs

Driveways and drive-throughs, where permitted by the City and OWD as part of the site and building plan review and protective covenants should be fully integrated with the infrastructure design. Toward this end:

- All driveway locations must be approved by the Plan Commission as part of the detailed site plan review for each phase.
- To provide for adequate access to development parcels it may be necessary to allow driveway access points closer to street intersections than current City standards.
- When vehicular parking entries, curb cuts, and driveways cross the public walks/easements they shall not exceed 24 feet in width, except when deemed necessary to accommodate service and emergency vehicles etc.

Where the vehicle entry driveway crosses the sidewalk, the paving along the sidewalk must remain at the same typical height as the adjacent sidewalks to create a level, non-interrupted path for pedestrians.

Additional Drive-through Considerations

Drive-through facilities are allowed only in the Perimeter Commercial Sub-district, the Large Format Retail Sub-district, the northern edge of the Mixed Use Sub-district in Block B and Block C (buildings B1, B2, C1 and C2), and the Library book drop-off. Drive-throughs should be located at the rear or side of buildings and should not be placed between a public street/easement and the main building structure. Every effort should be made to coordinate and integrate drive-through facilities into the overall architectural treatment of the main building. Creative design solutions such as remote kiosks are encouraged to minimize the impact of the drive-through facility on the overall site design. Clearly defined pedestrian crossings should be provided where walkways intersect drive-through access lanes. In all cases drive-through facilities should be designed to operate without endangering the public safety.

Due to the prominent location, although allowable, drive up windows and lanes for buildings B1, B2, C1 and C2 will be held to the following requirements.

- Location: Drive up windows and lanes are not permitted on the Main Street side, or on the side of a building facing Drexel Avenue. Effort should be made to conceal portions of a drive up lane which are visible from Drexel Avenue or Main Street.
- Orientation: Orientation of the drive up lanes will be configured such that parking areas for adjacent tenants and their patrons are not encroached upon, blocked, or made difficult to arrive at.
- Quantity and Width: Drive up lanes in the mixed-use sub-district are limited to (1) one per tenant. Lane width to meet standard local code requirements.
- Automobile Stacking: Drive up lanes shall provide sufficient space for at least four (4) waiting vehicles and no queuing spaces shall preclude the use of any parking spaces, nor shall any queuing take place in the public right-of-way.
- Pedestrian Circulation: Drive up lanes shall be designed to minimize their impact upon pedestrian circulation systems. Drive up lanes, including the required queuing space may not impede pedestrian access to public building entrances.
- Menu board / microphone / order placement system: Order placement systems proposed with the drive up lane shall meet the following criteria:
 - A singular microphone / menu board / order placement system shall be utilized, no separate components.
 - Size of the ordering system is limited to (9) nine square feet, on one side, not to exceed (6) six feet in height above the finished drive lane elevation. The ordering system will be limited to one side only, facing the drive up lane patron. The backside of the ordering system shall be of a color that blends into the surroundings, with efforts made to conceal it from public view from adjacent lots or roadways.
 - The materials used for the order placement system shall be of high quality, professionally constructed, and durable. Materials shall follow the guidelines of Appendix B, Sections D and E-3.
 - All lighting for order placement systems shall be concealed. Lighting shall be considerate of adjacent tenant's and patron's line-of-site, excessive brightness of the order placement system is not permitted.
- Weather Protection: Separate weather protection canopies or similar structures are not permitted detached of the main building's architecture for any order placement system.
- Signage: Additional signage will not be allowed as a large feature of any menu board / microphone / ordering system. Signage on menu board / microphone / ordering systems will be limited to a small size, and directed at the drive up patron only.
- Lighting: Lighting dedicated to drive up lane illumination shall also meet parking area lighting requirements. A photometric plan shall be included as part of the site plan approval process for drive up lanes.
- Audible Level of Microphone: The audible level of the order placement system shall be kept to a minimum for the proper function of the system, but considerate of adjacent tenants and patrons. Excessively loud order placement systems are not permitted.

Drive up windows and lanes proposed will be reviewed on an individual basis by the Plan Commission as part of the site and building plan approval process.

Service

Service and loading areas of buildings should be located in an area away from the public view to the greatest degree possible. Refuse areas shall be integrated into the building architecture with high quality design and/or screened with similar building materials to the main architecture. When possible, service and utility areas should be inside the building or integrated into the architecture of the building.

Due to the urban character of the development, with parking areas at the rear or sides of buildings, there may not be adequate space to create loading areas that are entirely separated from parking areas. In these cases, every effort should be made to integrate a safe and well-organized loading area that allows for the coexistence of multiple uses. To reduce the amount of area dedicated to these needs, shared service areas between adjacent users and buildings should be allowed and encouraged throughout the development.

Each building site shall have its own or a shared designated refuse and trash area. The areas should be kept clean and avoid accumulation of excess disposal materials. Conceptually, for the smaller format stores, trash and refuse areas shall be examined and determined on a case by case basis. Preferably trash and refuse areas should be connected directly to the building and integrated into the architecture. However the parking lot may also contain a designated refuse location. Location of trash and refuse areas shall be positioned in such a way within the parcel to allow trucks and easy-in easy-out access. All outdoor trash areas will need attractive designs, and persistent maintenance. Recommended enclosures would be of masonry or other suitable construction material that harmonizes with adjacent architecture, landscape or hardscape features. Enclosures shall be gated and always well maintained and kept clean. The pedestrian view shall always be kept attractive.

MAINTENANCE AND OPERATION

The maintenance of common areas shall be the responsibility of a property owners association, business improvement district, or other organization acceptable to the City of Oak Creek Plan Commission and OWD.

The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan(s). Solid waste collection and recycling shall be the responsibility of the owner(s).

Removal of snow from off-street parking areas, private roads, walks and access drives shall be the responsibility of the property owner(s) consistent with any deeds or covenants and may be included as part of a common maintenance agreement with a property owners association, business improvement district, or other organization acceptable to the City of Oak Creek Plan Commission and OWD.

The maintenance of regional stormwater ponds shall be the responsibility of the City of Oak Creek. The responsibility for maintenance of other facilities constructed as part of the identified stormwater best management practices shall be the responsibility of the property owner, property owners association, business improvement district, or other organization acceptable to the City of Oak Creek Plan Commission and OWD consistent with any covenants, deed restrictions, developer agreements or intergovernmental agreements.

LANDSCAPE, STREETScape, COMMUNITY PLACES, SIGNAGE & LIGHTING

The diversity of community spaces in the district will stimulate passive and active activities. Community amenities are located throughout the development and provide opportunities for social interaction and community enjoyment. The town square becomes the heart of the district with an open, flexible design allowing for year round activities. Along the western boundary of the site, park areas and wetlands will provide a highly accessible link to the natural environment, wildlife habitat, pond and creative stormwater element for the site.

The area shall include multi-use trails connected to abutting residential structures as well as 6th Street. Several smaller paved plazas are envisioned in the mixed-use areas to provide opportunities for outdoor eating and small community gatherings.

The storm water system shall also be woven into the overall landscape treatment of the Drexel Town Square site to create an integrated recreational and environmental system that exemplifies best management practices for stormwater treatment.

Options for best management practices (BMPs) for sustainable development were developed in a separate publication for the Milwaukee Metropolitan Sewerage District (MMSD) entitled Sustainable Development Guidebook for Drexel Town Square. Appendix A shows the recommended planning concepts to be considered for sustainable development practices. These plan concepts were developed for MMSD and are not binding as part of the DTSMUPDD. Sustainability goals incorporated into these plans include accommodating 100-year storm events on site, removing 80% Total Suspended Solids compared from the stormwater, and creating enhanced wetlands and environmental features, and other sustainability goals of MMSD. This work was undertaken as part of a contract between the City of Oak Creek and MMSD which includes potential funding for the implementing of some of the BMPs contained in the Sustainable Development Guidebook. Appendix A includes the Table of Contents for that publication along with excerpts from some of the 32 concepts contained in the publication.

Ownership and maintenance responsibilities for all landscape, community places and environmental features shall be codified in separate covenants, deed restrictions, and developer agreements.

Specific landscape planning shall be further defined as each parcel, area and phase is developed.

Signage

Appropriate and attractively designed site signage is an important component of the overall aesthetic appeal of any commercial or mixed-use area. Good signage based on design and graphic quality should be encouraged throughout the DTS area. Primary determinates of signage should not be based solely on size, but rather on design quality as well. These guidelines should be considered:

- Ground mounted or monument type shall be used to identify a single user or a group of tenants in the development.
- Site signage shall be primarily constructed of high quality, attractive, and durable building materials such as stone, brick, concrete, decorative metal, and hardwood.
- Signs shall be integrated with the design of the buildings and/or landscape features. They may reflect certain design characteristics of the buildings, use similar materials, or serve as an attractive object in the landscape.
- Signs should reflect and enhance the nature and appeal of the retail and commercial experience and not be just a list of tenants.
- The sign face may be illuminated from an external lighting source, but may also incorporate additional lighting applications.

In addition, separate design guidelines for signage will be included in **Appendix B**.

Outdoor Lighting

All plans for outdoor lighting for each phase shall be reviewed and approved by the Plan Commission, The Commission has the discretion to delegate this review and approval to the Electrical Inspector.

Overall lighting standards shall follow these guidelines:

- Limits on height: 15'-18' maximum height for pedestrian lights; 18'-25' maximum height for the outermost bank of lights and a height limit of 35' for the other interior parking lot lights.
- All lighting must be either LED or Metal Halide (MH) in type.
- Color temperature range of lighting: both LED and/or MH should fall in the range of 4100-4300

Kelvin (K). This will give lights a warm white appearance.

- Outdoor seating areas should include pedestrian level lighting at comfortable illumination levels. Using pole-mounted fixtures and lit bollards to illuminate walkways is also an effective approach to defining the pedestrian zone and surrounding areas.
- Outdoor site and parking areas should provide a safe and inviting environment for users.
- Given the close proximity of residential properties to commercial uses, it is essential that site lighting should be controlled to prevent excessive glare onto adjacent properties or the public right-of-way.
- Exterior lighting should enhance building architecture and prominent landscape features, reinforce entries, and illuminate pedestrian routes. Site lighting should be subdued and pedestrian in scale.
- The outdoor lighting standards established by Section 17.0808 of the Municipal Code shall apply to sites that border on the exterior of this DTSMUPDD. The Electrical Inspector, in consultation with the Director of Community Development and OWD, has the authority to modify the requirements of Section 17.0808 for sites interior to the DTSMUPDD provided the modifications are consistent with the standards of this DTSMUPDD and any deed restrictions or protective covenants.

Landscaping

Plans and specifications for site landscaping for each phase of the development shall be subject to approval by the Plan Commission and should be consistent with the standards established by Section 17.1010 of the Municipal Code. The Commission has the discretion to delegate this review to the Director of Community Development who, upon conferral with the City Forester may approve those plans.

The Director of Community Development, in consultation with the City Forester and OWD, has the authority to modify the requirements of Section 17.1010 for the DTSMUPDD provided the modifications are consistent with the standards of this DTSMUPDD and any deed restrictions or protective covenants.

Landscaping shall not interfere with any fire hydrants or fire department connections. All easements shall be illustrated on the landscape plan.

Landscaping/Streetscaping of Large Parking Lots

A critical component of suburban development is the treatment of large parking lots (lots whose width is greater than one parking bay of double-sided parking spaces). This becomes especially difficult in DTS because a significant goal is the creation of the look and feel of a walkable town center. Consequently, landscape treatments require a unique approach, blending the best of both urban and suburban concepts. Parking lots shall follow these guidelines:

- 1. Landscaping elements:** Lot edges shall have strong landscaped and tree lined edges, similar to the landscape zone guidelines:
 - Where feasible canopy trees should be located a maximum of 35' apart with initial plantings of species with a 2.5" caliper.
 - Tree rows should be used to mask those parts of retail facades which do not contain significant advertising, signage or windows.
 - Planting internal to parking lots should not be randomized according to a preset formula (such as one tree every ten parking spaces) but should be laid out to compose separations and divisions with the parking lot which will emphasize entrances to buildings, connections to sidewalks, and other compositional features of the site.
 - Where feasible, landscape elements in parking lots should be combined with stormwater and sustainability features such as bioswales.
- 2. Paving elements and walkability:** While the costs of parking lots should not become excessive, special treatments should be considered for potential pedestrian links and connections along the sides of buildings, the edges of parking lots and for critical alignments with building entrances. Systems of decorative pavers and concrete can accomplish these goals. This is especially important for DTS since the goal of increased

pedestrian activity is intended to be accomplished across the entire area including the areas designated for Anchor Retail and Perimeter Commercial Sub-districts.

- Permeable pavers should also be considered as part of the overall stormwater management system for the site. Inclusion of permeable pavers is also intended to result in credits towards operation and maintenance costs for stormwater.

3. Building edges: Store fronts along the edge of large parking lots should include elements that encourage pedestrian movement such as:

- Awnings and canopies of various sizes and colors
- Wall mounted letter signs
- Projecting signs similar to traditional main street signage
- Vertical elements intended to add strong visual interest. These might include banners, hanging planters, light poles

BUILDING DESIGN GUIDELINES:

COMPOSITION, FACADES, MASSING, DETAILS, MATERIALS

Implementation of basic architectural design principles ensures buildings harmonize with each other, create a cohesive neighborhood feel, and portray an understandable architecture while not limiting individual building expression and style.

Visually interesting facades appeal to the general public while enhancing the experience in adjacent open spaces and the value of surrounding residences.

BUILDING COMPOSITION

Base, Middle, Top

Building facades should be composed to define base, middle and top elements. The base of the building anchors it to the ground and is the interface between the building and people and should be highly articulated. The transition between the middle of the building and the base and top should be articulated by use of materials, composition, or ornamental features. The top terminates the building against the sky and provides an opportunity to create an interesting silhouette. Green roofs are encouraged to aid in reducing the amount of impervious surfaces throughout the entire Drexel Town Square site.

Rhythm

Rhythm refers to the regular or harmonious recurrence of building elements. Rhythmic elements need not be boring, but can provide the visual “glue” that links together various buildings on a street. These patterns commonly reflect the building’s repetitive structural bays, often with the end bays given special identity. This articulation of the facade helps provide scale by comprising the facade into smaller visual parts. The variation of rhythm from building to building reaffirms the individuality of each building, while the recurrence of an overall rhythm helps unify the facade. The building’s structural column lines should in some way be evident or expressed on its facade.

Scale

In general, distinctive compositional elements of buildings (entries, structural bays, roof elements, windows) should be distinguishable from a distance of both near and far. The size and shape of these elements should give the building scale to relate to pedestrians as well as surrounding buildings. Special attention should be paid to overall building height and massing in order to maintain a scale and character compatible with the district.

Height

DTS is intended to be a compact, dense town center. Consequently, at this time there is no preferred limit to building height. Taller buildings, however, may require more parking that should be accommodated in parking structures or below grade. Taller buildings should not be allowed to generate large parking fields that create a suburban, disconnected pattern among buildings. The overall minimum height of a one-story commercial building must not be less than 16 feet from finished floor to the highest point on the building for the perimeter commercial sub-district and 20' for buildings in other sub-districts.

Massing

Large buildings shall be comprised of a hierarchy of masses and forms to give the building a more human scale and visual richness. Techniques include using a well chosen recesses or projections, creating distinct building components, and varying occasional roof forms according to individual building components. However, excessive use of changes in form can create a decidedly confused street façade and disharmony.

Proportion

Building massing and components should demonstrate consistent proportional harmonies. Typically, pedestrian friendly streets have building elements that rely more on vertically proportioned elements than horizontally proportioned elements. While no architectural rule is always valid, the use of vertically proportioned facade components seems to offer a traditionally street-friendly composition (regardless of specific architectural styles). The use of proportion is intended to provide a sense of visual harmony among elements of a building.

BUILDING FACADES

Facade Layering

Building elevations should be articulated in ways that give the appearance of multiple facade layers which add depth and avoid the appearance of flat facades. Suggested techniques include; setting windows back from the exterior wall plane, adding decorative elements such as cornices, lintels, sills, awnings and canopies; expressing structural columns through changes of plane; creating arcade walkways; and extending roof eaves. "Flat" facades should be avoided.

Windows and Glazing

While visual interaction with all stories of the building is encouraged, visual interaction by means of clear, non-tinted windows (glazing) is required along the street frontages of a building. The area where clear, non-tinted glazing should be maximized is between 2 to 8 feet above grade. Lower glazing (such as glazing extending to the floor) and/or higher-level glazing (such as transoms and clerestories) are encouraged. While fretted glazing is allowed, tinted glazing and opaque glass panels are prohibited except as accents.

The clear glazing zone is measured along the street frontage of the building and does not include service entries. The percentage of the glazing zone that shall include clear glazing for first floor building uses (these standards are flexible depending on individual site, building designs and associated uses) is as follows:

- Commercial; at least 40%
- Large Format Retail; at least 15%
- Civic/Institutional; at least 40%
- Residential; at least 25%

Where possible, glazing should also be maximized along facades adjacent to publicly accessible areas that are away from street frontages, such as along private drives or rear or side parking areas.

Alternatives to Street Level Window Glazing

Several alternate facade and/or building features can be substituted to fulfill up to half of the glazing requirement along the street frontages of a building. These features may include the following items: awnings, canopies, lighting fixtures, banners, projecting signs, hanging planters, landscaped planter beds, free standing moveable planters, benches, and landscaped seating niches.

Additional Facade Features

Awnings and canopies are encouraged for commercial development. They should correspond with structural bays, window and door placements, and be used to give prominence to openings.

The use of awnings, canopies, lighting fixtures, and hanging planters is also encouraged to help create a more human scale to the building. They should be used to give prominence to openings and entrances. The use of balconies, French windows, bay windows or similar features is encouraged on residential units above the street level. These features help to activate the street and give the upper facade articulation and interest.

Where possible, garage doors to under-building parking structures should be placed away from the primary view of the general public. They should be designed, however, with attractive materials and visual composition.

MATERIALS

Building materials of enduring quality are required, such as brick, stone, wood, fiber cement, heavy vinyl, and stucco. Using a mix of materials is recommended to create visual diversity on the building facade. The use of "Green Built", "Energy Star", and "LEED" rated building materials and techniques is strongly encouraged.

Enrichment of the pedestrian realm requires building materials (especially at the street level) to be of high quality.

These could include items such as brick, stone, decorative concrete masonry units, metal panel systems, or other creatively used high quality and durable building materials. Materials such as corrugated metal, EIFS (Exterior Insulation and Finish System), vinyl or aluminum siding, should not be used on the building street level. Decorative finished block systems can be used along the base of the buildings, and as an accent, but are not recommended as the dominant building material on the entire building. Utility grade materials should only be used on facades of the building not visible from publicly accessible areas.

Freestanding commercial structures shall be designed as four-sided architecture with finish grade materials used consistently on all facades (except for the south facing façade of the large format retail sub-district building). Recommended primary materials include brick, stone and glass. Other materials such as precast concrete, decorative concrete block or decorative facade panels may be appropriate if properly detailed and integrated with the architecture. Metal and finished wood may be used as accents, but should not be the primary material for any facade.

LIGHTING

Appropriate illumination of a building and adjacent spaces can emphasize building elements and spaces, while creating a sense of security and intimacy. The use of several types of lighting are encouraged to maintain activity spaces into the night.

Storefronts should be illuminated allowing light to softly illuminate adjacent walkways and spaces. Wall

mounted and ground light fixtures should be used to highlight architectural elements and enliven facades. These can also illuminate community areas adjacent to the building. All lighting, including external lighting of signage should be a consistent color per development.

Lighting fixtures should conceal the light source and provide diffused or soft reflected light. All lighting fixtures should be selected to avoid negative impacts on neighboring properties.

SIGNAGE

Business signage should be wall mounted (projecting or flat), monument (if located away from the building), and window, canopy or awning style. Similar materials, colors and styles should be used to ensure the signage is consistent with the building design. Materials must be of high quality to prevent premature weathering of the sign. Signs should fit within and not overwhelm the architectural features of the buildings.

Signs shall harmonize with their surroundings in terms of size, shape, color, texture, and lighting so that they complement the character of the neighborhood.

Signs shall be professionally constructed using high quality materials such as metal, stone, tile, plastics, composites, brass/metal plated, hardwood, and glass. The creative use of materials, lettering, and interesting use of graphics is allowed and encouraged if the signs work well and complement the overall building and street design.

Signs should be designed with the purpose of promoting retail and street activity while enhancing the pedestrian experience.

Addresses should be clearly visible from the public right-of-way. The use of tastefully designed pedestrian scale directories is encouraged for multi-tenant buildings.

Lighting shall be designed carefully to avoid excessive glare or over illumination. Letters can be illuminated internally or externally. External lighting must be discreet and unobtrusive, and not shine outward into the pedestrian or driver vision path. Fixtures should be simple but attractive. Lighting signs and letters should be done in an attractive and subtle technique.

Individual letters that are backlit, halo-lit, reverse illumination channel letters, and neon are encouraged. Glaring and directed spotlights are not acceptable; lighting must not adversely affect neighboring properties.

Pole signs, billboard style wall-mounted and roof mounted signs are not allowed without special permission from the City Plan Commission and OWD.

In addition, separate design guidelines for signage will be included in Appendix B.

BUILDING TYPES

Regulations, including dimensional constraints, for different building types are shown in Table 2. The following paragraphs offer general description of the different building types.

Residential Townhomes

At this time townhomes are not contemplated within any of the sub-districts. Should market conditions change, then townhomes are allowed provided they follow the regulations for these building types. Townhomes are attached single-family units with an urban "rowhouse" format; that is, the units share common walls with

adjacent units. Each residence has a private entry on the public street/easement, usually with a small fenced front yard. Sometimes, individual buildings may contain a second residential unit (usually smaller). Parking is accommodated in attached garages or below grade. Overflow parking may be accommodated in small surface parking lots also located behind the building. Residential units are separated with property lines centered on common walls (or equivalent agreement in a private property association).

Residential Apartments (rental/condo)

Apartments are multi-story buildings that generally contain between 20 and 50 units. They commonly have street entry ways that serve multiple units from a central lobby and internal corridor. Most units are 1-story, but in some cases the buildings may incorporate 2-story units with loft spaces. Units located at street level should have additional front yard or patio entries. Parking shall be located in under-building parking structures. In some special exceptions, small amounts of parking can be accommodated in surface lots located in the rear. Lot sizes vary depending on the building size.

Mixed Use Buildings

Mixed-Use buildings are multi-story buildings that typically contain a combination of commercial and residential uses. Most often these buildings have commercial uses on the ground floor (either retail or office commercial) with residential uses above. Some buildings combine retail on the ground floor with office space on upper floors. Many creative mixed-use configurations are possible and encouraged. Residential and some office parking are accommodated in under-building parking structures. Surface parking lots located behind or at the sides of buildings shall service retail uses. Lot sizes vary depending on the building size.

Small/Medium Format Commercial

Small/Medium Format Commercial uses, for purpose of this DTSMUPDD, shall have first floor footprints less than 50,000 S.F. (which may accommodate more than one business). Four-sided architectural design must be of high quality suitable for an urban commercial setting. A front entry must link to the pedestrian circulation system and be integrated into the architecture of the building. Landscape design should harmonize with the streetscape and pedestrian system.

Commercial: Freestanding Automobile Oriented

Freestanding outlot buildings, for the purpose of this DTSMUPDD, are less than 15,000 SF in first floor size, commonly created as 1-story buildings. Multiple uses are permitted. Outlot buildings usually include surface parking lots, drive-throughs (where permitted), and auto-centric components. Four-sided architecture must be of high quality suitable for an urban commercial setting. The building requires sensitive placement within the site relative to other buildings and the street frontage. Drive-throughs (where permitted) shall not be placed between a public street and the main building structure. Pedestrian connections and landscape design should fit the overall streetscape system. Signage should be sensitive, coordinated in a building system and follow the development guidelines.

A separate set of design guidelines for automobile-oriented uses in the Perimeter Commercial Sub-district is contained in Appendix C.

Large Format Retail

Large Format Retail uses, for the purpose of this DTSMUPDD, have ground floor footprints of 50,000 S.F. or more. The building is single story with possible mezzanine structures inside. Typically there is only one user. Construction is decorative masonry, brick, split block, or other high-quality material suitable for urban architecture. The buildings should include four-side architecture and follow DTSMUPDD design guidelines.

