



Common Council Chambers  
8040 S. 6<sup>TH</sup> Street  
Oak Creek, WI 53154  
(414) 766-7000

## COMMON COUNCIL MEETING AGENDA

TUESDAY, MARCH 21, 2017

7:00 P.M.

Daniel Bukiewicz - Mayor  
Steven Kurkowski - 1<sup>st</sup> District  
2<sup>nd</sup> District  
Mark Verhalen - 3<sup>rd</sup> District  
Michael Toman - 4<sup>th</sup> District  
Kenneth Gehl - 5<sup>th</sup> District  
Chris Guzikowski - 6<sup>th</sup> District

### The City's Vision

*Oak Creek: A dynamic regional leader, connected to our community, driving the future of the south shore.*

1. Call Meeting to Order / Roll Call
2. Pledge of Allegiance
3. Approval of Minutes: 3/7/17

### Recognition

4. **Resolution:** Consider Resolution No. 11803-032117, a Resolution of Appreciation to Stephen A. Scaffidi (by Committee of the Whole).

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

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

5. **Rezone and Conditional Use:** Consider a request from Greg Thompson, Storage Shop USA, to rezone the properties at 331 and 401 E. Oak Street from Rs-2, Single Family Residential, to M-1, Manufacturing, and to approve a Conditional Use Permit allowing a contractor's office, yards, and shops without outdoor storage on the properties at 331 and 401 E. Oak Street (1<sup>st</sup> District).
6. **Ordinance:** Consider Ordinance No. 2845, approving the rezoning of the properties at 331 and 401 E. Oak Street from Rs-2, Single Family Residential, to M-1, Manufacturing, with a Conditional Use for a contractor's office, shops, and yards in a condominium development with no outdoor storage (1<sup>st</sup> District).

New Business

**MAYOR & COMMON COUNCIL**

7. **Motion:** Consider a motion to:
  - a. authorize a method and schedule of replacement for the 2<sup>nd</sup> District Aldermanic vacancy;
  - b. establish response to 2<sup>nd</sup> District constituent concerns until the position is filled; and
  - c. determine whether or not to hold a special election on November 7, 2017, to fill the unexpired term of Daniel Bukiewicz (by Committee of the Whole).
  
8. **Resolution:** Consider Resolution No. 11804-032117, urging State Legislation to close loopholes that shift a greater property tax burden from commercial properties to residential homeowners (by Committee of the Whole).
  
9. **Motion:** Consider a motion to concur with the Mayor's appointment as follows:  
  
Traffic & Safety Commission – 3 year term expiring 4/2020  
Kevin Rokenbrodt – 2515 E. Emily Ave.
  
10. **Motion:** Consider a motion to approve the 2016 Vendor Summary Report in the amount of \$133,810.00 and the 2017 Vendor Summary Report in the amount of \$863,929.48, for a total amount of \$997,739.48 (by Committee of the Whole).

**STREETS, PARKS & FORESTRY**

11. **Motion:** Consider a motion to award the 2017 Play Court Improvement Projects, performing repairs to the basketball and tennis courts in various City parks, to the lowest responsive, responsible bidder, Frank Armstrong Enterprises, Inc., in the amount of \$45,516.00 (by Committee of the Whole).

**ENGINEERING**

12. **Resolution:** Consider Resolution No. 11802-032117, accepting the 2016 Annual Report for Oak Creek's WPDES Storm Water (NR216) permit (by Committee of the Whole).

**LICENSE COMMITTEE**

The License Committee met on March 15, 2017. Minutes are attached. Recommendations are as follows:

13. **Motion:** Consider a motion to grant an Operator's license to Patricia Halverson, 3765 E. Van Norman Ave., Cudahy (Meijer).
  
14. **Motion:** Consider a motion to grant an Operator's license to Erica Olden, 3651 E. Puetz Rd., Oak Creek (BelAir Cantina).
  
15. **Motion:** Consider a motion to grant an Operator's license to Kaleb Sims, 6426 S. 35<sup>th</sup> St., Franklin (Kwik Trip).
  
16. **Motion:** Consider a motion to grant a special event permit to Holly Martin, for Performance Running Outfitters Fun Run events to be held weekly from 6:00 – 6:30 p.m.

17. **Motion:** Consider a *motion* to *grant* a special event permit to Kevin Archambeau, Oak Creek Celebrations Commission, for a “Community Easter Egg Hunt” event scheduled to be held on April 8, 2017, from 10:00 a.m. – 1:00 p.m.
18. **Motion:** Consider a *motion* to *grant* a special event permit to Jody Ebbinger-Bently/Michael Read, Oak Creek High School, for a “Knights Against Substance Abuse” run to be held on May 13, 2017 from 8:00 – 12:00 p.m.
19. **Motion:** Consider a *motion* to *grant* a special event permit to Kristin Kowaleski, Oak Creek Tourism Commission, for a “Dog Day at Drexel” event scheduled to be held on July 15, 2017, from 9:00 a.m. – 4:00 p.m.
20. **Motion:** Consider a *motion* to *grant* a special event permit to Chris Clausen, Bootz Saloon & Grill, for a “Bootz’ Parking Lot Party” event scheduled to be held on May 27, 2017, from 2:00 p.m. – 9:15 p.m.
21. **Motion:** Consider a *motion* to *grant* a special event permit to Chris Clausen, Bootz Saloon & Grill, for a “Bootz’ Car Show” event scheduled to be held on September 16, 2017, from 9:00 a.m. – 5:00 p.m., with the granting of this event permit subject to the applicant’s receipt of a 2017-18 alcohol license.

The following items were received after the License Committee met. Tentative recommendations are as follows:

22. **Motion:** Consider a *motion* to grant an Operator’s license to the following (*favorable background report received*):
  - Robert J. Sleger, 2604 Hidden Dr., St. Francis (American Legion)
  - Cassaundra J. Finch, 1437 W. Granada St., Milwaukee (Meijer)
  - Debra A. Bitz, 3928 E. Maple St., Oak Creek (Meijer event)
  - Julia L. Wolf, 3749 S. Packard Ave., St. Francis (Three Cellars)
  - Vicki L. Piazza, 3560 W. Sherwood Dr., Franklin (Three Cellars)
  - Eileen M. McCreary, 7730 S. Chapel Hill Dr., Franklin (Three Cellars)
  - Randy S. Beres, 6945 Darnell Ln., Greendale (Three Cellars)
  - Angela C. Rowe, 10548 W. Cortez Cir., Franklin (Three Cellars)
  - James A. Braun, 904 Michigan Ave., South Milwaukee (Three Cellars)
  - Elisabeth D. Granley, 3870 S. 54<sup>th</sup> St., Milwaukee (Three Cellars)
  - James W. Nelson, 211 W. Oak Leaf Dr., Oak Creek (Three Cellars)
  - Michelle L. Bielinski, 3115A S. Brisbane Ave., Milwaukee (Valentine)

## **MISCELLANEOUS**

23. **Motion:** Consider a *motion* to convene into Closed Session pursuant to Wisconsin State Statutes, Section 19.85 (1) (g) to discuss litigation the City is likely to be involved in regarding the levying of special assessments against 11 lots in the Willow Creek Subdivision pursuant to Resolution No. 11779-122016.
24. **Motion:** Consider a *motion* to reconvene into Open Session.
25. **Motion:** Consider a *motion* to take action, if required.

***Adjournment.***

**Public Notice**

Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, by fax at 766-7976, or by writing to the ADA Coordinator at the Oak Creek Health Department, 8040 S. 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

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

**RESOLUTION NO. 11803-032117**

By: \_\_\_\_\_

**RESOLUTION OF APPRECIATION  
TO  
STEPHEN A. SCAFFIDI**

WHEREAS, STEPHEN A. SCAFFIDI was elected Mayor on April 3, 2012, and has served the City of Oak Creek and its constituents for 5 years; and

WHEREAS, STEPHEN A. SCAFFIDI previously served the City of Oak Creek as third district alderman, from April 2009 until April 2012; and

WHEREAS, during his time as Mayor, STEPHEN A. SCAFFIDI presided over significant and controversial Common Council decisions, serving with the best interest of the City; and

WHEREAS, STEPHEN A. SCAFFIDI was instrumental in: relocating and building a new City Hall, City Library and a fire station; revitalizing the A.C. Delco land, bringing the vision of Drexel Town Square to the heart of Oak Creek; creating and implementing the City Landscape and Beautification awards to both residents and businesses; representing the City at numerous businesses, schools, churches, charities and community organization activities and events; and representing the City during the tragic event at the Sikh temple in August 2012; and

WHEREAS, STEPHEN A. SCAFFIDI has gained positive media recognition for the City, earning the respect of the leaders in Milwaukee County municipalities, and government leaders at the County and State level; and,

WHEREAS, STEPHEN A. SCAFFIDI represented the City of Oak Creek as President and Chair of the Intergovernmental Cooperation Council, and

WHEREAS, STEPHEN A. SCAFFIDI was named the 2016 Milwaukee Municipal Executive of the year by the Milwaukee Business Journal, and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that on behalf of themselves and the citizens of the City, their sincere appreciation be and the same is hereby extended to STEPHEN A. SCAFFIDI for his service to the City.

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

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21st day of March, 2017.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Kenneth Gehl, Common Council President

Approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Daniel J. Bukiewicz, Mayor

\_\_\_\_\_  
Catherine A. Roeske, City Clerk

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

TO BE PUBLISHED MARCH 2 & 9 2017

OFFICIAL NOTICE

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

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Greg Thompson, Storage Shop USA, to rezone the properties at 331 and 401 E. Oak Street from Rs-2, Single Family Residential, to M-1, Manufacturing, and to approve a Conditional Use Permit allowing a contractor's office, yards, and shops without outdoor storage on the properties at 331 and 401 E. Oak Street.

**Hearing Date:** Tuesday, March 21, 2017  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 S. 6<sup>th</sup> St.  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Greg Thompson, Storage Shop USA  
**Property Owner:** Storage Shop USA, Oak Creek LLC  
**Property Location:** 331 and 401 E. Oak Street  
**Tax Key(s):** 733-0008 & 733-0009

**Legal Description:**

Lot 4 and Lot 3, Block 2 in Oakdale Heights, being a Subdivision of a part of the Southwest ¼ of Section 4, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for March 21, 2017 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) 766-7000, during regular business hours.

Date of Notice: February 23, 2017  
CITY OF OAK CREEK COMMON COUNCIL  
By: Steve Scaffidi, Mayor

**PUBLIC NOTICE**

PLEASE NOTE: Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferable a minimum of 48 hours. For additional information or to request this service, contact the Oak Creek City Clerk at 766-7000, or by writing to the ADA Coordinator at the Health Department, City Hall, and 8040 South 6<sup>th</sup> Street, Oak Creek, Wisconsin 53154.

# City of Oak Creek Common Council Report

Meeting Date: March 21, 2017

Item No.: 6

**Recommendation:** That the Common Council adopts Ordinance No. 2845 approving the rezoning of the properties at 331 & 401 E. Oak St. from Rs-2, Single Family Residential, to M-1, Manufacturing, with a Conditional Use for a contractor's office, shops, and yards in a condominium development with no outdoor storage.

**Background:** At the February 14, 2017 meeting, the Plan Commission recommended Common Council approval of the proposed rezone of 331 & 401 E. Oak St. from Rs-2, single Family Residential, to M-1, Manufacturing, with a Conditional Use for a contractor's office, shops, and yards in a condominium development with no outdoor storage. Council will recall that these properties were the subject of a request to amend the Comprehensive Plan to allow manufacturing/industrial uses, which was approved at the January 3<sup>rd</sup> meeting.

Greg Thompson, Storage Shop USA, is requesting that the properties at 331 & 401 E. Oak Street be changed from Rs-2, Single Family Residential to M-1, Manufacturing with a Conditional Use for the operation of contractor's offices, shops, and yards without outdoor storage. At their January 3, 2017 meeting, the Common Council approved an amendment to the Comprehensive Plan that changed the Planned Land Use category and map for these properties from Planned Office to Planned Industrial.

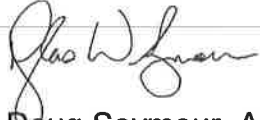
The parcels on Oak Street have a mix of zoning districts, including institutional, manufacturing, and residential. Parcels to the east and west of the subject parcels are zoned Rs-2 and are vacant. A total of ten parcels, two with residential dwellings, are currently zoned Rs-2 on Oak Street. Across from the subject properties are parcels zoned M-1, which contain a mix of business and manufacturing uses. Staff believes that the future land use for this area is best suited for a combination of business and manufacturing uses. Although amending the land use map for just two parcels is atypical, staff is currently working on updating the City's land use map, and will likely recommend changing this area to planned industrial and/or commercial.

The proposed type of use will be a residentially designed, side-by-side office/storage buildings which should not be confused with traditional, self-storage facilities. The proposed development will be five buildings, consisting of ten units that will be sold as individual buildings as part of a condominium association. Typical end-uses for this type of development are office and warehouse space for small businesses, contractors, and hobbyists. Included with this report are illustrations of what this type of development would look like. Site, building, landscaping, lighting, and related approvals will occur at a later date.

The attached Conditions and Restrictions were recommended for approval by the Plan Commission at their February 28<sup>th</sup> meeting.

**Fiscal Impact:** Approval of this use will allow the construction of five new office/storage buildings without outdoor storage or display on the properties. Impact fees are estimated at \$5,375.

Prepared by:



Doug Seymour, AICP  
Director of Community Development

Respectfully Submitted,



Andrew Vickers, MPA  
City Administrator

Fiscal Review by:



Bridget M. Souffrant  
Finance Director/Comptroller







# Location Map

331 & 401 E. Oak St.



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



Legend	
	Subject Properties
	Wetland
	Floodway
	Floodfringe

TO BE PUBLISHED MARCH 2 & 9 2017

OFFICIAL NOTICE

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

**PURPOSE:** The purpose of this public hearing is to consider a request submitted by Greg Thompson, Storage Shop USA, to rezone the properties at 331 and 401 E. Oak Street from Rs-2, Single Family Residential, to M-1, Manufacturing, and to approve a Conditional Use Permit allowing a contractor's office, yards, and shops without outdoor storage on the properties at 331 and 401 E. Oak Street.

**Hearing Date:** Tuesday, March 21, 2017  
**Time:** 7:00 PM  
**Place:** Oak Creek City Hall  
8040 S. 6<sup>th</sup> St.  
Oak Creek, WI 53154  
Common Council Chambers

**Applicant:** Greg Thompson, Storage Shop USA  
**Property Owner:** Storage Shop USA, Oak Creek LLC  
**Property Location:** 331 and 401 E. Oak Street  
**Tax Key(s):** 733-0008 & 733-0009

**Legal Description:**

Lot 4 and Lot 3, Block 2 in Oakdale Heights, being a Subdivision of a part of the Southwest ¼ of Section 4, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

The Common Council has scheduled other public hearings for March 21, 2017 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) 766-7000, during regular business hours.

Date of Notice: February 26, 2017  
CITY OF OAK CREEK COMMON COUNCIL  
By: Steve Scaffidi, Mayor

**PUBLIC NOTICE**

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ORDINANCE NO. 2845

By: \_\_\_\_\_

AN ORDINANCE TO REZONE THE PROPERTIES AT 331 & 401 E. OAK ST FROM RS-2, SINGLE FAMILY RESIDENTIAL, TO M-1, MANUFACTURING. WITH A CONDITIONAL USE PERMIT FOR A CONTRACTOR'S OFFICE, SHOPS, AND YARDS IN A CONDOMINIUM DEVELOPMENT WITH NO OUTDOOR STORAGE

(1<sup>st</sup> Aldermanic District)

WHEREAS, Greg Thompson, Storage Shop USA, has applied for a rezoning of the properties at 331 & 401 E. Oak St. from Rs-2, Single Family Residential, to M-1, Manufacturing with a Conditional Use for a contractor's office, shops, and yards in a condominium development with no outdoor storage; and

WHEREAS, the property is more precisely described as follows:

Lot 4 and Lot 3, Block 2 in Oakdale Heights, being a Subdivision of a part of the Southwest ¼ of Section 4, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

WHEREAS, the Plan Commission has reviewed this proposal and has recommended that the rezoning and Conditional Use be approved; and

WHEREAS, the Common Council held a public hearing on this matter on March 21, 2017, at which time all interested parties appeared and were heard; and

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

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

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described from Rs-2, Single Family Residential, to M-1, Manufacturing, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: To promote the general welfare, public safety and general planning within the City of Oak Creek, the Building Commissioner is hereby authorized to grant a Conditional Use Permit for a contractor's office, shops, and yards in a condominium development with no outdoor storage at 331 & 401 E. Oak St., which shall include the aforementioned conditions and restrictions.

SECTION 3: All ordinances or parts of ordinances and Zoning District Maps made a part of Chapter 17 of the Municipal Code of the City of Oak Creek in conflict herewith are hereby repealed.

SECTION 4: The several sections of this ordinance are declared to be severable. If any section shall be declared, by a decision of a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of other provisions of this ordinance.

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

Passed and adopted this 21<sup>st</sup> day of March, 2017.

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

Approved this 21<sup>st</sup> day of March, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

City of Oak Creek - Conditional Use Permit  
Amended Conditions and Restrictions

Applicant: Storage Shop USA (Greg Thompson)

Property Address: 331 & 401 E. Oak Street

Tax Key Number: 733-0009 & 733-0008

Conditional Use: **Contractor's office, shops, and yards in a condominium development with no outdoor storage**

Reviewed by Plan Commission: February 28, 2017

Approved by Common Council: TBD

(Ord. 2845)

1. LEGAL DESCRIPTION

Lot 4 and Lot 3, Block 2 in Oakdale Heights, being a Subdivision of a part of the Southwest ¼ of Section 4, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. The property as improved is suited to and adequate for the conditional use for which applicant has applied. However, in the event future changes to the property or improvements are desired by the owner or operator, a precise detailed site plan for the area affected by the conditional use shall be submitted to, and approved by, the Plan Commission prior to the issuance of any building or occupancy permits. This plan shall show and describe the following:

1) **General Development Plan**

- a) detailed building locations with setbacks
- b) square footage of building
- c) areas for future expansion
- d) area to be paved
- e) access drives (width and location)
- f) sidewalk locations
- g) parking layout and traffic circulation
  - i) location
  - ii) number of employees
  - iii) number of spaces
  - iv) dimensions
  - v) setbacks
- h) location of loading berths
- i) location of sanitary sewer (existing and proposed)
- j) location of water (existing and proposed)
- k) location of storm sewer (existing and proposed)
  - i) including detention/retention basins if needed
- l) location of outdoor storage
- m) location of wetlands (field verified)
- n) location, square footage and height of signs

**Landscape Plan**

- a) screening plan for outdoor storage
- b) number, initial size and type of plantings

c) parking lot screening/berming

2) **Building Plan**

- a) architectural elevations
- b) building floor plans
- c) materials of construction

3) **Lighting Plan**

- a) types of fixtures
- b) mounting heights
- c) type of poles
- d) photometrics of proposed fixtures

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

- a) contours (existing and proposed)
- b) location of storm sewer (existing and proposed)
- c) location of stormwater management structures and basins (if required)

5) **Fire Protection**

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

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

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

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

- D. A Development Agreement shall be completed between the owner and the City if deemed necessary by the City Engineer so as to ensure the construction or installation of public or other improvements required in Item 2E, below, and/or as specified by these conditions and restrictions.
- E. Plans and specifications for any necessary public improvements within developed areas (e.g. sanitary sewer, water main, storm sewer, etc.) shall be subject to approval by the City Engineer.
- F. If required by the City of Oak Creek, public easements for telephone, electric power, sanitary sewer, storm sewer and water main shall be granted. Said easements shall be maintained free and clear of any buildings, structures, trees or accessory outdoor appurtenances. Shrubbery type plantings shall be permitted; provided there is access to each of the aforementioned systems and their appurtenances.
- G. If there are any future land divisions, a plat or certified survey map shall be prepared, submitted for approval and recorded. If required by the Common Council, a development agreement also shall be completed between the owner and the City prior to approval of said land division document, so as to ensure the construction or installation of public improvements required in these conditions and restrictions and Chapter 14 of the Municipal Code.
- H. All new electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- I. For each stage of development, detailed landscaping plans showing location, types and initial plant sizes of all evergreens, deciduous trees and shrubs, and other landscape features such as statuary, art forms, water fountains, retaining walls, etc., shall be submitted to the Plan Commission for approval prior to the issuance of a building permit.