Pedestrian connections and scale must be considered, especially with regard to the building front, the walkability of the parking lot perimeter, and pedestrian movement systems across the parking lot to other activity areas. Streetscape and landscape shall be used to enhance the building architecture, parking fields, and improve pedestrian linkages and experience.

Civic and Institutional

Civic and institutional buildings are typically 1 to 4-story structures that are publicly owned or generally serve a public, civic, or cultural purpose. Civic and institutional uses might include, but are not limited to; government and community services, medical and health services, private and public educational facilities, non-profit, welfare and charitable organizations, civil, social, professional, fraternal, and business associations, religious, cultural, recreational, and sports activities. Parking is accommodated in under-building parking structures and/or in surface parking lots located behind or at the sides of buildings. Lot sizes vary depending on the building size.

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TABLE 1. LAND USE REGULATIONS

All uses are subject to the restrictions of this DTSMPDD including, but not limited to dimensional, size, and design guidelines. This table indicates the permitted, conditional, and prohibited building uses within the Drexel Town Square sub-districts. Uses not listed are prohibited. Definitions of terms are the same as the definitions in the City zoning ordinance. Additional limitations may be established through agreements between One West Drexel and individual property owners and businesses in Drexel Town Square. Additional limitations of underlying zoning (as indicated in the City's zoning ordinance) may also be applicable if the DTSMPDD zoning is changed.

Key:

- P** permitted uses subject to City regulations
- N** prohibited
- C** conditional uses subject to City regulations
- R** subject to submission, review and approval of a redevelopment plan for the large format retail area
- P*** permitted only as part of large format retail store

	Sub-Districts and General Development Plan (see map)					
	Residential	Mixed Use	Perimeter Commercial	Civic	Park, Wetland & Environmental	Large Format Retail
Large Format Retail						
Large format retail stores in excess of 50,000 gsf	N	N	N	N	N	P
Government Facilities and Services						
Government offices, services, and facilities	P	P	P	P	P	R
Residential						
Clubs, fraternities, and sororities	N	C	C	N	N	R
Hotels	N	P	P	N	N	R
Housing for the elderly	C	C	C	N	N	R
Licensed community and other living arrangements	N	C	C	N	N	R
Licensed family day care homes	N	C	C	N	N	R
Licensed foster family homes	N	C	C	N	N	R
Multi-family dwellings with four (4) or more units	P	P	C	N	N	R
One, two, and three family units	N	N	N	N	N	R
Rest homes and nursing homes	N	C	C	N	N	R
Commercial retail and office uses						
Group day care centers	P	P	P	N	N	R
Animal hospitals	N	C	C	N	N	R
Antique and collectors stores	N	P	P	N	N	R
Appliance and electronics stores	N	P	P	N	N	R, P*
Art and craft galleries and studios	N	P	P	N	N	R
Art supply stores	N	P	P	N	N	R, P*
Automotive parts and accessories without installation	N	P	P	N	N	R, P*
Vehicle sales and service	N	C	C	N	N	R
Retail bakeries	N	P	P	N	N	R, P*
Financial institutions with drive-through	N	N	P	N	N	R, P*
Financial institutions with no drive-through facilities	N	P	P	N	N	R, P*
Barber shops and beauty shops	N	P	P	N	N	R, P*
Book or stationery stores	N	P	P	N	N	R, P*
Building supply stores	N	P	P	N	N	R, P*
Professional or business offices	C	P	P	N	N	R
Camera and photographic supply stores	N	P	P	N	N	R, P*
Car washes	N	C	C	N	N	R
Catering services	N	C	C	N	N	R
Clothing stores	N	P	P	N	N	R, P*
Coin and philatelic stores	N	P	P	N	N	R
Commercial recreation facilities	N	P	P	N	N	R
Contractor's offices and shops	N	C	C	N	N	R
Cosmetic shops	N	P	P	N	N	R, P*

Sub-Districts and General Development Plan (see map)

	Residential	Mixed Use	Perimeter Commercial	Civic	Park, Wetland & Environmental	Large Format Retail
Commercial retail and office uses (continued)						
Food store	N	P	P	N	N	R,P*
Currency exchanges	N	P	P	N	N	R,P*
Delicatessens	N	P	P	N	N	R,P*
Department stores	N	P	P	N	N	R,P*
Dog obedience training within an enclosed structure	N	C	C	N	N	R
Drug stores and pharmacies	N	P	P	N	N	R,P*
Drug stores and pharmacies with drive-through	N	P	P	N	N	R,P*
Computer & electronic equipment sales & service	N	P	P	N	N	R,P*
Educational facilities and exhibitions	P	P	P	N	P	R
Equipment rental with only inside storage facilities	N	P	P	N	N	R
Florists	N	P	P	N	N	R,P*
Funeral homes	N	C	C	N	N	R
Garden centers	N	N	C	N	N	R,P*
Gasoline service station for large format retail	N	N	P	N	N	R,P*
Gift stores	N	P	P	N	N	R,P*
Hardware stores	N	P	P	N	N	R,P*
Hobby and craft shops	N	P	P	N	N	R,P*
Home furnishings	N	P	P	N	N	R,P*
Physical fitness centers and health clubs	N	P	P	N	N	R
Janitorial supplies and services	N	P	P	N	N	R
Jewelry stores	N	P	P	N	N	R,P*
Laundries and dry cleaners	N	P	P	N	N	R
Licensed massage therapy, body work, certified by	N	P	P	N	N	R,P*
Licensed tattoo and/or body piercing establishments	N	N	N	N	N	R
Liquor stores	N	C	C	N	N	R,P*
Mail order service stores	N	P	P	N	N	R,P*
Medical, dental, & health services, certified by State	N	P	P	N	N	R,P*
Messenger services	N	P	P	N	N	R
Music stores	N	P	P	N	N	R,P*
Newspaper and magazine stores	N	P	P	N	N	R,P*
Office supplies and business machine stores	N	P	P	N	N	R,P*
Optical stores	N	P	P	N	N	R,P*
Outdoor display of retail merchandise	N	C	C	N	N	R,P*
Paint, glass, and wallpaper stores	N	P	P	N	N	R,P*
Pet stores and pet grooming	N	P	P	N	N	R,P*
Printing services	N	P	P	N	N	R,P*
Broadcast or recording studios, excluding towers	N	C	C	N	N	R
Transmitting and receiving stations	N	P	P	N	N	R
Restaurants with no drive-in or drive through facilities	P	P	P	N	N	R,P*
Restaurants with drive-in or drive through facilities	N	C	C	N	N	R
Self service laundry and dry-cleaning establishments	N	P	P	N	N	R
Shoe stores and leather goods stores	N	P	P	N	N	R,P*
Confectionaries and ice cream stores	N	P	P	N	N	R,P*
Solar energy collectors as accessory structure	N	P	P	N	N	R
Sporting goods stores	N	P	P	N	N	R,P*
Tailor or dressmaking shops	N	P	P	N	N	R,P*
Taverns and cocktail lounges	C	P	P	N	N	R
Testing laboratories	N	P	P	N	N	R
Theaters and other amusement places	N	P	P	N	N	R
Upholstering	N	P	P	N	N	R
Used merchandise and resale shops	N	P	P	N	N	R
Variety stores	N	P	P	N	N	R,P*
Video productions, sales and rental	N	P	P	N	N	R,P*
Wireless Telecommunications sales and service	N	P	P	N	N	R,P*

	Type I	Type II	Type III	Type IV	Type V	Type VI	Type VII
Building Type Standards	Townhome Residential Sub-District	Apartment	Mixed-Use Buildings	Commercial: Small/Medium	Commercial Perimeter Commercial Sub-District	Commercial: Large Format Retail	Civic and Institutional
Lot Standards (Minimum Unless Noted)							
Lot Area	2,000 SF	10,000 SF	Varies	Varies	Varies	Varies	Varies
Lot Width	20'	100'	Varies	Varies	Varies	Varies	Varies
Lot Depth	100'	100'	Varies	Varies	Varies	Varies	Varies
Build-to-zone Guidelines (see Figure 4 for additional guidelines)							
Main Building Front Build-to-Zone	0' - 15'	0' - 15'	0' - 15'	0' - 15'	0' - 30'	0' - 5'	0' - 5'
Main Building Side Build-to-Zone	0' - 15'	0' - 20'	0' - 15'	0' - 15'	0' - 30'	0' - 15'	0' - 15'
Main Building Corner Build-to-Zone	0' - 15'	0' - 15'	0' - 5'	0' - 5'	0' - 5'	0' - 5'	0' - 5'
Accessory Building Side	5' - 10'	10' - 20'/0' - 7.5'	10' - 20'/0' - 7.5'	10' - 20'/0' - 7.5'	10' - 20'/0' - 7.5'	10' - 20'/0' - 7.5'	10' - 20'/0' - 7.5'
Building Separation (minimum)	20'	30'	20'	20'	20'	20'	20'
Building Separation (maximum)	80'	80'	80'	80'	none	none	none
Landscape Zone Guidelines (see Figure 4 for additional guidelines)							
Along streets/easements, where there is less than 80' gap between buildings	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent	5' minimum width, 4' ornamental fence, hedge, or equivalent
Along streets/easements, where there is an 80' gap or more between buildings	5' minimum width, 4' ornamental fence, hedge, tree line 35' or less o.c. or equivalent	5' minimum width, 4' ornamental fence, hedge, tree line 35' or less o.c. or equivalent	5' minimum width, 4' ornamental fence, hedge, tree line 35' or less o.c. or equivalent	5' minimum width, 4' ornamental fence, hedge, tree line 35' or less o.c. or equivalent	15' minimum width, 4' fence, hedge, or equivalent	15' minimum width, 4' fence, hedge, or equivalent	15' minimum width, 4' fence, hedge, or equivalent
Height Maximum Unless Noted							
Main Building Height	8 stories	8 stories	none	6 stories	6 stories	6 stories	6 stories
Accessory Building Height	20'	20'	20'	20'	20'	20'	20'
Height of Front Wall/Fence	3'	4'	4'	4'	4'	4'	4'
Height of Side/Rear Wall/Fence	4'	6'	6'	6'	6'	6'	6'
Height Minimum							
Main Building Height	20'	20'	20'	20'	20'	20'	20'
Parking							
Shared off-street	none required	allowed	required	allowed	allowed	allowed	allowed
Ramp or structure	none required	allowed	allowed	allowed	allowed	allowed	allowed
Underground	none required	required	allowed	allowed	allowed	allowed	allowed
Estimate of demand and supply	required	required	required	required	required	required	required

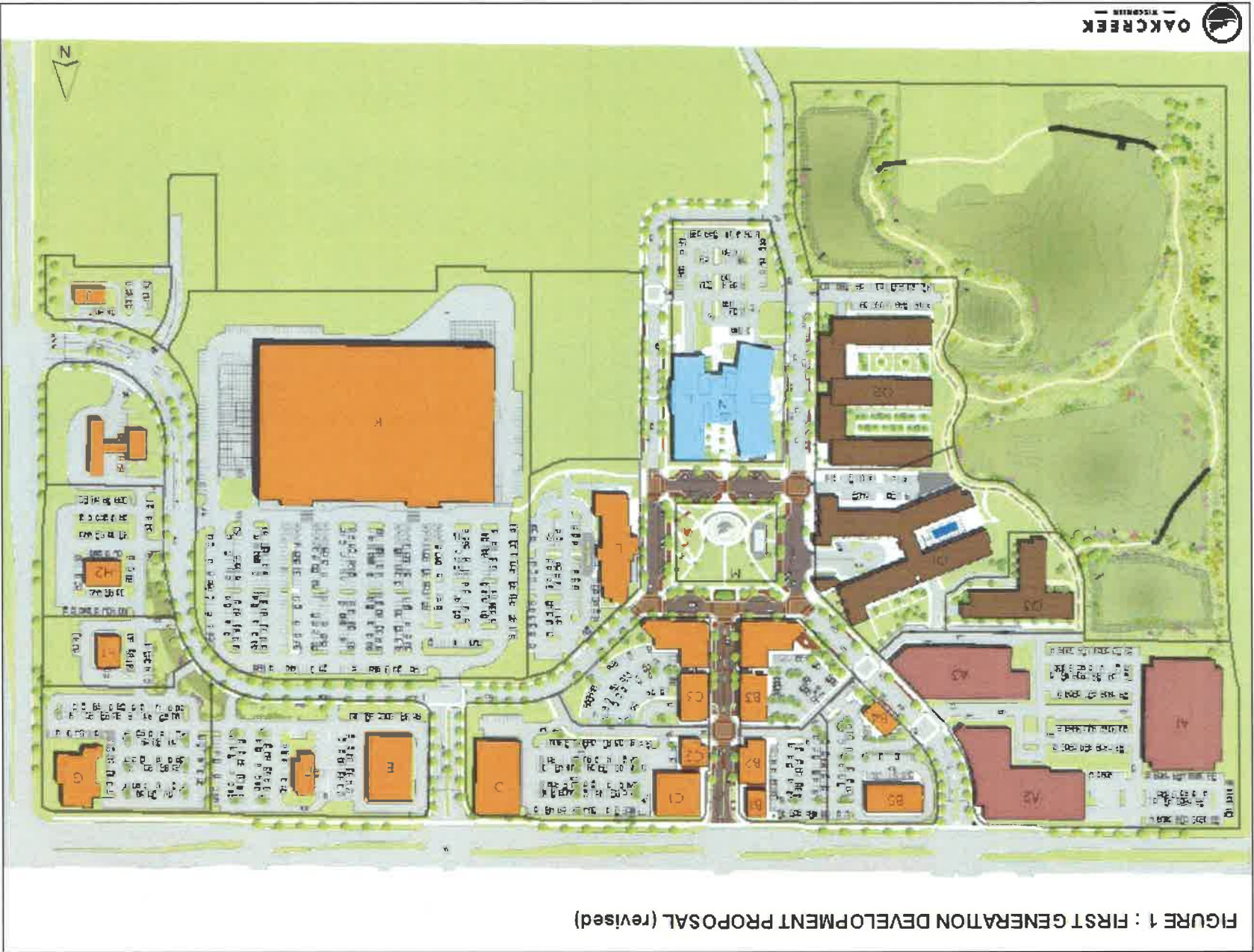


FIGURE 1 : FIRST GENERATION DEVELOPMENT PROPOSAL (revised)

FIGURE 2: STREET AND BLOCK PLAN

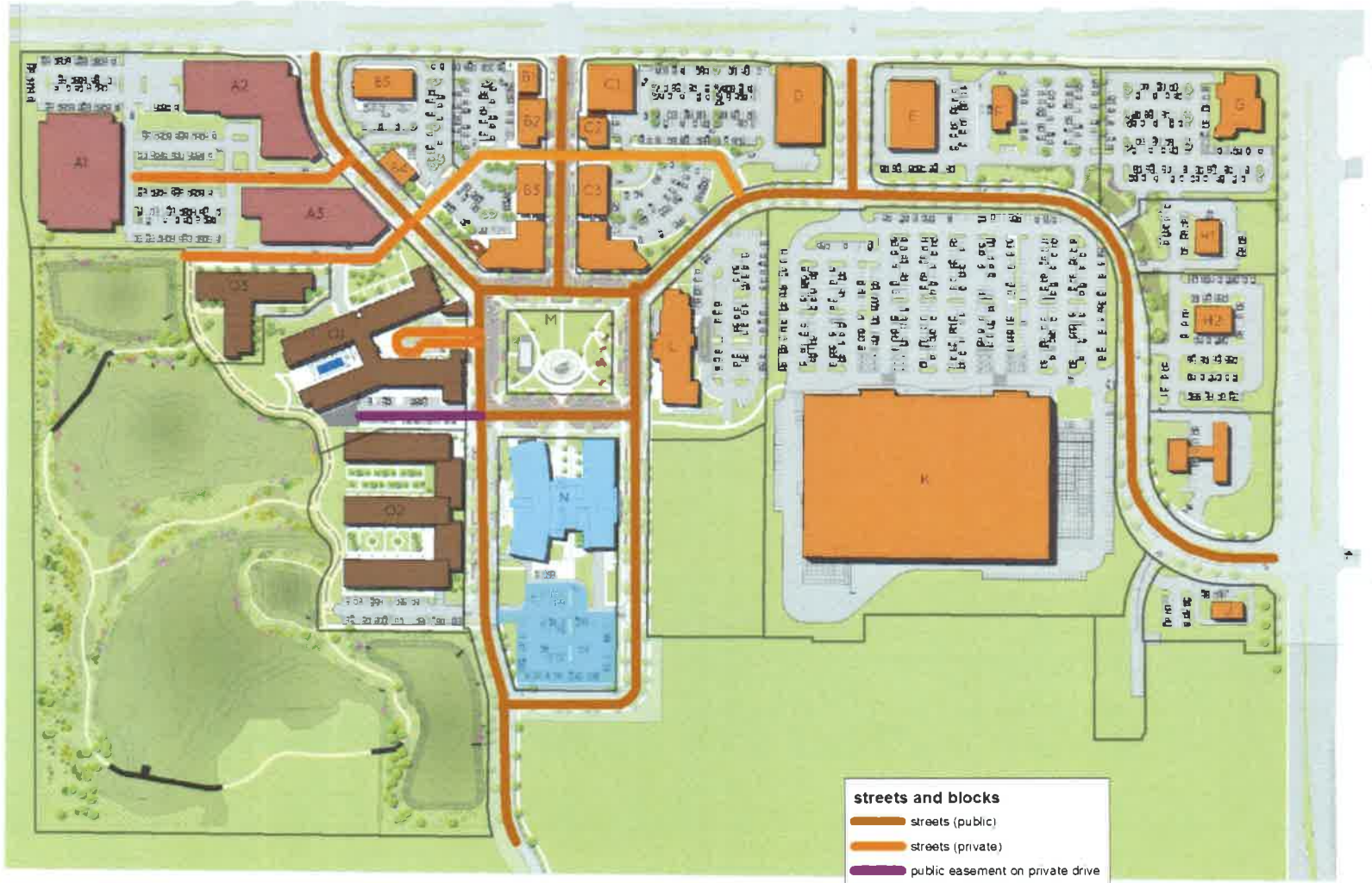


FIGURE 3: DISTRICT DIAGRAM AND GENERAL DEVELOPMENT PLAN



FIGURE 4: BUILD TO ZONES



NOTE: Please refer to Table 2 - Regulation for Building Types to see specific BTZ



- Build to Zones**
- Build to Zone (BTZ)
 - Landscape Zone (LZ)
 - Mixed Building and Landscape Zone (MLZ)
 - Stormwater-Sustainability-Community Feature



FIGURE 5: PARKING OPTIONS



NOTE: Private, underground parking is allowed throughout DTS



67th Street



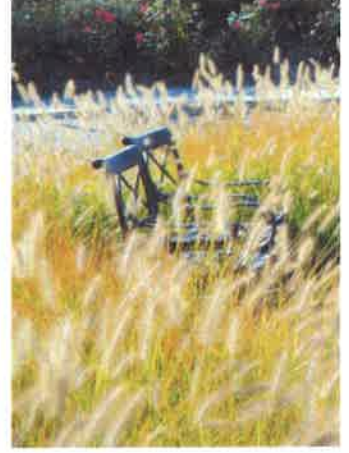


DREXEL
TOWN SQUARE

DREXEL TOWN SQUARE

Landscape Design Guidelines for Perimeter
Development Street Yards

*Drexel Avenue and Howell Avenue
City of Oak Creek, Wisconsin*



GRāEF

April 10, 2015

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I. INTRODUCTION

Purpose and Intent

These Landscaping Design Guidelines have been created to ensure that private development landscaping along the perimeter of the Drexel Town Square (DTS) maintains a strong, consistent level of aesthetic quality.

The following pages summarize the landscaping design criteria that only apply to the street yard areas of the private development along Drexel Avenue and Howell Avenue; more specifically, those perimeter parcels that are identified in the Drexel Town Square Mixed Use Planned Development District General Development Plan and Regulating Plan (DTSMUPDD) as “Mixed-Use” and “Perimeter Commercial”, (See Figure 3).

For the purposes of these guidelines, street yards are defined as the landscape zones on private property comprised of the area which lies between the public right-of-way to an inside distance as defined by these Landscape Guidelines. For further clarification, the street yard areas only apply to the right-of-ways that directly abut Howell Avenue and Drexel Avenue and not any other public right of ways within DTS (Town Square Way, Delco Drive, 6th Street, **Blocktower Place, Main Street, etc.**).

The intent of these guidelines is to clearly identify the minimum desired treatment for the landscape within the street yards for the parcels identified above.

In the event that a retaining wall is constructed on Parcel 11, these guidelines should not apply, but rather the **Plan** Commission and Community Development Director should review the street frontage of this lot in context **within** the development of Parcel 11 and the overall development.

Site Utility Easements

The entire perimeter area that these guidelines address is occupied by public or private utility easements. Refer to Figure 1 – DTS Utility Easement Plan, for an overall site map which depicts all of the utility easements within this area and Figure 2 – Utility Easement Landscaping Restrictions, for a summary of the utility providers and the specific landscaping restrictions which apply to each easement type.

In any case where the landscape restrictions for a particular easement do not allow the recommended trees to be placed within the street yard area, those trees should be provided within the individual parcel as close to the easement as possible.

Approval Procedure

As part of the approval process for each individual private development project within the DTS Development, the Oak Creek Plan Commission is charged with interpreting and assuring compliance with these Landscape Design Guidelines as described in the DTSMUPDD General Development Plan and Regulating Plan.

It is the owner’s responsibility to verify the location of existing utilities prior to commencing work on landscaping within or adjacent to existing easements. Likewise, it is the responsibility of the owner to verify those types of landscaping that are allowable within existing easements.

Prior to receiving an occupancy permit, the owner shall provide the City with a letter from the landscape architect or contractor verifying that the landscaping has been installed in accordance with the approved landscape plan.

II. GENERAL STREET YARD LANDSCAPE DESIGN REQUIREMENTS

In addition to the specific requirements identified later in this document, landscape design for the individual parcel developments within the defined perimeter area should meet, at a minimum, the following design requirements:

1. The landscaping requirements identified in the Drexel Town Square Mixed Use Planned Development District General Development Plan (DTSMUPDD-GDP) and Regulating Plan.
2. Minimum tree size at time of planting is 1 ½” caliper for single-stem shade trees and 6’ ht. for clump-form ornamental trees, except for oak species, which should have a minimum size of 2” caliper.

Summary of Comments on Appendix D - Landscape Guidelines for Perimeter Commercial (Nate Franke edits) 8-3-15.pdf

Page: 1

1 Number: 1 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:22:30 PM
Clock Tower (2 words)

1 Number: 2 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:22:36 PM
add Market Street

1 Number: 3 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:23:09 PM
Plan (not Pan) Commission

1 Number: 4 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:23:34 PM
of instead of within

3. When calculating required tree and shrub rates using total linear footage of the parcel or a percentage of the area, always round up to the next whole number.
4. All plant bed areas should be covered with a minimum 3" thick layer of either shredded hardwood bark mulch (with no artificial coloration added) or decorative stone mulch in a color that is complimentary to that of the adjacent architecture.
5. Vehicle Use Areas (VUA) are defined as parking lot areas and drive-thru lanes.
6. Landscaping should be selected from the recommended list of plants provided in the appendix (see Figure 7), or be proven to thrive in the urban conditions and local climate at the project site; subject to acceptance by the Oak Creek City Forester.

III. SITE-SPECIFIC STREET YARD LANDSCAPE REQUIREMENTS

Each individual parcel development within the defined perimeter area should provide street yard landscaping as follows:

1. *Parcels which abut a 9'-0" wide utility easement:*

- a. Minimum street yard width: 9ft.
- b. Provide a continuous 5'-0" min. wide shrub hedge along the entire length of the street yard and conform to the following criteria:
 - i. The hedge should be maintained at a minimum height of 4ft. with plants spaced at a minimum of 4ft. on center.
 - ii. Of the total number of shrubs, a minimum of 25% and a maximum of 60% should be evergreen.
 - iii. Where a shrub hedge is used along a VUA, a minimum of 75% of the shrubs should be evergreen.

- c. A minimum of 33% of the street yard area outside of the hedge should be planted with perennials or ornamental grasses in groupings or drifts to maximize visual impact and aesthetic quality. The remaining street yard area should be manicured turf.
- d. Provide shade or ornamental trees within the street yard at a minimum rate of 1 per 50 l.f. Where easement restrictions do not allow trees to fall within the street yard area, they should be provided as closely as possible outside the easement boundary.

2. *Parcels which abut a utility easement that is wider than 9'-0" wide:*

- a. Minimum street yard width: 12ft.
- b. Provide a continuous 8'-0" min. wide, double row shrub hedge along the entire length of the street yard and conform to the following criteria:
 - i. The hedge plants should be spaced at a minimum of 4ft. on center and be laid out in a triangulated pattern.
 - ii. The hedge should be maintained at a minimum height of 4ft.
 - iii. Of the total number of shrubs, a minimum of 25% and a maximum of 60% should be evergreen.
 - iv. Where a shrub hedge is used along a VUA, a minimum of 75% of the shrubs should be evergreen.
- c. A minimum of 33% of the street yard area outside of the hedge should be planted with perennials or ornamental grasses in groupings or drifts to maximize visual impact and aesthetic quality. The remaining street yard area should be manicured turf.
- d. Provide shade or ornamental trees within the street yard at a minimum rate of 1 per 50 linear feet. Where easement restrictions do not allow trees to fall within the street yard

area, they should be provided as closely as possible outside the easement boundary.

IV. BUILDING EDGE LANDSCAPE REQUIREMENTS

All building façades which are located within 25ft. of the public right-of-way shall have a minimum 3 ft. wide foundation landscape area with full plant coverage comprised of a mix of ornamental trees, shrubs, ornamental grasses and perennials.

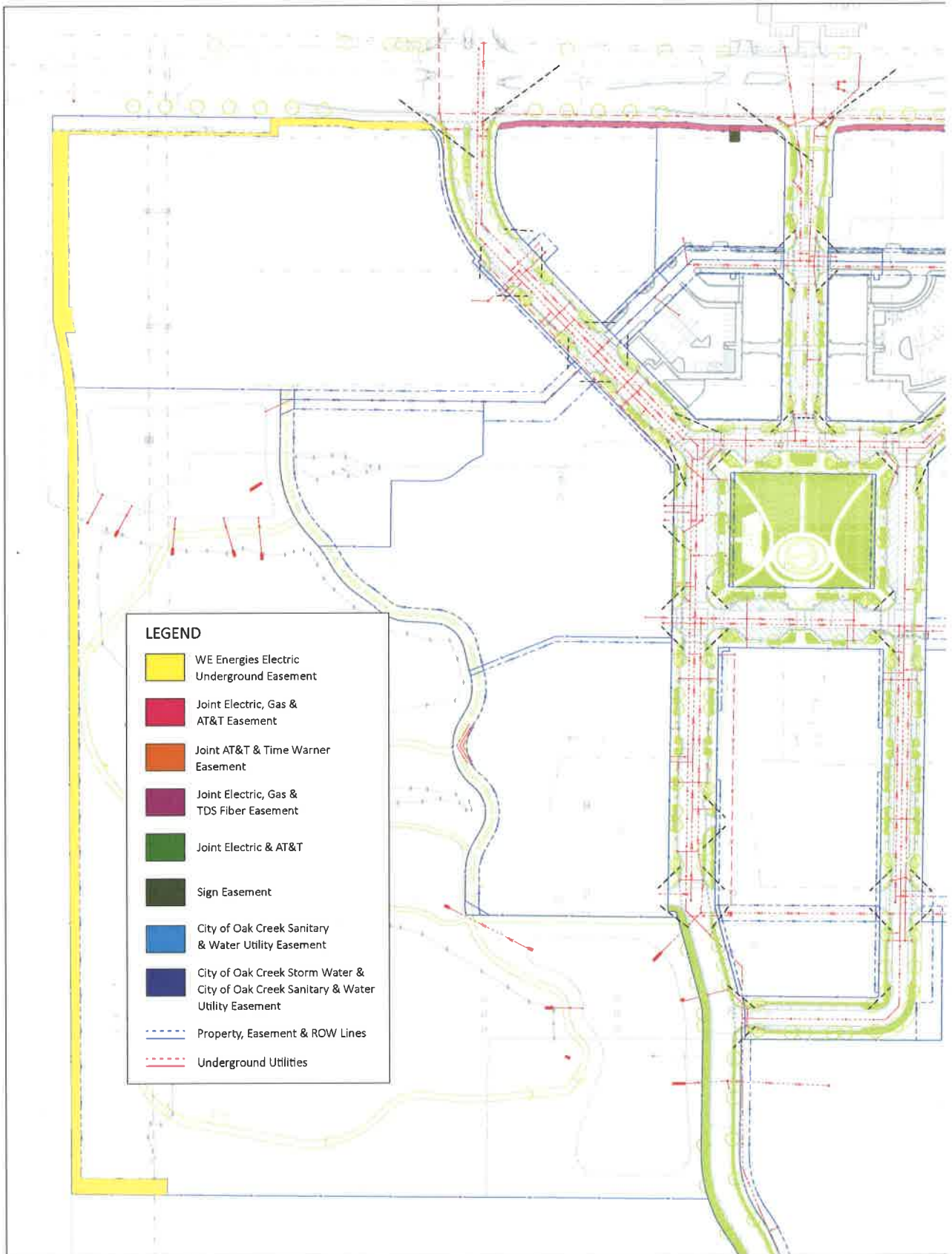
All exterior appurtenances (such as HVAC units, utility boxes, standpipes and other above grade utility features) shall be 100% screened from view using either a decorative screen fence, which aesthetically relates to the building architecture, or evergreen plant material. The screen material shall be located within 10 ft. of the item(s) being screened.

Number: 1 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:21:12 PM
should instead of shall

Number: 2 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:21:24 PM
should instead of shall

V. APPENDIX

Figure 1 - DTS Utility Easement Plan



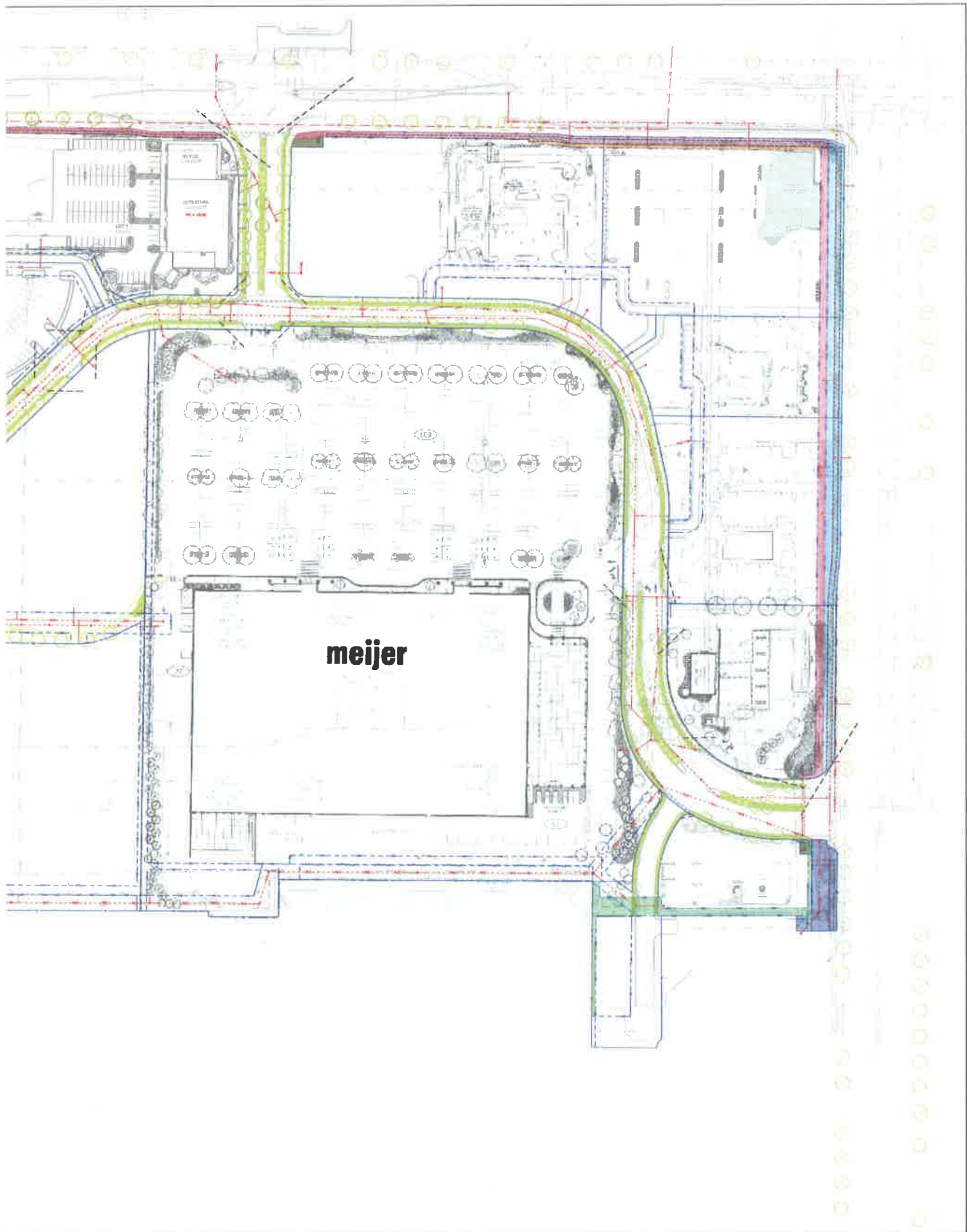


Figure 2 - Utility Easement Landscaping Restrictions

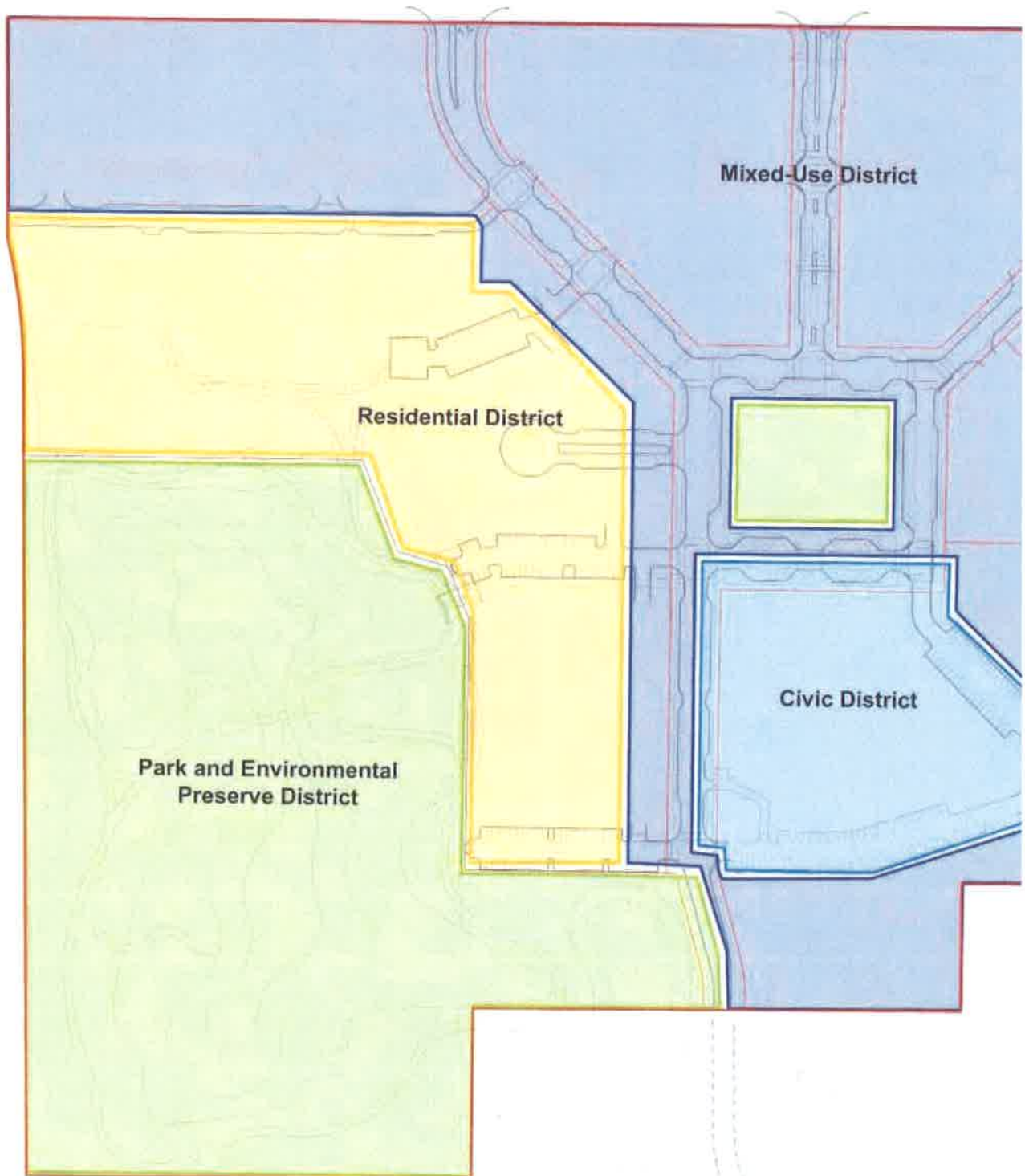
Figure 2 - UTILITY EASEMENT LANDSCAPING RESTRICTIONS	
Utility and Provider	Landscape Restrictions Within Easement
We Energies - Gas and Electric	Tree Planting and Landscaping (which includes ornamental trees, shrubs, perennials, grading, retaining walls etc.) shall be 3 feet in distance from electric/gas lines. Fences shall be two feet in horizontal distance.
Time Warner - Cable	Time Warner Cable request the easement area to be clear of plantings, bushes, branches and or trees so Time Warner Cable may maintain the easement for future restoration and or to place new facilities in the existing easement. If such Plantings, bushes, branches and or trees encroach into the easement the they may be trimmed or removed as to not interfere with the existing easement. ①
AT&T - Telecommunications	None, Only restriction is to "Call before you dig" (using the universal 811 number). ①
TDS - Fiber Optic	TDS allows plantings that do not damage or interfere with the use of the easement. Only small shrubs, perennials, or turf allowed within the easement. No large plantings such as trees, or larger shrubs.
Oak Creek Water and Sewer - Water & Sanitary Sewer	No trees allowed. Shrubs, perennials and ornamental grasses are ok.
City of Oak Creek - Storm Sewer	No trees allowed. Shrubs, perennials and ornamental grasses are ok.

Note:

① Utility may be allowed in easement by permission instead of right. If so, their restrictions do not apply.

Number: 1 Author: dseymour Subject: Comment on Text Date: 8/3/2015 4:25:46 PM
Amend Figure to reflect latest subdistrict configuration.

Figure 3 - District Diagram and General Development Plan
(From DTSMPDD General Development and Regulating Plan.
Note: Actual D.T.S. development configuration varies from that
shown on this exhibit.)



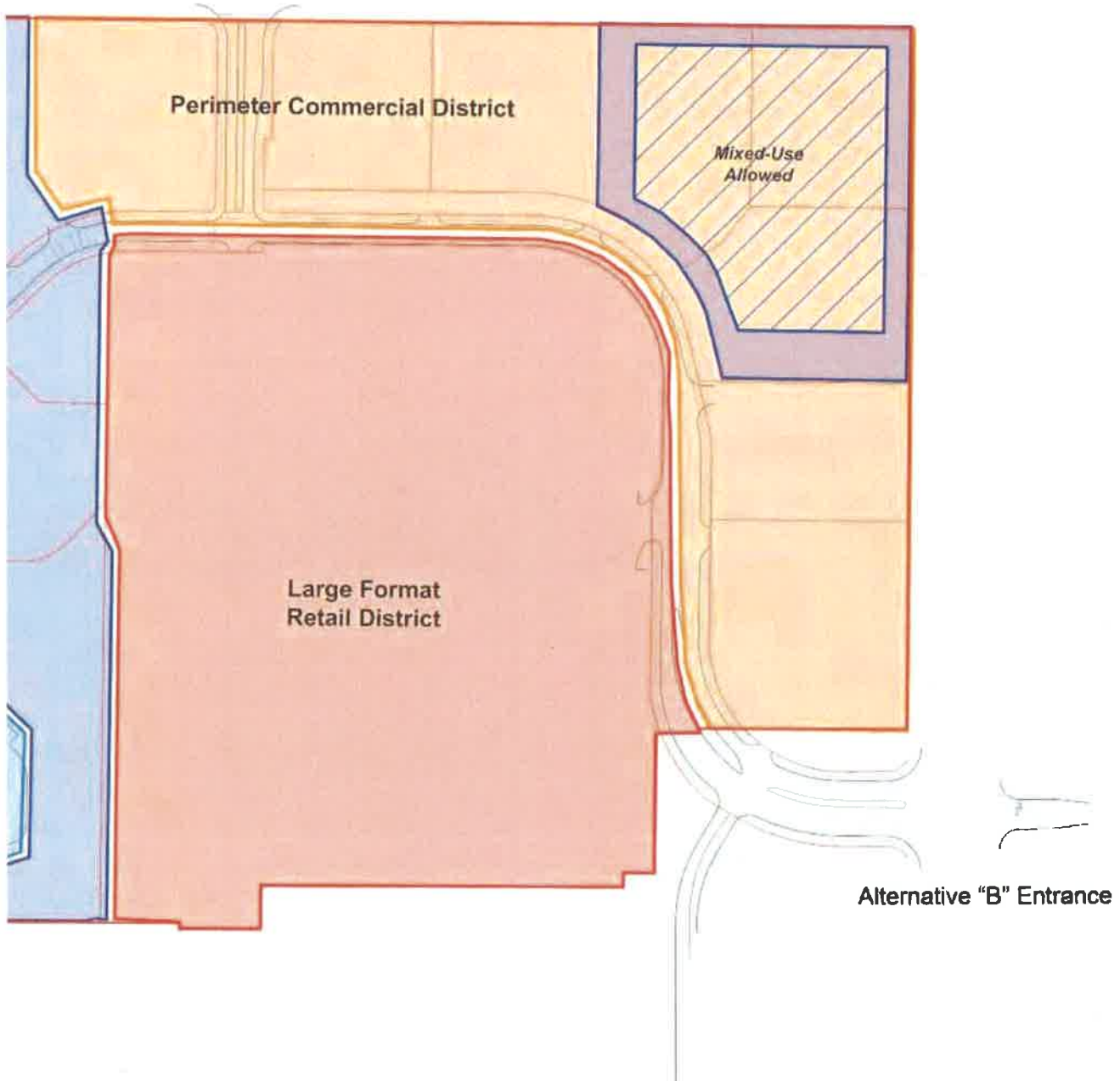


Figure 4 - Typical Street Yard Plan and Cross Section - Development Adjacent to 9'-0" Easements

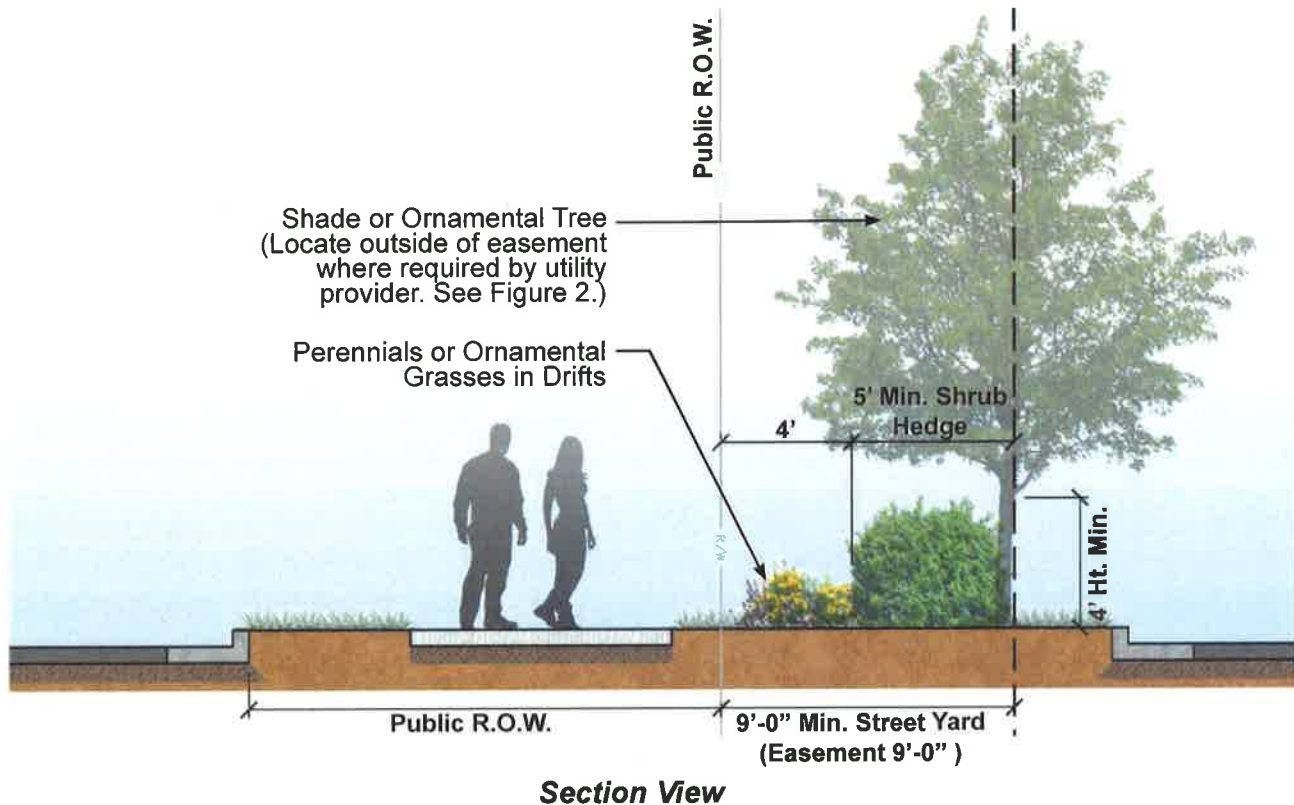
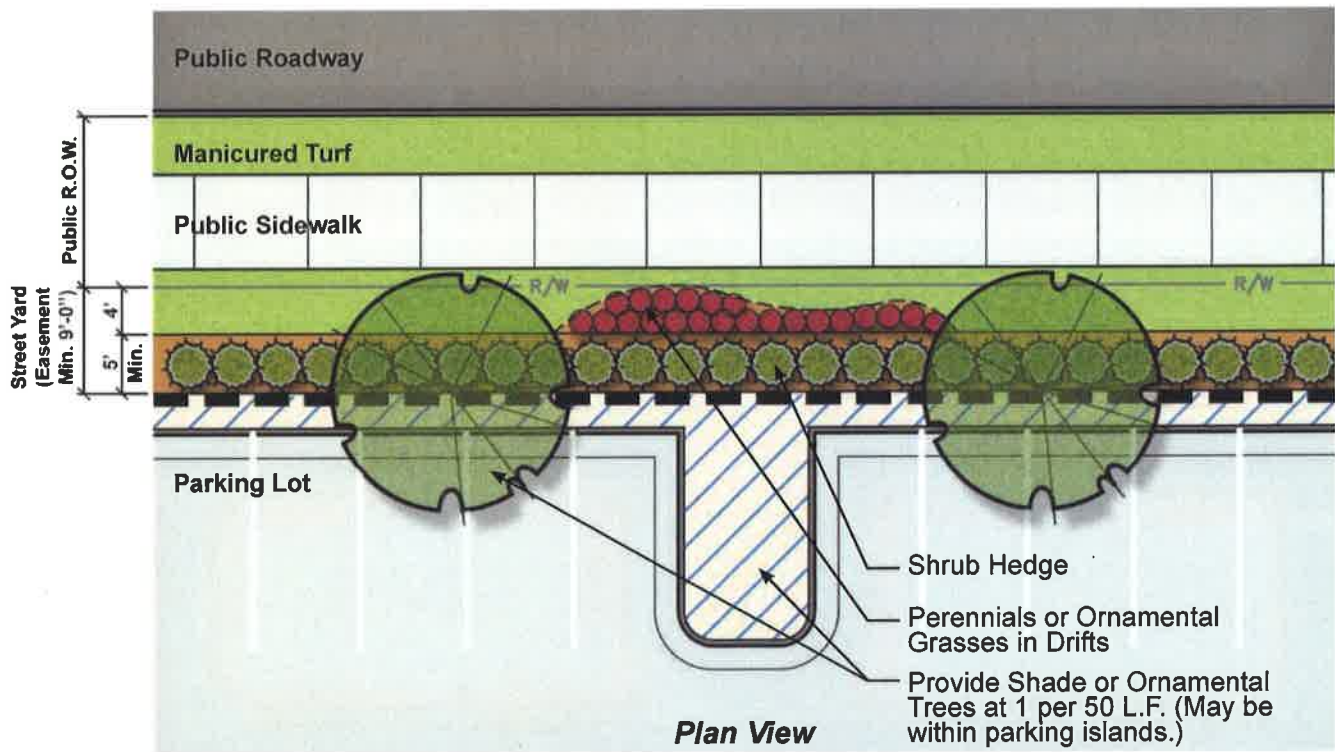