### 3. PARKING AND ACCESS

- A. Parking requirements for this project shall be limited to the spaces as shown on the site plan approved by the Plan Commission and in conformance with Section 17.0403(j)(5) of the Zoning Code.
- B. Where 90° parking is indicated on the site plans, individual parking stalls shall be nine (9) feet in width by eighteen (18) feet in length. The standards for other types of angle parking shall be those as set forth in Section 17.0403(d) of the Municipal Code.
- C. Movement aisles for 90° parking shall be at least twenty-two (22) feet in width.
- D. All off-street parking areas shall be surfaced with an all-weather wearing surface of plant mix asphaltic concrete over crushed stone base subject to approval by the City Engineer. A proposal to use other materials shall be submitted to the Plan Commission and the Engineering Department for approval. All parking areas and private drives, within a phase, shall be in place prior to the issuance of an occupancy permit for any building in that phase.
- E. Other parking arrangements, showing traffic circulation and dimensions, shall be submitted to the Plan Commission for approval.
- F. All driveway approaches to this property shall be in compliance with all the standards set forth in Chapter 23 of the Oak Creek Municipal Code and the Wisconsin Department of Transportation. Any off-site improvements shall be the responsibility of the property owner.
- G. All off street parking areas shall be landscaped in accordance with Sections 17.0403(g) & (h) of the Municipal Code.

All public off-street parking lots which serve five (5) vehicles or more and are created or extended subsequent to the adoption of this Ordinance shall be provided with accessory landscaped areas; which may be landscape islands, landscape peninsulas or peripheral plantings totaling not less than five (5) percent of the surfaced area. For parking lots designed for twenty-five (25) parking spaces or more, at least one-half of the minimum five- (5) percent landscaped area shall be within the parking lot. When parking lots are extended, these regulations shall apply only to the extended portion of the parking lot. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance shall be subject to approval by the City Plan Commission. Landscape islands or peninsulas shall be dispersed throughout the off-street parking area. All plans for such proposed parking areas shall include a topographic survey or grading plan, which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.

Those parking areas for five (5) or more vehicles if adjoining a residential zoning district line or public right-of-way shall be screened from casual view by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means approved by the City Plan Commission. Such fence or berm and landscaping together shall be an average of three (3) feet in height between the parking and the street right-of-way and six (6) feet in height between the parking and any adjacent residential property line. All screening materials shall be placed and maintained at a minimum height of three (3) feet.

4. LIGHTING

A. All plans for new outdoor lighting shall be reviewed and approved by the Plan Commission. For each stage of the development, the plan shall show the location of all lights, type of fixture and poles, mounting height and photometrics of the fixture and shall be in accord with the following:

1. All designated parking areas, access drives and the approach aprons from the public right-of-way shall be illuminated during hours of operation when natural light value is reduced to one (1) candela.
2. Illumination shall be maintained on the surface at an average of one (1.0) candela with a minimum uniformity ratio of 5 to 1 through the access drives and a minimum of 0.05 candela/square foot in the parking area.
3. All luminaires shall be designed and mounted at a sufficient elevation above the surface to insure adequate control of glare, interreflected and reflective light to abutting property, the abutting public roadways, access drives and to maintain the minimum uniformity ratio, but in no case shall exceed 30 feet. A luminaire controlled cut-off of 72 degrees will effectively minimize glare which interferes with vision and causes eye discomfort.
4. Plans shall be submitted for approval with the manufacturer's descriptive literature showing photometrics and design of proposed luminaire. Plans shall include location and height of poles, foundations, wire size, circuit protection, controller, equipment grounding and luminaire elevation above grade.

5. BUILDING AND PARKING SETBACKS

	Front and Street Setback	Rear Setback	Side Setback
Principal Structure	40 ft.	20 ft.	20 ft.
Accessory Structure	40 ft.	20 ft.	20 ft.
Off-street Parking	30 ft.	5 ft.	5 ft.

A buffer yard shall be created and maintained around all business and manufacturing districts which abut upon residential districts. Buffer yards shall be a minimum of 20 feet in width; shall be in addition to the required street yards, side yards, and rear yards; and shall screen business or manufacturing uses from adjoining lands in such a manner that:

1. If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than two years and during all seasons of the year.
2. Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than four (4) feet nor more than six (6) feet in height.
3. All landscaping shall be maintained by the owner or operator to the satisfaction of the Zoning Administrator or a designee.
4. Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.
5. No signs shall be permitted on or in any part of the buffer yard.

6. MAINTENANCE AND OPERATION

- A. The number, size, location and screening of appropriate solid waste collection units shall be subject to approval of the Plan Commission as part of the required site plan. Solid waste collection and recycling shall be the responsibility of the owner.
- B. Removal of snow from off-street parking areas, walks and access drives shall be the responsibility of the owners.

C. Outdoor storage of equipment and materials and overnight parking of vehicles is prohibited.

7. SIGNS

All signs shall conform to the provisions of Sec. 17.0706 of the Municipal Code.

8. PERMITTED USES

- A. All permitted uses in the M-1, Manufacturing zoning district.
- B. Contractor's office, shops, and yards in a condominium development with no outdoor storage.
- D. Usual and customary accessory uses to the above listed permitted uses.

9. TIME OF COMPLIANCE

In the event future additions, changes or improvements to the property are approved by the Plan Commission, the operator of the conditional use shall begin installing or constructing the elements required in these conditions and restrictions for the conditional use within twelve (12) months from the date of adoption of the ordinance authorizing the issuance of a conditional use permit. This conditional use approval shall expire within twelve (12) months after commencing construction, if the structure(s) for which an approval has been issued is not substantially completed. The applicant shall re-apply for a conditional use approval, prior to recommencing work or construction.



10. OTHER REGULATIONS

Compliance with all other applicable City, State and Federal regulations, not heretofore stated or referenced, is mandatory.

11. REVOCAION

Should an applicant, his heirs, successors or assigns, fail to comply with the conditions and restrictions of the approval issued by the Common Council, the Conditional Use approval may be revoked. The process for revoking an approval shall generally follow the procedures for approving a Conditional Use as set forth in Section 17.1007 of the Municipal Code.

12. ACKNOWLEDGEMENT

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

\_\_\_\_\_  
Owner's authorized representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
(please print name)

MINUTES OF THE  
OAK CREEK PLAN COMMISSION MEETING  
TUESDAY, FEBRUARY 14, 2017

Mayor Scaffidi called the meeting to order at 6:00 p.m. The following Commissioners were present at roll call: Commissioner Johnston, Commissioner Carrillo, Commissioner Bukiewicz, Alderman Guzikowski, Commissioner Correll, Commissioner Siefert and Commissioner Chandler. Commissioner Dickmann was excused. Also present: Kari Papelbon, Planner; Pete Wagner, Planner/Zoning Administrator; Doug Seymour, Director of Community Development; Asst. Fire Chief Mike Kressuk.

**Minutes of the January 24, 2017 meeting**

Commissioner Siefert moved to approve the minutes of the January 24, 2017 meeting. Alderman Guzikowski seconded. On roll call: all voted aye, except Commissioner Correll, who abstained as he was not in attendance at the January 24, 2017 meeting. Motion carried.

**SIGN PLAN REVIEW  
POTBELLY SANDWICH SHOP  
160 W. TOWN SQUARE WAY  
TAX KEY NO. 813-9046**

Zoning Administrator/Planner Pete Wagner provided an overview of the proposal (see staff report for details).

Commissioner Chandler asked the applicant for more information on the eye-level signs. Kristin Peterson, Innovative Signs, responded that at this point, they don't know exactly what they are going to be putting up there. The examples shown are possible suggestions; however, it depends on what they are advertising at any particular time. Commissioner Chandler asked if the signs would be changing regularly. Ms. Peterson responded that the vinyl lettering is changed quarterly depending on what the specials are.

Commissioner Correll motioned that the Plan Commission approves the sign plan submitted by Kristen Peterson, Potbelly Sandwich Shop, for the commercial tenant portion of the property at 160 W. Town Square Way allowing the following:

- 1) One 31.26 square-foot, 28.875" tall, wall sign on the north elevation
- 2) One 31.26 square-foot, 28.875" tall, wall sign on the south elevation
- 3) Two eye level signs, not to make more than 10% of the glazing opaque on the south elevation
- 4) One sign panel to the existing monument sign.

Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

**REZONE/CONDITIONAL USE PERMIT  
STORAGE SHOP USA  
331 & 401 E. OAK ST.  
TAX KEY NOS. 733-0008 AND 739-0009**

Zoning Administrator/Planner Wagner provided an overview of the proposal to rezone properties to M-1, Manufacturing with a Conditional Use Permit operation of contractor's offices, yards, or shops without outdoor storage (see staff report for details).

Frank Petelinsik, 611 E. Oak Street, asked if the City is going to permit all the mini-warehouses to become residential. Mayor Scaffidi responded no.

Commissioner Bukiewicz asked if the City has to mandate that a building of this size has to be sprinklered for fire protection. Asst. Fire Chief Kressuk responded that they would evaluate the building's spec. plans to determine the needs for fire suppression in them. Generally, they find that these structures are relatively smaller in scale, but that will certainly be monitored as the building plans come forward. The units are subject to all prevailing fire prevention codes. Commissioner Bukiewicz asked if any time a building is rented out, will they have to let the City know what the particular use is and what type of items they are storing. Zoning Administrator/Planner Wagner responded that when they are purchased, they have to get an occupancy permit for what type of use they are going to have. At that time, the City will know what type of items they will be storing.

Commissioner Bukiewicz asked if the Fire Department would know what type (if any) of chemicals will be stored there. Asst. Fire Chief Kressuk responded that they would know when the occupancy permit application is submitted. It is important to note that these buildings are constructed to a certain specification. The construction methods and materials and the size of the structure also dictate what type of occupancy could take place in those particular structures without fire suppression being provided.

Commissioner Carrillo asked if there is any signage that goes along with these. Zoning Administrator/Planner Wagner stated there will only be a monument sign reading Self Storage USA. The idea of this use is not to bring customers to this location. It is for storage of vehicles or equipment.

Commissioner Bukiewicz motioned that the Plan Commission recommends that the Common Council approves the rezoning and conditional use permit for a contractor's office, shops, and yards with no outdoor storage for the properties at 331 and 401 E. Oak Street after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting.

Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
SIKH TEMPLE OF WISCONSIN  
7512 S. HOWELL AVE.  
TAX KEY NO. 781-9031**

Planner Papelbon provided an overview of the project (see staff report for details), and mentioned that she did receive two emails from residents expressing their concerns about lighting and screening to the residences to the south. Also, there was a question about noise and when the construction would occur.

Planner Papelbon stated that staff met with the applicants this week to discuss the plans. This proposal before the Plan Commission is considered a maximum buildout. Should they have any changes to the plans, staff would work with them to make sure that all requirements are adhered to in terms of compliance with the local Code.

Commissioner Bukiewicz asked if there was any proportional number of parking spaces they have to have for a field the size that they are proposing. Planner Papelbon responded that this is a private soccer field for the temple. It is not going to be a commercial recreational facility or a park, so they are not required to have a certain number of parking stalls.

Commissioner Correll moved that the Plan Commission approves the site, building and sign plan submitted by Elizabeth Gabor, IKEA Property, Inc., for the property at 7500 S. IKEA Way, with the following conditions:

1. That all signs meet the dimensional and square footage requirements of the B-6, Interchange Regional Retail District.
2. That all revised plans (site, building, landscaping, lighting details, etc.) are submitted in digital and paper formats for review and approval by the Department of Community Development prior to the submission of building permit applications.
3. That all mechanical equipment (ground, building, and rooftop) is screened from view.
4. That all building and fire codes are met.
5. That stormwater, grading, and road plans are coordinated with and submitted for final approval to the Engineering Department prior to issuance of permits.
6. That final lighting plans indicating luminaire type, pole type, color, and height are submitted for final approval by the Electrical Inspector prior to the issuance of building permits.
7. That all water and sewer utility connections are coordinated with the Oak Creek Water & Sewer Utility.
8. That detailed landscaping plans are submitted for review and approval by the Director of Community Development prior to the issuance of building permits.

Commissioner Siefert seconded. On roll call: all voted aye. Motion carried.

**CONDITIONS AND RESTRICTIONS  
STORAGE SHOP USA – OAK CREEK, LLC  
331 AND 401 E. OAK ST.  
TAX KEY NOS. 733-0008 AND 733-0009**

Zoning Administrator/Planner Wagner explained that at the last meeting, the Plan Commission recommended approval for a conditional use permit allowing for a contractor's office, yard, or shop without outdoor storage at 331 & 401 E. Oak Street and directed staff to draft conditions and restrictions to be reviewed at their next meeting.

Zoning Administrator/Planner Wagner reviewed the conditions and restrictions with the Plan Commission and noted that on Page 2, Section 3, Parking and Access, Subsection A, parking requirements for this project shall be limited to spaces as shown on the site plan approved by the Plan Commission and in conformance with Section 17.04.03(J)(5) of the zoning code.

On Page 4, Zoning Administrator/Planner Wagner added a section referring to a buffer yard. This was taken directly out of the City's code. Any time a manufacturing district is abutting up against a residential; an additional buffer yard is required, which requires additional landscaping. These two parcels will be zoned from Rs-2 to M-1, but to the east, it will be Rs-2. The applicant will have to have the 50' setback of the buildings. The concept plan shows a 55' setback so it shouldn't impact what he is proposing to do.

Under Section 6, Maintenance and Operation, the applicant had concerns about Subsection D, which refers to individual units are to be owner-occupied. No portion of this development shall be used as a self-service storage facility. He was concerned that someone would own these. These are typically a two-unit development. Typically they would own one and rent out the other. He felt that this condition may prohibit him from doing that. Staff agreed that maybe this is not necessary since this will be owner-occupied. Staff does recommend striking 6 D from the conditions and restrictions. It is addressed later in Section 8 permitted uses.

Greg Thompson, 6810 Cross Country Road, Verona stated that on this particular site if you go to the west, those two lots are pretty much wetlands. The lot to the east is owned by the

Milwaukee airport and they don't want residential there. This area is generally planned for more industrial type uses and he was thinking in the buffer zone whether it is actually designed a buffer zone. He was hoping that there would be some discussion at the site plan level rather than making it a restriction. Zoning Administrator/Planner Wagner stated this is spelled out because it is a residential zoning district to the east and west. In the future, if and when that zoning changes from residential to manufacturing, that buffer would not be required. However, until the County rezones that district, the code has to be complied with. The Plan Commission will review at what level that landscaping has to be.

Commissioner Siepert moved that the Plan Commission recommends that the Common Council adopts the Conditions and Restrictions as part of the Conditional Use Permit allowing for the development of a contractor's offices, yards, or shops without outdoor storage at 331 & 401 E. Oak Street after a public hearing with the modification that 6 D be stricken. Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

**PLAN REVIEW  
ST. JOHN PROPERTIES, INC.  
140 E. RAWSON AVE.  
TAX KEY NO. 733-9991-001**

Planner Papelbon provided an overview of the proposal for a multitenant, multi-building (3) office and warehouse development on the property (see staff report for details).

Michael Piechowski, 251 E. Rawson Ave., stated that there is going to be a lot of activity with the loading docks, and he understands why the applicant wants to change the zoning. He asked if the area of land that is elevated will be taken down. He stated that the development will have headlights shining into the homes across the street. Mr. Piechowski stated that he needs more details on this project and more detailed plans, and then the neighbors can come back and discuss their concerns. Planner Papelbon responded that the plans are available on the website. Everything that was submitted to the Plan Commission can be downloaded or viewed on the website.

Planner Papelbon stated that she previously spoke to the applicant to make sure they have adequate landscaping to screen the headlights because there are residential properties on the south side of Rawson Avenue. Mr. Seymour stated that the impact of this development will probably be less than what would typically be associated with a traditional M-1 development of a distribution center.

Commissioner Correll asked if the Plan Commission could review the landscaping plan rather than just leaving that to staff.

Alderman Bukiewicz asked who would be maintaining the frontage road. Planner Papelbon responded that the City does not own that. That is the County right-of-way.

Commissioner Johnston stated that there are three intersections that the traffic impact analysis will review; Howell and Rawson, and the frontage road with Rawson and Tyler and Rawson.

Alderman Bukiewicz stated that they do have to take the neighbors to the south into account.

Bret Mazzone, 120 E. Rawson Avenue, stated his concern about the frontage road being the only access to this property. He has spoken to WisDOT, and because of the line-of-site, it is hard for him to have access to this site there. He would like to know how it will be addressed as far as maintaining the roadway. He stated that this project encompasses 75% of the roadway when you enter off of Rawson Avenue to the west (toward Howell Avenue) to their main access



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or  
Email [StorageShopUSA](mailto:StorageShopUSA)

## The Commercial Storage Condo Concept

### WITHOUT QUESTION!! ...

**THIS IS THE COOLEST & MOST CREATIVE REAL ESTATE CONCEPT THE COUNTRY HAS SEEN IN A LONG TIME!**

*- Its all about how you package it!!*



Office warehouses, commercial storage units, storage condos, duplexes, boat/rv storage, extra garages, pole barns, and work sheds all have all been options and concepts utilized for many years. However, each of them have issues with cost, quality, function, utility, convenience, or personal preference; and they are simply not available to many. - UNTIL NOW!!

StorageShopUSA™ has developed a simple residential style, office warehouse product, commercially zoned and built, that utilizes the very popular "duplex" and "condominium" concept that has an **immediate and recognizable value - all for around 100k!!**.

### Flexible Space

From simple storage situations to operating your business, a StorageShopUSA™ unit will provide the

utility that contractors, hobbyists, RV/boat enthusiasts, and small businesses need, combined with the "good sense" of ownership.

A StorageShopUSA™ unit is approximately 25ft wide by 50ft deep with 14' ceilings (1250sf), a 12ft by 13ft overhead door and located in a commercially zoned area. It provides enough room and height to accommodate most any vehicle. All units have heat, lights, 100amp service, phone, cable, bathroom plumbing, drywall, painted walls and are available for you to OWN. The list of potential uses is endless:

- [Hobbyists looking for space outside their home](#)
- [People with lots of "toys"\(boats, RVs, etc\)](#)
- [Start-up businesses](#) looking to get out of their house, van or garage
- Companies with sales reps that lease space for a satellite office and to store products (climate controlled)
- [Contractors](#)
- Business owners that pay rent
- [Rental property owners/managers](#)
- [Investors](#)

StorageShopUSA™ provides an opportunity for individuals, families, small businesses, partnerships and even corporations to have access to economical and "functional" storage along with workshop facilities.

### The Condominium Advantage

Build your own or buy a Condominium StorageShop? You really should ask yourself this question. We're sure that the more you look into it, the more obvious the answer will be.

Northeast Madison	SOLD OUT!
Fitchburg	SOLD OUT!
Lake Mills	SOLD OUT
McFarland	SOLD OUT
Middleton	SOLD OUT
East Madison	Units Available
Janesville	units available
Wauwaukee	SOLD OUT
Stoughton	units available
Verona	SOLD OUT
Sun Prairie	Coming soon!

Waukesha	SOLD OUT
Saukville	SOLD OUT
Menomonee Falls	SOLD OUT
Germantown	SOLD OUT
Delafield	SOLD OUT !
Racine/Kenosha	New -Fall 2016
Oak creek	NEW spring 2017

DePere	2 units available
Appleton	Coming Soon!