Figure 5 - Typical Street Yard Plan and Cross Section- Development Adjacent to Easements Wider Than 9'-0"

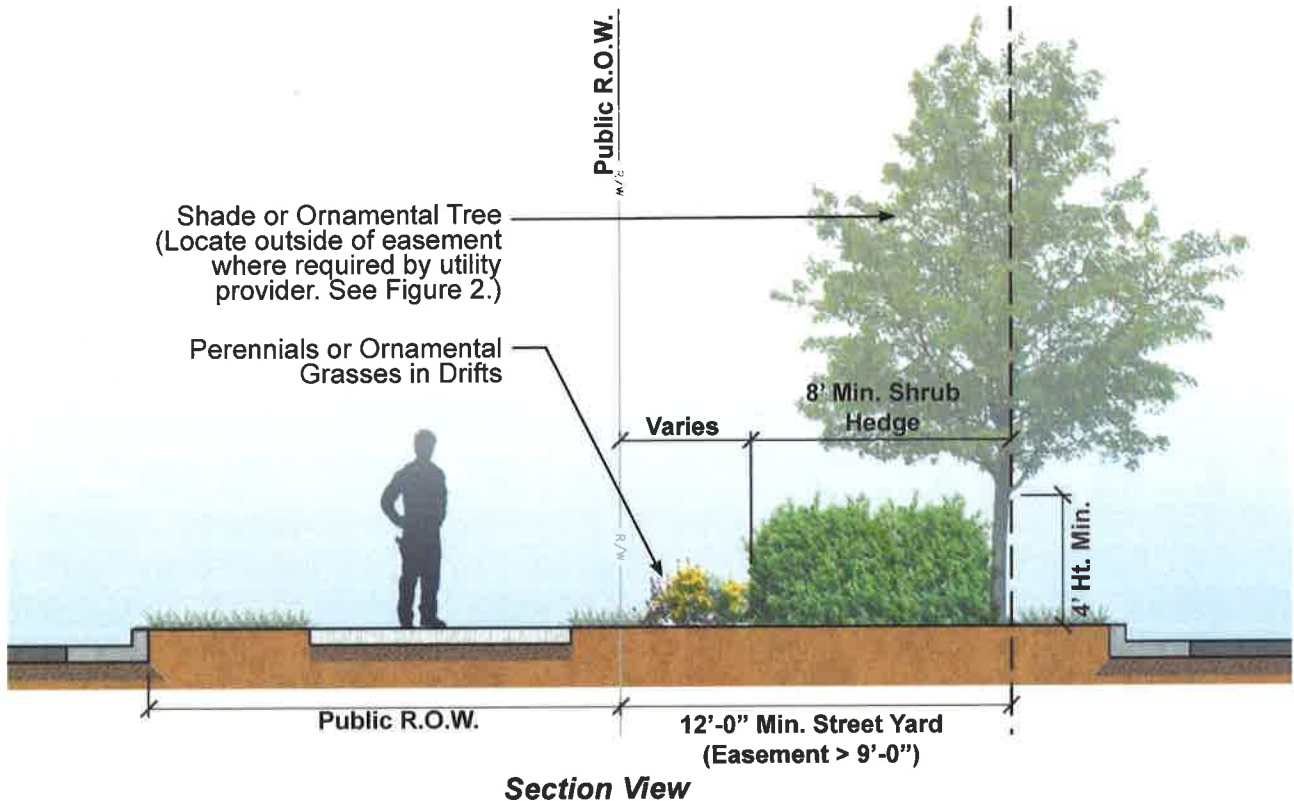
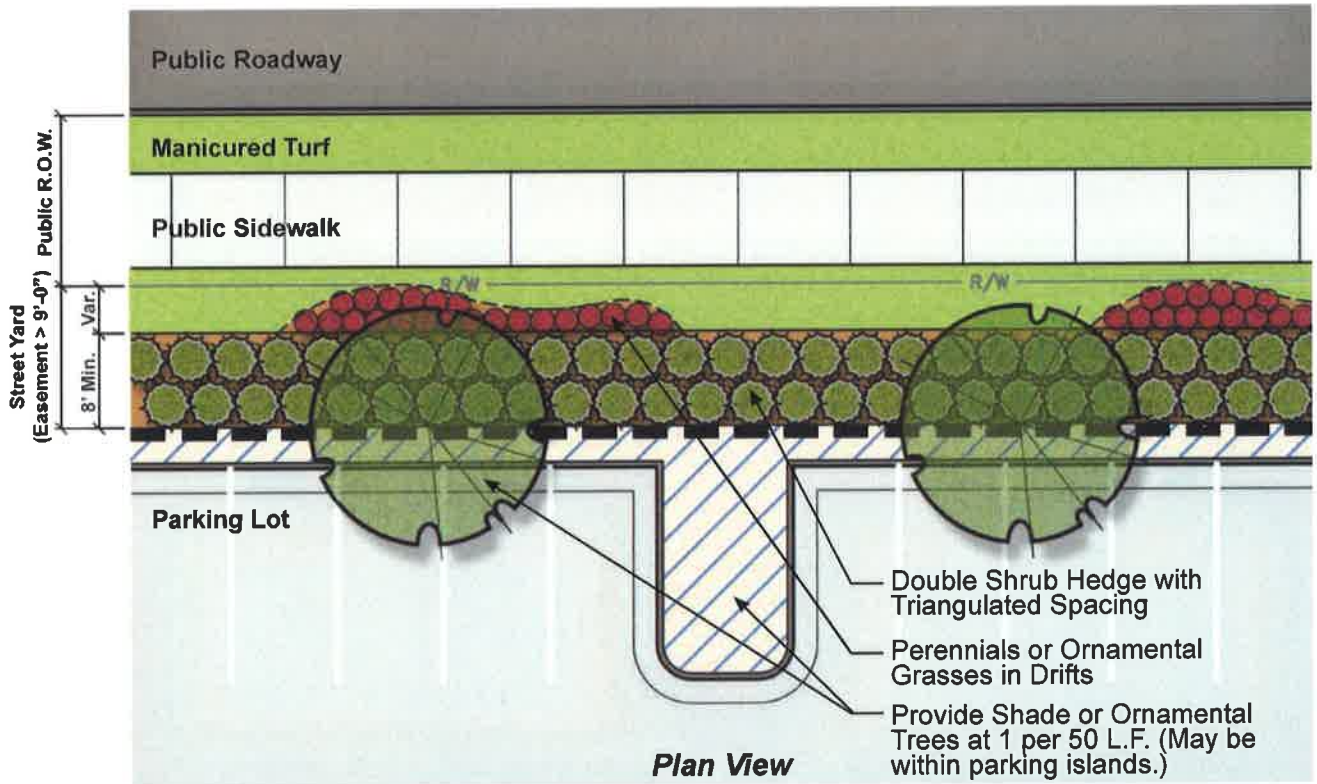


Figure 6 - Recommended Plant List

BOTANICAL NAME	COMMON NAME
SHADE TREES	
Acer miyabei 'Morton'	State Street Miyabei Maple
Acer x freemanii 'Sienna'	Sienna Glen Maple
Catalpa speciosa	Northern Catalpa
Celtis occidentalis	Hackberry
Ginkgo biloba - Male cultivars only	Ginkgo
Gleditsia triacanthos inermis	Honeylocust ('Shademaster' & 'Skyline')
Gymnocladus dioicus - Male cultivars only	Kentucky Coffeetree
Quercus species	Swamp White Oak, Bur Oak, Northern Red Oak
Taxodium distichum	Baldcypress
Ulmus americana	American Elm (Dutch Elm Disease resistant cultivars)
Ulmus Species	Elm Hybrids
Magnolia acuminata	Cucumber Magnolia
Aesculus glabra	Ohio Buckeye ('Homestead' & 'Autumn Splendor')
Aesculus hippocastanum	Horsechestnut ('Baumannii')
ORNAMENTAL TREES	
Acer tataricum 'GarAnn' PP15,023	Hotwings Tatarian Maple
Amelanchier species	Serviceberry
Cornus mas	Corneliancherry Dogwood
Crataegus species	Hawthorn
Malus species	Crabapple (Cultivars resistant to scab & rust)
Ostrya virginiana	American Hophornbeam
Populus species	Quaking Aspen, Big Tooth Aspen & Balsam Poplar
Pyrus fauriei 'Westwood'	Korean Sun Pear
Syringa pekinensis 'Morton'	China Snow Peking Lilac
Syringa reticulata	Japanese Tree Lilac
DECIDUOUS SHRUBS	
Amelanchier species	Serviceberry
Aronia melanocarpa	Black Chokeberry
Cornus species	Dogwood
Diervilla lonicera	Dwarf Bush Honeysuckle
Forsythia species	Forsythia
Fothergilla gardenii	Fothergilla
Hydrangea species	Hydrangea
Ilex verticillata	Winterberry
Rhus species	Sumac
Rosa rugosa	Rugosa Rose
Syringa species	Lilac
Viburnum species	Viburnum
EVERGREEN SHRUBS	
Juiperus species	Juniper (Eastern Redcedar & Chinese Juniper)
Taxus species	Yew

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.:

6

Recommendation: That the Common Council adopt Resolution 11644-091515, a resolution authorizing the issuance and sale of \$10,525,000 in taxable general obligation notes for paying the costs of refunding the previously issued notes for tax increment district #8 on their October 1, 2015 maturity date.

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

These are 3-year taxable bonds which are expected to be replaced with permanent financing that includes both taxable and non-taxable bonds. The notes may be redeemed on September 1, 2017 or any date thereafter. A representative from Hutchinson, Shockey, Erley & Co. will be at the meeting to answer additional questions the Council may have as Mr. Thompson is unable to attend.

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

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:

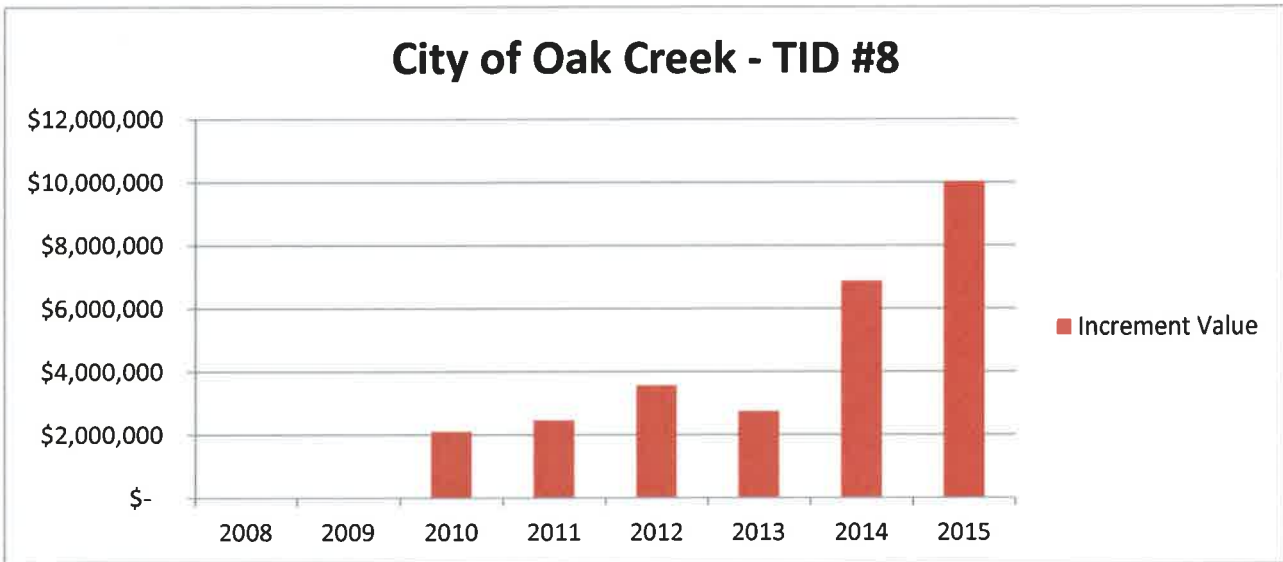


Gerald R. Peterson, ICMA-CM
City Administrator

**City of Oak Creek
TIF Districts**

TID No. 8
Base Year 2009

<u>Year</u>	<u>Increment Value</u>	<u>% change (annual)</u>	<u>Tax Revenue</u>
2008			
2009			
2010	\$ 2,102,700		\$48,162
2011	\$ 2,457,300	16.9%	\$56,879
2012	\$ 3,563,400	45.0%	\$88,617
2013	\$ 2,741,700	-23.1%	\$62,000
2014	\$ 6,869,800	150.6%	\$155,161
2015	\$ 10,028,100	46.0%	Est. \$241,477



RESOLUTION NO. 11644-091515

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$10,525,000
TAXABLE GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2015C

WHEREAS, the Common Council hereby finds and determines that it is necessary, desirable and in the best interest of the City of Oak Creek, Milwaukee County, Wisconsin (the "City") to raise funds for the public purpose of refinancing certain outstanding obligations of the City, to wit: its Taxable General Obligation Promissory Notes, dated October 15, 2013 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of extending the financing provided by the Refunded Obligations;

WHEREAS, cities are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes to refinance their outstanding obligations;

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

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

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

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

Section 2. Terms of the Notes. The Notes shall be designated "Taxable General Obligation Promissory Notes, Series 2015C"; shall be issued in the aggregate principal amount of \$10,525,000; shall be dated their date of delivery; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate per annum and mature on September 1, 2018 as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest shall be

payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2016. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes shall be subject to redemption prior to maturity, at the option of the City, on September 1, 2017 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2015 through 2017 for the payments due in the years 2016 through 2018 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

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

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$10,525,000 Taxable General Obligation Promissory Notes, Series 2015C, dated September 29, 2015" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes

is fully paid or otherwise extinguished. The City Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

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

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

Section 8. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such

signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

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

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

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

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

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

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

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

Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

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

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

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

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

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

Adopted, approved and recorded September 15, 2015.

Stephen Scaffidi
Mayor

ATTEST:

Catherine
City Clerk

A.

Roeske
(SEAL)

DRAFT

EXHIBIT A

Note Purchase Proposal

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

(See Attached)

DRAFT

EXHIBIT B-1

Pricing Summary

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

(See

Attached)

DRAFT

EXHIBIT B-2

Debt Service Schedule and Irrepealable Tax Levies

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

(See

Attached)

DRAFT

EXHIBIT C

(Form of Note)

UNITED STATES OF AMERICA
REGISTERED STATE OF WISCONSIN DOLLARS
MILWAUKEE COUNTY CITY OF OAK CREEK \$ _____
NO. R-_____
TAXABLE GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2015C

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
September 1, 2018 September 29, 2015 _____% _____
DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.
PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$ _____)

FOR VALUE RECEIVED, the City of Oak Creek, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2016 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by the City Clerk or City Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

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

This Note is one of an issue of Notes aggregating the principal amount of \$10,525,000, all of which are of like tenor, except as to denomination, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for the public purpose of paying the cost of refunding certain outstanding obligations of the City, all as authorized by a resolution of the Common Council duly adopted by said governing body at a meeting held on September 15, 2015. Said resolution is recorded in the official minutes of the Common Council for said date.

The Notes are subject to redemption prior to maturity, at the option of the City, on September 1, 2017 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

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

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

CITY OF OAK CREEK,
MILWAUKEE COUNTY, WISCONSIN

By: _____
Stephen Scaffidi
Mayor

(SEAL)

By: _____
Catherine A. Roeske
City Clerk

DRAFT

ASSIGNMENT

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

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

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

Dated: _____

Signature Guaranteed:

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

(Depository or Nominee Name)

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

(Authorized Officer)

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.:

7

Recommendation: That the Common Council approve the agreement between the City of Oak Creek and the Labor Association of Wisconsin, Inc.

Background: The Labor Association of Wisconsin, Inc. was certified as a union to represent employees formerly represented by AFSCME. Under state collective bargaining laws, the only thing which this unit can bargain for is base wage. The Personnel Committee has met with LAW and come to a tentative agreement which the Association ratified on September 9, 2015. Attached is the agreement which adjusts base pay for members by 1.25%. Also attached is a document which shows the employees affected by this agreement. This agreement would become effective September 1, 2015 and expires August 31, 2016. The Committee also recommends a non-base-building lump sum supplemental payment at 0.50% for all members in the unit and a range adjustment of \$3,132.88 for David Maier as previously proposed by the City Engineer and approved by the Personnel Committee.


Materials reviewed by the Committee for their meeting with LAW are attached.

Fiscal Impact: The cost to the City for these increases is calculated to be \$42,737. Funds to pay for this increase in costs are expected to be available from taxes from new construction and from the sale of properties at the Oakwood Business Park.

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:


Gerald R. Peterson, ICMA-CM
City Administrator

LAW Active Member Base Pay as of January 1st, 2015 with Proposed Ratified Adjustments
Effective September 1, 2015

Empl Fname	Empl Lname	Hourly Rate	Base Pay (1/1/2015)	1.25%	Lump Sum 0.50%
Kevin	Archambeau	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
John	Arndt	\$ 16.994	\$ 35,347.52	\$ 35,789.36	\$178.95
David	Barbee	\$ 28.502	\$ 59,284.16	\$ 60,025.21	\$300.13
Scot	Bartels	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Adam	Bridges	\$ 26.930	\$ 56,014.40	\$ 56,714.58	\$283.57
Tyler	Buerger	\$ 26.930	\$ 56,014.40	\$ 56,714.58	\$283.57
Deborah	Chvilicek	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74
Barbara	Congdon	\$ 23.156	\$ 48,164.48	\$ 48,766.54	\$243.83
Joseph	Dembosky	\$ 19.956	\$ 41,508.48	\$ 42,027.34	\$210.14
Peggy	Dlapa	\$ 23.156	\$ 48,164.48	\$ 48,766.54	\$243.83
Helena	Dowd	\$ 23.156	\$ 48,164.48	\$ 48,766.54	\$243.83
Paul	Esselman	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Wayne	Evans	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74
Scott	Flatow	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Rick	Gabriel	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Kyle	Galbraith	\$ 19.956	\$ 41,508.48	\$ 42,027.34	\$210.14
Gregory	Gross	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Glenn	Hagata	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74
Michael	Harrison	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74
Jay	Harvanek	\$ 32.759	\$ 68,138.72	\$ 68,990.45	\$344.95
Kerry	Kent	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Jon	Kuras	\$ 21.350	\$ 44,408.00	\$ 44,963.10	\$224.82
John	La Rosa	\$ 19.956	\$ 41,508.48	\$ 42,027.34	\$210.14
Robert	Lalie	\$ 29.827	\$ 62,040.16	\$ 62,815.66	\$314.08
John	Leranth	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Jeffrey	Lipp	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74

LAW Active Member Base Pay as of January 1st, 2015 with Proposed Ratified Adjustments
Effective September 1, 2015

Empl Fname	Empl Lname	Hourly Rate	Base Pay (1/1/2015)	1.25%	Lump Sum 0.50%
Deborah	Lukasik	\$ 23.156	\$ 48,164.48	\$ 48,766.54	\$243.83
David	Maier	\$ 23.489	\$ 48,857.12	\$ 49,467.83	\$247.34
Cindy	Maksimovic	\$ 25.731	\$ 53,520.48	\$ 54,189.49	\$270.95
Marcus	Maksimovic	\$ 17.164	\$ 35,701.12	\$ 36,147.38	\$180.74
Michael	Marvell	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Terry	Moss	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Donna	Mudrak	\$ 14.500	\$ 30,160.00	\$ 30,537.00	\$152.69
Mark	Mull	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Janis John	Ozolins	\$ 32.759	\$ 68,138.72	\$ 68,990.45	\$344.95
Michael	Rozina	\$ 29.827	\$ 62,040.16	\$ 62,815.66	\$314.08
Anthony	Schloer	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Gregory	Strube	\$ 29.827	\$ 62,040.16	\$ 62,815.66	\$314.08
Spencer	Szuta	\$ 19.956	\$ 41,508.48	\$ 42,027.34	\$210.14
Donald	Vanswol	\$ 28.044	\$ 58,331.52	\$ 59,060.66	\$295.30
Susanne	Ventela	\$ 24.508	\$ 50,976.64	\$ 51,613.85	\$258.07
Anna	Waarvik	\$ 24.508	\$ 50,976.64	\$ 51,613.85	\$258.07
Gary	Wagner	\$ 29.827	\$ 62,040.16	\$ 62,815.66	\$314.08
Margaret	Woolford	\$ 23.156	\$ 48,164.48	\$ 48,766.54	\$243.83
Total:			\$ 2,249,370.240	\$ 2,277,487.37	\$11,387.44
			\$ 2,249,370.24	\$ 28,117.13	
				Total	\$ 39,504.56

OAK CREEK DEPARTMENT OF PUBLIC WORKS

<u>MUNICIPALITY</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
<u>Oak Creek</u>	(2.9)	(0.0)	(0.0)	(1.0)	
Planning Illustrator	27.75	27.75	27.75	28.02	
Engineering Tech	27.75	27.75	27.75	28.02	
Engineer Tech Sen	28.81	28.81	28.81	29.10	
Equip Op Park Tech	27.76	27.76	27.76	28.04	
Mechanic I	27.56	27.56	27.56	28.04	
Mechanic II	29.53	29.53	29.53	29.83	
Chief Mechanic	31.06	31.06	31.06	31.37	
Civil Engineer	36.67	36.67	36.67	37.03	
Senior Engineer tech	35.74	35.74	35.74	36.10	
Facility Maint Tech	27.77	27.77	27.77	28.05	
<u>Mount Pleasant</u>	(3.25)	(0.0)	(2.0)	(1.0)	(1.0)
Highway Maint	26.72	26.72	27.25	27.52	27.79
Sewer Maint	26.72	26.72	27.25	27.52	27.79
<u>Caledonia</u>	(1.5)	(0.0)	(0.0)	(1.0)	(1.0)
Full-Time Employ	26.69	26.69	26.69	26.96	27.23
Laborer	18.82	18.82	18.82	19.01	19.20
<u>Franklin</u>	(2.4/1.0)	(1.0)	(1.0/1.0)	(1.0)	N.S. 8/4/15
Sewer/Water Op I	25.97	26.22	26.74	27.00	
Sewer/Water Op II	27.66	27.93	28.49	28.77	
Heavy Equip Op	25.97	26.22	26.74	27.00	
Mechanic I	27.11	27.38	27.93	28.20	
Assist Mechanic	24.98	25.22	25.72	25.98	
Public Works Fore	26.64	26.91	27.45	27.72	
Custodian	21.57	21.79	22.23	22.45	
Light Equip Op	24.88	25.13	25.63	25.89	
Sewer/Water Tech	24.88	25.13	25.63	25.89	
<u>South Milwaukee</u>	(0.0)	(2.0)	(2.4)	(1.66)	(2.0)
Waste Chief Op	24.54	25.03	25.63	26.05	26.57
Lab Tech	24.15	24.63	25.22	25.64	26.15
Plant Op	23.59	24.06	24.64	25.05	25.55
Sewer Maint Lead	23.63	24.10	24.68	25.09	25.59
Sewer Maint	22.97	23.43	23.99	24.39	24.88
Back/Front Load Op	23.57	24.04	24.62	25.03	25.53
Side Load Op	24.76	25.22	25.83	26.26	26.78
Heavy Equip Op	23.57	24.04	24.62	25.03	25.53
Rear Loader Coll Dr	23.57	24.04	24.62	25.03	25.53
Utility Man	23.23	23.69	24.26	24.66	25.15
Truck Driver (light)	22.86	23.32	23.88	24.28	24.77

Laborer	22.59	23.04	23.59	23.98	24.46
Truck Dr Road Rep	23.57	24.04	24.62	25.03	25.53

<u>Greenfield</u>	(2.0/1.0)	(0.0)	(1.5/1.5/1.5)	(2.0)	(2.0)
Foreman	33.08	33.08	34.59	35.28	35.99
Crew Leader	28.86	28.86	30.18	30.78	31.40
Garage Mechanic	27.78	27.78	29.05	29.63	30.22
Operator I	27.34	27.34	28.59	29.16	29.74
Operator II	26.57	26.57	27.78	28.33	29.41

<u>Muskego</u>	(0.0)	(2.0)	(1.0)	(1.0)	
Utilities Maint.	25.14	25.64	25.90	26.16	
Mechanic	26.36	26.88	27.15	27.42	
Highway Patrolman	25.14	25.64	25.90	26.16	

<u>Greendale</u>				(1.8)	(3.0)
Working Foreman				29.93	30.83
Mechanic				29.86	30.76
Assistant Mechanic				29.10	29.97
Equipment Op				29.10	29.97
Landscaper				29.10	29.97
Serviceperson				28.58	29.44
Custodian/Groundskeeper				18.71	19.27

<u>Menomonee Falls</u>				(2.0)	(2.0)
Foreman				27.78	28.34
Mechanic				26.61	27.14
Equip Op				26.61	27.14
Truck Drivers				26.30	26.83

<u>West Allis</u>				(2.0)	(2.0)
Laborer				22.15	22.59
Custodian I				22.79	23.25
Custodian II				23.73	24.20
Custodian III				24.82	25.32
Clerk I				18.23	18.59
Clerk II				20.45	20.86
Clerk III				21.77	22.21
Truck Driver				23.88	24.36
Maintenance Repairer				23.88	24.36
Equip Op 1				24.32	24.81
Equip Op II				26.11	26.63
Street Maintainer				26.11	26.63

Record Clerk I	24.32	24.81
Equip Mechanic I	28.16	28.72
Certified Mechanic I	27.72	28.27
Electrical Mechanic	28.16	28.72
Lead Equip Mechanic	29.72	30.31
Electrical Mechanic II	30.11	30.71
<u>Oconomowoc</u>	(0.0)	(0.0)
Crewperson	26.48	26.48
Foreman	31.91	31.91

2015 Salary Increase Survey

July 27, 2015

Carlson Dettmann Consulting, LLC is pleased to release the results of our **2015 Wisconsin Public Sector Salary Increase Survey**. This is a follow-up to last year's survey, and is based on the actual decisions made as it relates to pay structure salary increases. Participation is both appreciated and necessary for the future success of these efforts.

As it pertains to this survey, for most employee groups, the averages across the state indicate continued modest wages increases from 2014 to 2015. The details of the sample sizes (n), and averages associated with each of the employee groups, are captured below. While we requested regionalized information, and have provided the data, we encourage entities to use the regionalized data sparingly as there are many cases where the sample sizes aren't at an optimal level.

The data reflects the responses of those organizations that provided a structural increase. However, the responses also indicate that more-and-more organizations are moving to some form of performance-based pay, and the decisions (as it relates to structural increases) faced by these employers continue to be challenging. Further, the data which shows that police (law enforcement) continue to lead the pack in terms of wage increases was often accompanied by comments that the larger-than-normal wage increases were offsets for increased pension contributions. Time will tell if these two trends continue, and future surveys will be modified to capture this information.

In the coming weeks, Carlson Dettmann Consulting, LLC will be sending a follow-up survey seeking the percentage of increase that organizations are planning, or have already committed to grant, for 2016. The survey will be sent out near the beginning of August, with results on or around the beginning of September, to be relevant for your budget planning efforts. Any suggestions you might have are appreciated, and will be taken into consideration when designing the survey.

Carlson Dettmann Consulting, LLC is available to address all of your employee compensation needs. Please contact Patrick Glynn (920.418.2140) or Charlie Carlson (608.239.7991) for more information on how we may assist your organization.

Wisconsin Public Sector Statewide Summary: By Group

Employee Group	2015	
	n	Average
Exempt (Non-Union)	133	1.81%
Non-Exempt (Non-Union)	130	1.78%
General Municipal (Union)	44	1.60%
Police (Union)	117	2.25%
Fire (Union)	34	1.84%
Transit (Union)	10	1.50%

Note: Teacher data was insufficient to produce a reportable result.

Wisconsin Public Sector Statewide Summary: By Region

Wisconsin Region	Exempt Non-Union	Non-Exempt Non-Union	Union (General Municipal)	Union (Police)	Union (Fire)	Union (Transit)
Region 1: Northern	1.68	1.65	1.63	2.73	2.10	2.50
Region 2: Western	1.79	1.63	1.50	1.74	1.50	*
Region 3: Central	1.87	1.81	1.78	1.71	1.83	*
Region 4: Fox Valley-Northeast	1.99	2.00	1.85	2.60	1.95	1.61
Region 5: South Central	1.74	1.73	1.67	2.26	1.63	1.50
Region 6: Southeast	1.77	1.79	1.39	2.20	1.90	0.00

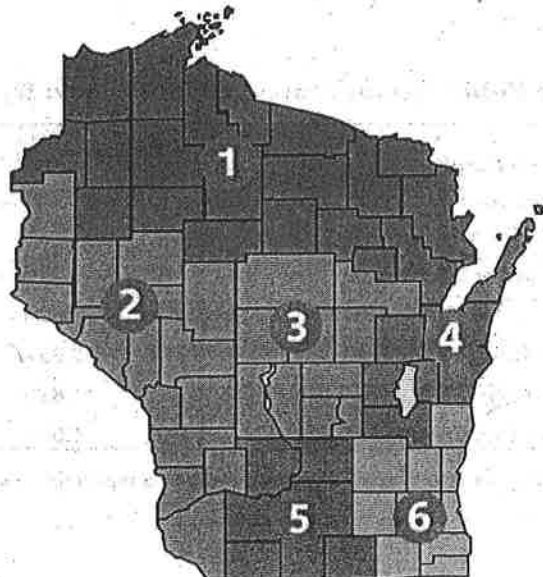
* = No Response

Number of Respondents:

City	57
County	48
School District	5
Technical College	5
Town	6
Village	24
Total:	145

Region 1: Northern Wisconsin	21
Region 2: Western Wisconsin	19
Region 3: Central Wisconsin	18
Region 4: Fox Valley-Northeast Wisconsin	27
Region 5: South Central Wisconsin	20
Region 6: Southeast Wisconsin	40
Total:	145

Regions Used in Salary Increase Survey:



Provided to
Committee by
Admin.
9/3/2015

Examples of Five (5) Year Wage Advancements for Unionized Police and Fire Employees and Select Non-Represented Employees with no Base Wage Advancements

Fire Department Unionized Employees with no additional EMT or Paramedic Pay with 2.0% and 3.0% Annual Top of Range Advancement

2.0% Advancement

	<u>2014</u>	<u>2019</u>
Firefighter	\$71,114	\$78,515
Lieutenant	\$78,225	\$86,366

3.0% Advancement

	<u>2014</u>	<u>2019</u>
Firefighter	\$71,114	\$82,440
Lieutenant	\$78,225	\$90,684

Fire Department Unionized Employees with the addition of 2.0% EMT Pay and 5.0% Paramedic Pay with 2.0% and 3.0% Annual Top of Range Advancement

2.0% Advancement

	<u>2014</u>	<u>2019</u>
Firefighter	\$76,091	\$84,010
Lieutenant	\$83,700	\$92,411

3.0% Advancement

	<u>2014</u>	<u>2019</u>
Firefighter	\$76,091	\$88,210
Lieutenant	\$83,700	\$97,031

**Police Department Unionized Employees with 2.0% Gun Allowance with 2.0%
and 3.0% Annual Top of Range Advancement**

2.0% Advancement

	<u>2014</u>	<u>2019</u>
Officer	\$74,205	\$81,928
Investigator	\$78,664	\$86,851
Detective	\$83,109	\$91,759

3.0% Advancement

	<u>2014</u>	<u>2019</u>
Officer	\$74,205	\$86,023
Investigator	\$78,664	\$91,193
Detective	\$83,109	\$96,346

Select Non-Represented Employees with No Base Wage Advancements

	<u>2014/2019</u>
City Administrator	\$118,000
Police Chief	\$105,778
Fire Chief	\$105,772
Department Head	\$ 90,490
Equipment Operator	\$ 57,753
Planner	\$ 67,597
Administrative Support Assistant	\$ 47,688
Inspector	\$ 67,597
City Attorney	\$101,553



OAKCREEK
— WISCONSIN —

Provided to
Comm. Her by
Admin.
9/3/2015

CITY
ADMINISTRATOR'S
OFFICE

TO: Personnel Committee

FROM: Gerald R. Peterson, City Administrator

DATE: June 24, 2014

SUBJECT: LAW Negotiating Session

As a follow-up to the Personnel Committee meeting on June 20, here in written form is your consensus position on base wages and other matters which you discussed which are not part of bargaining. I have provided some suggestions where the discussion has been unclear. If you do not believe this memo reflects your discussion or wishes, let me know before our meeting with LAW scheduled for this Wednesday, June 25 from 1:00-2:00 p.m.

City position with LAW on base wage adjustment

1. 1.0% across the board adjustment to base wages effective September 1, 2014 with an annual cost projected to the City of \$23,871.54.

Other adjustments for LAW employees not to be negotiated

1. 1.0% adjustment to minimum and maximum pay ranges for all positions represented by LAW effective September 1, 2014 (while this has no economic impact to the City, it does adjust the pay ranges for competitive and retention purposes).
2. A recommendation from the Committee to the Common Council to increase the room tax from 6% to 8% pending outreach meetings to hotel operators indicating the City's intention to consider this increase and also to provide the individual operators with 70% of the new revenues generated from the rate increase for their individual marketing efforts. This tax rate increase is expected to generate \$80,000 annually for the City.
3. Continue health insurance plan adjustments annually to stabilize City contributions or potentially offset wage adjustments
4. Provide additional 1.0% adjustment for 12 individuals in LAW who have not reached the top of their position range. The cost to the City for this adjustment would be \$5,192.80 and is subject to confirmation by supervisors that the employees have shown appropriate job skill development;
5. Provide \$4,355.82 in supplemental pay to employees in the LAW group subject to establishment of a performance pay system. This amount is derived by taking 0.40% of base wages (\$9,548.62) and subtracting the sum of #4 above.
6. Eliminate post-retirement health insurance for LAW employees hired after the effective date of this new policy.

City of Oak Creek
 Consumer Price Index as Compared
 to Employee Wage Adjustments (Base Adjustment unless *)

Year	CPI -U ¹	Clerk-Matron	Police Officers	Police Supervisors	Fire	LAW (AFSCME)	Non-Rep	Library	Utility (union)
2017			1.50%	1.50%					
2016			2.00%	2.00%					
2015		\$0.51/hr	2.00%	2.00%	TBD		\$0.51/hr	\$0.51/hr	\$0.51/hr
2014	n/a	0.00%	2.00%	2.00%	2.00%	1.00%	0.00%	0.00%	0.00%
2013	1.50%	2.50%*	3.00%	3.00%	3.00%	2.50%*	2.50%*	2.50%*	2.50%* & 5.5%
2012	1.70%	0.00%	3.00%	3.00%	3.00%	0.00%	0.00%	0.00%	0.00%
2011	3.00%	2.90%	2.90%	2.90%	2.90%	2.90%	1.00%	2.90%	2.90%
2010	1.50%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%	2.90%
2009	2.70%	2.90%	2.90%	2.90%	2.90%	2.90%	3.00%	3.00%	2.90%
2008	0.10%	2.75%	3.00%	3.25%	3.25%	3.00%	2.75%	3.00%	3.00%
2007	4.10%	3.00%	3.25%	3.25%	3.25%	3.25%	3.25%	3.25%	3.25%
2006	2.50%	3.25%	3.25%	3.00%	3.00%	3.25%	3.25%	3.25%	3.25%
2005	3.40%	1.50%	2.00%	2.90%	2.90%	2.90%	2.90%	2.90%	4.00%

¹ December to December change rounded, CPI-U U.S. City Average all items

*Non-salary building base compensation

Provided to
 Committee
 LAD by Admin
 2/3/2015



Buelow Vetter
Buikema Olson & Vliet, LLC

**PERSONAL AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE**

MEMORANDUM

To: Gerald Peterson
City Administrator, City of Oak Creek via email only: *gpeterson@oakcreekwi.org*

cc: Mary Casey
Human Resource Manager, City of Oak Creek via email only: *mcasey@oakcreekwi.org*

From: Robert H. Buikema

Date: April 9, 2015

Subject: **Bargaining Over Base Wages After Act 10**

Dear Jerry,

You have asked for guidance on the duty to bargain over wage increases under Act 10. The question you have raised is whether the City must bargain over any adjustments in the salaries of City employees, if the reason for these wage adjustments is to remain competitive or to recognize the talents and qualifications of particular employees. In particular, you have asked whether the City could provide a wage adjustment to the position of Chief Mechanic because of the work he performs and the difficulty in finding a replacement.

A. Summary of Bargaining Changes In Act 10

Act 10 dramatically changed the duty to bargain under the Municipal Employment Relations Act (MERA). Pursuant to Section 111.70(4)(mb), Wis. Stats., collective bargaining is limited to base wages only. In addition, the negotiated wage increase is capped at the increase in the Consumer Price Index (CPI), unless the municipality passes a referendum. Pursuant to Act 10, the Department of Revenue must calculate the CPI and notify the WERC of the maximum allowable wage. The most recent CPI increases certified by the WERC include:

Contract Effective Date	CPI Increase
January 1, 2014	1.66%
July 1, 2014	1.46%
January 1, 2015	1.57%
July 1, 2015	1.62%

B. What is Excluded from Base Wage Negotiations?

Act 10 identifies the following items as excluded from the definition of "base wages" and, thus, not subject to collective bargaining:

- Overtime;
- Premium pay;
- Merit pay;
- Performance pay;
- Supplemental compensation;
- Pay schedules;
- Automatic pay progressions; and
- Any factor or condition of employment other than total base wages.

In early 2012, the WERC issued emergency rules on how to calculate the CPI increase. These emergency rules offered their own definition of what factors were excluded from bargaining over base wages. The emergency rules expired on September 15, 2012, and the WERC does not intend to adopt new rules on the definition of base wages.

Many employers have used the terms "supplemental compensation" and "merit pay" to provide wage adjustments to certain classifications of employees or to reward exceptional work performance, including to groups of represented employees.

C. Pending WERC Case on the Scope of Bargaining Over Base Wages

The WERC has not issued any decisions that identify or explain the duty to bargain over "base wages." However, there is a case pending before the WERC which will provide some direction and guidance to employers over the scope of bargaining under Act 10. The case involves the Oak Creek-Franklin School District and its negotiations with the teachers association. The union filed a complaint alleging that the district bargained in bad faith over base wages for the 2012-13 and 2013-14 collective bargaining agreements. In both years, the District provided "supplemental pay increases" to teachers in the form of a lump-sum bonus. At the bargaining table, the District's proposal for the 2012-13 contract was to take the lump-sum bonus and fold it into base wages, thus providing a "base-building increase." For the 2013-14 contract negotiations, the district proposed a wage freeze, and stated that the school board would be implementing a new compensation system for its teachers which could include wage adjustments.

The issues to be decided in the *Oak Creek-Franklin School District* case are: (1) whether an employer has a duty to bargain over supplemental wage increases that provide "base-building" salary increases; (2) whether an employer can propose a 0% wage increase at the bargaining table while implementing supplemental pay to bargaining unit members; and (3) whether an employer can implement a new compensation system without bargaining any aspect of the

compensation plan with the union. Briefs were filed in November, 2014, but it could be many months before the WERC issues a decision in this case.

D. How Municipal Employers are Addressing Wage Disparities

Initially, some employers were reluctant to make changes to wage schedules for represented employees. This was probably based on the first set of WERC rules on base wage calculations, which are no longer in force. More recently, many public employers are making changes to their compensation systems, including for represented employees without bargaining these wage adjustments. We have noticed the following trends:

1. The biggest trend is for municipal employers to hire outside consultants to conduct a compensation study and create a whole new compensation system. Many of those plans still contain a step system, where employees receive increases tied to years of service. Some of these compensation systems do include merit increases, and employers are now developing performance evaluation systems and training supervisors and managers on how to conduct effective performance evaluations.
2. Some employers have existing compensation systems that include a merit component, and are incorporating represented employees into these existing pay plans.
3. Employers are conducting re-classifications and moving certain positions to higher pay scales, either to compete with the private sector or to recognize the specific skills and abilities needed for a particular position. They are doing this as "supplemental pay" and in some circumstances those increases are base building and not only one time bonuses.

E. Conclusion

The City has the legal authority and flexibility to decide that certain positions should receive additional compensation due to the skills and qualifications needed to perform particular job duties. For example, the City could decide that the position of Chief Mechanic is undervalued and decide to re-classify that position to a higher salary range to reflect the duties of that position. The City could also elect to provide "supplemental compensation" to the Chief Mechanic position because it is a difficult position to recruit and retain qualified employees to perform.

After Act 10, the City has significant authority to design a compensation system that is best for the employees, the community and the taxpayers. The City need not hire an outside consultant to conduct a full compensation study; the City can selectively identify positions that it believes are

under-compensated and make adjustments to the salaries for these positions, regardless of whether the position is represented or not.

I am happy to meet with you to discuss this issue. We will get additional clarity from the Oak Creek Schools case when it is ruled upon by the WERC. In the meantime, the City has tools available under the current law to address compensation changes, as long as it is careful on the designation of these changes.

If you have questions or wish to discuss this matter further, please do not hesitate to contact me

RHB:kmh

DRAFT CHAPTER ERC 90

CALCULATION OF MAXIMUM AMOUNT SUBJECT TO COLLECTIVE BARGAINING FOR REPRESENTED GENERAL MUNICIPAL EMPLOYEES

ERC 90.01 Scope. This chapter implements ss. 111.70 (4) (mb) 2. and (mbb), Stats. by defining how to calculate the maximum dollar amount subject to collectively bargained increases in a general municipal employee bargaining unit's base wages without an authorizing referendum.

ERC 90.02 Definitions. As used in this chapter, the following definitions shall apply:

- (1) "Authorized positions" are those positions in the bargaining unit that are filled.
- (2) "Consumer price index change" is percentage increase provided by the Wisconsin Department of Revenue to the Commission for the specific term of a contract.
- (3) "General municipal employee" is an employee of a municipal employer who is not a public safety employee or a transit employee.
- (4) "Subject to collective bargaining" includes both the dollar amount identified in ERC 90.03(5) and the distribution thereof to employees in the bargaining unit.

ERC 90.03 Calculation of Maximum Amount Subject to Collective Bargaining. To calculate the maximum dollar amount subject to collective bargaining over base wages for collective bargaining agreements entered into on or after June 29, 2011, do all of the following:


- (1) Identify all of the authorized positions that existed 180 days prior to the expiration date of the most recent collective bargaining agreement. If this is the initial bargaining agreement for this bargaining unit, identify the authorized positions that existed 180 days prior to the last day before the first day of the agreement.
 - (2) Determine the hourly, or annual, if applicable, base wage rate for each authorized position. The hourly, or annual, base wage rate is the hourly or annual rate applicable to the position excluding supplemental compensation which includes but is not limited to, education credits or credentials in pay schedules, overtime, premium pay, lump sum merit pay, performance pay, and extra duty pay.
 - (3) If applicable, multiply the hourly base wage rate by the annual number of regularly scheduled hours for each authorized position.
 - (4) Total the annual base wages for all authorized positions.
 - (5) Multiply the total base wage amount by the applicable consumer price index change.
- The resulting dollar amount is the maximum amount subject to collective bargaining.

the members of the police department or any other matter subject to arbitration under subd. 4.

Cross-reference: See also ch. ERC 31, Wis. adm. code.

(L) *Strikes prohibited.* Nothing contained in this subchapter constitutes a grant of the right to strike by any municipal employee or labor organization, and such strikes are hereby expressly prohibited.

(mb) *Prohibited subjects of bargaining; general municipal employees.* The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a general municipal employee with respect to any of the following:

- 
1. Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.
 2. Except as provided in s. 66.0506 or 118.245, whichever is applicable, any proposal that does any of the following:
 - a. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.
 - b. If there is a decrease or no change in the consumer price index change, provides for any change in total base wages for authorized positions in the proposed collective bargaining agreement from the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement.

111.70(4)(mbb)

(mbb) For purposes of determining compliance with par. (mb), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing a general municipal employee, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

(mc) *Prohibited subjects of bargaining; public safety employees.* The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a public safety employee with respect to any of the following:

5. If the collective bargaining unit contains a public safety employee who is initially employed on or after July 1, 2011, the requirement under ss. 40.05 (1) (b), 59.875, and 62.623 that the municipal employer may not pay, on behalf of that public safety employee any employee required contributions or the employee share of required contributions, and the impact of this requirement on the wages, hours, and conditions of employment of that public safety employee. If a public safety employee is initially employed by a municipal employer before July 1, 2011, this subdivision does not apply to that public safety employee if he or she is employed as a public safety employee by a successor municipal employer in the event of a combined department that is created on or after that date.
6. Except for the employee premium contribution, all costs and payments associated with health care coverage plans and the design and selection of health care coverage plans by the municipal employer for public safety employees, and the impact of such costs and payments and the design and selection of the health care coverage plans on the wages, hours, and conditions of employment of the public safety employee.

AGREEMENT

BETWEEN

THE CITY OF OAK CREEK

AND

THE LABOR ASSOCIATION OF WISCONSIN, INC.

SEPTEMBER 1, 2015 – AUGUST 31, 2016

ARTICLE 1 – RECOGNITION

The City recognizes the Union as the exclusive bargaining agent for the following employees of the City:

All regular full-time office and clerical employees, civil engineers, engineering technicians in the employ of the City, excluding all other employees, confidential employees, and supervisors as certified by the Wisconsin Employment Relations Commission on May 30, 1972; all regular full-time employees in the Street Department, excluding all other employees, confidential employees, and supervisors as set forth in Resolution No. 2707 adopted November 8, 1972, by the Common Council of the City; all regular full-time cleaning personnel, excluding supervisors; the parks maintenance technicians; and the fire secretary and police secretary.

ARTICLE II – BASE WAGES

Effective September 1, 2015, employees shall receive a base wage increase of 1.25%.

ARTICLE II – DURATION

This Agreement shall become effective September 1, 2015 and shall terminate at the close of business on the 31st day of August, 2016.

CITY OF OAK CREEK

THE LABOR ASSOCIATION
OF WISCONSIN, INC.

Chairman, Personnel Committee

By: _____

Personnel Committee Member

By: _____

Personnel Committee Member

City Administrator

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 8

Recommendation: That the Common Council approve Ordinance No. 2773, amending Ordinance No. 2743, adjusting the wages for employees represented by the Labor Association of Wisconsin.

Background: The Council has approved an agreement between the City of Oak Creek and the Labor Association of Wisconsin adjusting base wages for represented employees by 1.25%. Attached is an ordinance which adjusts the pay ranges for these employees by 1.25% both at the entry wage level and the top of scale wage level.

Fiscal Impact: The cost to the City for a 1.25% base wage increase to employees represented by LAW is \$28,117.13

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

ORDINANCE No. 2773

BY: _____

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 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

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

SECTION 5: GENERAL EMPLOYEES. The pay ranges and rates of pay of those positions under the control of the Common Council of the City of Oak Creek affecting general personnel shall be as follows. Those affected employees pursuant to this section shall receive the fringe benefits set forth in the current employee Personnel Manual. These employees shall contribute fifteen percent (15%) of the cost of the premium for a single and family medical plan, respectively. Employees and their spouses who participate in a health risk assessment (HRA) program, or an annual physical exam and completion of the HRA certification, shall contribute ten percent (10%) of the premium for a single and family plan, respectively.