### ANNOUNCING!!!! - StorageSuiteUSA

New "mini-office/warehouses" concept developing. First location to be Madison WI

StorageShopUSA is launching a new concept called StorageSuiteUSA!!

[Read more](#)

**What would you do with a Business Condo?:**

- Run my small business
- Work on my hobby
- Use it for storage

Vote

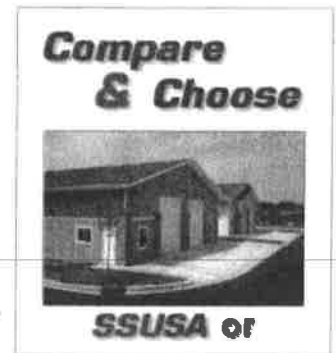
StorageShopUSA™ founder [Greg Thompson](#) discovered first-hand just what a hassle it can be to try and build an oversize garage for some extra space. Save yourself the trouble of finding commercially zoned land, building permits and inspections, building specifications, and cost overruns. StorageShopUSA™ Business Condos does it all for you - it's your turn-key solution.

The condo bonus is the icing on the cake. With all StorageShopUSA™ Storage Condos, property maintenance is included in your [condo association fee](#). That means no mowing grass and no shoveling snow. Just go to your shop and enjoy!

Other benefits include:

- Immediate and Recognizable Value
- Flexible Buildouts
- Security
- Your Own Personal Space
- Building Ownership

Call StorageShopUSA™ now to learn more - **1-608-444-1515!**



"We researched a number of other properties and selected SSUSA because it had everything we were looking for. We've been very happy with our purchase as it is a high quality unit with low overhead."

Bill Spencer

Listen to StorageShopUSA ads every afternoon on WTDY - The Pulse



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## Flexible Commercial Storage Space



Flexible commercial office and warehouse space with the benefit of being commercially zoned. Regardless of which of the more than [eighteen locations](#) you choose, you can be assured that your StorageShopUSA™ storage condo will meet your needs.

All units are located in a community with other storage condos and are ready for you to customize however you wish. You'd be surprised at [what current owners use their storage condo for](#). Although the most common use is

that of [office and warehouse space for small businesses](#), others use their condo for [RV & boat storage](#), [hobby interests such as a woodworking shop](#).

All office warehouses buildings contain two units that are approximately 25'x50' in size. The shared interior wall is non-load bearing meaning that if you to buy two units, you could enjoy a full 50'x50' space all to yourself.

And [save money](#) besides!

Your personal office space is also very flexible. All units can be finished with a carpeted personal office that is pre-wired to provide telephone and a high-speed internet connection. A finished washroom space is also included in the [finish unit package](#).

How you finish your Interior space is entirely up to you - you own the space! And remember, all improvements made benefit you, not a landlord!

## Commercial Warehouse Space for Everyone!

When putting together this website, we wanted to show just how flexible a StorageShop really is - what a job that turned out to be. To begin with, how do you categorize a StorageShop? Is it an office warehouse? commercial storage? oversize storage? a business condo? or maybe a business bungalow! Call it what you like, StorageShops are basically commercially zoned big garages you can utilize for business or personal needs.

When surveying current owners as to what they use their StorageShop for, we found that there are about as many uses as there are owners! We knew that they were being used by small business owners and for personal storage We didn't expect to find that they were also being used as an art studio, a Volkswagen restoration shop, and even as a [TV studio for Street Club TV!](#)

Whatever you need space for, you can be sure that a StorageShop will work for you.

## Self-Employed Contractors



Contractors, Electricians, Plumbers, and Painters; these are just a few of the artisans that will benefit from owning a business condo. Ample storage space and a clean, dry, and heated environment will be welcomed by those that are used to braving the elements a Wisconsin winter deals us.

Northeast Madison	SOLD OUT!
Fitchburg	SOLD OUT!
Lake Mills	SOLD OUT
McFarland	SOLD OUT
Middleton	SOLD OUT
East Madison	Units Available
Janesville	units available
Waunakee	SOLD OUT
Stoughton	units available
Verona	SOLD OUT
Sun Prairie	Coming soon!

Waukesha	SOLD OUT
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Oak creek	NEW spring 2017

DePere	2 units available
Appleton	Coming Soon!

**Storage**  
**Inside Storage Shop Condos**  
A Resource for Buyers & Developers!  
**Click Now!**

**Just Think**  
Having you own personal space to do the things you love without having to spending a lot.

### ANNOUNNCING!!!! - StorageSuiteUSA

New "mini-office/warehouses" concept developing. First location to be Madison WI

StorageShopUSA is launching a new concept called StorageSuiteUSA!!

[Read more](#)



**What would you do with a Business Condo?:**

- Run my small business
- Work on my hobby
- Use it for storage

**Vote**

Motorhome, RV & Boat Storage



Commercial Condos are great for indoor storage of your motor home, RV, or boat. Keep your toys out of the weather and get them ready for next season. With a full 25'x50' storage condo, you'll be sure to have plenty of space for your toys and then some.

Investment Property & Developers



Business condominiums not only are great for business owners, they're a great investment as well. By owning your own business condo, you realize the property appreciation along with great tax advantages. You also might be surprised to know that the average monthly payment to own is many times less than what you might be paying for rent.

Storage & Warehouse Space



Does your business need warehouse space as well as professional office space? A commercial warehouse condominium from StorageShopUSA is a perfect solution. Our spacious design gives you plenty of room to operate efficiently. Office space is also clean and comfortable. All offices are pre-wired for high-speed internet access as well.

Car Collectors



Your friends will be envious. Your new shop - It's everything you've always dreamed of. Clean, warm, dry, plenty of room for your pride and joy. It's just the shops you see in Street Rodder, and Hot Rod Magazine. Customized it to be the ultimate shop of your dreams.

Hobbyist



No matter what your hobby, having a shop all to your own will give you the room to truly enjoy yourself. Whether it's cabinet making, mechanical, collecting, or whatever; don't you think it's time to have your own space to truly enjoy your spare time?

Man Cave



There isn't a guy around that hasn't thought about what it would be like to have his own "Man Cave". Somewhere to get away and tinker, or just a place to hang out with your buddies and do whatever. Don't wait any longer - you're not getting any younger...

Multi-Purpose



Regardless of your need, commercial storage, off-site secure business space, or a commercial warehouse; a building from StorageShopUSA has something that will work for you.

**Compare & Choose**

**SSUSA** *or*

"I like that it is nicely finished, has water and a drain, and unbelievably low utility costs. I think last winter my heat + electric never went above \$80."

Matt Smith

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Generally, the uses of a StorageShopUSA unit involve a small office and some storage/warehouse space whether it is for business or personal use. There are a vast majority of small businesses that need that kind of space. It was determined that the M-1 zoning classification was best suited for those uses. The M-1 zoning permits "*office, professional and administrative*", and "*warehousing*" which will cover the proposed uses for the development. In addition, permitted accessory uses include "*garages used for storage of vehicles in conjunction with the operation of the business*". We do attract a variety of "*contractors*" and also people/businesses that need "*storage of vehicles and equipment*" and for those uses a conditional use is required. Note: although the zoning district is considered "*manufacturing*" I do not know of any instance where "*assembly, processing, and manufacturing*" is conducted.

The following represents some current/past uses for StorageShopUSA units - Jan, 2017

- Security business
- Storage/hobby
- Property management/services
- Unique car dealer/storage
- Carpet cleaner
- Wholesale electronics
- Personal woodworking shop
- Upholstery repair
- Artist
- Construction shop/builder/mason/heating/electric/etc
- Internet business -- sales
- Fun play inflatables
- Record album dealer/trader
- Car window tinting
- Business storage

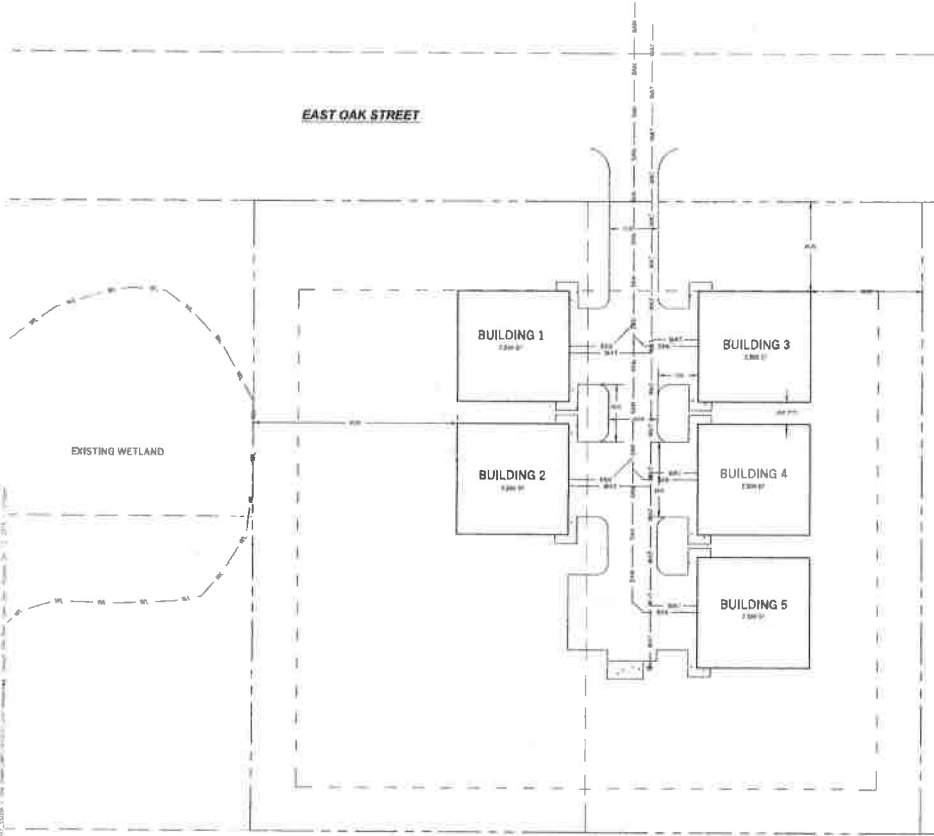
- Survey shop
- Pool servicing

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- Blind sales and install
- Private Race car shop/storage
- Wine storage – climate controlled
- Coffee distribution
- Soil testing service
- Small bakery
- Sign company
- Salvation army – storage
- Promotional products office and warehouse
- “american pickers” trader
- Window restoration
- Car starters and tinting
- General business office with storage

\*\*\*\*\*There are more but not able to keep track of them all. \*\*\*\*\*

- Generally speaking they are low traffic, low profile uses with a very small fraction of them having employees that work at the shop.
- We don't allow auto repair, welding, or woodworking for commercial purposes.
- There is NO outside parking or storage overnight.
- The condo documents explicitly say NO overnight sleeping in Unit is permitted.
- We do not need any “retail” zoning.



**LEGEND (PROPOSED)**

- Proposed Structure
- Proposed Parking
- Proposed Driveway
- Proposed Utility
- Proposed Fencing



**GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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**NOTICE OF CONSTRUCTION**

WE ADDRESS: 111 AND 113 EAST OAK STREET  
 CITY: MILWAUKEE, WI 53212  
 USE OF PROPERTY: OFFICE / WAREHOUSE / STORAGE / BUSINESS

**NUMBER OF UNITS: 05**

**NEW ASPHALT SURFACE AREA:**  
 11,170 SQ. FT.

**NET LEASABLE AREA:** 233,307 SQ. FT.

**WYSER**

**XXX**

**STORAGE SHOP USA - OAK CREEK**

**OAK CREEK, MILWAUKEE COUNTY, WI**

**111 E. OAK STREET  
OAK CREEK, WI 53154**

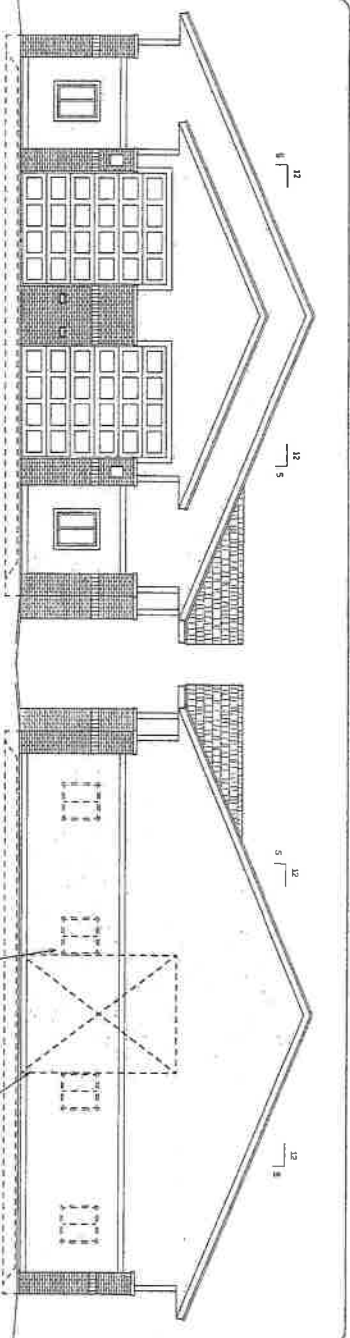
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**12/12/2018**

**C100**

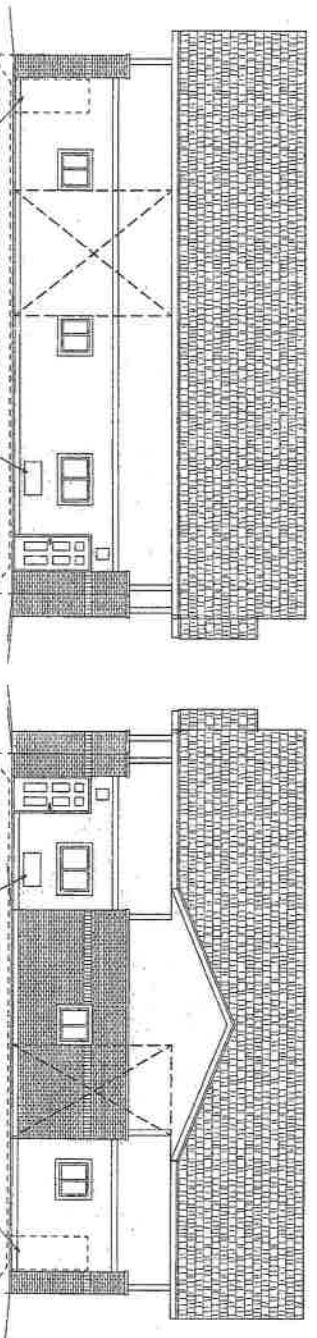
**WYGERS & WYLINE**

Tel: 763.600.242-681  
 www.wygersonline.com



Front Elevation  
Scale = 1/4" = 1'-0"

Rear Elevation  
Scale = 1/4" = 1'-0"



Left Elevation  
Scale = 1/4" = 1'-0"

Right Elevation  
Scale = 1/4" = 1'-0"

Sheet  
**A3.1**

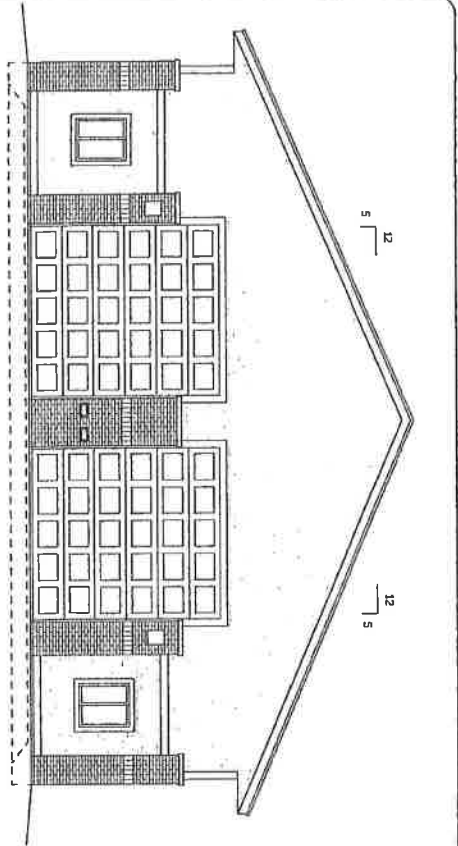
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Scale: As noted  
Job #: 06-03

Project: **Storage Unit**  
Address: De Pree, Wisconsin  
Sheet Title: **Elevations "B"**

Prepared for: **StorageShopUSA**  
**Greg Thompson - Owner**  
Address: 440 Milwaukee Street  
Madison, WI 53714  
Phone: 608.444.1215 Fax 866.381.5777

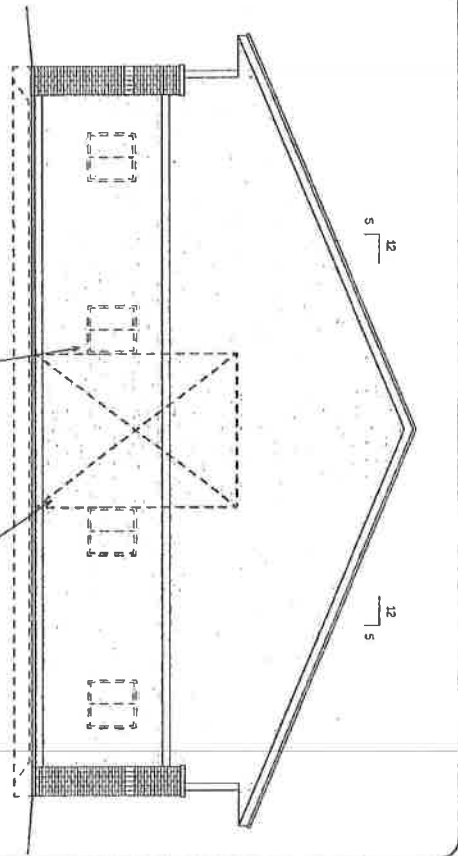
**Concepts In Architecture, LLC**

Jeffery Greuter, Architect  
830 S. Main Street  
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608-835-3156  
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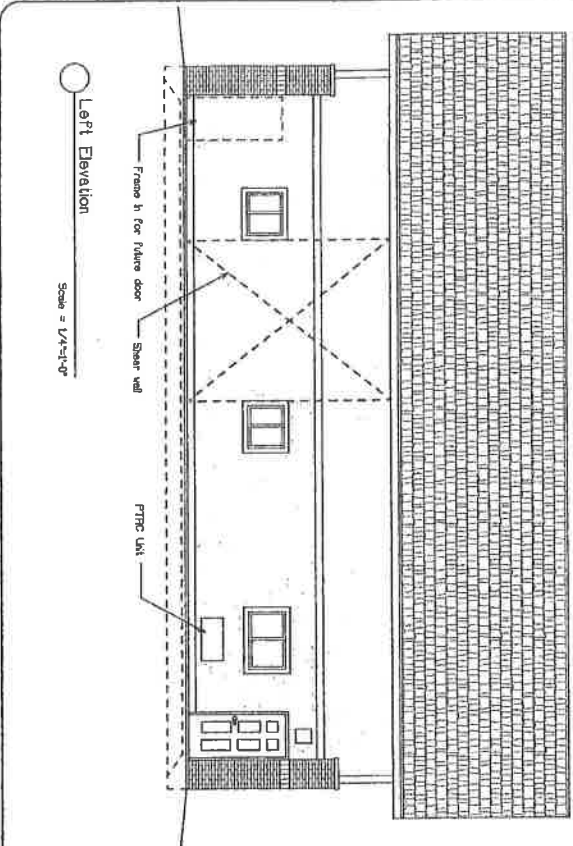
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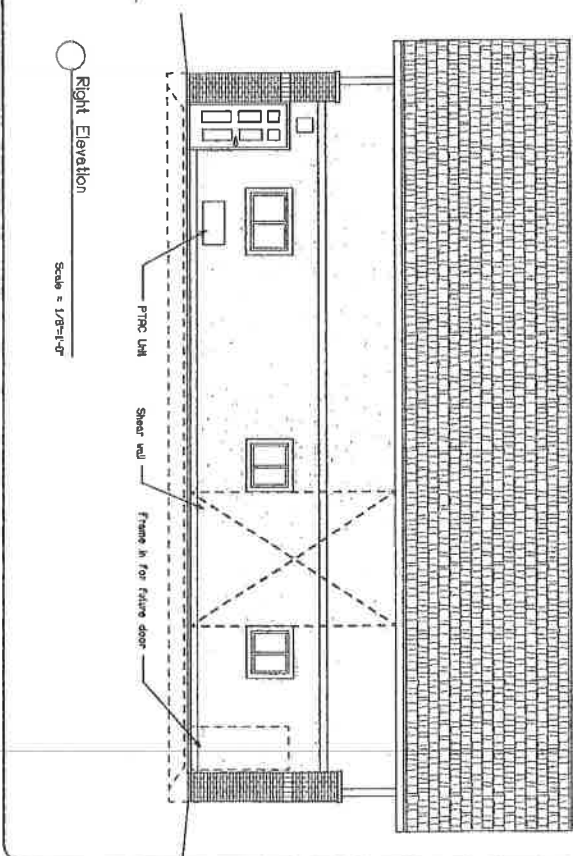
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Left Elevation