Position Title	Starting Salary	Top Salary
Custodian	\$22,113	\$29,484
Facility Maintenance Technician	\$35,790	\$59,060
Administrative Support Assistant, Existing	\$35,790	\$48,767
Administrative Support Assistant, New (1/1/2014)	\$25,525	\$35,585
Police/Fire Secretary	\$35,790	\$51,613
Account Clerk III	\$37,572	\$54,189
Engineering Technician, CAD, Survey	\$42,949	\$59,022
Equipment Operator, Park Maintenance Tech., Arborist	\$35,790	\$59,060
Senior Engineering Technician	\$50,110	\$68,990
Laborer/Driver	\$35,790	\$59,060
Mechanic II, Fabricator/Welder	\$42,949	\$62,817
Chief Mechanic	\$46,527	\$66,071

SECTION 8: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of September 1, 2015, except where otherwise noted.

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 _____

ORDINANCE No. 2773

BY: _____

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 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

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Chief Mechanic	\$46,527	\$66,071

SECTION 8: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 9: This ordinance shall take effect and be in force upon its passage and publication and shall apply as of September 1, 2015, except where otherwise noted.

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: September 15, 2015

Item No.:

9

Recommendation: To concur with the Personnel Committee's recommendation that the Common Council consider a motion authorizing the Information Technology Department to retain the professional services of Ruckert & Mielke, Inc. in an amount up to \$25,250 for the creation and hosting of a GIS Web Mapping application.

Background: The Personnel Committee considered staff reports on adjustments to IT job descriptions and GIS operations which are intended to improve efficiencies in operations and shift some existing staff resources toward communications efforts. These changes were discussed and approved as part of the 2015 budget. The City's GIS data and applications have historically been maintained by internal staff. The availability of similar data from the Milwaukee County Automated Land Information System (MCAMLIS) allows for the reallocation of staff resources to focus on needed improvements to both internal and external communications. To add capabilities of the GIS for city staff, and to create for the first time public access to GIS mapping resources, we wish to retain the services of Ruckert & Mielke for the creation and implementation of a new GIS application, utilizing existing Oak Creek and MCAMLIS data.

Ruckert & Mielke have provided similar GIS services to area municipalities such as Greenfield, Pewaukee, and Brown Deer, and are considered to be a leader in GIS technology locally and regionally. If approved, the public will for the first time have access to City GIS data through the Internet.

Fiscal Impact: Cost of Purchase, implementation and training of this application will be \$25,250, and will be taken from the Consulting item of the the IT Department General Fund Budget, Project Number 10434555000. See cost breakout below:

Application Development	\$18,000
Data Import & Manipulation	\$5,000
Hosting Services (pro-rated)	\$2,250

Grand Total **\$25,250**

Projected hosting and maintenance costs for 2016: \$8,500

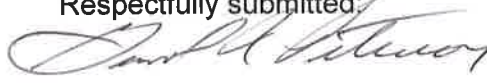
The Personnel Committee also recommended consideration of implementing charges for GIS access services in the 2016 budget as many other communities currently charge for this service to help pay for software maintenance expenses.

Prepared by:



Leslie Flynn
GIS Coordinator

Respectfully submitted:



Gerald Peterson, ICMA-CM
City Administrator

Review by:

Caesar Geiger
Director of Information Technology

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

City of Oak Creek
Common Council Report

Meeting Date: September 15, 2015

Item No.: 10

Recommendation: That the Common Council (a) consider a motion to rescind the September 1, 2015 authorization of the purchase of three Sharp MX-3140 copiers from Gordon Flesch Company, Inc., in the amount of \$22,236.00; and (b) consider a motion to authorize the purchase of three Sharp MX-3140 copiers from Office Copying Equipment, LTD. In the amount of \$19,152.00.

Background: At the September 1, 2015, Common Council meeting a motion was made and passed to award a contract to purchase three (3) Sharp MX-3140 copiers to the apparent lowest bidder, Gordon Flesch Company, Inc. An error was made in the spreadsheet by city staff calculating the total purchase price of all three copiers. After reviewing the bids and correcting the error, the lowest bidder is Office Copying Equipment LTD. in the amount of \$19,152.00. The corrected bid table is shown below.

Three bids were received in response to the city's request for pricing using the State of Wisconsin pricing contract as a base. Bids were as follows:

Gordon Flesch Company, Inc.	OTG	Office Copying Equipment, LTD.
Price	Price	Price
\$22,236.00	\$23,683.00	\$19,152.00

The service contract pricing (did not change due to selecting a different vendor) is based on the State of Wisconsin pricing and will be valid for a minimum of three (3) years. The service contract pricing per click is:

B/W click charges	\$0.0090
Color click charges	\$0.0650

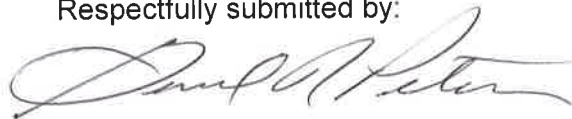
Fiscal Impact: Funding for the project was included in the CIP - Library/City Hall/Civic Center (Project No. 13040).

Prepared by:



Caesar F. Geiger
Information Technology Director

Respectfully submitted by:



Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

City of Oak Creek Common Council Report

Meeting Date: 11

Recommendation: That the Common Council approve Resolution No. 11647-091515, a Resolution Approving a Sewer Project Cooperation Agreement by and between the City of Oak Creek and Beazer East, Inc.

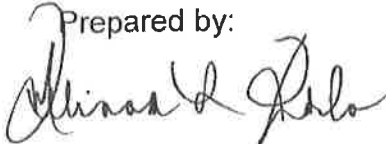
Background: The City has been in negotiations with Connell Aluminum Properties, LLC, the owner of the property at 9100 S. 5th Ave. and Beazer East, Inc., a predecessor in title to Connell under the name of Coppers Company, Inc., regarding environmental contamination on the property. The property has been the subject of considerable environmental investigatory work and multiple meetings between the City, Connell, Beazer and the DNR. Another meeting is scheduled for October 1, 2015 regarding the DNR's approval of a remedial action plan.

As part of the construction of Lake Vista Drive the City, through its contractor Wilkomm Grading and Excavating, is constructing an additional sanitary sewer extension that connects to a MMSD Metropolitan Interceptor Sewer ("MIS"). In order to connect to the MIS sewer, the sewer line needs to cross the Utility Corridor at 9170 S. 5th Ave. and cross the Connell Property.

Beazer manufactured coal tar, which is a residual chemical constituent. As a result of the extension of the sanitary sewer through an area that is impacted by the coal tar, there are additional construction costs including the cost of HDPE pipe which is additional cost above and beyond PVC or concrete sewer pipe as well as environmental safeguards. With this agreement, Beazer has agreed to assume any and all incremental costs as a result of constructing the sanitary sewer through the impacted soils. Staff recommends approval of the Sewer Project Agreement.

Fiscal Impact: As stated above.

Prepared by:



Melissa L. Karls
City Attorney

Respectfully submitted,



Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

Approved by:



Michael Simmons
City Engineer

RESOLUTION NO. 11647-091515

RESOLUTION APPROVING A SEWER PROJECT COOPERATION AGREEMENT
BY AND BETWEEN THE CITY OF OAK CREEK AND BEAZER EAST, INC.
(9100 S. 5th Avenue)
(4th Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Sewer Project Cooperation Agreement by and between the City of Oak Creek and Beazer East, Inc. be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the document subject to any technical corrections approved by the City Administrator and the City Attorney.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15th day of September, 2015.

Passed and adopted this 15th day of September, 2015.

Kenneth Gehl, Common Council President

Approved this 15th day of September, 2015.

Stephen Scaffidi, Mayor

ATTEST:

Catherine A. Roeske, City Clerk

VOTE: Ayes _____ Noes _____

SEWER PROJECT COOPERATION AGREEMENT

This Sewer Project Cooperation Agreement ("Agreement") is made and entered into this ____ day of September, 2015 (the "Effective Date") by and between BEAZER EAST, INC. ("Beazer") and the CITY OF OAK CREEK, WISCONSIN ("City"). Beazer and the City are collectively referred to as the ("Parties").

RECITALS

WHEREAS, the City owns certain real property located at 9170 S. 5th Avenue, Oak Creek, Wisconsin designated as the Utility Corridor ("Utility Corridor Property") and certain property located at _____ S. 5th Avenue, Oak Creek, Wisconsin formerly owned by E.I. du Pont de Nemours and Company ("former DuPont Property") adjoining and south of the Utility Corridor Property (collectively, the Utility Corridor Property and the former DuPont Property are referred to herein as the "City Property");

WHEREAS, Connell Aluminum Properties, LLC ("Connell") owns certain real property adjoining and north of the Utility Corridor Property located at 9100 S. 5th Avenue, Oak Creek, Wisconsin ("Connell Property"), where Connell formerly operated a secondary aluminum smelter;

WHEREAS, Beazer (then known as Koppers Company, Inc.), formerly owned the Connell Property and formerly operated a tar processing facility on portions of the Connell Property and portions of the Utility Corridor Property;

WHEREAS, a sewer construction project to be undertaken by the City on portions of the City Property and portions of the Connell Property (the "Project") will involve excavation, installation of sanitary sewer line components, and backfilling of soils and media (the "Project Work"); and

WHEREAS, as depicted in the attached Figure 1, which is incorporated into and made a part of this Agreement, the areas and locations where the Project Work is to be undertaken on portions of the City Property and portions of the Connell Property is referred to as the "Sewer Focus Area".

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants, promises and undertakings provided in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Section 1. Payment of Project Costs

1.1 Responsibility for Costs. Except for the "Beazer Costs" as provided below, the City is responsible for all costs relating to Project Work, including, but not limited to, permitting, reporting, access, design, materials, equipment, contractors and all other costs of excavation, construction and disposal (the "City Costs"); provided, however, that the City reserves the right to seek contribution from other responsible parties for any pre-existing contamination that is not associated with Beazer Costs.

1.2 Beazer Costs. Beazer shall be responsible for any and all additional, increased or incremental costs of completing that portion of the Project Work within the Sewer Focus Area

that are incurred as a result of the presence of residual chemical constituents in surface and subsurface media arising from the former tar plant operations (the “Beazer Costs”). By way of example, but not limitation, “Beazer Costs” could include the cost of procuring and staging air monitoring equipment in the Sewer Focus Area during Project Work, additional costs of transportation and disposal of impacted material that is excavated from the Sewer Focus Area, if necessary, or the incremental additional cost of substitute sewer line materials or equipment used in the Sewer Focus Area as a result of the presence of tar plant-associated residual constituents (e.g., the incremental additional cost of HDPE pipe over and above PVC or concrete sewer pipe).

1.3 Invoicing. Each Party that incurs costs in conducting Project Work shall pay such costs itself and shall then use good faith and reasonable judgment (consulting with the other Party if necessary) to determine whether all or some portion of costs paid are City Costs or Beazer Costs. No more frequently than once each month starting with the month following the Effective Date, each Party shall have the right to invoice the other Party for those costs that are believed to be such other Party’s responsibility under this Agreement. Invoiced costs shall be disputed by the invoiced Party within thirty (30) calendar days of invoice receipt, and the undisputed amounts shall be paid net fifty (50) calendar days of invoice receipt. There shall be no requirement that a Party incur City Costs or Beazer Costs after the Effective Date in order to be invoiced to or recover from the other Party pursuant to this Agreement.

Section 2, Conduct of Project Work

2.1 At its option, or upon request by the City, Beazer may agree to conduct all or a portion of the Project Work to be undertaken in the Sewer Focus Area, but the Parties agree that the preferred approach is for the City to conduct all Project Work. Each Party agrees to negotiate in good faith on any issue concerning which Party will conduct each portion of the Project Work.

Section 3, Scope of Parties’ Agreement

3.1 It is the intent of both Parties that this Agreement will apply to the sharing of costs for the portion of the Project Work within the Sewer Focus Area only and shall not serve as precedent for later cooperation by the Parties on other municipal projects; but each Party agrees that it will consider and negotiate in good faith on a request by the other Party regarding cost sharing on any such future project.

Section 4. Cooperation

4.1 Each Party agrees to cooperate with the other Party regarding the Project Work, including, but not limited to, all permitting requirements, access issues, and the location of all existing physical structures and utilities within and proximate to the Sewer Focus Area, including but not limited to, wells, piezometers, soil borings, geoprobes, sewers, electrical, natural gas, water, sanitary sewer, storm sewer, and fiber optic lines.

Section 5. Dispute Resolution

5.1 Should the Parties disagree about any of their respective responsibilities under this Agreement, including classification of costs as “City Costs” or “Beazer Costs,” they shall promptly notify the other Party in writing, elevate the dispute to a management representative who can bind the Party, and the management representatives of each Party thereafter shall have ten (10) calendar days after the written notification to resolve the dispute. If resolution cannot be reached within said ten (10) day period, the Parties shall submit the dispute to binding arbitration before a mutually agreeable arbitrator with a written decision to be provided within thirty (30) calendar days of selection of the arbitrator. The arbitration decision shall be final.

Section 6. No Admission

6.1 Except for the obligations covered herein, this Agreement is not an admission of liability or responsibility by either Party.

Section 7. Limited Release

7.1 Except with respect to personal injury or property damage claims arising from any Project Work conducted by Beazer and its contractors or by the City and its contractors, and except for actions by one Party to enforce the other Party’s obligations under this Agreement, each Party releases the other Party from all liability, suits, claims and damages, including, but not limited to, for personal injury, property damage, and response cost recovery or contribution, arising out of any Project Work, except where such liability may have been caused solely by the intentional, willful, wanton or grossly negligent misconduct of the other Party.

Section 8. Notices

8.1 **Form of Notice.** Any notice, demand, instruction, consent, approval or other document to be given or served hereunder shall be in writing and shall be deemed to have been properly given if delivered by: (A) electronic transmission, including electronic mail, providing proof of receipt; (B) United States first class registered or certified mail, postage prepaid, return receipt requested; or (C) overnight courier service providing written verification of delivery. Unless otherwise instructed by the other Party, a Party shall address and direct any notice, demand, instruction, consent, approval or other document as follows:

If to City:	City of Oak Creek _____ Oak Creek, WI _____ Attn: _____ E-mail: _____@_____.	_____ _____ Attn: _____ E-mail: _____@_____.
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If to Beazer:	Beazer East, Inc. c/o Three Rivers Management, Inc. Manor Oak One, Suite 200 1910 Cochran Rd. Pittsburgh, PA 15220 Attn: Michael Slenska E-mail: mike.slenska@trmi.biz	Beazer East, Inc. c/o Three Rivers Management, Inc. Manor Oak One, Suite 200 1910 Cochran Rd. Pittsburgh, PA 15220 Attn: Paul S. Kline, Esq. E-mail: paul.kline@trmi.biz
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8.2 **Date of Notice.** Unless otherwise stated in this Agreement, any notice properly delivered in accordance with **Section 8.1** above shall be deemed received at the conclusion of the next business day after dispatch.

Section 9. Miscellaneous

9.1 **Entire Agreement, Amendments and Waivers.** This Agreement contains the entire agreement and understanding of the Parties with respect to the specific transactions described herein, and any and all prior or contemporaneous proposals, negotiations, agreements, commitments, and representations, whether oral or written, with respect to such transactions are merged herein. This Agreement may not be amended, modified, or discharged except by a written instrument signed by all Parties, nor may any of this Agreement’s rights, responsibilities, obligations, representations, warranties, releases, agreements, or covenants be waived except by an instrument in writing signed by the Party or Parties to be bound thereby.

9.2 Survival and Benefit. All rights, responsibilities, obligations, and covenants of the Parties under this Agreement shall survive any termination, and shall inure to the benefit of and be binding upon the respective successors, permitted assigns, and heirs of the Parties.

9.3 No Third Party Benefits; Assignment. This Agreement is for the sole and exclusive benefit of the Parties hereto and their respective successors and permitted assigns, and no third party is intended to or shall have any rights hereunder. Neither Party has the right to assign its rights or obligations under this Agreement without the prior written consent of the other Party.

9.4 Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Wisconsin.

9.5 Severability. If any provision of this Agreement is held to be invalid, void or unenforceable, such provision shall be deemed stricken as if it had never been included in this Agreement; the remaining provisions of this Agreement shall in no way be affected or impaired, and such remaining provisions shall continue in full force and effect and shall be read to be workable to the fullest extent possible in the absence of the stricken provision.

9.6 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Beazer and the City have caused this Agreement to be executed by their respective duly authorized representatives.

BEAZER EAST INC.

By _____

Name _____

Title: _____

CITY OF OAK CREEK, WISCONSIN

By _____

Name _____

Title: _____

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 12

Recommendation: To concur with the Personnel Committee recommendation to authorize one additional full time Administrative Support position within the approved 2015 budget.

Background: The Administrative Support Supervisor has been working with department managers and the Administrative Support staff to prepare for our move to a new facility. Extensive cross-training for traditional departmental functions has been occurring over the last two years (somewhat intermittently) in order to prepare staff for our single point of public service at the new building. Sherry Grant, our Administrative Support Supervisor, has analyzed our staffing needs to perform the necessary job functions required of the various departments and in consideration of our new operating layout and has recommended an adjustment in staffing which will stay within the existing approved 2015 budget. This staffing model will require one additional full time position. The staffing plan recommends a total of 6 full time positions and five part time positions to provide for our multi-departmental administrative support needs.

Ms. Grant presented her recommendation to the Personnel Committee which has recommended approval to the Common Council for authorization of one additional full time Administrative Support position within the existing 2015 budget. The potential for further staffing adjustments once we have experience in operating at the new Civic Center complex is possible. These adjustments could result in a change in the mix of full time and part time positions and/or the number of individuals needed in full time and part time positions.

Fiscal Impact: This action will not result in any additional cost and will be paid for from an expected decrease in full time salaries due to a pending retirement and the elimination of part time positions.

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:


Gerald R. Peterson, ICMA-CM
City Administrator

Reviewed by:


Sherry Grant
Administrative Support Supervisor

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 14

Recommendation: That the Common Council approves payment of the obligations as listed on the September 9, 2015 Invoice GL Distribution Report.

Background: Of note are the following payments:

1. \$6,340.00 American Litho (pg #3) for printing of Recreation's Fall 2015 Acorn newsletter.
2. \$7,059.00 Arthur J. Gallagher & Co (pg #2) for Builder's Risk Extension additional premium on new City Hall.
3. \$121,372.65 BCF Construction Corporation (pg #4) for Project #14034 weatherly drive box culvert project.
4. \$12,610.00 to Buelow Vetter Buikema Olson (pg #5) for legal services.
5. \$16,546.68 to CDW Government, INC. (pg #5) for annual license fee for IT support software and 911 phone system.
6. \$24,700.00 to Communications Engineering Company (pg #6) for new City Hall and Library IT – AV Designs.
7. \$773,269.12 to Corporate Contractors Inc. (pg #6) for City Hall, Library and Fire Station payment.
8. \$66,960.00 to Envirotech Equipment (pg #7) for asphalt heater box #29.
9. \$25,700.00 to George and Kathleen Kaster (pg #8) for replacement housing.
10. \$69,031.00 to Hastings Air-Energy Control (pg #9) for plymo vent vehicle exhaust extraction system at new Fire Station.
11. \$24,360.00 Healics INC. (pg #9) for employee HRA testing.
12. \$70,170.19 to JPMorgan Chase Bank (pgs #1-2 & 17-25) for Equipment and vehicle maintenance, travel and training, supplies, building maintenance, dues and publications, license fees, data lines, Verizon phone services, legal notices, and office supplies.
13. \$158,973.56 to Knight-Barry Title INC. (pg #10) for Project 12026, 4031 East Ryan Road acquisition.
14. \$15,077.87 to Oak Creek Water & Sewer Utility (pg #12) for quarterly digger's hotline service and water bills.
15. \$19,332.56 to Ramboll Environ (pg #14) for professional services relating to Lake Vista.
16. \$348,287.67 to RLP Diversified, INC. (pg #14) for Project 14035, North Bluff Construction.
17. \$12,734.00 to Ruekert-Mielke (pg #14) for professional inspection services.
18. \$155,222.25 to Snorek Construction (pg #15) for Project 13023, 2015 sidewalk repair program.
19. \$709,755.77 to Stark Asphalt (pg #15) for Project #14019, 2015 Road Improvements.
20. \$9,488.00 to 3M Company (pg #16) for Library security gate.
21. \$5,549.50 to Western Culvert & Supply (pg #17) for culvert supplies.
22. \$422,802.50 to Willkomm Excavating & Grading (pg #17) for Project 14024, Lake front parkway and Pathway.


Fiscal Impact: Total claims paid of \$3,145,111.22

Prepared by/Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Respectfully submitted,



Gerald R. Peterson, ICMA-CM
City Administrator

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 15

Recommendation: That the Common Council approve the proposed annual Agreement for School Resource Officer Services for the 2015-2016 school year.

Background: The City of Oak Creek and the Oak Creek/Franklin School District have had an Agreement for School Resource Officer Services in place since the program was instituted in 1999. The initial Agreement was a three-year contract with all subsequent renewal Agreements reviewed and signed annually. The Agreement provides for two police officers to serve as School Resource Officers at the Oak Creek High School and Oak Creek East and West Middle Schools with all costs for wages and benefits split equally between the City of Oak Creek and the Oak Creek/Franklin School District. In addition the Agreement defines the administrative issues associated with the program.

The language of the Agreement is the same as previous years and has been previously reviewed and approved by the City Attorney. In addition, the Oak Creek/Franklin Joint School District has already agreed to and signed the renewal Agreement for the 2015-2016 school year.

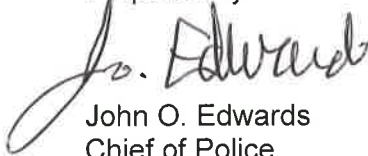
Fiscal Impact: The Oak Creek/Franklin School District will pay the City of Oak Creek a total of \$116,146 for their share of the costs of the program. The City of Oak Creek's portion of the costs, which also totals \$116,146, will be covered by funds allocated in the Police Department's 2015 and 2016 Full-Time Salaries budget account.

Respectfully Submitted,



Gerald Peterson, ICMA-CM
City Administrator

Prepared by:



John O. Edwards
Chief of Police

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES

THIS AGREEMENT, made and entered into this _____ day of _____, 2015, by and between the **OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT**, hereinafter referred to as the "School District", and the **CITY OF OAK CREEK**, hereinafter referred to as the "City";

WHEREAS, the City shall provide to the School District for the 2015-2016, school year, two (2) police officers to serve as School Resource Officers at the Oak Creek High School and Oak Creek East and West Middle Schools, and

NOW, THEREFORE, it is hereby agreed by and between the parties hereto as follows:

1. The City shall provide School Resource Officer services for a one-year period beginning June 1st, 2015 through May 31st, 2016 to include the 2015-2016 regular school year.

2. The School Resource Officers will be indirectly supervised by the principals of their respective schools. Conflicts that may arise will be mediated by the Director of Pupil Services on issues regarding school policy/procedure. The School Resource Officers will report directly to the 1st Shift Lieutenant of Operations as per the Oak Creek Police Department Organizational Chart.

3. The Police Department does reserve the right to re-deploy the School Resource Officers' services in other capacities in the event of emergency situations or in the event that, for whatever reason, the Police Department is understaffed in other bureaus. In those cases, the School District shall not be charged, under the provisions of this Agreement, for wages and benefits.

4. The School Resource Officers remain as employees of the City of Oak Creek and, therefore, the City is responsible for any and all Workers' Compensation benefits/claims and shall be the responsible party in the event of any negligence or malfeasance by the police officers. The Officers will continue to be subject to the Oak Creek Police Department Rules and Regulations and the Oak Creek Professional Policemen's Collective Bargaining Labor Agreement. The Officers will also be subject to any rules and regulations of the School District. In the case of any conflicting language between the parties' rules and regulations, the rules and regulations of the Police Department and the Collective Bargaining Labor Agreement shall supercede.

5. The School District shall pay to the City the sum of \$116,146 which is one-half of the wages and fringe benefits of the two SRO officers. Said payments shall be due and payable on or before December 15, 2015, and May 31, 2016. The first payment—due December 15, 2015, for the period of June 1, 2015, through December 31, 2015—will be in the amount of \$67,116. The second payment—due May 31, 2016, for the period of January 1, 2016, through May 31, 2016—will be in the amount of \$49,030 The City will issue an invoice to the School District for said payments.

6. The City agrees to pay for all other costs that may be associated with the Collective Bargaining Labor Agreement between the City of Oak Creek and the Oak Creek Professional Policemen’s Association.

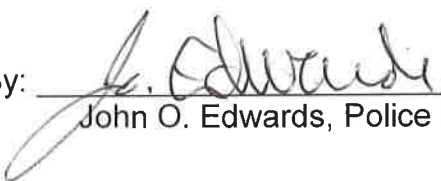
7. This Agreement will terminate on May 31, 2016, with the express understanding that it will be reviewed and renewed on an annual basis.

Dated at Oak Creek, Wisconsin, this 24th day of August, 2015.

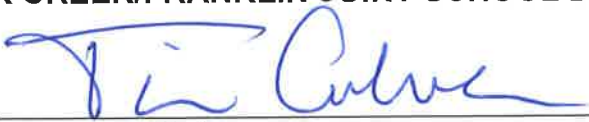
CITY OF OAK CREEK

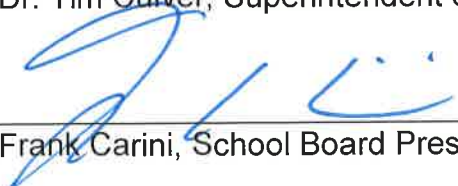
By: _____
Stephen Scaffidi, Mayor

By: _____
Catherine A. Roeske, City Clerk

By: 
John O. Edwards, Police Chief

OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT

By: 
Dr. Tim Culver, Superintendent of Schools

By: 
Frank Carini, School Board President

AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES

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WHEREAS, the City shall provide to the School District for the 2015-2016, school year, two (2) police officers to serve as School Resource Officers at the Oak Creek High School and Oak Creek East and West Middle Schools, and

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3. The Police Department does reserve the right to re-deploy the School Resource Officers' services in other capacities in the event of emergency situations or in the event that, for whatever reason, the Police Department is understaffed in other bureaus. In those cases, the School District shall not be charged, under the provisions of this Agreement, for wages and benefits.

4. The School Resource Officers remain as employees of the City of Oak Creek and, therefore, the City is responsible for any and all Workers' Compensation benefits/claims and shall be the responsible party in the event of any negligence or malfeasance by the police officers. The Officers will continue to be subject to the Oak Creek Police Department Rules and Regulations and the Oak Creek Professional Policemen's Collective Bargaining Labor Agreement. The Officers will also be subject to any rules and regulations of the School District. In the case of any conflicting language between the parties' rules and regulations, the rules and regulations of the Police Department and the Collective Bargaining Labor Agreement shall supercede.

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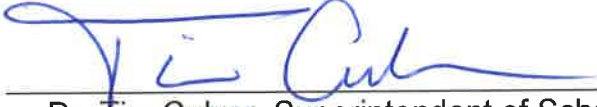
CITY OF OAK CREEK

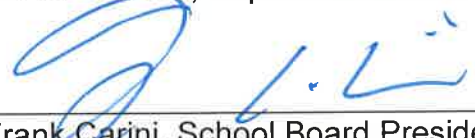
By: _____
Stephen Scaffidi, Mayor

By: _____
Catherine A. Roeske, City Clerk

By:  _____
John O. Edwards, Police Chief

OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT

By:  _____
Dr. Tim Culver, Superintendent of Schools

By:  _____
Frank Carini, School Board President

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 16

Recommendation: That the Common Council approve and authorize the Police Department's purchase of 16 Motorola APX7000 portable radios with programming and accessories from Baycom, Inc. at a total cost of \$58,348.

Background: In the 2012 CEP/CIP budget process, the Common Council approved funding for the Police Department's 5-year replacement program for its squad and portable radios. With Milwaukee County upgrading the operating platform of the 800Mhz system from the current analog system to a digital system by the year 2016-2017, it is necessary for the Police Department to replace portable and squad radios to be compatible with the new digital programming. Because of the total cost, a 5-year replacement plan was approved to spread the purchase out, lessening the fiscal impact on any given year. The 5-year plan began in the year 2012, and this is year #4 of the 5-year plan.

A copy of the quote from Baycom, Inc., is attached to this report.

Fiscal Impact: The fiscal impact for Phase 4 of the 5-year replacement program, which includes the purchase of 16 replacement portable radios, will be \$58,348. Monies were allocated in the 2015 Capital Equipment Program budget in the amount of \$57,999. The Police Department's Radio Equipment line item budget will absorb the remaining, difference of \$349.

Respectfully submitted,




Gerald R. Peterson
City Administrator

Prepared by:



Capt. Steven Anderson

Approved by:



John O. Edwards
Chief of Police

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

BAYCOM

serious mobility
when it matters most

Dave Feiler
11408 W. Lincoln Avenue
West Allis, WI 53227
D: 414-546-7625
C: 262-989-1310
dfeiler@baycominc.com

Oak Creek Police Department
Attn: Steve Andersen

8/17/2015

SUBJECT: APX7000 Portable Radio Model 3 / 08172015

PRICING AND FINANCIAL OPTIONS SPECIFIC TO THIS OFFERING: EQUIPMENT DETAILS AND PRICING

QTY	MODEL AND DESCRIPTION	UNIT PRICE	TOTAL PRICE
16	H97TGD9PW6AN / APX7000 Portable Radio	\$1,316.00	\$21,056.00
16	QA00569 / 7/800 Mhz Primary Band	\$0.00	\$0.00
16	QA00569 / VHF Secondary Band	\$0.00	\$0.00
16	QA00579 / Enable Dual Band	\$500.00	\$8,000.00
16	QA00577 / Large Color Display and Full Keypad	\$250.00	\$4,000.00
16	Q806 / Astro Digital CAI	\$257.50	\$4,120.00
16	H38 / SmartZone Operation	\$750.00	\$12,000.00
16	Q361 / P25 9600 Baud Trunking	\$150.00	\$2,400.00
16	QA01767 / P25 Radio Authentication	\$50.00	\$800.00
16	QA01648 / Advanced System Key - Hardware	\$2.50	\$40.00
16	NAR6595A / 800 Mhz Stubby Antenna	\$23.20	\$371.20
16	SVC03SVC0123D / programming / MKE	\$59.00	\$944.00
16	SVC03SVC0123D / programming / WAUK	\$59.00	\$944.00
			\$0.00
16	PMLN5324A / Leather Swivel Carrying Case	\$52.00	\$832.00
16	NNTN4069A / Remote Speaker Mic w/ Audio Jack	\$77.60	\$1,241.60
16	WPLN7080 / Single Unit Charger	\$100.00	\$1,600.00
	NNTN7065B / Multi Unit Charger NO Display	\$630.40	\$0.00
	NNTN7038 / Spare Li-Ion 2900mAh Battery	\$112.00	\$0.00
		EQUIPMENT COST:	\$58,348.80
Analog Programming will be billed by BAYCOM at \$ 64.00@. Not included on this order.		SHIPPING:	\$0.00
		PURCHASE PRICE:	\$58,348.80

Payment With Order: NET 10 Days
Quotation Good for 30 Days.

Approved By:

Your Signature Is An Agreement To Purchase And An Acceptance Of The Above Terms
All of the information listed on this proposal is confidential and proprietary information.
If You Have Any Questions Please Contact Dave Feiler at 414-546-7625.

Signature: _____

Date: _____

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 17

Recommendation: That the Common Council approve and authorize the Police Department's purchase of a 10-print Livescan Fingerprint System for the Department's booking area from ID Networks, Inc., at a cost of \$17,990.

Background: In the 2015 CEP/CIP budget process, the Common Council approved funding for the purchase of the 10-print Livescan fingerprint system to replace the current unsupported system. This new system allows for the immediate download of scanned fingerprints/palm prints into the Crime Information Bureau's database and is compatible with current computer operating systems. Several area communities currently utilize this system with positive feedback. The Police Department's current system is not capable of being upgraded as the vendor does not have software that is compatible with the State of Wisconsin.

A copy of the quote from ID Networks, Inc., is attached to this report.

Fiscal Impact: The fiscal impact for the purchase of the Livescan system is \$17,990. Monies were allocated in the 2015 Capital Equipment Program budget for this purchase. In addition, after year one, the potential fiscal impact is \$3,995/year for maintenance.

Respectfully submitted,

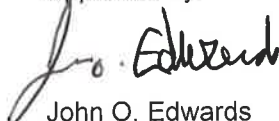


Gerald R. Peterson
City Administrator

Prepared by:


Capt. Steven Anderson

Approved by:


John O. Edwards
Chief of Police

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller



ID Networks, Inc.
 7720 Jefferson Road, Ashtabula, OH 44004
 Phone: (440)992-0062 Fax: (440)992-1109
 David Ovesny – Public Safety Sales Manager
 Direct: (440) 536-0269
sales@idnetworks.com

QUOTE #: 15-0824-01
 DATE: 8/24/2015

TO: Captain Steven Anderson
 Administrative Division
 Oak Creek Police Department
 (414)766-7615
sanderson@oakcreekwi.org

LIVESCAN BOOKING STATION & EQUIPMENT PRICING				
ITEM #	DESCRIPTION	QTY	UNIT PRICE	EXT PRICE
1	ID Networks Criminal Livescan Booking Station package includes: <ul style="list-style-type: none"> • Cross Match LSCAN 500P Scanner – 10-Print & Palm Print Capture Device with Auto Capture Technology • Livescan Software: <ul style="list-style-type: none"> • FBI Certified FingerRoll LiveScan Software • WSQ compressed image Data Software • Duplicate Finger and Sequence Check Software • FBI Certified Card Printer Software • Fingerprint Quality Check Software • Embedded Photo Capture Software • Permanent History for Data, Fingerprints, Palm Prints (& Photos as applicable) • Desktop PC – WIN7, 8GB RAM, 1TB HD • UPS - 750VA Tower Line-Interactive 120V with USB port • LSCAN 500P Supply Kit (5 silicone pads & 5 tape cleaner pads) 	1	\$16,995	\$16,995
2	Rugged Cabinet with 22" Display	1	Included	Included
3	One (1) Year Warranty and Maintenance	1	Included	Included
4	Onsite Installation & Training	1	\$995	\$995
LIVESCAN SYSTEM SUB-TOTAL				\$17,990
OPTIONS (10% annual maintenance, for applicable options)				
5	Booking Interface - data push to LiveScan (NO CHARGE on ID Networks end as long as they meet our standard XML interface specs)	0	\$0	
6	FBI Certified Lexmark Network Printer with Duplexer and Tray	0	\$1,595	
7	Additional Technical Services – Onsite Services, Integration, Conversion, Programming, etc. – per day rate	0	\$895	
LIVESCAN SYSTEM SUB-TOTAL				\$0
TOTAL SYSTEM COST				\$17,990

NOTES

- Our full-coverage maintenance plan is included for one year.
- Annual Maintenance:
 - Standard Support – \$3,995 - includes Mon-Fri, 8:00 AM - 5:30 PM EST support with 2-4 hour response for initial service calls (same day shipment of parts).



TERMS & CONDITIONS OF SALE	
Standard Payment Terms	100% Payment in full 30 days from the date of installation.
Delivery & Installation	<p>Delivery plans will be scheduled after the receipt of your written purchase order and appropriate down payment, as applicable.</p> <p>Facility preparation for electrical service, furniture, mounting requirements and networking, is the responsibility of the customer. Our delivery commitment is subject to the customer facility preparation being completed in advance.</p>
Onsite Training	Recommended days of training have been included. Training personnel and schedules will be agreed upon in advance of the delivery. Additional training or technical support services from ID Networks are available at a daily rate of \$995, plus travel expenses.
Upgrade Options	Many Upgrade options and interfaces are available with the FingerRoll Livescan system. Please call for further details.
3 rd Party Software or Services	Special items or software interfaces which may need our development, or the development and cooperation of a third party, will require separate planning with the customer and any third parties. ID Networks is not responsible for the delays of the customer or third parties and likewise, payments by the customer to ID Networks shall not be held up due to non-ID Networks delays.
Remote Access to Mugshot System	We expect the customer to install a phone line or internet line nearby the Livescan in order for ID Networks ONLY to conduct remote support activities. 24x7 access is requested by ID Networks and software access. ID Networks access will be password controlled for access.
Price Guarantees	All pricing contained herein is subject to a 90 day limit.
Authorized Service	As part of our state pricing, ID Networks will provide 2-4 hour response for initial service calls, Monday-Friday, 8:30 AM – 5:00 PM EST, with same day shipment of parts and software, unless otherwise contracted. Weekend and 24x7 coverage are available to those agencies requiring that level of service. Call for quotation.
Assumptions	<p>No conversion of legacy livescan data, if applicable.</p> <p>No conversion of legacy images, if applicable.</p>

Authorization To Proceed:

Please sign below and return pages 1-2 via fax or email to acknowledge acceptance of the quotation and approval of the payment terms outlined below:

Sales Tax:

Non-Exempt Exempt

Payment Terms:

50% Down Payment Contract 100% Due 30 days from Installation

Current customer requests to pro-rate service payments to match existing service due date.

Customer

Approval: _____

Name of Authorized Official

Title

Signature

Date

Purchase Order Number #: _____ (if applicable)

City of Oak Creek Common Council Report

Meeting Date: September 15, 2015

Item No.: 18

Recommendation: That the Common Council consider a request for withdrawal of the bid of KPH Environmental Corp and a motion to award the City Buildings Hazardous Materials Abatement contract to the lowest responsive, responsible bidder or to reject all bids and re-advertise the work (Project No. 15002A) (3rd Aldermanic District).

Background: Four city buildings, City Hall, Library, Fire Station #1 and the parking garage, are scheduled for demolition this fall. The buildings must have hazardous materials abated prior to being razed. A comprehensive hazardous materials inventory of the buildings was conducted this past summer. The resultant report served as the scope for this abatement contract, and the work was advertised for bids. The following bids were received on August 28, 2015.

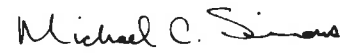
Contractor	Bid
KPH Environmental	\$121,421.25
PARSS	\$291,798.00
Ecco Midwest	\$316,000.00
Badger Environmental	\$349,000.00
Robinson Brothers	\$592,525.00

The wide range in bids received caused staff some concern, specifically, the large gap between the apparent low bid and those in the middle grouping of bids, and between the middle grouping and the high bid. KPH was the apparent low bidder. They have subsequently notified the city of a clerical error in their bid and requested withdrawal of their bid.

The Common Council should consider the request of KPH to withdraw their bid. The Common Council should also determine whether to award the contract to the lowest responsive, responsible bidder or to reject all bids and re-advertise the work.

Fiscal Impact: There are sufficient funds reserved in the CIP under Project No. 15002 to complete this abatement work.

Prepared by:


Michael C. Simmons, P.E.
City Engineer

Respectfully submitted:


Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:


Melissa Karls
City Attorney

Fiscal Review by:


Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Mike Simmons

From: Kert Harenda <kert.harenda@kphenvironmental.com>
Sent: Thursday, September 10, 2015 9:34 AM
To: Mike Simmons
Subject: Oak Creek Hazardous Materials Abatement City Buildings - Project No. 15002A

Mike

Per our phone call this morning.

As I explained there was a clerical error which resulted in missed scope of work on our part. If you review our bid you will see that the old bid form (P-4) was used instead of the one that was in the addendum No. 1.

The clerical error was acknowledging the addendum as reviewed on the bid form.

KPH Environmental Corp. would like the opportunity to resubmit our bid or will have to withdraw our bid.

Sorry for any inconvenience

Kert Harenda
Executive Vice President
KPH Environmental Corp.

City of Oak Creek Common Council Report

Meeting Date: Sept. 15, 2015

Item No.: 19

Recommendation: That the Common Council adopts Resolution No. 11645-091515, acquiring fee property (right-of-way), permanent easements, temporary easements and highway easements for the S. 5th Avenue relocation project from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road, and, to send a payment in the amount of the Award of Damages to the affected property owners. (Project No. 12026) (4th Aldermanic District)

Background: The acquisition (approved with Resolution No. 11616-050515) of real estate and easements is necessary for 5th Avenue relocation project from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road. The required acquisitions have been determined to be agreeable by the affected property owners. Single Source, Inc. is a sub-consultant for Strand Associates and is handling all of the real estate acquisitions for the project. The City must acquire Right-of-Way (FEE), highway, permanent, or temporary easements on eleven parcels. The City has approved two acquisitions previously. The acquisitions acquired at this time are listed below.

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
George & Kathleen Kaster	4019 E. Ryan Road	913-9996	6	FEE	\$158,973.56
George & Kathleen Kaster	4019 E. Ryan Road	913-9996	6	Replacement Housing Cost	\$25,700.00
Travis & Karen Adler	4031 E. Ryan Road	913-9997	12	TLE	\$200

The total amount required includes land acquisition cost and closing costs.

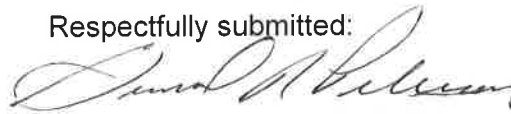
Fiscal Impact: The total cost of this action is \$184,873.56, and is to be paid through the sale of promissory notes authorized by Resolution No. 11440-121713.

Prepared by:



Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted:



Gerald R. Peterson, ICMA-CM
City Administrator

Approved by:



Michael C. Simmons, P.E.
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

RESOLUTION NO. 11645-091515

BY: _____

RESOLUTION ACCEPTING FEE PROPERTY, PERMANENT EASEMENTS, TEMPORARY EASEMENTS AND HIGHWAY EASEMENTS FOR THE SOUTH 5TH AVENUE RELOCATION PROJECT

(PROJECT NO. 12026)

(4th ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek decided that public necessity demands the construction of S. 5th Avenue Relocation from the intersection of STH 100 (Ryan)/STH 32 (Chicago) to 5th Avenue/Ryan Road; and

WHEREAS, the road construction work will be completed by the Wisconsin Department of Transportation as part of their State Transportation Projects in 2016; and

WHEREAS, the acquisition of fee simple title, permanent easements, temporary easements and highway easements were approved with Resolution No. 11616-050515, and

WHEREAS, the plat and relocation order for this project, with State I.D. 2987-00-14, have been approved and filed with the County Clerk for Milwaukee County, and

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

Owner	Property Address	Tax Key Number	Parcel No.	Acquisition Type	Amount
George & Kathleen Kaster	4019 E. Ryan Road	913-9996	6	FEE	\$158,973.56
George & Kathleen Kaster	4019 E. Ryan Road	913-9996	6	Replacement Housing Cost	\$25,700.00
Travis & Karen Adler	4031 E. Ryan Road	913-9997	12	TLE	\$200

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

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15th day of September, 2015.

Passed and adopted this 15th day of September, 2015.

President, Common Council

Approved this 15th day of September, 2015.

Mayor




ATTEST:

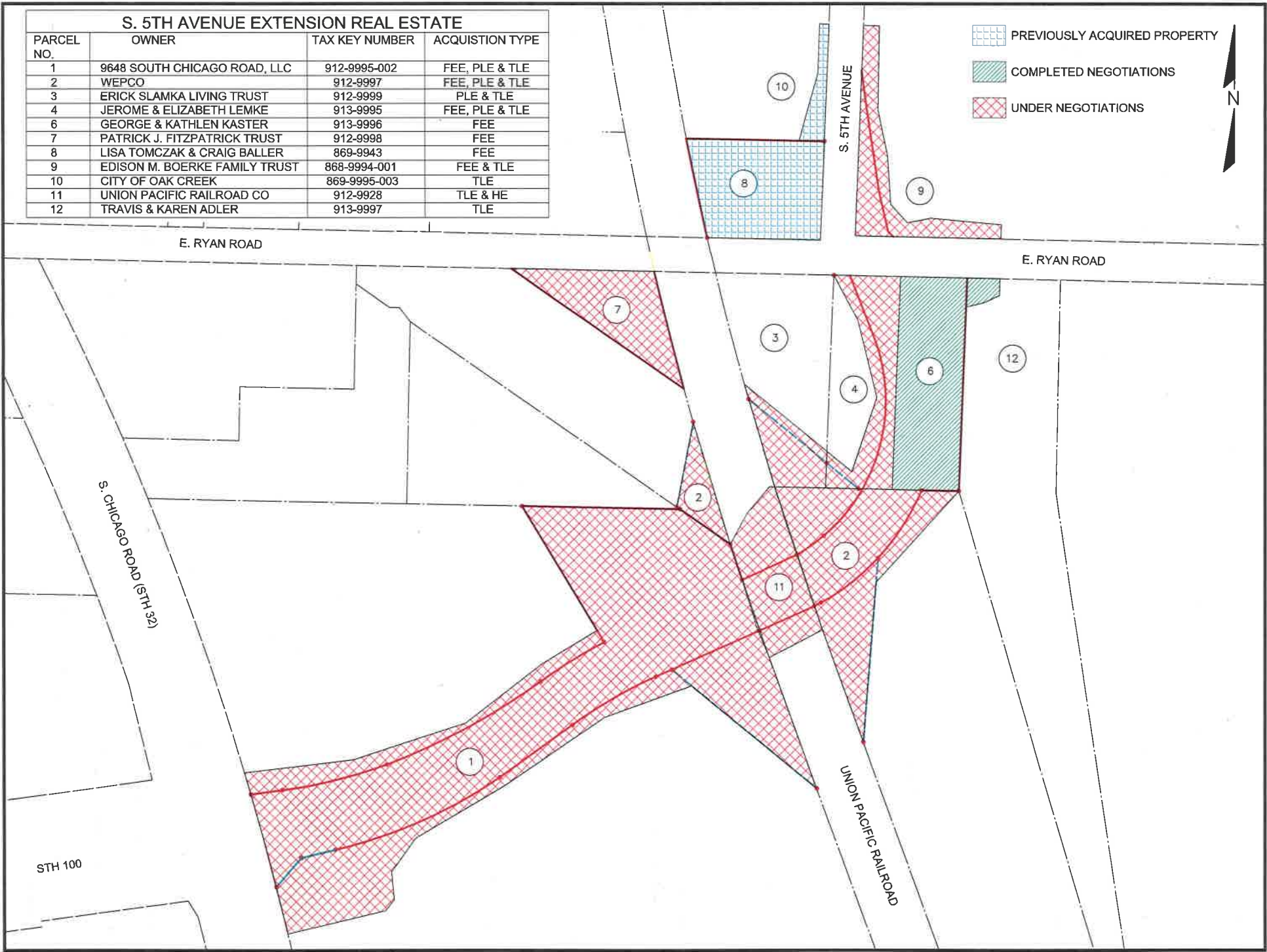
City Clerk

VOTE: Ayes _____ Noes _____

S. 5TH AVENUE EXTENSION REAL ESTATE

PARCEL NO.	OWNER	TAX KEY NUMBER	ACQUISITION TYPE
1	9648 SOUTH CHICAGO ROAD, LLC	912-9995-002	FEE, PLE & TLE
2	WEPCO	912-9997	FEE, PLE & TLE
3	ERICK SLAMKA LIVING TRUST	912-9999	PLE & TLE
4	JEROME & ELIZABETH LEMKE	913-9995	FEE, PLE & TLE
6	GEORGE & KATHLEN KASTER	913-9996	FEE
7	PATRICK J. FITZPATRICK TRUST	912-9998	FEE
8	LISA TOMCZAK & CRAIG BALLER	869-9943	FEE
9	EDISON M. BOERKE FAMILY TRUST	868-9994-001	FEE & TLE
10	CITY OF OAK CREEK	869-9995-003	TLE
11	UNION PACIFIC RAILROAD CO	912-9928	TLE & HE
12	TRAVIS & KAREN ADLER	913-9997	TLE

-  PREVIOUSLY ACQUIRED PROPERTY
-  COMPLETED NEGOTIATIONS
-  UNDER NEGOTIATIONS



City of Oak Creek Common Council Report

Meeting Date: Sept. 15, 2015

Item No.: *ab*

Recommendation: That the Common Council adopt Resolution No. 11646-091515, a resolution of necessity for acquisition of lands for permanent easements for scour protection, temporary easements for grading and authorizing negotiation for such acquisition and condemnation, if necessary, for the S. Nicholson Road bridge project over Oak Creek. (Project No. 13022) (3rd Aldermanic District)

Background: Alfred Benesch has been working with engineering staff on the design of the Nicholson Road bridge, which has been selected for the Wisconsin Department of Transportation (WisDOT) Local Bridge Improvement Program. The City will need to acquire certain easements in order to reconstruct the bridge. Alfred Benesch has coordinated the preparation of a ROW plat and legal descriptions for the acquisitions.