Scale = 1/4"=1'-0"



Right Elevation

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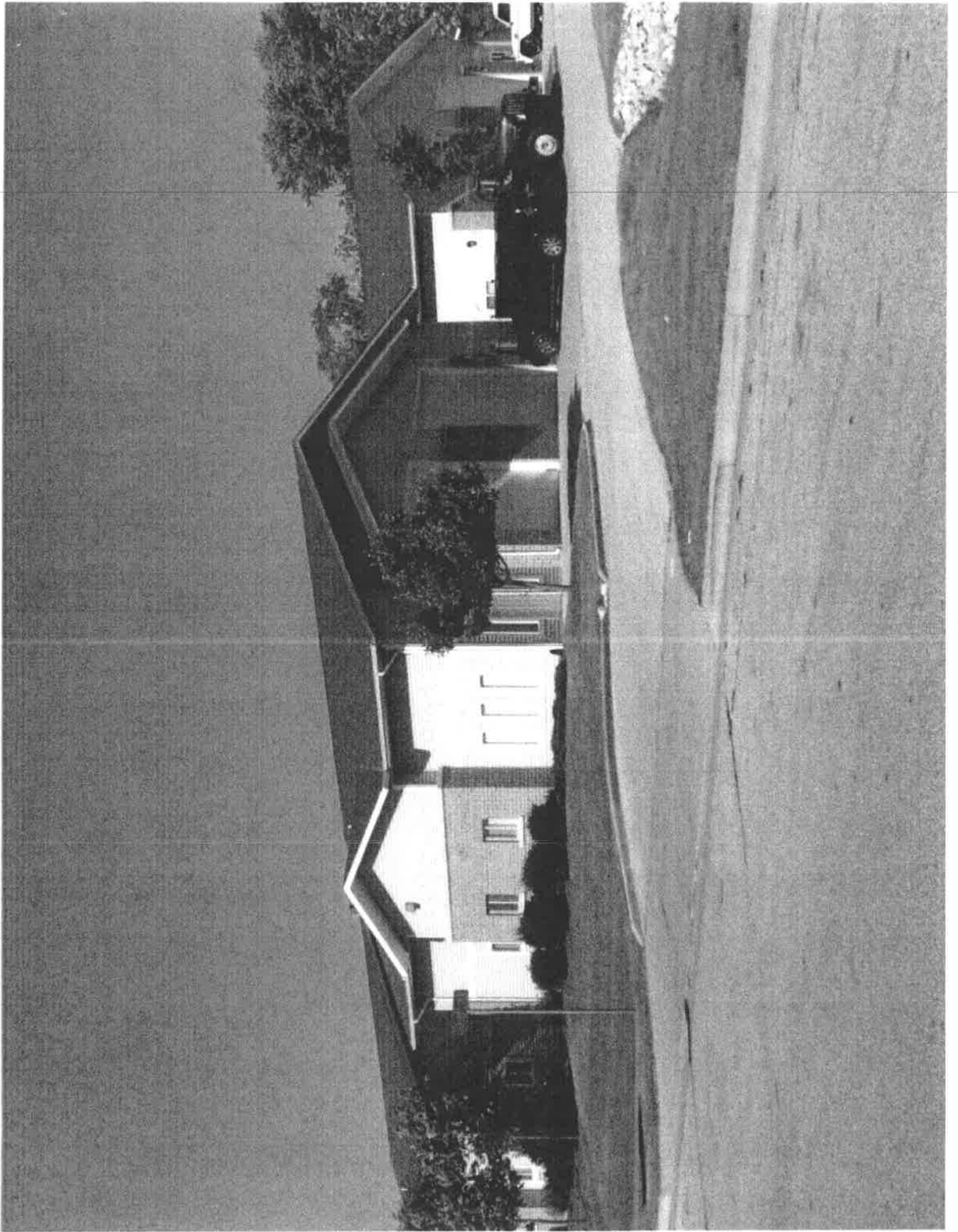
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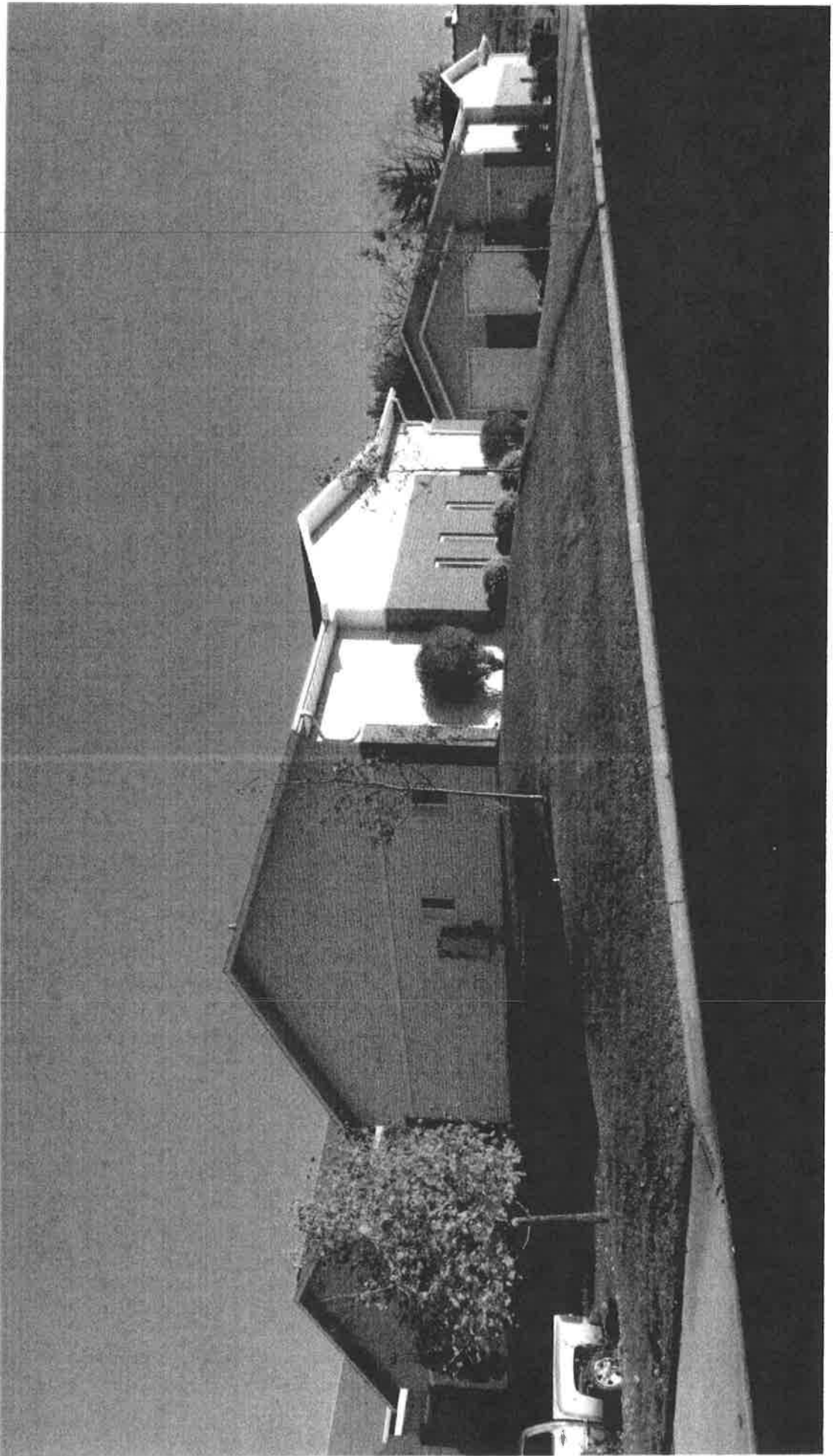
Date: 12-26-2006  
 Scale: As Noted  
 Title: Elevations "A"  
 Project: Storage Unit  
 Address: De Pere, Wisconsin

Proposed for: **StorageShopUSA**  
**Greg Thompson - Owner**  
 Address: 4610 Milwaukee Street  
 Madison, WI 53714  
 Phone 608.444.1515 Fax 866.381.5777

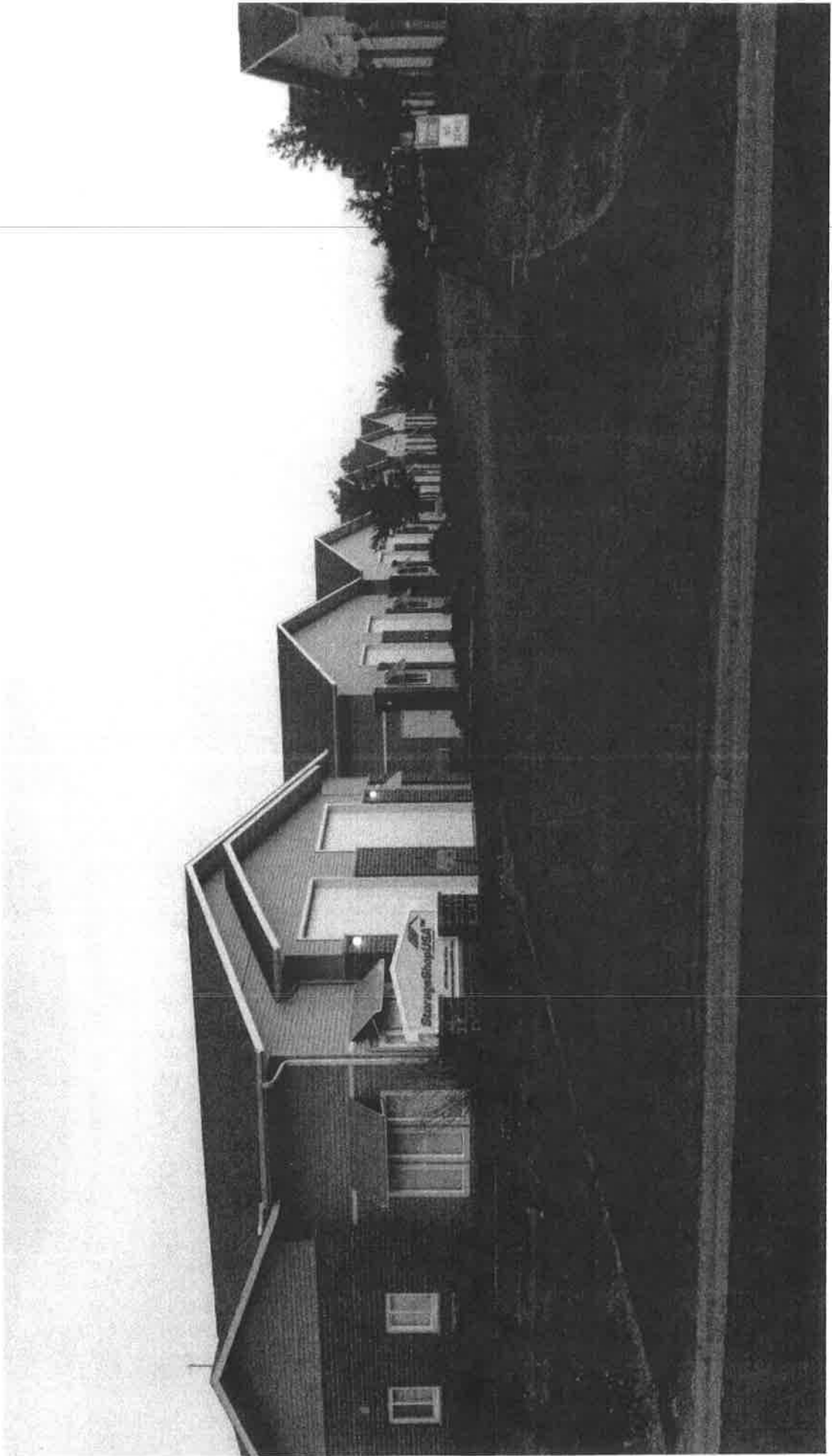
**Concepts**  
**In**  
**Architecture, LLC**

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# City of Oak Creek Common Council Report

Meeting Date: 03/21/17

Item No.: 7

**Recommendation:** That the Mayor and Common Council –

- a. Authorize a method and schedule of replacement for the 2<sup>nd</sup> District aldermanic vacancy;
- b. Establish a method of responding to 2<sup>nd</sup> District constituent concerns until the position is filled; and
- c. Determine whether or not to hold a special election on November 7, 2017 to fill the unexpired term of Daniel J. Bukiewicz.

**Background:** With the appointment of Alderman Daniel J. Bukiewicz as Mayor at the March 7, 2017 Common Council meeting, the office of 2<sup>nd</sup> District Alderman became vacant as a matter of law. Wisconsin Statutes Sec. 17.23 addresses vacancies in city offices and provides as follows (emphasis added):

**17.23 Vacancies in city offices; how filled. (1) General and special charter cities.** Vacancies in offices of cities operating under the general law or special charter shall be filled as follows:

(a) In cities of the 2nd, 3rd or 4th class, in the office of mayor, except as provided in s. 9.10, by appointment by the common council for the residue of the unexpired term unless a special election is ordered by the common council in which case the person appointed shall serve until his or her successor is elected and qualified. In the office of alderperson, by the common council, except as provided in s. 9.10. A person so appointed shall hold office until a successor is elected and qualified. Unless otherwise ordered by the common council, a successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens no later than December 1 preceding the first Tuesday in April, but if the vacancy happens after December 1 preceding the first Tuesday in April and before that day, then the successor shall be elected on the first Tuesday in April of the next ensuing year. The common council may, if a vacancy occurs before June 1 in the year preceding expiration of the term of office, order a special election to fill a vacancy to be held on the Tuesday after the first Monday in November following the date of the order. A person so elected shall serve for the residue of the unexpired term.

The 2<sup>nd</sup> District aldermanic term expires in April 2018. Since the vacancy in this office occurred after December 1, the Common Council will need to appoint an alderperson to serve for the balance of the unexpired term. Because the vacancy occurred before June 1, the Common Council may order a special election to be held in November, in which case the elected alderperson would serve until the April election.

In order to fill the vacancy in this office, the Council must authorize a method of selecting a replacement for the remaining term of office. The office is up for regular election in April 2018, but the Council may choose to conduct a special election on November 7, 2017 to fill the vacancy. The Council dealt with this type of vacancy in 2003, 2008 and 2012. In those situations the aldermanic vacancies were filled using a resume and interview selection process. The Council may choose another method of replacement and selection.

The Council is also being asked to establish a method of referral for any 2<sup>nd</sup> district constituent concerns to be used until a replacement is selected.

**Fiscal Impact:** Minimal costs may be incurred to advertise or handle the process. Funding is available in the General Government-Miscellaneous expense category.

Prepared by:



Melissa L. Karls  
City Attorney

Reviewed and respectfully submitted by:



Andrew J. Vickers, M.P.A.  
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

# City of Oak Creek Common Council Report

Meeting Date: March 21, 2017

Item No.: 8

**RECOMMENDATION:** Consider a motion to approve Resolution 11804-032117, A Resolution Urging State Legislation to Close Loopholes that Shift a Greater Property Tax Burden from Commercial Properties to Residential Homeowners.

**BACKGROUND:** The 2008 State Supreme Court ruling, *Walgreens v. City of Madison*, readjusted certain factors taken into consideration when determining assessed value of commercial property. The decision continues to spur public policy discussion about a new theory, the Dark Store Theory or "Loophole", being advanced predominantly by small and large-format retailers. Using the Walgreen's decision as a basis, retailers are successfully being granted significant reductions in assessed value because more weight is being given to the property value of nearby dark/shuttered retail spaces when determining a proper assessed value for a thriving retail establishment.

Attached to this report, you will find supplemental information presented by the League of Wisconsin Municipalities on this issue. Rather than regurgitate that information, suffice is to say that the Dark Store Loophole is akin to an Assessor being required to factor foreclosed/distressed single family home sales when determining the value of home in fine standing and condition. Assessment statutes already control for these instances, and rightfully so. In the case of the commercial/retail Dark Store Theory, a legislative fix has yet been presented to correct the bad decision and precedent in *Walgreens v. City of Madison*.

At the time of this writing, 25 local government entities have approved a similar resolution, which is model resolution prepared by the League. More communities will be following suit with Resolutions of their own. In the greater metro area, Milwaukee, West Milwaukee, Waukesha, Brookfield, Glendale, Saukville, Thiensville, West Bend, and Washington County have approved resolutions to-date.

The City has a significant retail base that will only grow in the future. The fact that the City hosts many of the very retailers that are taking advantage of the Dark Store Loophole requires the City to take action. The issue is at the top of the League's agenda for the upcoming legislative session, and the City should go on record in support of the effort.

**FISCAL IMPACT:** The fiscal impact is impossible to determine; however, if the Dark Store Loophole remains intact, the impact could be significant.

Prepared & Respectfully Submitted by:



Andrew J. Vickers, M.P.A  
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

**RESOLUTION NO. 11804-032117**

By: \_\_\_\_\_

**RESOLUTION URGING STATE LEGISLATION TO CLOSE LOOPHOLES THAT SHIFT A  
GREATER PROPERTY TAX BURDEN FROM COMMERCIAL PROPERTIES TO RESIDENTIAL  
HOMEOWNERS**

WHEREAS, home owners in Wisconsin already pay 70% of the total statewide property tax levy; and

WHEREAS, that disproportionate burden is about to get much worse unless the Legislature addresses tax avoidance strategies that national chains like Walgreens, and big box retail establishments like Target and Lowe's are using across the country to gain dramatic reductions in their property tax bills at the expense of homeowners and other taxpayers; and

WHEREAS, a carefully-orchestrated wave of 100s of lawsuits in Wisconsin is forcing assessors to slash the market value of thriving national retail stores, shifting their tax burden to local mom and pop shops and homeowners; and

WHEREAS, Walgreens and CVS stores in Wisconsin have argued in communities across the state that the assessed value of their property for property tax purposes should be less than half of their actual sale prices on the open market; and

WHEREAS, in many cases the courts have sided with Walgreens and CVS, requiring communities to refund tax revenue back to the stores; and

WHEREAS, there are over 200 Walgreens stores located in Wisconsin's cities and villages; and

WHEREAS, Target, Lowe's, Meijer, Menards and other big box chains are using what is known as the "Dark Store Theory" to argue that the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

WHEREAS, the Republican-controlled Indiana state Legislature has on two occasions in the last two years overwhelmingly passed legislation prohibiting assessors from valuing new big box stores the same as nearby abandoned stores from a different market segment; and

WHEREAS, the Michigan state house overwhelmingly passed similar legislation in May of 2016.

NOW, THEREFORE, BE IT RESOLVED, that the Oak Creek Common Council urges the Governor and the Legislature to protect homeowners and main street businesses from having even more of the property tax burden shifted to them by passing legislation clarifying that:

1. Leases are appropriately factored into the valuation of leased properties; and
2. When using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Governor Walker and the City's State Senator and Assembly Representative.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this \_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted this \_\_\_ day of \_\_\_\_\_, 2017.

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

Approved this \_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Mayor

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

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

A **'dark'** tax strategy • Big box tax dodgers? • **Dark Store** cases could cost millions in taxes • County Board asks state board to address business tax loopholes • The **Dark Store** Loophole Gains Foothold • Brookfield sends message to combat big retail loopholes • **Dark Store** Theory: The move big box retailers are making that could cost you big bucks • Fighting the **"Dark Store"** Loophole • West Bend asks governor, legislature to close tax loopholes • Cities Brood over **Dark Store** Lawsuits • Big-box stores battle local governments over property taxes • How Big Box Retailers Weaponize Old Stores • **'Dark Stores'** argument allows big business to skimp on property taxes • Municipalities want to curb **"dark store"** property tax challenges • Appleton city assessor wants to close **"dark store"** loophole costing taxpayers money. . .

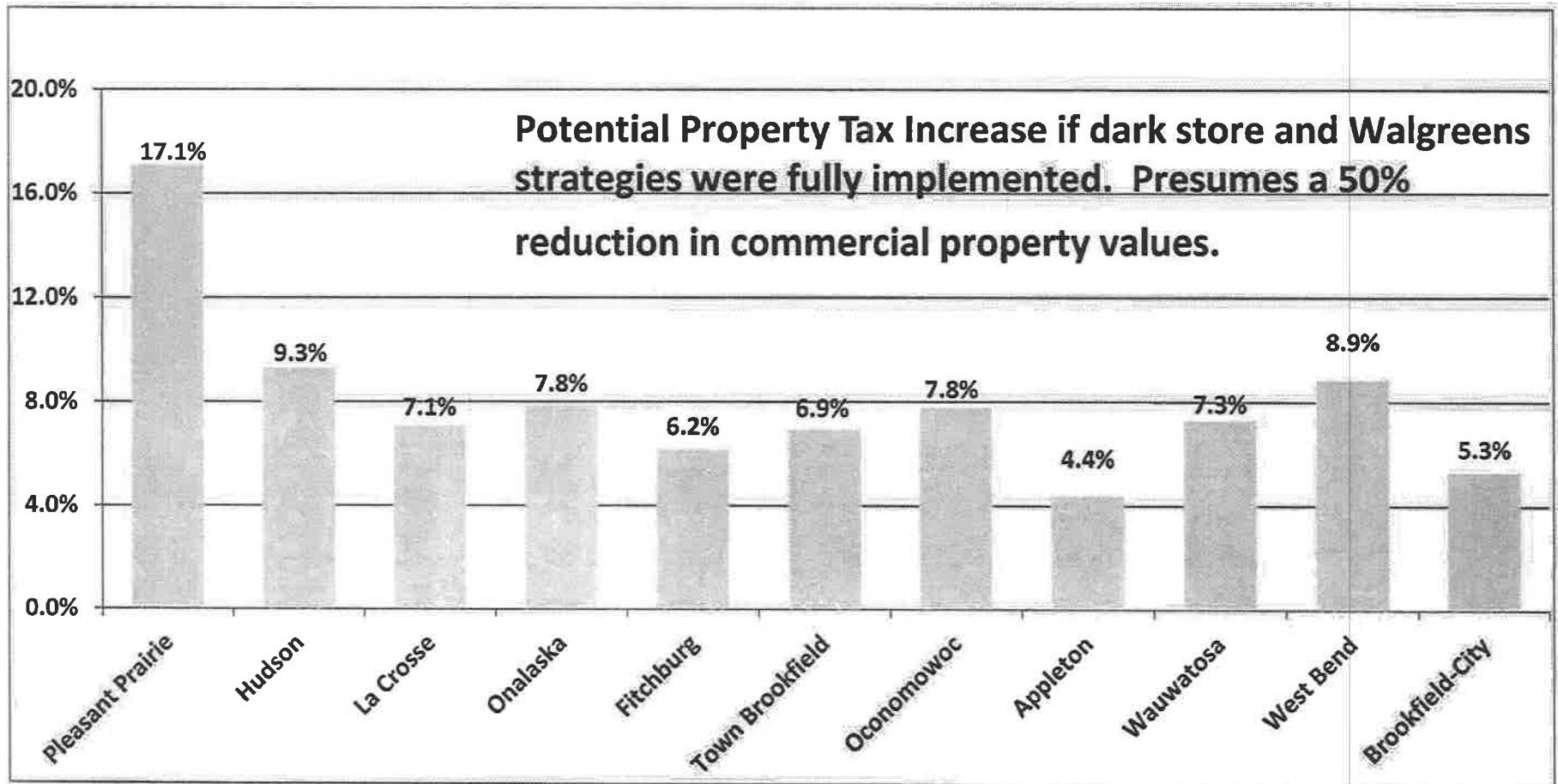


Should this new thriving store be valued for property tax purposes like the abandoned store in the photo below? That's what many big box chains are successfully arguing to reduce their property taxes. The result is that other taxpayers must pick up the slack. Not fair, is it? Support legislation shutting down the dark store tax strategy.





	<u>Pleasant Prairie</u>	<u>Hudson</u>	<u>La Crosse</u>	<u>Onalaska</u>	<u>Fitchburg</u>	<u>Town Brookfield</u>	<u>Oconomowoc</u>	<u>Appleton</u>	<u>Wauwatosa</u>	<u>West Bend</u>	<u>Brookfield-City</u>
Total Ass'd Value	2,667,459,100	1,532,694,370	3,078,582,790	1,653,232,040	2,592,798,500	973,532,803	1,893,455,895	4,891,842,500	5,268,420,900	2,402,808,300	6,619,514,680
Value 'At Risk'	777,923,700	261,258,000	409,067,500	240,293,900	302,327,900	126,409,500	273,821,500	410,106,100	716,864,200	390,962,800	668,682,200
50%	388,961,900	130,629,000	204,533,800	120,147,000	151,164,000	63,204,800	136,910,800	205,053,100	358,432,100	195,481,400	334,341,100
Value Loss	14.6%	8.5%	6.6%	7.3%	5.8%	6.5%	7.2%	4.2%	6.8%	8.1%	5.1%
Tax Rate Increase	17.1%	9.3%	7.1%	7.8%	6.2%	6.9%	7.8%	4.4%	7.3%	8.9%	5.3%





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## Issue Briefing: Dark Store and Walgreens Decision Tax Shift

### Court rulings giving tax cuts to chain stores result in tax increases for homeowners

Property taxes for homeowners and main street businesses are increasing in Wisconsin as national retailers pay less. A carefully-orchestrated wave of 100s of lawsuits in Wisconsin is forcing assessors to slash the market value of thriving national retail stores, shifting their tax burden to local mom and pop shops and to their home-owning customers. If the Legislature fails to close these loopholes, we estimate that millions of dollars in property taxes will shift from large commercial properties to homeowners and other taxpayers over the next few years.

The table below shows what assessors estimate the tax increases that homeowners in select communities will experience when the Dark Store strategy and Walgreens' decision is fully implemented. Calculations are based on amount of national chain retail, 2015 mill rates, and median home values:

City	Estimated Tax Increase	Average increase per home per year
Brookfield	5%	\$233.50
Hudson	9%	\$374.58
La Crosse	7%	\$197.12
Oconomowoc	8%	\$360.96
Pleasant Prairie	17%	\$892.50
Wauwatosa	7%	\$382.12
West Bend	8%	\$253.89

This is not a new problem, nor is it exclusive to Wisconsin. Wisconsin is merely the latest state to experience this coordinated legal attack on in-state taxpayers. Indiana and Michigan have already experienced it. In Indiana, the Legislature promptly slammed the door on this court-created loophole. A similar legislative fix is pending in Michigan. Wisconsin must do the same.

**Loophole #1: It's just a big empty box.** Tax attorneys for Target, Meijer, and other big box chains are using what is known as the "Dark Store Theory" to argue that the assessed value of a new, thriving store should be based on the value of vacant or abandoned buildings of similar size. They argue that regardless of their new location or how updated their building is the value for 'property tax purposes' should be based on the value of the buildings and locations they abandoned prior to moving into the new store at their new location.

**Real World Example from Wauwatosa:** The Lowe's store at 12000 W. Burleigh St. is currently challenging the city's assessed valuation. The City assessed the property at \$13.6 million. The City's expert believes the market value is actually \$17.7 million. Lowe's argues the property's current value is \$7.1 million of which \$3 million is attributed to land. Yet, the land was purchased in 2007 for \$9,012,800. Lowe's built a 140,000 square foot building in 2006 for approximately \$7 million, they then subsequently purchased the land after constructing the building. Altogether, Lowe's spent in excess of \$16 million to acquire the land and build the structure. Now, Lowe's argues that the land was devalued from \$9

million to \$3 million because the big box store was constructed. Lowe's insists that under Wisconsin law (based on the *Walgreens* decision) only vacant dark stores, such as the vacated big box stores near the former Northridge shopping area, can be used as comparables. The City disagrees, but their only options are costly litigation or settling with the property owner on a compromise value.

To learn more about the dark store tax strategy and its impact on other tax payers visit the League's Dark Store Loophole Resource page: <http://www.lwm-info.org/1279/Dark-Store-Tax-Loophole>

**Loophole #2: Gold box on Wall Street, cardboard box on Main Street.** Walgreens and CVS stores use a different, but related strategy, to argue that the assessed value of their properties should be less than half of actual sale prices on the open market. The two have already sued more than 100 Wisconsin communities, claiming the rent they pay for their newly-constructed, highly-visible corner locations doesn't accurately reflect its fair market value for property tax purposes. Walgreens and CVS have won dramatic assessment reductions since a 2008 Wisconsin Supreme Court decision, *Walgreens v. City of Madison*, upheld this tax strategy. These properties are developed to the retailer's specifications and leased to them with no landlord responsibility other than collecting rent. More than 80% of Walgreen stores and 95% of CVS stores operate under a lease arrangement. Drugstores have become the most popular single-tenant properties in the national real estate investment market. But attorneys for Walgreen and CVS argue that their actual sale prices don't represent market value and the underlying leases are the wrong tool for determining the property's value for 'property tax purposes.' Instead, they say, the assessments should hinge on the amount the landlord could get if the drugstore moved out and a different retailer moved in.

**Real World Example from Oshkosh:** Walgreens challenged the City of Oshkosh's assessments of two of its stores. The city based its assessment on the actual amounts for which the properties were sold. The court rejected the city's approach and ordered that the two Walgreens be refunded for several tax years. The total amount of the refunds equaled \$305,672. Other taxpayers in Oshkosh now have to pick up Walgreen's former share of the tax burden. There are over 200 Walgreens located in Wisconsin's cities and villages.

To learn more about the need to overturn the *Walgreens v. Madison* decision and that decision's impact on other tax payers visit the League's Overturn the Walgreens Decision Web Page: <http://www.lwm-info.org/1468/Overturn-the-Walgreens-Decision>

**Other states have stopped this tax shift.** The Republican-controlled Indiana Legislature overwhelmingly passed bipartisan legislation in 2015 and 2016 prohibiting assessors from valuing new big box stores the same as abandoned stores in a different market segment. The Michigan legislature is considering similar proposals. In May 2016 the Michigan house passed a dark store fix bill by a vote of 97-11. The bill died in the Michigan Senate.

**Solution:** Follow Indiana's lead and pass legislation in Wisconsin closing off these tax strategies and stopping the tax shift to home owners. Pass legislation clarifying that:

1. Reverse the *Walgreens v. City of Madison* decision by clarifying that leases are appropriately factored into the valuation of leased properties (*Rep. Rob Brooks (R-Saukville and Sen. Duoy Stroebel (R-Saukville) plan to introduce soon*); and
2. When using the comparable sale method of valuation, assessors shall consider as comparable only those sales within the same market segment exhibiting a similar highest and best use rather than similarly sized but vacant properties in abandoned locations. (*Rep. Rob Brooks and Sen. Roger Roth (R-Appleton) plan to introduce soon*).

# 'Dark store' cases could cost millions in taxes

Doug Schneider, USA TODAY NETWORK-Wisconsin Published 6:22 a.m. CT Feb. 13, 2017 | Updated 11:06 a.m. CT Feb. 13, 2017



Menard's, is seeking a property tax decrease for its store at 2300 Woodman Drive in Howard. The village assessed the store's taxable value at \$12.45 million, but Menards claims in legal papers that the site is worth only \$5.8 million.(Photo: Jim Matthews/USA TODAY NETWORK-W)

HOWARD - An aggressive move by some major retail chains is putting homeowners in parts of Brown County and a number of other areas of Wisconsin at risk of a property tax jump in the coming years.

The action by retailers like Menards, Target, Lowe's and Walgreens has cost taxpayers millions of dollars in Michigan and Indiana. Oshkosh had to refund more than \$300,000 in taxes and fees. Howard, the Howard-Suamico School District and the county could wind up owing thousands to Menards.

It works like this: Retailers challenge their property assessments, citing similar — but vacant, or "dark" — stores, claiming their buildings are worth millions of dollars less than they've been assessed for by local governments, which typically set values based on both the building and its use.

In many cases, they've won so decisively that a Bloomberg headline said stores have "weaponized" the approach.

When retailers win, the other taxpayers lose. Municipalities have two choices: Cut services — sometimes dramatically — or make the rest of the community pay more in taxes. About 70 percent of municipal tax collections comes from homes. Smaller communities are hit particularly hard due to their smaller tax bases.

"What happens if the assessments of large format retailers get chopped in half?," asked Howard Village Administrator Paul Evert. "All the other taxpayers pick up the slack."

How much slack? Howard has assessed the Menards and its 18.7-acre site at 2300 Woodman Drive at \$12.45 million. Eau Claire-based Menard Inc. acknowledges it spent \$10.6 million to buy the land and build the store, but claims in legal papers that the site is worth only \$5.8 million.

In papers filed in November, the retailer demands that Howard provide a refund, with interest, and pay its legal fees. "The 2016 assessment of the property was excessive," wrote Christopher Strohbehn, a Milwaukee attorney. "The tax imposed on the property was excessive."

The challenge is one of more than a dozen the company has filed in Wisconsin in the past year.

The vacant Cub Foods grocery in the East Town shopping center is among the stores cited by Menards as a building with comparable value to its Howard store in a challenge of the village's tax assessment of the store on Woodman Drive. (Photo: Jeff Bollier/USA TODAY NETWORK-Wisconsin)

The company listed several stores as comparable to its Howard facility, including a Cub Foods in Green Bay, a Sears in Sheboygan and a former Home Depot in Beaver Dam. The three have something in common. None has operated as a store for years.

With Menards paying \$209,000 in taxes this year, the communities that tax it would have to refund about \$111,000 if the store wins the case.

## 'A real problem'

Communities including Ashwaubenon and Howard and the League of Wisconsin Municipalities are asking the state to step in, said Patrick Moynihan Jr., the Ashwaubenon village clerk who also represents the village on the county board. A committee of county lawmakers earlier this month recommended adding their voices to that crowd, saying the state needs to adopt legislation that blocks businesses from using unused buildings to reduce taxes on working stores.

"This is causing real impacts," said Howard Supervisor Richard Schadewald. "And the only remedy we have to help local taxpayers is with the state legislature. This is a real problem."

How real? Menards' annual tax payment of Howard-Suamico School district taxes would fall from roughly \$103,000 to about \$48,000. For 2016, the district would have to refund the difference. In future years, the district would face a difficult choice: increase taxes next year to make up the difference, or cut its budget by a corresponding amount.

"That would be a rather large refund," said Matt Spets, the district's assistant superintendent for business services. "You're talking about one less teacher."

A reduction in the store's assessment would also mean more than \$50,000 in lost revenue for others that tax the store: Brown County, the village of Howard, Northeast Wisconsin Technical College and the state of Wisconsin.

Municipalities also fear that successful challenges will prompt other businesses to take similar steps.

"If one type of business or one type of property gets more favorable treatment, then everybody is going to be looking at that," Oshkosh City Attorney Lynn Lorensen said. "They'll say, 'If Walgreens had success, maybe we can use a similar argument.'"

## **Retailers' side**

Retail chains see the issue differently. They insist it's unfair for communities to assess based on what's inside their stores, rather than valuing only the bricks and mortar.

Additionally, modern retail store designs are fairly unique, making it sometimes difficult for a company to sell a store it no longer wants or needs. Potential resale value, of course, plays a role in how a property can be assessed. Or, like a former Walmart near Milwaukee, stores have deed restrictions that prevent them from being operated by other retailers.

The attorneys listed in Menards' Howard case didn't respond to requests for comment last week. But in a January interview with the Journal Sentinel, one made his position clear: The value of the store is its property, not what's inside the building.

Minnesota attorney Robert A. Hill's website calls his firm "relentless advocates for property taxpayers." He said municipalities "just want to pretend that what's black is white, and that real estate somehow should not be the only thing that gets assessed."

Municipal officials, though, says that approach defies logic." A brand-new Walmart is worth the same as a boarded-up Kmart?" said Deena Bosworth, director of governmental affairs for the Michigan Association of Counties. "I don't think so."

## **'Devastating effect'**

In Michigan and Indiana, where dark-store lawsuits were an issue before they took hold in Wisconsin, impacts are being felt.

Michigan's local governments have issued more than \$100 million in tax refunds since 2010, experts say. Indiana's spent an estimated \$120 million. In 2015, Indiana attempted to resolve dark-store cases by establishing new assessment standards for big-box stores, but repealed them in 2016, apparently amid concerns about constitutional issues.

Before dark-store challenges became common, the average Michigan 'big box' store was assessed at \$55 per foot, said Jack Van Coevering, an attorney who was chief judge of the Michigan Tax Tribunal but now represents municipalities in dark-store cases. Now, assessments of Menards and Target are less than half that.

"There's wave after wave after wave," he said. "Whether we've reached the end of the storm, I don't know."

An Escanaba-area library cut hours because its host community had to cut its budget. When an Upper Peninsula Lowe's brought a dark-store case last year, about 130 people protested outside the business. Northern Michigan University produced a 25-minute documentary video, "Boxed In," on dark-store impacts.

"This has a devastating effect," the Michigan Municipal League says. "Municipalities don't just lose future revenue, but have to pay back the retailers for 'over-taxing' them in prior years."

Communities also incur costs to fight the challenges. A Port Huron Menards sought a \$2 million cut to its 2014 and 2015 assessments. A court reduced the store's valuation by \$300,000.

The case cost the city more than \$33,000 in legal expenses — more than it receives in taxes from the store.

*dschneid@greenbaypressgazette.com and follow him on Twitter @PGDougSchneider. USA TODAY NETWORK-Wisconsin reporters Rick Romell and Nate Beck contributed to this story.*

## **De Pere suit**

Big-box retailers aren't just suing because of assessments on their stores. ShopKo Stores Operating Co. LLC has filed legal papers saying the city of De Pere over-assessed its west side distribution center by more than \$9 million. The retailer seeks an assessment reduction from \$20.1 million to \$10.9 million on its facility at 1717 Lawrence Drive, plus a refund of taxes it says it overpaid, and legal costs.

Shopko is represented by Christopher Strohhahn of Milwaukee, who also represents Menards in its assessment lawsuit involving its Howard retail store. De Pere is represented by a Madison firm.

## **Other battlegrounds**

Brown County isn't the only place where some major retailers are seeking significant reductions in their assessments. Highlights:

▶ **Alabama:** Lowe's, a \$59 billion business, has filed lawsuits seeking assessment reductions on 27 stores. Officials said a loss could cost the state \$1.5 million annually.

▶ **Fond du Lac:** Menards argues that the value of its store is no more than \$5.2 million; the city's assessment is \$9.2 million. A similar lawsuit from Target says Fond du Lac should reduce its taxes by a third.