There are portions of one parcel to acquire permanent and temporary easements. The parcel is identified and detailed on the attached resolution. The total area of permanent easement is 0.03 acres and temporary easement is 0.12 acres.

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, CMTM
Finance Director/Comptroller

RESOLUTION NO. 11646-091515

BY: _____

RESOLUTION ESTABLISHING A DETERMINATION OF NECESSITY FOR ACQUISITION OF LANDS FOR PERMANENT EASEMENTS FOR SCOUR PROTECTION, TEMPORARY EASEMENTS FOR GRADING, AUTHORIZING NEGOTIATION FOR SUCH ACQUISITION AND AUTHORIZING CONDEMNATION IF NECESSARY

(PROJECT NO. 13022)

(3rd ALDERMANIC DISTRICT)

WHEREAS, the City of Oak Creek decided that public necessity demands the construction of S. Nicholson Road Bridge over Oak Creek; and

WHEREAS, public necessity demands that the City of Oak Creek acquire the permanent easements required for scour protection, as indicated on the plat and legal descriptions attached hereto and incorporated herein by reference, and

WHEREAS, public necessity demands that the City of Oak Creek acquire the temporary easements required for grading, as indicated on the plat and legal descriptions attached hereto and incorporated herein by reference, and

WHEREAS, the properties affected are listed below, on the plat and on the attached legal descriptions.

Parcel Number	Tax Key Number	Area (acre)	
		PLE	TLE
1	861-9988-000	0.03	0.12

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the determination of necessity for acquisition of lands for permanent easements for scour protection an temporary easements for grading as described, and as shown on the attached plat and legal descriptions, be acquired for said purposes, and

BE IT FURTHER RESOLVED that the ROW plat identified as I.D. 2673-00-00 is approved and directed to be filed with the County Clerk for Milwaukee County, and

BE IT FURTHER RESOLVED that the attached Relocation Order for this project with City I.D. 2673-00-00 beginning at STA 22+65.00 and ending at STA 24+35.00 is hereby approved and the City Attorney or agent for the City of Oak Creek, at the direction of the City Attorney, is hereby authorized and directed to serve the Relocation Order on the County Clerk in and for Milwaukee County, Wisconsin; and

BE IT FURTHER RESOLVED that the City Engineer, or agent for the City of Oak Creek at the direction of the City Engineer, is hereby authorized and directed to negotiate for the acquisition of those lands required for the purposes above stated, and in the event said lands cannot be

obtained by negotiation, the City Attorney and Special Counsel are hereby authorized and directed to take by condemnation those lands as required for said purposes.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15th day of September, 2015.

Passed and adopted this 15th day of September, 2015.

President, Common Council

Approved this 15th day of September, 2015

Mayor

ATTEST:

City Clerk

VOTE: AYES _____ NOES _____

ORDER BY THE COMMON COUNCIL OF THE CITY OF OAK CREEK FOR ACQUISITION OF LANDS FOR PERMANENT EASEMENTS FOR SCOUR PROTECTION, TEMPORARY EASEMENTS FOR GRADING, AUTHORIZING NEGOTIATION FOR SUCH ACQUISITION AND AUTHORIZING CONDEMNATION IF NECESSARY

WHEREAS, the Oak Creek Common Council on September 15, 2015 adopted Resolution No. 11646-091515, a Resolution Establishing a Determination of Necessity for Acquisition of Lands for Permanent Easements for Scoured Protection, Temporary Easements for Grading, Authorizing Negotiation for such Acquisition and Authorizing Condemnation if Necessary and,

WHEREAS, public necessity demands that the City of Oak Creek acquire the permanent easements required for scour protection, as indicated on ROW plat identified as I.D. 2673-00-00 and legal descriptions attached hereto and incorporated herein by reference, and

WHEREAS, public necessity demands that the City of Oak Creek acquire the temporary easements required for grading, as indicated on ROW plat identified as I.D. 2673-00-00 and legal descriptions attached hereto and incorporated herein by reference, and

WHEREAS, that the Relocation Order for this project with City I.D. 2673-00-00 begins at STA 22+65.00 and ends at STA 24+35.00, and

WHEREAS, the permanent easement areas and temporary easement areas are depicted on the ROW plat identified as I.D. 2673-00-00 attached hereto and as described on legal descriptions attached hereto and both exhibits are incorporated herein by reference.

NOW, THEREFORE IT IS ORDERED by Common Council of the City of Oak Creek, Milwaukee County, Wisconsin that the aforementioned permanent easement and temporary easements be acquired in accordance with Resolution Number 11646-091515.

Dated this 15TH day of September, 2015.

Stephen A. Scaffidi, Mayor

Catherine A. Roeske, City Clerk

RELOCATION ORDER

LPA1708 08/2011 (Replaces LPA3006)

Project 2673-00-00	Road name S. NICHOLSON ROAD	Highway LOCAL ROAD	County MILWAUKEE
Right of way plat date 9/15/2015	Plat sheet number(s) 4.00-4.01	Previously approved Relocation Order date Original	

Description of termini of project: BEGINNING AT A POINT LOCATED 779.86 FEET NORTH OF AND 9.98 FEET EAST OF THE WEST QUARTER CORNER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 22 EAST, CITY OF OAK CREEK, MILWAUKEE COUNTY, WI; THENCE NORTHERLY ALONG THE CENTERLINE LINE OF S. NICHOLSON ROAD A DISTANCE OF 170.00 FEET TO A POINT LOCATED 1705.63 FEET SOUTH OF AND 21.57 FEET WEST OF THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 22 EAST, 0.032 MILES AS SHOWN ON THE PLAT OF RIGHT OF WAY OR A COPY THEROF MARKED:

R/W PROJECT NUMBER: 2673-00-00
S. NICHOLSON ROAD, CITY OF OAK CREEK
(BRIDGE OVER OAK CREEK)
LOCAL ROAD
MILWAUKEE COUNTY

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Sections 62.22 and 32.05, Wisconsin Statutes, the CITY OF OAK CREEK orders that:

1. The said road is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the plat shall be acquired by: CITY OF OAK CREEK
3. This order supersedes and amends any previous order issued by the: CITY OF OAK CREEK

Name and Title

Date

LEGAL DESCRIPTION

A **Permanent Limited Easement** for the right to construct and maintain slope and scour protection for a roadway structure, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the right-of-way, in and to the following tract of land in Milwaukee County, State of Wisconsin.

Said easement consists of the following tract of land being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 21, T5N, R22E, Village of Oak Creek, Milwaukee County, Wisconsin which is more fully described as follows:

Commencing at the Southeast Corner of the Northeast $\frac{1}{4}$ of said Section 21;
thence N0°43'51"E, 779.92 feet along the east line of said Section 21;
thence N89°12'53"W, 24.78 feet to point "A" in the west approximate right-of-way line per occupation and use of S Nicholson Road;
thence N0°43'51"E, 40.00 feet along said approximate right-of-way line to the Point of Beginning;
thence N 89°12'53" W, 10.00 feet;
thence N 0°43'51" E, 75.00 feet parallel with and 10 feet west of said approximate right-of-way line;
thence S 89°12'53" E, 10.00 feet to a point in the west approximate right-of-way line per occupation and use of S Nicholson Road;
thence S 0°43'51" W, 75.00 feet along said approximate right-of-way line to the Point of Beginning.

ALSO

Said easement consists of the following tract of land being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 22, T5N, R22E, Village of Oak Creek, Milwaukee County, Wisconsin which is more fully described as follows:

Commencing at the Southwest Corner of the Northwest $\frac{1}{4}$ of said Section 22;
thence N0°43'51"E, 949.92 feet along the west line of said Section 22;
thence S89°12'53"E, 24.56 feet to point "D" in the east approximate right-of-way line per occupation and use of S Nicholson Road;
thence S0°43'51"W, 45.00 feet along said approximate right-of-way line to the Point of Beginning;
thence S 89°12'53" E, 10.00 feet;
thence S 0°43'51" W, 75.00 feet parallel with and 10 feet east of said approximate right-of-way line;
thence N 89°12'53" W, 10.00 feet to a point in the east approximate right-of-way line per occupation and use of S Nicholson Road;
thence N 0°43'51" E, 75.00 feet along said approximate right-of-way line to the Point of Beginning.

Said easement contains **0.03 acre**, more or less.

A Temporary Limited Easement for slopes including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent the erosion of the soil. **This easement is to terminate upon completion of the construction of this project.**

Said easement consists of the following tract of land being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 21, T5N, R22E, Village of Oak Creek, Milwaukee County, Wisconsin which is more fully described as follows:

Beginning at said point "A"
thence N $89^{\circ}12'53''$ W, 20.00 feet;
thence N $0^{\circ}43'51''$ E, 170.00 feet parallel with and 20 feet west of said approximate right-of-way line;
thence S $89^{\circ}12'53''$ E, 20.00 feet to a point in the west approximate right-of-way line per occupation and use of S Nicholson Road;
thence S $0^{\circ}43'51''$ W, 55.00 feet along said approximate right-of-way line;
thence N $89^{\circ}12'53''$ W, 10.00 feet;
thence S $0^{\circ}43'51''$ W, 75.00 feet parallel with and 10 feet west of said approximate right-of-way line;
thence S $89^{\circ}12'53''$ E, 10.00 feet to a point in the west approximate right-of-way line per occupation and use of S Nicholson Road;
thence S $0^{\circ}43'51''$ W, 40.00 feet along said approximate right-of-way line to the Point of Beginning.

ALSO

Said easement consists of the following tract of land being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 22, T5N, R22E, Village of Oak Creek, Milwaukee County, Wisconsin which is more fully described as follows:

Beginning at said point "D"
thence S $89^{\circ}12'53''$ E, 20.00 feet;
thence S $0^{\circ}43'51''$ W, 170.00 feet parallel with and 20 feet east of said approximate right-of-way line;
thence N $89^{\circ}12'53''$ W, 20.00 feet to a point in the east approximate right-of-way line per occupation and use of S Nicholson Road;
thence N $0^{\circ}43'51''$ E, 50.00 feet along said approximate right-of-way line;
thence S $89^{\circ}12'53''$ E, 10.00 feet;
thence N $0^{\circ}43'51''$ E, 75.00 feet parallel with and 10 feet east of said approximate right-of-way line;
thence N $89^{\circ}12'53''$ W, 10.00 feet to a point in the east approximate right-of-way line per occupation and use of S Nicholson Road;
thence N $0^{\circ}43'51''$ E, 45.00 feet along said approximate right-of-way line to the Point of Beginning.

Said easement contains **0.12 acre**, more or less.

R/W PROJECT NUMBER 2673-00-00	SHEET NUMBER 4.0	TOTAL SHEETS 2
FEDERAL PROJECT NUMBER		
PLAT OF RIGHT OF WAY REQUIRED FOR S NICHOLSON ROAD BRIDGE OVER OAK CREEK		
CITY OF OAK CREEK	MILWAUKEE COUNTY	
CONSTRUCTION PROJECT NUMBER 2673-00-70		

CONVENTIONAL ABBREVIATIONS

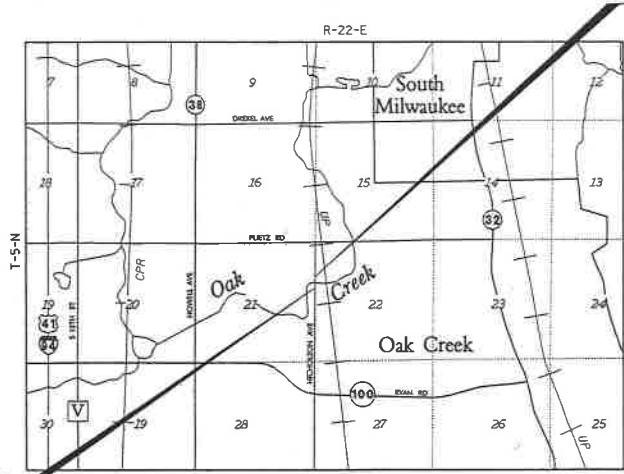
ACCESS POINT/ DRIVEWAY CONNECTION	AP	RELEASE OF RIGHTS	ROR
ACCESS RIGHTS	AR	REMAINING	REM.
ACRES	AC.	RIGHT-OF-WAY	R/W
AND OTHERS	ET. AL.	SECTION	SEC.
CENTERLINE	C/L	STATION	STA.
CERTIFIED SURVEY MAP	CSM	TEMPORARY LIMITED EASEMENT	TLE
CORNER	COR.	VOLUME	V.
DOCUMENT	DOC.	CURVE DATA	
EASEMENT	EASE.	LONG CHORD	LCH
HIGHWAY EASEMENT	H.E.	LONG CHORD BEARING	LCB
LAND CONTRACT	LC	RADIUS	R
MONUMENT	MON.	DEGREE OF CURVE	D
PAGE	P.	CENTRAL ANGLE OR DELTA	DELTA
PERMANENT LIMITED EASEMENT	PLE	LENGTH OF CURVE	L
PROPERTY LINE	PL	TANGENT	TAN
RECORDED AS	(100')		
REFERENCE LINE	R/L		

CONVENTIONAL SYMBOLS

FOUND IRON PIPE/PIN	IF (1" UNLESS NOTED)	PROPOSED R/W LINE	---
R/W MONUMENT	o (4SET)	EXISTING H.E. LINE	---
R/W STANDARD	Δ (4SET)	PROPERTY LINE	---
SIGN	ISIGN	LOT & TIE LINES	---
SECTION CORNER MONUMENT	●	SLOPE INTERCEPTS	---
SECTION CORNER SYMBOL	⊙	CORPORATE LIMITS	---
FEE (HATCH VARIES)	⊙	NO ACCESS (BY PREVIOUS ACQUISITION/CONTROL)	---
TEMPORARY LIMITED EASEMENT	---	NO ACCESS (BY ACQUISITION)	---
PERMANENT LIMITED EASEMENT	---	NO ACCESS (BY STATUTORY AUTHORITY)	---
R/W BOUNDARY POINT	---	SECTION LINE	---
PARCEL NUMBER	---	QUARTER LINE	---
UTILITY PARCEL NUMBER	---	SIXTEENTH LINE	---
SIGN NUMBER (OFF PREMISE)	---	EXISTING CENTERLINE	---
BUILDING	---	PROPOSED REFERENCE LINE	---
	---	PARALLEL OFFSET	---

CONVENTIONAL UTILITY SYMBOLS

WATER	W	NON COMPENSABLE	---
GAS	G	COMPENSABLE	---
TELEPHONE	T	COMPENSABLE	---
OVERHEAD	OH	COMPENSABLE	---
TRANSMISSION LINES	---		
ELECTRIC	E		
CABLE TELEVISION	TV		
FIBER OPTIC	FO		
SANITARY SEWER	SAN		
STORM SEWER	SS		
POWER POLE	⊙		
TELEPHONE POLE	⊙		
TELEPHONE PEDESTAL	⊙		
ELECTRIC TOWER	⊙		



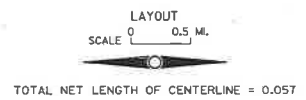
END RELOCATION ORDER
 STA. 24+35.00
 1705.63' SOUTH AND 2157' WEST OF
 THE NW CORNER OF,
 SECTION 22, T5N, R22E,
 MILWAUKEE COUNTY, WI

BEGIN RELOCATION ORDER
 STA. 22+65.00
 779.86' NORTH AND 9.98' EAST OF
 THE WEST QUARTER CORNER OF,
 SECTION 22, T5N, R22E,
 MILWAUKEE COUNTY, WI

NOTES

COORDINATES AND BEARINGS ON THE PLAT ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 27, ALL DISTANCES ARE GROUND LENGTH.

RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY OR OTHER SURVEYS OF PUBLIC RECORD.



ORIGINAL PLAT PREPARED BY

benesch
 engineers - scientists - planners
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Douglas D. Massey 9-10-2015

APPROVED FOR
 CITY OF OAK CREEK

(Date) (Signature)

REVISION DATE

COORDINATE TABLE		
POINT NUMBER	(Y)	(X)
POB	328,313.12	2,564,853.63
A	328,313.46	2,564,828.88
B	328,483.44	2,564,831.05
C	328,483.10	2,564,855.80
D	328,482.76	2,564,880.35
E	328,312.78	2,564,878.18
1	328,353.45	2,564,829.39
2	328,353.59	2,564,819.40
3	328,428.58	2,564,820.35
4	328,428.45	2,564,810.35
5	328,437.77	2,564,819.57
6	328,437.63	2,564,889.87
7	328,362.54	2,564,889.02
8	328,362.77	2,564,819.82

SCHEDULE OF LANDS & INTERESTS REQUIRED

PARCEL NUMBER	OWNER	INTEREST REQUIRED	TOTAL ACRES	R/W ACRES OR (S.F.) REQUIRED			TOTAL AREA REM.	P.L.E. AREA	T.L.E. AREA
				NEW	EXISTING	TOTAL			
1	MILWAUKEE COUNTY	P.L.E. & T.L.E.	VAST	**	**	**	VAST	0.03	0.12
20	WISCONSIN POWER AND LIGHT COMPANY	TEMPORARY RELEASE OF RIGHTS							
21	CITY OF OAK CREEK	TEMPORARY RELEASE OF RIGHTS							

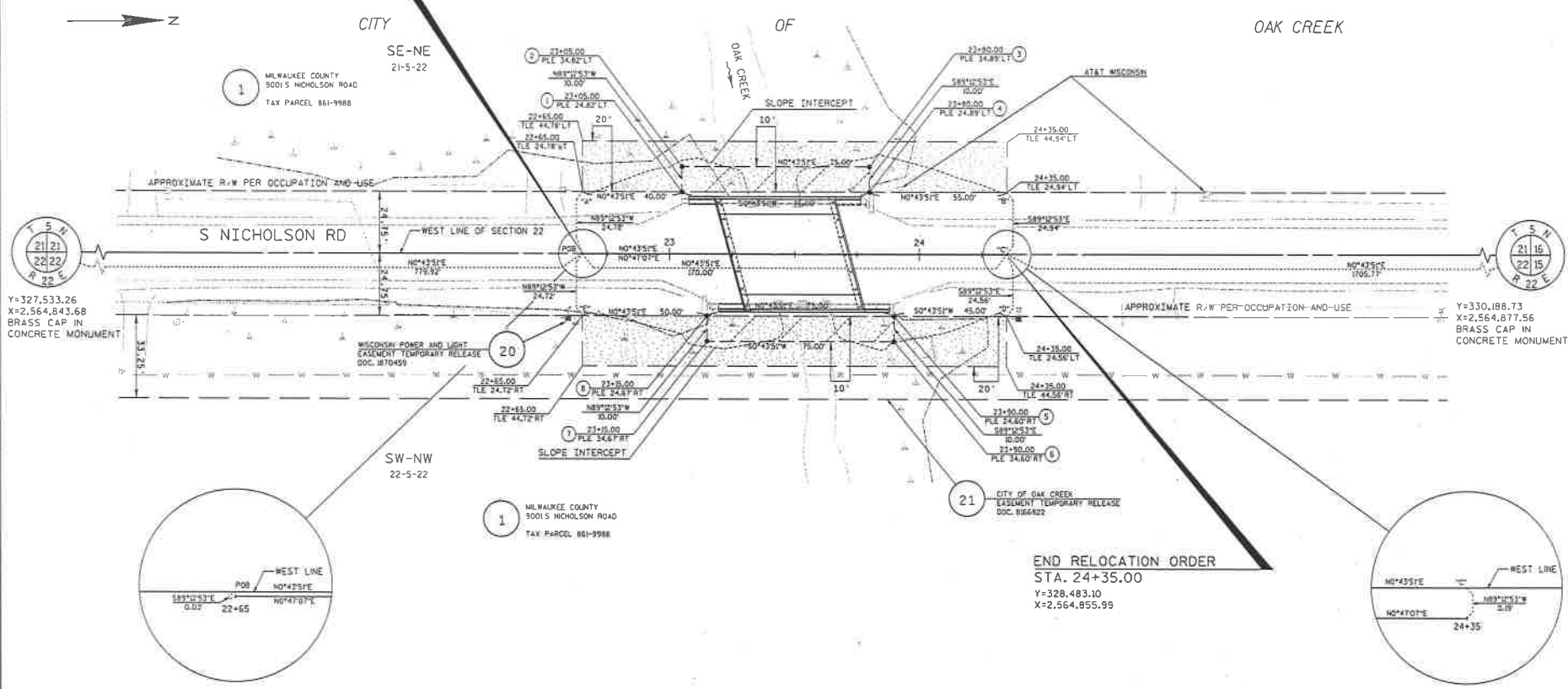
AREAS SHOWN IN THE TOTAL ACRES COLUMN MAY BE APPROXIMATE AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES AND MAY NOT INCLUDE LAND OF THE OWNER WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE DEPARTMENT

THE EXISTING RIGHT-OF-WAY SHOWN HEREIN IS BASED ON THE FOLLOWING POINTS OF REFERENCE:
THE WEST LINE OF SECTION 21 T5N R22E,
CITY OF OAK CREEK, MILWAUKEE COUNTY, WI

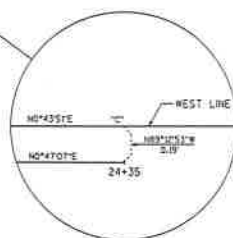
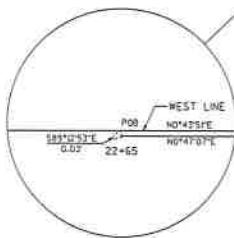
BEGIN RELOCATION ORDER
STA. 22+65.00
Y=328,313.12
X=2,564,853.66

END RELOCATION ORDER
STA. 24+35.00
Y=328,483.10
X=2,564,855.99



Y=327,533.26
X=2,564,843.68
BRASS CAP IN CONCRETE MONUMENT

Y=330,188.73
X=2,564,877.56
BRASS CAP IN CONCRETE MONUMENT



REVISION DATE	DATE 9-10-2015	SCALE, FEET 0 20 40	HWY: S NICHOLSON ROAD	STATE R/W PROJECT NUMBER 2673-00-00	PLAT SHEET 4.01
	GRID FACTOR		COUNTY: MILWAUKEE	CONSTRUCTION PROJECT NUMBER 2673-00-70	PS&E SHEET E

City of Oak Creek Common Council Report

Meeting Date: Sept. 15, 2015

Item No.: 21

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installation of "NO PARKING ANY TIME" signs between driveways located at 8592 and 8594 S. Jason Court, and the modification to eastbound pavement markings on E. Drexel Avenue from 450 feet east of S. Howell Avenue to S. Verdev Drive.

Background: No Parking – There were no residents in attendance for this item. The item was requested by the resident located 8592 S. Jason Court. The resident stated that he has spoken with and has the support of the resident located at 8594 S. Jason Court for the installation. The resident claims that when vehicles park between the driveways, it makes it difficult for the mail to be delivered and creates an unsafe condition to exit the driveways.

Drexel Pavement Markings - No residents were in attendance for this item. Street Department brought this item forward due to the continued complaints regarding the merging location on E. Drexel Avenue. The Engineering Department explained that the option to eliminate the merge and create a mandatory right turn lane at S. Verdev Drive is in accordance with the Manual of Uniform Traffic Control Devices manual. The commission members felt that this was the best alternative to the situation and supported the Engineering Department recommendation.

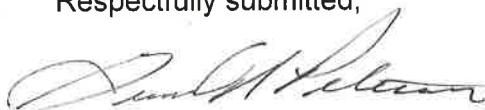
FISCAL IMPACT: Street Department will construct and install signs and apply pavement markings.

Prepared by:



Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted,



Gerald R. Peterson, ICMA-CM
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