▶ **New York:** The city of Auburn agreed this month to settle a dispute by reducing the assessment of a Walmart by about \$1 million, which will give the store a tax refund of about \$11,000.

▶ **Racine:** Target has filed multiple challenges to its assessment. It cites a vacant Kmart and a former Home Depot as comparable properties.

▶ **San Antonio, Texas:** Lowe's sued Bexar County, claiming its 11 area stores were worth the same as empty buildings — about \$30 per square foot, rather than the \$80 to \$85 per square foot at which they were assessed. A court recently ruled against the retailer.

*SOURCES: USA TODAY NETWORK-Wisconsin, al.com, The Journal Times, San Antonio Express-News, Auburn Citizen.*



# Retailers seek tax cuts with 'dark store' theory

Rick Romell, Milwaukee Journal Sentinel 5:41 p.m. CT Jan, 14, 2017



(Photo: Angela Peterson / Milwaukee Journal Sentinel)

To Menard Inc., the store it opened in the Village of Howard in 2012 is worth \$5.8 million — roughly the amount the Eau Claire-based home improvement retailer believes it would fetch if it were closed and sold off as an empty shell like, say, the former Home Depot in Beaver Dam.

To the Village of Howard, just outside Green Bay, the Menards is worth more than twice that amount, precisely because it's *not* vacant, like the Home Depot was for five years, before a sheet-metal fabricator bought it.

The Menards building houses an operating store, and in real estate, the village argues, that matters.

Who's right? Courts across Wisconsin are dealing with that question, and the answer will determine whether big-box retailers like Menards, Lowe's, ShopKo and others get to cut their collective tax bills by millions — potentially shifting those taxes to homeowners and other property owners.

At issue: the increasing use by the retailers of what critics call "dark store theory" to challenge tax assessments. It's a trend that has municipal officials across Wisconsin pressing for legislation they hope will rein in the growing practice.

But big-box operators argue that their approach to appraising their huge stores is market-based and correct. They've been overtaxed, they say, and they're been pushing their point in court.

A wave of litigation that first swelled in Michigan, where retailers have succeeded in slicing assessments in half, has swept into other states. Among them is Wisconsin, where court decisions already have led to lower assessments on leased retail properties like those typically used by drugstore chains Walgreens and CVS.

"Michigan and Indiana were kind of on the forefront of it, but now it's coming here pretty heavy too," said Dan McHugh, assessor for the Village of Mount Pleasant in Racine County.

Menards alone has filed more than a dozen lawsuits against Wisconsin municipalities since May. Lowe's has filed another seven. ShopKo has filed two.

Whether the retailers' argument for significantly lower assessments — and tax bills — will gain as much traction here as it has in Michigan isn't yet clear.

But the prospect has municipal officials sounding alarms. They say that if the big box retailers succeed, the money they save will come out of the pockets of residents whose tax bills will rise.

"That's the direction we fear the state will be going if the commercial property tax base is cut by 50% over the next five, six years," said Curt Witynski, assistant director of the League of Wisconsin Municipalities, "because everyone in retail's going to take this strategy. Who wouldn't if it's successful?"

Here's the strategy in a nutshell:

Big box retailers argue that the fact that a store is operating, maybe even thriving, has nothing to do with the value of the underlying real estate. The best way to judge that value, they say, is to look at "comparable sales" — the prices that vacant big boxes command when they are sold.

Those prices typically fall well short of the assessments on operating stores. The vacant buildings, often 100,000 square feet or more, have limited appeal, said Don Millis, an attorney in Madison who has represented Target and other retailers in assessment challenges.

"First, there are very few people who are interested in buying a store that big, and two, if they wanted a store like that, chances are it's not going to be built to their dimensions. They're just not worth that much on the market."

Basically, the retailers contend, the business inside the box — be it Lowe's, Target, Menards or whatever — has nothing to do with the value of the box itself.

And that, Millis said, has long been the standard in Wisconsin.

But he said it is "the very rare circumstance" that an assessment challenge using those standards leads to a 50% reduction. Most reductions, Millis said, run about 10% to 20%.

"We're not valuing the tenant or the creditworthiness of the tenant," he said. "We're valuing the property — the physical attributes of the real property.

"What we've been arguing, and what the courts have found, has been the law for decades," he said. "It's the assessors and the municipalities that want to change the law."

## Crying foul

Municipal assessors, though, cry foul.

Comparable sales are a foundation for assessing property in Wisconsin. If there is such sales data, it must be used before any assessment method besides a recent sale of the specific property itself.

But the assessors argue that the "comparable sales" advanced by retailers aren't truly comparable. Not only have the stores for the most part gone vacant, they're also often shackled by lease restrictions barring uses that might compete with the business of the departed tenant.

That was the case with the former Walmart store at 4500 S. 108th St. in Greenfield. Walmart's restrictions prevented other national big-box retailers from purchasing the property, according to a judge's order in a Dane County assessment case.

A church bought the building, occupying part of it and leasing part to the St. Vincent de Paul Society for a thrift store.

Lease restrictions or not, a big-box store may close because the value of its location declines, making it an inappropriate comparison with a new, operating store, said Rocco Vita, assessor in Pleasant Prairie.

"A dark store is empty because its highest and best use is not as a retail store or a big-box retail store anymore. It's reached the end of its useful life," McHugh said. "So to compare that to an operating store that is still being put to its highest and best use is improper."

Retailers, though, argue that such comparisons are entirely proper, and show the true market value of the big boxes.

So while municipalities may rely on the original land-acquisition and construction expenses, retailers contend that their stores are worth much less than they cost to build, even when they're only a few years old.

## The Howard case

Take that Menards in Howard. It opened in 2012, on an 18-acre site Menard Inc. bought in July 2011 for \$5 million. The firm spent another \$5.6 million to erect one of its huge retail buildings, according to village records.

That's \$10.6 million total.

But in its legal challenge, Menards argues that as of last January, less than four years after the store opened, it was worth \$5.8 million — or about \$800,000 more than the company paid for the land alone.

Menards calculated the \$5.8 million value for its operating, open-for-business store in Howard based on the prices commanded by several vacant stores: a former Cub Foods in Green Bay, a former Sears in Sheboygan, the former Home Depot in Beaver Dam, and others.

The result: a value less than half the \$12.5 million the Village of Howard says the Menards store is worth.

"By the same logic," village administrator Paul Evert said, "shouldn't we all compare our home (values) to foreclosed homes, or abandoned home sales?"

Minnesota attorney Robert A. Hill — who represents Menards, and who bristles at the "dark store" label with its "Star Wars" overtones — said municipalities "just want to pretend that what's black is white, and that real estate somehow should not be the only thing that gets assessed."

Michigan has been ground zero for "dark store" challenges, thanks in part to how hard the Rust Belt state got hit by the Great Recession.

With large numbers of big-box locations closing and coming on the market as the economy soured, retailers suddenly had many examples of sales of buildings that were much like theirs, only vacant, said Jack Van Coevering, a Grand Rapids lawyer who represents municipalities.

## Michigan's response

They found a receptive ear at the Michigan Tax Tribunal, which rules on property tax disputes. After precedent-setting decisions, upheld by an appellate court in 2014, assessments on big-box stores tumbled sharply statewide, as did the tax bills that resulted, Van Coevering said.

Before the decisions, assessments on big-box stores statewide averaged \$55 a square foot, according to Van Coevering. Now, he said, they're under \$25.

And new appeals are seeking values as low as \$10 a square foot, sometimes on new buildings, he said.

"There's wave after wave after wave," Van Coevering said. "Whether we've reached the end of the storm, I don't know."

A legislative "fix" backed by Michigan municipalities passed the state's House last year by a large majority, but died in the Senate.

In Wisconsin, the legislation being prepared is expected to take an approach similar to Indiana's. Last year, the legislature there passed a law that is intended to ban using sales of vacant stores to determine the assessed value of an operating store.

Indiana acted after the state's Board of Tax Review, in December 2014, ruled that the assessment on a Meijer store in Indianapolis should be reduced by more than half.

"That's when we realized there may not be a bottom to how low they could go," said David Bottorff, executive director of the Association of Indiana Counties.

Also helping spur action by the counties was a Board of Tax Review ruling that cut the assessments on a Kohl's Department Store in Kokomo by more than a third.

In both cases, the board allowed use of the sales of vacant big boxes to help determine the appropriate assessments for the operating stores.

If that approach were widely used to value commercial and industrial properties across Indiana, it could boost the annual bill for other taxpayers by about \$50 million, an increase of 0.8%, an analysis commissioned by the counties' association says.

The League of Wisconsin Municipalities says the impact could be more dramatic on communities here with extensive retail development. Homeowners in places such as Wauwatosa, Oconomowoc and West Bend could see tax hikes of 7% or 8% — more than \$250 a year on average, the League says.

The League's figures assume a 50% reduction in value not just on national retailers but on a broader range of commercial property, along with warehousing and some manufacturing.

Millis disputed the assumptions. He said 50% reductions in assessed value are very rare, and that the League greatly overstates the universe of properties that could be susceptible to "dark store" theory.

Rick Romell can be reached at [romell@irn.com](mailto:romell@irn.com) (mailto:romell@irn.com).

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# Big-Box Stores Battle Local Governments Over Property Taxes

BY: [Liz Farmer](#) | September 2016

**On Michigan's sparsely populated Upper Peninsula**, big-box stores are a modern necessity. Where towns are spaced far apart and winters are long, one-stop shopping to load up on supplies adds a crucial convenience to what can be -- at least for many -- a rugged existence.

Landing one large retailer is a coup. Having more than one can make a city or town a regional shopping destination. Marquette Township, a small community adjacent to the larger city of Marquette, is in the unique position of having a handful of big-box chain stores. Taking advantage of the fact that the city of Marquette was mostly built out, the township began encouraging large-scale commercial development on its western edge early in the 2000s.

The town now boasts the only Lowe's on the Upper Peninsula, and the only PetSmart, Target and Best Buy. A Menards home improvement store and a Walmart Superstore are there as well. The flurry of new building and retail was so great that the township's tax revenue never took a hit during the Great Recession, even at a time when most small towns on the peninsula and elsewhere in Michigan were struggling.

But recently, the township suffered a dramatic drop in its property tax revenue. It had to cut back on spending, trim employee benefits and reduce library hours. The impact has reached up to surrounding Marquette County, which earlier this year closed a youth home to save money. The reason for the lost revenue isn't declining consumer demand. It's a series of rulings by the Michigan Tax Tribunal that have allowed large retailers to reduce their property tax assessments, in many cases by as much as half.

Big-box retailers argue that the market value of their commercial property should be the sale price of similarly sized but vacant retail buildings. They point out that these buildings are extremely hard to sell as-is once the retailer moves out. They tend to sit empty for long periods. Thus, the assertion is, they aren't worth nearly as much as local tax assessors have traditionally assumed in valuing the property.

This appeals approach was first largely successful in the Detroit area following the recession, when nearly all retailers were dealing with depressed property values. But since then, it has spread across otherwise thriving areas in Michigan to the point where it is difficult to find a county that hasn't been challenged on the issue. The assessment community has even given it a name, dubbing it the "dark-store" strategy.

Local governments, needless to say, aren't buying this. "When you get your house appraised, they're going to look at properties that are occupied," says Steve Currie of the Michigan Association of Counties. "They're not going to look at the foreclosed one because that's not an equitable property. It's the same case here."

Michigan is far from alone in seeing localities take dark-store hits to their property tax base. Counties in Alabama, Florida and Indiana are seeing widespread challenges that make use of the dark-store method. The National Association of Counties says it's an emerging issue in Iowa, North Carolina, Ohio, Tennessee, Washington and Wisconsin.

Still, while these cases have been proceeding for the better part of a decade, it's only been recently that county organizations and public officials have realized the geographical magnitude of the

challenge. County assessors forced to respond to it aren't always aware of similar controversies outside their jurisdiction. This is particularly true in places that are geographically isolated and where assessors are part-time employees.

Getting policymakers clued in to the problem has also been tricky. The world of property tax assessments is loaded with definitions and methodology that, to the average outsider, can seem overwhelming. Property appraisal laws vary by state, and arguments that hold water in one state might not in the next. So it's not always clear to lawmakers what -- if anything -- they can do legislatively to help counties respond to the threat.

Even in places where counties have pieced together a coordinated effort to fend off challenges, response on the state level has varied. The Indiana General Assembly took arguably the strongest action, passing two laws last year that essentially banned the dark-store tactic. But those laws were repealed and replaced with a weaker law this year. Alabama passed a law that amounted to an administrative change giving counties more legal resources. The Michigan Legislature has considered but not approved bills dealing with how the Tax Tribunal hears assessment challenges. In these places and elsewhere, many are concerned that the longer it takes for a concerted state response, the more money counties and local governments will lose.

*Big-box retailers say the market value of a property should be the sale price of similarly sized but vacant retail buildings. (Flickr/Nicholas Eckhart)*

**Big-box retail stores aren't the first** to complain that their property's uniqueness should afford them special consideration when it comes to their taxable value. Nearly a century ago, the owners of the New York Stock Exchange tried to get the building's appraisal value lowered by arguing that the building's unusual -- and expensive -- design would be of no value to any future buyer. In fact, the argument went, the building actually lowered the value of the land itself because a future buyer would be forced to shell out the money for demolition costs. While the court rejected that argument in 1928, it has become a popular case to make ever since, with varying levels of success.

There are different nuances and different case law in every state, but it can be generally said that appraisers look at three factors in determining the taxable value of property: the sale price of comparable properties, the current cost to build minus depreciation and the income generated by rents charged to tenants. Appraisers can apply a blend of these approaches to arrive at a property's value, or place most of the weight on just a single approach.

When it comes to unique properties like big boxes, finding comparable sales is difficult. Property values differ by market and it's simply not often that an oversized retailer in a market area sells its property. For this reason, appraisers prefer giving more weight to building costs.

But big-box retailers say using the construction costs of a building to determine the assessment artificially inflates the value. And they insist it's unfair to value their retail properties based on their worth to the current user (referred to as "value-in-use") instead of the value the property would have on the open market (called "value-in-exchange"). The appropriate use of the competing valuation methods is a topic of seething debate in the appraisal world. Retail representatives fall decidedly on value-in-exchange. "It's easy to be confused by the presence of a business," says Florida real estate broker Sheila Anderson, whose firm Commercial Property Services has represented owners in scores of appeals. "But a business is not [what needs to be] assessed." In her view, it's only the resale value of the empty building that matters for taxation. And that is nearly always a much smaller amount.

Complicating the matter are deed restrictions the big-box retailers place on the properties they do sell. Typically, a retailer closes a location to open up another store close by, or leaves because the market isn't viable anymore. But just to be sure a competitor doesn't move in and fare better, the deed bars the new owner from operating a similar business. Assessors say this limitation artificially depresses the market value of the property. The retailers consider it insignificant.

The debate leads to real questions about the fairest way to value these prolific but unique properties, says Allen Booth, a former city assessor in Rhode Island without any affiliation to a dark-store case. "The reality is there are very few tenants that will move into the custom building when you're dealing with these big-box situations," he says. But, he adds, officials are leery of retail attorneys' motives because they can profit greatly from the challenges by taking a cut of the tax refund if they win. "You have to wonder," Booth says, "are these people just being obnoxious or are the properties really overvalued and it's just that now someone's looking at it?"

Tax courts in Michigan have generally agreed with retailers that properties were being overvalued. In Marquette Township, Lowe's successfully used this argument in a 2012 challenge to its property assessment and succeeded in reducing its taxable value from \$5.2 million to less than \$2 million, even though the store alone cost \$10 million to build. The township spent several hundred thousand dollars in legal costs but failed to win in the appeals process. As a result, the ruling applied to other pending challenges. All told, the township's total property tax collections have fallen nearly 22 percent in just a few years.

Statewide, the results have been similar. According to the International Association of Assessing Officers, the valuation on large retailers across the country is anywhere from \$45 to \$75 per square foot, depending on the market. After five years of litigation in Michigan, says tax attorney Jack Van Coevering, the average per-square-foot value in the state is \$20.

**The big-box retailer Meijer** brought a case at one of its most successful Indiana locations, in Marion County, after winning reduced assessments in Michigan. The attorney for Meijer went so far as to tell the *Indianapolis Business Journal* that the appeal in Marion County was a test case because "whatever the value is there would be the upper limit of the value across the state." The retailer won in late 2014 and got its assessment slashed from \$83 per square foot to \$30 per square foot. The decision applied retroactively, requiring Marion County to refund Meijer \$2.4 million for nine years of back taxes. Indiana county officials estimated that if the decision were to be extended to the more than 17,000 commercial properties across the state, it would mean a loss of \$120 million in property tax revenue statewide.

Indiana lawmakers responded quickly. In 2015, the legislature passed two bills: One effectively banned using the dark-store method to value existing businesses, and the other required using the cost method for properties over a certain square footage. But those laws were repealed this year under concerns they violated the uniformity clause in the state's constitution, which requires all property to be assessed on an equal basis. The Indiana General Assembly then passed a new law that requires assessments to be based on the value of properties that are "similarly situated in the marketplace."

Other states have tried other tactics. Alabama passed a law this year that allows counties to remove these cases from their district attorney's jurisdiction and hire outside attorneys to fight them. In Michigan, a bill passed the House that would require the Tax Tribunal to consider all three valuation methods (rather than just the one the retailer is arguing for). It will be considered in the Senate later this fall.

In short, the legislative authority of lawmakers to intervene is murky. "It's always appropriate for the legislature to try to clarify and remedy a situation when appropriate," says Joan Youngman, a property tax expert with the Lincoln Institute of Land Policy. "But you want to be sure this is a problem with the existing law."

In the end, the best way to beat back the challenges is to win in court. But that's a tough task for counties that don't have a lot of resources. In Tampa, Fla., Hillsborough County's director of valuation, Tim Wilmath, says counties in his state have caught on early to the dark-store challenge and have for the most part been able to mount successful defenses. Wilmath co-authored an article in an industry magazine last year advising county assessors on how to challenge the tactic, which has made him a de facto adviser to smaller counties across the country. "They're looking for advice

on how best to go at it," he says of the calls from outside Florida. "But even when they know all the right things to do, they still settle because they just don't have the money."

In Michigan, a recent Court of Appeals ruling may prove to be a turning point. In May, the court overturned a 2015 decision by the Michigan Tax Tribunal that had favored the retailer Menard against the city of Escanaba in a property tax dispute. The court found that Escanaba's cost-based approach was more reasonable than the retailer's comparable sales method, which included using dark stores. The case was remanded back to the tribunal with directions to consider all the assessment methods. It may end up setting a precedent for cases in Michigan that are currently open.

Still, for counties and townships that have already lost or settled cases, the damage has been done. And because of limits on how much localities can increase the property tax each year, the previous losses in tax revenue will never be made up. In Marquette Township, that means officials will have to figure out how to replenish the reserves that were drained to pay back Lowe's, at the same time adjusting permanently to a shrunken tax base.

"The long and short of it," says Marquette Township Manager Randy Girard, "is that we will not recover."

This article was printed from: <http://www.governing.com/topics/finance/gov-big-box-retail-property-taxes.html>

# City of Oak Creek Common Council Report

Meeting Date: March 21, 2017

Item No.: 10

**Recommendation:** That the Common Council approves payment of the obligations as listed on the March 15, 2017 Invoice GL Distribution Report.

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

1. \$90,467.11 to Advanced Disposal (pg #1) for recycling.
2. \$64,353.50 to Benistar (pg #2) for April Medicare supplement insurance.
3. \$9,668.50 to Buelow Vetter (pg #3) for legal services.
4. \$18,546.79 to Compass Mineral Company (pg #4) for salt inventory.
5. \$9,935.00 to Connect.the.dots, LLC (pg #5) for January through March retainer and success fee for Drexel Ridge.
6. \$333,726.20 to C.W. Purpero (pg #17) for Ikea Way street construction, phase 2.
7. \$48,437.87 to JPM (pgs #25-32) 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.
8. \$9,351.00 to Milwaukee Area Tech College (pg #14) for closure of TID #4 - refund to overlying district.
9. \$38,185.00 to Milwaukee County (pg #14) for closure of TID #4 - refund to overlying district.
10. \$12,976.00 to Milwaukee Metropolitan (pg #14) for closure of TID #4 - refund to overlying district
11. \$74,928.00 to Municipal Property Insurance Company (pg #14) for policy renewal.
12. \$72,913.00 to Oak Creek – Franklin Joint (pg #15) for closure of TID #4 - refund to overlying district.
13. \$13,390.89 to Ramboll Environ (pg #17) for Lake Vista South Oversight professional services.
14. \$16,874.25 to R.A. Smith (pg #20) for inspection services at Ikea Way: construction observation and Engineering.
15. \$6,987.81 to Securian Financial Group, Inc. (pg #19) for employee life insurance.
16. \$8,156.25 to Short Elliott Hendrickson, Inc (pg #20) for bridge maintenance.
17. \$7,480.00 to Trace Technologies (pg #21) for Fiber Optic project retainage release.
18. \$12,320.00 to Tyler Technologies, Inc. (pg #22) for assessor services.
19. \$23,256.25 to WE Energies (pg #23) for street lighting, electricity and natural gas.
20. \$7,752.00 to Wheaton Franciscan Medical Group (pg #23) for wellness exams at the Fire Department, pre-employment physicals, and employee screenings.
21. \$6,021.10 to Wilnet (pg #24) for IT hardware: Dell server rack kit and fiber patch.

**Fiscal Impact:** Total claims paid of \$997,739.48. Of this grand total paid, \$133,810.00 will impact the 2016 fiscal year. The remaining amount, \$863,929.48, will impact the 2017 fiscal year.

Prepared by/Fiscal Review by:

  
Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

Respectfully submitted,

  
Andrew J. Vickers, M.P.A  
City Administrator



# City of Oak Creek Common Council Report

Meeting Date: March 21, 2017

Item No.: 11

**Recommendation:** That the Common Council approve the recommendation of the Director of Street, Parks and Forestry and award the 2017 Play Court Improvement Projects, performing repairs to the basketball and tennis courts in various City parks, to the lowest responsive, responsible bidder, Frank Armstrong Enterprises, Inc., in the amount of \$45,516.00

**Background:** The Street Department advertised for bids for the court crack filling and court resurfacing project and received three bids. The repair work will occur at courts located at Riverton Meadows, Meadowview School, Oak Leaf Park, South Hills Park, Chapel Hills Park, and Otjen Park. The low qualified bid comes from a company located in Milwaukee, Wisconsin for a total of \$45,516.00. This project is an approved CIP project in the 2017 budget.

VENDOR	AMOUNT
1. Frank Armstrong Enterprises Inc.	\$45,516.00
2. Poblocki Paving Corp.	\$56,025.00
3. Munson Fence & Paving	\$63,530.00

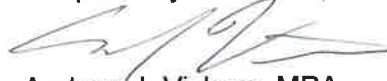
**Fiscal Impact:** The money to repair cracks and resurface court surfaces would come from the 2017 CEP/CIP Capital Project #17012 totaling \$45,000.

Prepared by:



Ted Johnson  
Director of Streets, Parks & Forestry

Respectfully submitted,



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW  
Finance Director / Comptroller

# City of Oak Creek Common Council Report

Meeting Date: March 21, 2017

Item No.: 12

**Recommendation:** That the Common Council adopts Resolution No. 11802-032117, a resolution accepting the 2016 Annual Report for Oak Creek's WPDES Storm Water (NR 216) permit.

**Background:** The City is required to submit an annual report to the Wisconsin Department of Natural Resources summarizing the status of implementation of storm water management programs and compliance with schedules outlined in Oak Creek's NR 216 permit. Oak Creek was initially issued a permit in 2000 and reissued permits in 2006 and 2013. The permit requirements are water-quality based.

**Fiscal Impact:** None.

Prepared by:



Philip J. Beiermeister, P.E.  
Environmental Design Engineer

Respectfully submitted:



Andrew J. Vickers, M.P.A.  
City Administrator

Approved by:



Michael C. Simmons, P.E.  
City Engineer

Fiscal review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

**RESOLUTION NO. 11802-032117**

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

**RESOLUTION ACCEPTING THE 2016 ANNUAL REPORT FOR  
OAK CREEK'S WPDES STORM WATER (NR 216) PERMIT**

WHEREAS, the City of Oak Creek is required to prepare and submit an annual report for compliance with Oak Creek's WPDES Storm Water (NR 216) permit to the Wisconsin Department of Natural Resources; and

WHEREAS, the annual report outlines Oak Creek's status of implementation of storm water management programs and compliance with schedules contained in the permit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Oak Creek that the 2016 Annual Report for Oak Creek's WPDES storm water (NR 216) permit has been reviewed and accepted.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 21<sup>st</sup> day of March, 2017.

Passed and adopted this 21<sup>st</sup> day of March, 2017.

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

Approved this 21<sup>st</sup> day of March, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

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

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



**OAKCREEK**  
— WISCONSIN —

# **NR 216**

# **2016 Annual Report**

City of Oak Creek  
WPDES Permit No. WI-S049905-3

## Annual Report Contents

- A. Status of implementing the storm water management program and compliance with schedules.
- ~~B. Updated storm sewer system map including new outfalls and structural controls.~~
- C. Summary describing the number and nature of enforcement actions, inspections, public education programs, spill responses and any other activity in the storm water management program that have measurable results.
- D. Summary of revisions to the storm water management program.
- E. Proposed revisions to the storm water management program.
- F. Summary of the monitoring data required in Section D.
- G. Proposed revisions to the storm water monitoring program.
- H. Summary of the pollutant loading calculations.
- I. Summary of the assessment of controls required in Section F.
- J. Fiscal analysis which includes expenditures from previous year and budget for current year.
- K. Identification of water quality improvements or degradation.
- L. Program proposals.

**A. Status of implementing the storm water management program and compliance with schedules**

**I. City of Oak Creek Management Program**

**(a) Source area controls and structural best management practices.**

**A. Catch Basins**

The City’s catch basin cleaning program was implemented in March, 2001. City owned inlets and catch basins were inspected in the spring and fall of 2016, both for structural maintenance and cleaning needs. A total of 4,770 catch basin inspections were conducted in the 2016 cleaning program resulting in the removal of 8.5 tons (17,000 pounds) of sediment. This was a slight decrease from 2015 (9 tons). All removed sediment was disposed of at the Waste Management Metro landfill in Franklin. The 2016 program continued using a GIS based inspection, maintenance and record keeping system.

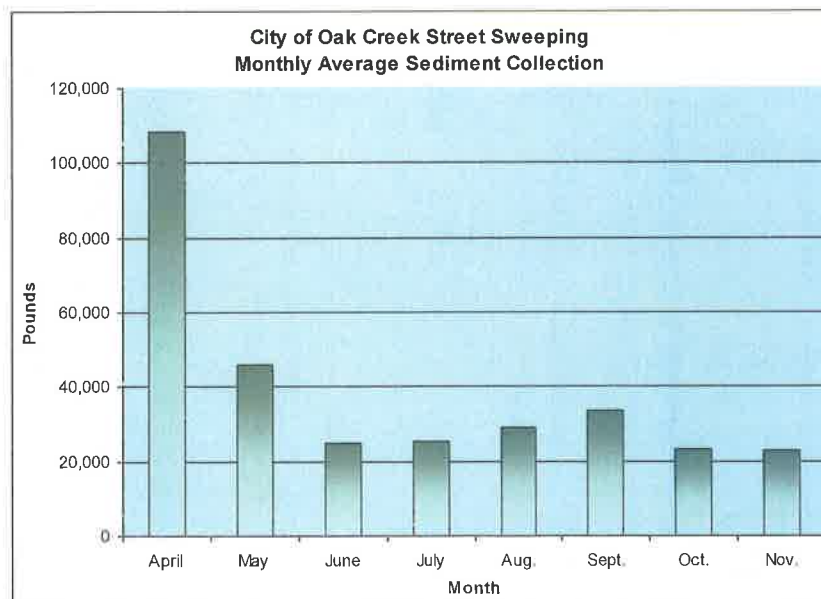
**B. Sweeping of Streets with Curb**

The City continued to follow the approved street sweeping schedule in 2016. Major city curbed roadways were swept twice per month and minor city curbed roadways were swept once per month. Sweeping operations began late-March and were suspended in early-December for the winter. The figure entitled “City of Oak Creek Street Sweeping” shows the location and proposed schedule for the streets included in the City’s street sweeping program.

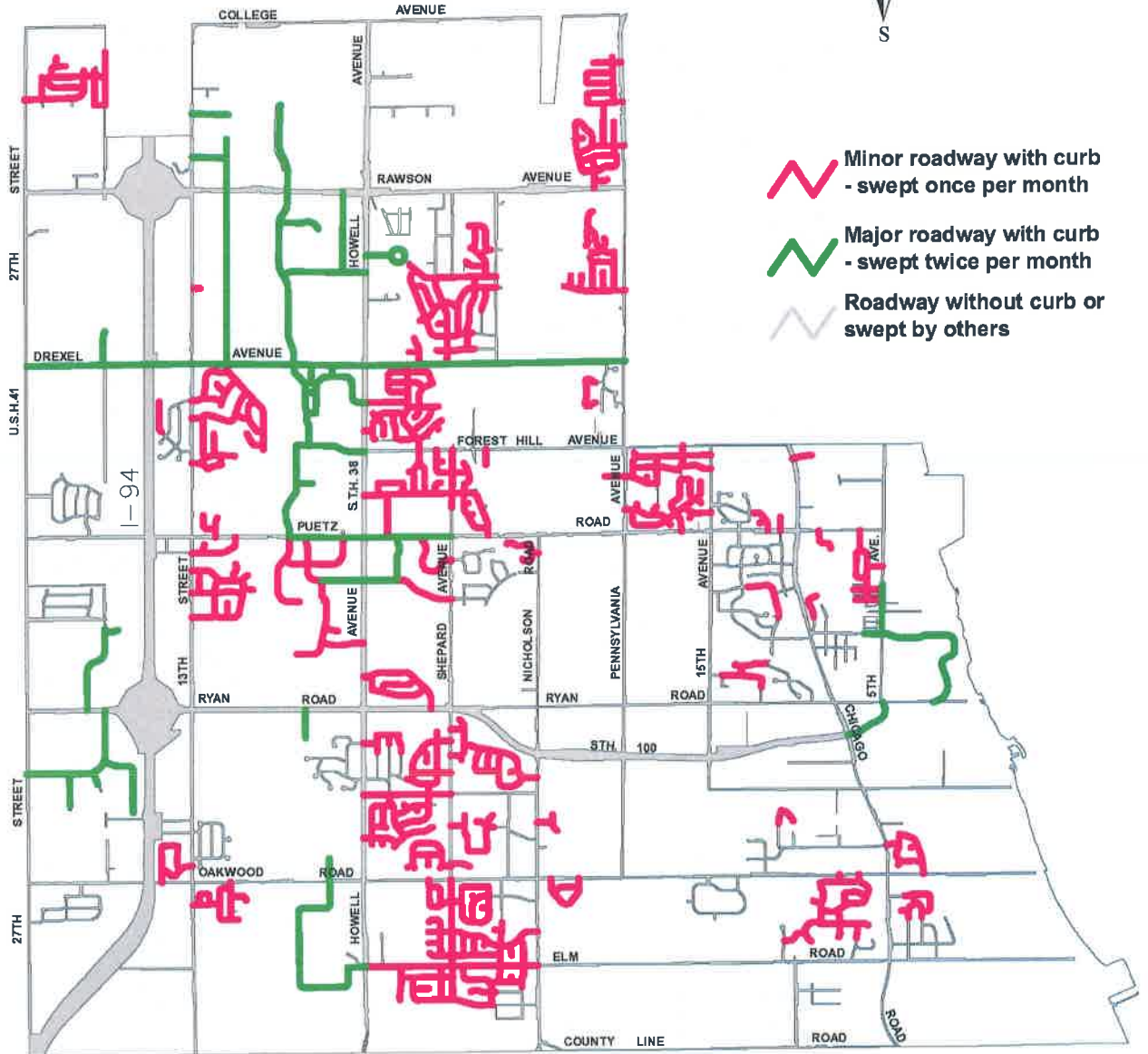
The frequency of street sweeping remained the same between 2015 and 2016. Between 2015 and 2016 sediment collection decreased from 254.51 tons (509,020 pounds) to 198.07 tons (396,140 pounds).

Leave collection at the recycling yard totaled 840 cubic yards. The collected sediment and leaves were disposed of at the Waste Management Metro landfill in Franklin.

The following chart shows Oak Creek’s historical trend for sweepings collected on a monthly basis.



# CITY OF OAK CREEK 2017 STREET SWEEPING



### C. Structural Control Maintenance

City owned detention basins and swales are mowed three to five times a year depending on conditions. Cut material is removed if there was significant growth between mowing.

The City currently owns fifteen detention basins. The basins are located at the following addresses:

- Oak Creek Street Department (800 W. Puetz Road) – 3 wet detention basins
- Abendschein Park (1900 E. Drexel Avenue) – one dry and one wet detention basin
- 2309 W. Drexel Avenue
- 10101 S. Shepard Avenue (Shepard Hills)
- 7000 S. 6<sup>th</sup> Street (fire station)
- 255 E. Centennial Drive (fire station)
- 301 W. Ryan Road (police station)
- 3480 E. Puetz Road (Lake Forest)
- David Lane extended (South of Twin Oaks Drive)
- Drexel Town Square – 2 wet detention basins and 3 bio-retention basins
- 2200 W. Drexel Ave. (easement at Forest Ridge Elementary school)

The basins were inspected three times for proper operation and sediment buildup in 2016.

The City of Oak Creek also inspects the regional detention basin at the southeast corner of I-94 and W. College Avenue in accordance with an intergovernmental agreement between the Wisconsin Department of Transportation, Milwaukee County and Oak Creek.

The basin at 10101 S. Shepard Avenue was converted to a regional storm water quality and quantity facility in 2003. The slopes were planted with native prairie plants which are mowed or burned once annually.

Routine maintenance (mowing, removal of litter and branches, spot reseeding, minor erosion, etc.) was done on all the detention basins and drainage swales. Twelve cubic yards of sediment were removed in 2016.

### D. Roadway Maintenance

Salt is applied to roadways when they become slippery. A full-scale plow operation will begin if the snow continues. Additional salt will be applied at the conclusion of the plowing operation if there are cold or falling temperatures. All road salt is stored in a fully enclosed storage building located at 800 W. Puetz Rd.

The number of snowfall events and salt usage in 2016 was about average.



- (b) Discharges from areas of new development and redevelopment after construction is completed.

The Oak Creek Municipal Code requires an 80% removal of total suspended solids on developments creating 0.5 acres or more of impervious area.

The Oak Creek Municipal Code was amended in September, 2004 and April, 2016 to incorporate the performance standards and revisions contained in NR 151. Developments creating 0.5 acres or more of impervious area are subject to requirements relating to infiltration, protective areas and fueling and vehicle maintenance areas.

Four storm water management permits were issued in 2016. These permits covered a total of 33 acres of new development and re-development within the City.

- (c) Assessment of water quality impacts from flood management projects.

Assessments are made on each individual project. Water quality components are implemented into the designs where it is feasible. The Forest Hill storm sewer replacement project incorporated the construction of new detention basins that will serve 15 acres of an existing residential subdivision that previously had no water quality or quantity controls.

- (d) Evaluation of the feasibility of retrofitting City owned structural flood control devices to provide pollutant removal from storm water.

Each of the City owned detention basins were evaluated to determine the feasibility of retrofitting them for water quality purposes. It was previously recommended that the basins located at 10101 S. Shepard Avenue and 3480 E. Puetz Road be retrofitted for water quality. The basin at 10101 S. Shepard Avenue was retrofitted for both water quality and quantity in 2003. Retrofitting the basin located at David Lane Extended is not recommended if the downstream regional wetland treatment system is implemented. Retrofitting the basin at 7000 S. 6<sup>th</sup> Street is not recommended because it would serve a very small tributary area.

- (e) Implementation of a program to promote the management of streambanks and shorelines by riparian landowners to minimize erosion, and restore or enhance the ecological values of waterways.

The City utilizes the Education and Information program described in Section V of this report to promote the management of streambanks and shorelines by riparian landowners to minimize erosion, and restore or enhance the ecological values of waterways. This program includes periodic articles in the local newsletter and provides educational literature available to the public at City Hall and the public library.

## II. Illicit Connection/Discharge Program

The illicit connection/discharge program proposal was approved by the DNR on September 8, 2003. This program includes all storm sewer outfalls 36 inches or larger. Initial field screening for the storm sewer outfalls began in 2004.

The outfalls were screened and categorized as primary (screened every six months), secondary (screened each year) or non-critical (screened every five years). The following table illustrates the criteria used to categorize the outfalls based on the field screening results:

Category:	Non-Critical	Non-Critical	Secondary	Secondary	Secondary	Primary	Primary	Primary	Primary
Visual observations (abnormal vegetation, residue or structural damage present)	No	No	No	Yes	Yes	Yes	No	No	Yes
Dry weather flow present	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Field Screening (odor, turbidity, color or surface scum present)	No	No	Yes	No	No	Yes	No	Yes	Yes
Field analysis (tests positive for detergents, chlorine, copper, phenols or pH)	NA	No	No	NA	No	No	Yes	Yes	Yes

The outfall categories and locations for this program are illustrated in the attached figure. The 2016 screenings resulted in three outfall being categorized as secondary.

The City did not receive any reports of illicit discharges in 2016.

### III. Industrial/High Risk Runoff Program

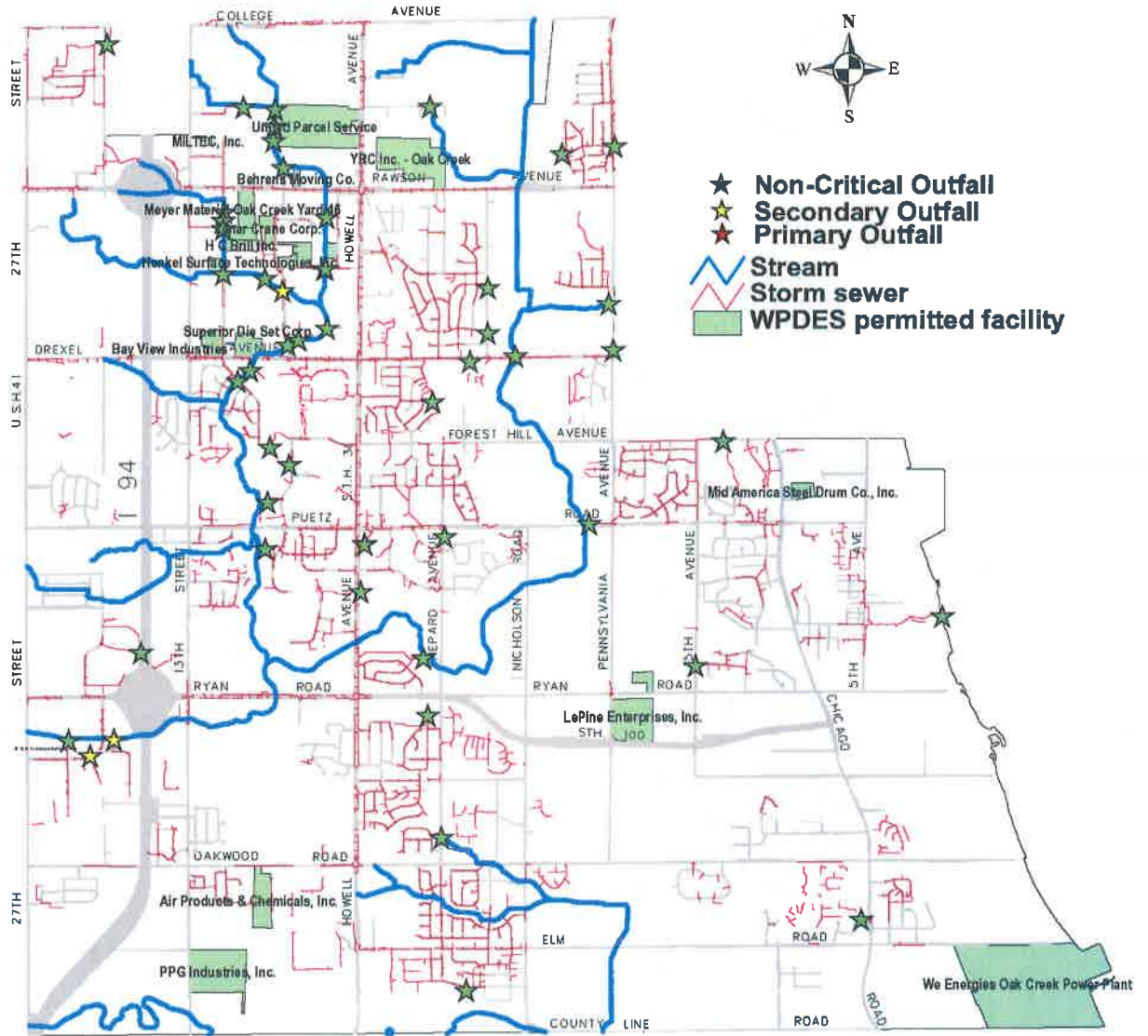
The proposed Industrial/High Risk Runoff program proposal was approved by the DNR on September 8, 2003. This program includes all storm sewer outfalls larger than 18 inches in critical basins identified in Oak Creek's Storm Water Management Master Plan. Because this program is similar to the illicit connection/discharge program, both programs were combined into one program.

### IV. Construction Site Runoff

The City reduces pollutants in storm water runoff from construction sites by enforcing the City's erosion control ordinance. The building inspection department has enforcement over individual buildings and the engineering division reviews all erosion control plans and has enforcement over subdivisions and public works projects. Building inspection first post the site with a notice of erosion control violations giving the owner a specified time to correct the situation. If the owner does not comply within the specified time period, a stop work order is imposed. Further non-compliance will result in the issuance of a citation. The building inspection department did not issue any citations and or stop work orders in 2016; however about 5 sites were posted. The engineering department sent out ten erosion control compliance related emails in 2016.

The Oak Creek Municipal Code was amended in April to incorporate the revision in NR151, Wisconsin Administrative Code, pertaining to construction site performance standard.

# CITY OF OAK CREEK ILLICIT DISCHARGE PROGRAM OUTFALLS 2016



## V. Public Education and Outreach Program

Oak Creek joined the Southeast Wisconsin Clean Water Network in 2009. The Network called Keep Our Waters Clean, is comprised of 18 municipalities and is designed to satisfy the education and outreach activities required by the NR 216 storm water quality permit. This consolidated effort enables a more efficient and effective information and education program.

A summary of the 2016 Public Education and Outreach Program is on the following pages.

## Written Report to Southeast Wisconsin Clean Water Network (SEWCWN) for 2016

Report Submitted January 31, 2017 by Allison Thielen, Root-Pike Watershed Initiative Network

### Preface:

Root-Pike WIN had a year of transition in 2016. New executive director Dave Giordano started on January 1 while Sweet Water contractor Jake Fincher was still managing the contract programs. Allison Thielen began working for Root-Pike WIN in May, taking over the management of the programs from Jake in mid-June. Due to the many changes, some items in the scope of service were either modified (with notification to the SEWCWN) or reduced in scope to allow for staff training and/or transition time.

Overall, this was a successful year for the program. Highlights include TV and radio interviews, the first residential stormwater audit, new Respect Our Waters promotional items, and SEWCWN meetings that were interactive and informative, such as the watershed map project identification exercise in June and the excellent presentation on wetland mitigation in October.

SCOPE OF SERVICE	OUTCOMES
<p><b>Target Audience</b>--Based on the results from the household survey administered under this PROJECT, we will target male homeowners 35 to 64 years of age who live in the geographic area served by the SEWCWN and perform their own yard work, wash their cars as well as owners of dogs.</p>	<p><b>TARGET AUDIENCE OUTCOMES</b></p> <p><b>Respect Our Waters Media Campaign</b> Primary targets were adult TV viewers, homeowners who perform yard care, pet owners and car owners (see attached Eichenbaum ROW report).</p> <p><b>Greener Yards, Cleaner Waters Program</b> One workshop for homeowners was held in central Oak Creek in August. After another year with poorly attended workshops (two were cancelled earlier in the year due to lack of response), another program was beta tested. This program features residential stormwater audits, bringing our staff and property owners into a one-on-one conversation about and analysis of the management of stormwater on their properties and recommendations for improvements.</p>
<p><b>Media Publicity for Respect Our Waters Program</b>-- Root-Pike WIN will attract media publicity to include radio and television interviews, and newspaper and magazine feature stories.</p>	<p><b>MEDIA PUBLICITY OUTCOMES</b></p> <p>Please see the Public Relations Detailed Coverage listing (see attached Eichenbaum ROW report).</p> <p>In addition, we had two 2-page articles in Wind Point Living magazine, one on yard care and one on winter salting.</p>

<p><b>Speakers Bureau</b>--Root-Pike WIN will be available to give presentations to service and professional groups about the SEWCWN and its role in reducing polluted stormwater runoff. A PowerPoint presentation and handout is available to members of the SEWCWN.</p>	<p><b>SPEAKERS BUREAU OUTCOMES</b></p> <p><u><b>Respect Our Waters Homeowner Workshop</b></u> The following workshop was held in 2016 attracted 6 people:</p> <p>Oak Creek: Wednesday, August 24, 2016, 2:00-4:00 p.m. at Oak Creek Civic Center, Multipurpose Room S-107, 8040 S. 6th Street, Oak Creek, WI</p>
<p><b>Messages</b> we will deliver in TV and radio interviews, television spots, workshop presentations, newsletters, social media, website and other venues will discuss stormwater runoff and its impact on our streams, rivers and lakes, how people contribute to it and positive actions they can take to reduce the problem. Topics to be addressed are: rain gardens, rain barrels, stormwater trees and other landscaping, composting, protecting storm drains, use of lawn and garden chemicals, managing pet waste, reducing salt on sidewalks and driveways, car care, role of swales and ditches.</p>	<p><b>MESSAGE OUTCOMES</b></p> <p><b>Respect Our Waters Homeowner E-Newsletters.</b> With a focus on homeowners, yard care and stormwater runoff, Root-Pike WIN addressed all of the topics (left side) in its E-newsletters, Sparkles' blog posts on the website, via social media posts, workshop presentations, and exhibitions.</p> <p><b>Respect Our Waters Campaign,</b> with its slogan, "clean water is a matter of proper training," and its spokesperson, a sassy Water Spaniel named "Sparkles". The 2016 campaign focused on the impact of picking up pet waste, using lawn chemicals, not sweeping debris into the street, not dumping into storm sewers, the benefits of capturing stormwater with rain barrels and rain gardens, and maintaining autos to increase the quality of stormwater runoff. In addition to the television spots, messages were carried on a Respect Our Waters Facebook page, Twitter page, YouTube channel, and Respect Our Waters website. Further carrying the message were "Sparkles" buttons, "Sparkles" temporary tattoos, a custom-designed "Sparkles" children's activity book and a bookmark listing tips for clean water that were distributed at 17 community events (see attached ROW Event report) attended by Root-Pike WIN.</p>
<p><b>Advertising Campaign</b>--Root-Pike WIN will collaborate with the S.E. Wisconsin Watersheds Trust to plan, create and implement a media campaign that will be targeted to our audience and air during between the months of May-October.</p>	<p><b>ADVERTISING OUTCOMES</b></p> <p><b>Respect Our Waters Campaign</b> Root-Pike WIN, representing the SEWCWN, and Sweet Water (S.E. WI Watersheds Trust), representing 19 Milwaukee area municipalities, joined together to plan and implement an advertising campaign for the Milwaukee TV viewing area. As in previous years of the campaign, Eichenbaum &amp; Associates advertising agency was selected to create the campaign, negotiate a media buy and provide publicity. They negotiated the most exposures with WITI FOX6 in an agreement that included TV spots (460) of 0:15 or 0:30 seconds. ROW's brand and messaging was delivered to the Fox6 audience as they accessed television through advertising spots, four featured Fox Focus segments, and weather forecast branding. The brand and messaging was also delivered to the Fox6 News audience as they accessed desktop &amp; mobile devices on Fox6Now.com, The Weather Channel/App, Fox6 Weather Widget, and Fox6Now social media (see Eichenbaum ROW report). Our media expenditure of \$73,000 gave us an estimated total value of \$267,505!</p>

<p><b>Municipal Newsletters</b>--Root-Pike WIN will provide news releases and articles for municipal newsletters and websites on the topics areas upon request.</p>	<p><b>MUNICIPAL NEWSLETTER OUTCOMES</b></p> <p>Allison Thielen of Root-Pike WIN wrote eight newsletter articles for municipalities upon request.</p>		
	<p><b>Season &amp; Topic</b></p>	<p><b>Article Title</b></p>	<p><b>Municipalities who requested</b></p>
	<p>Summer: Grass clippings</p>	<p>“Know Before You Mow!”</p>	<p>Somers</p>
	<p>Fall: Leaves</p>	<p>“Fall Cleanup”</p>	<p>Oak Creek, Somers, New Berlin</p>
	<p>Winter: Salting</p>	<p>“How Does Winter Salting Affect Human and Pet Health?”</p>	<p>Norway, Oak Creek, Pleasant Prairie, Somers</p>
<p><b>Electronic Newsletter</b>--Root-Pike WIN will send monthly electronic newsletters to municipal residents on our topic areas to include tips for homeowners, articles, announcements of upcoming workshops and grant opportunities. Municipalities will be invited to submit information for the newsletter.</p>	<p><b>ELECTRONIC NEWSLETTER OUTCOMES</b></p> <p>The Respect Our Waters Homeowner e-newsletter was sent twice in 2016 to over 3,300 people (email addresses). The list includes people who have attended a workshop or have been awarded a rain garden grant; municipal members of the SEWCWN; Root-Pike WIN board members, Resource Group members and grant recipients from our Watershed-based Grant Program; participants in the Pike River, Root River and/or Wind Point Watershed planning; participants in the annual Root River Paddle; those who visited the Respect Our Waters booth at exhibition/community events and others who asked to be emailed the newsletter.</p> <p>Much of the e-newsletter content was replaced by Sparkles’ 10 blog posts, which were shared on social media and referenced in the e-newsletters.</p>		
<p><b>Exhibitions</b>--Root-Pike WIN will participate in fairs and conferences as an exhibitor. We will create new artwork for the display unit and a handout for distribution at the events. The SEWCWN will be prominently recognized on these materials. The exhibit will be made available to municipalities for display. A second tabletop display will be purchased if there is a large call from municipalities for the display.</p>	<p><b>EXHIBITIONS OUTCOMES</b></p> <p><b>Respect Our Waters Fairs &amp; Exhibits</b></p> <p><b>March 12, 2016</b>, Discover New Berlin Business Expo &amp; Job Fair, New Berlin West Middle/High School</p> <p><b>March 19, 2016</b>, EcoFest, Gateway Technical College, Racine</p> <p><b>April 23, 2016</b>, Celebrate <i>Earth Day Fair</i>, sponsored by Gateway Technical College, Kenosha</p>		

<p><b>Meetings</b>--Root-Pike WIN will plan attend quarterly meetings of the Network, scheduled to be held on the third Thursday in March, June, September, December, and will organize one or more additional meetings on a topic of general interest to the group. In addition, RPW will be available to meet with Tony Beyer on issues related to this contract.</p>	<p><b>MEETINGS OUTCOMES</b></p> <p>Root-Pike WIN planned and coordinated four meetings of the SEWCWN January 1, 2016- December 31, 2016:</p> <p><b>February 23<sup>rd</sup></b>, 10am-12pm, Mount Pleasant Village Hall community room, 8811 Campus Drive, Mt Pleasant, WI. Agenda included an overview of the program from DNR representative Peter Wood P.E., updates on 9-Element watershed restoration plans and a guest speaker with follow on group discussions.</p> <p><b>June 30<sup>th</sup></b>, 10am-12pm, Oak Creek Civic Center Multi-purpose room, Room S107, 8040 S. 6<sup>th</sup> Street, Oak Creek, WI. Agenda included an update on the 2016 Respect Our Waters campaign, an Issues and Opportunities Workshop during which participants identified and addressed topics on maps of each of the five watersheds in the Root-Pike basin, an update from DNR representative Peter Wood P.E., and the 2015 member survey results.</p> <p><b>October 7<sup>th</sup></b>, 10am-12pm at the Racine County Ives Grove Office Complex, Auditorium, 14200 Washington Ave, Sturtevant, WI. Agenda included a Respect Our Waters update &amp; overview of new program ideas, a DNR update by Pete Wood, and a presentation titled The Economic Benefits of Ecological Restoration by Mitch Kasper of Tallgrass Land Conservation.</p> <p><b>December 13<sup>th</sup></b>, 10am-12pm, Ken Windl Park's pavilion building, 11615 W. Rawson Ave., Franklin, WI. Agenda included DNR updates from Pete Wood and Lisa Creegan, a 2016 Respect Our Waters recap, evaluation &amp; new program discussion, and Respect Our Waters 2016 Media Campaign Highlights, presented by Eichenbaum + Associates staff.</p>
<p><b>Written Progress Reports</b>--Root- Pike WIN will submit a written report twice a year describing progress of the project. In September RPW will send an email listing the cost share for the following year.</p>	<p><b>WRITTEN PROGRESS REPORTS OUTCOMES</b></p> <p><b>Reports</b>--Root-Pike WIN submitted a final written and financial report to the Village of Mount Pleasant, the 2016 fiscal agent, on January 31, 2017. Members of the network were provided with a copy of the written ROW report in a follow up email after the October meeting and were sent cost shares for 2017 in September 2016.</p>
<p><b>Evaluation</b>--Root-Pike WIN will create and distribute an evaluation instrument to gather input from municipal members about the project for the purpose of improving the program and increasing its effectiveness.</p>	<p><b>EVALUATION</b></p> <p>Allison Thielen of Root-Pike WIN is working with Executive Director Dave Giordano and Pete Wood of WDNR to develop a web-based survey to evaluate Root-Pike WIN's 2017 Keep Our Waters Clean outreach program. The survey is planned for February 2017.</p>



**RESPECT OUR WATERS**  
**December 13, 2016****2016 Campaign Highlights**

- Eichenbaum/Associates Introductions
  - Neal Bardele, Client Services
  - Kristen Johnson, Media
  - Monica Baer, Public Relations
- WITI Fox6 winning TV station bidder, yielding more than a 3-1/2 to 1 return on cash media expenditures.
- Aggressive media relations, yielding significant coverage in TV, radio and print.

**Paid Media Summary Report**

**2016 Television Partner:** WITI Fox6  
**Campaign Period:** June 12, 2016 through September 18, 2016 (12 weeks)

**Media expenditure:** \$73,000  
**Estimated total value:** **\$267,505**

**Television**

- ROW's brand and messaging was delivered to the Fox6 audience as they accessed television through advertising spots, Fox Focus segments, and weather forecast branding.
  - **Spot lengths:** :30 & :15
  - **Demo:** Adults 25+
  - **Total spots:** 460
  - **Total Estimated GRPs:** 1,053.6
  - **Total Delivered GRPs:** 1,043.3
  - **Post GRP Percentage:** 99%
    - Estimated market reach = 97.3%
    - Estimated average frequency = 9.2x

## Online

- ROW's brand and messaging was delivered to the Fox6 News audience as they accessed desktop & mobile devices on Fox6Now.com, The Weather Channel/App, Fox6 Weather Widget, and Fox6Now social media.
  - **Overall**
    - 1,495,000 estimated impressions
    - 1,338,146 delivered impressions
    - 3,499 Clicks (.23% Click Thru Rate)
  - **Fox6 Weather App**
    - 1,046 Clicks (.35% Click Thru Rate)
  - **Fox6Now.com Display**
    - 145 Clicks (.05% Click Thru Rate)
  - **Fox6Now.com Video Pre-Roll**
    - 401 Clicks (.54% Click Thru Rate)
  - **The Weather Channel App & Weather.com Display**
    - 803 Clicks (.13% Click Thru Rate)
  - **Weather.com & The Weather Channel App Video Pre-Roll**
    - 623 Clicks (1.04% Click Thru Rate)
  - **Fox6 News Facebook Posts – Videos (3 Fox Focus segments)**
    - 60,471 people saw posts – 59% took some sort of “action” – video views, likes, comments, shares, etc.

## **Public Relations Coverage Report**

### **Public Relations Summary**

- \$52,340 in estimated advertising value
- Concentration of TV and radio exposure with 10 feature stories and lengthy interviews
  - A number of the TV stories were posted on each station's web site and shared on social media
- Coverage throughout southeastern Wisconsin
- Significant story presence running from July through September

### **Public Relations Detailed Coverage**

- CBS 58, Sunday Morning, September 25
  - Nearly three-minute feature story on WaterSHED program in Racine for 4<sup>th</sup> and 7<sup>th</sup> grade students
  - Video posted online
- Fox 6, Weekend WakeUp News, September 18
  - Live interview with Allison from Respect Our Waters and an appearance by Sparkles to deliver fall actions homeowners can take
- WGTD-FM Kenosha, Morning Show Interview, September 16
  - One-hour interview with Allison and Nan on water issues and practices

- Kenosha News, September 15
  - Steve Lund opinion column on improvement in local beaches and how homeowner actions can have an impact
  - Print and online story
- CBS 58, Weekday Morning News, September 14
  - Nearly three-minute feature story on WaterSHED program in Racine for 4<sup>th</sup> and 7<sup>th</sup> grade students aired twice during morning news (5:08 and 6:08 a.m.)
- Entercom Radio, Sunday morning program, September 4
  - 18-minute interview with Allison and Jake from Respect Our Waters on actions homeowners and the public can take
  - Interview aired on WMYX FM 99.1, KISS-FM 103.7 and Sports Radio 1250
- Fox 6, Weekday WakeUp News, August 30
  - Live interview with Allison from Respect Our Waters on actions homeowners can take to help keep lakes and rivers clean and healthy
  - Video posted online at fox6now.com
- CBS 58, Sunday Morning, August 21
  - Nearly four-minute feature story on Pike River restoration project in Mount Pleasant
  - Video posted online at cbs58.com
- Channel 4, Live at Noon News, July 28
  - 2 ½-minute interview with Allison and Jake on actions homeowners can take
  - Video posted online
- Channel 6, Real Milwaukee, July 26
  - 3 live segments on water camp for kids at River Bend Nature Center. Allison conducted one interview for Respect Our Waters on water testing
- KTI-Country, Connections, July 24
  - 15-minute interview with Jake Fincher, Respect Our Waters, and Neil Palmer, president of the Elm Grove Village Board of Trustees
  - Interview posted online at kticountry.com
- WGTD-FM, Kenosha, Morning Show Interview, July 14
  - One-hour interview on Respect Our Waters and Root-Pike WIN's activities
- WTMJ-AM, Wisconsin's Weekend News, July 10
  - 5-minute interview with Linda Reid on actions homeowners can take
- Racine Journal Times, June 14
  - Feature story with pictures of stormwater planters and how they help control water pollution

## VI. Spills Program

The City of Oak Creek is part of the area served by the Milwaukee County Hazardous Response Team. The Fire Department logged 3 Hazmat incidents in 2016 which had the potential to impact storm water quality. The following is a summary of the reported spills:

- One spill incident of gasoline totaling five gallons.
- One spill incident of diesel fuel totaling 20 gallons.
- One chemical spill incident of pigment 167 chrome totaling 10 pounds.

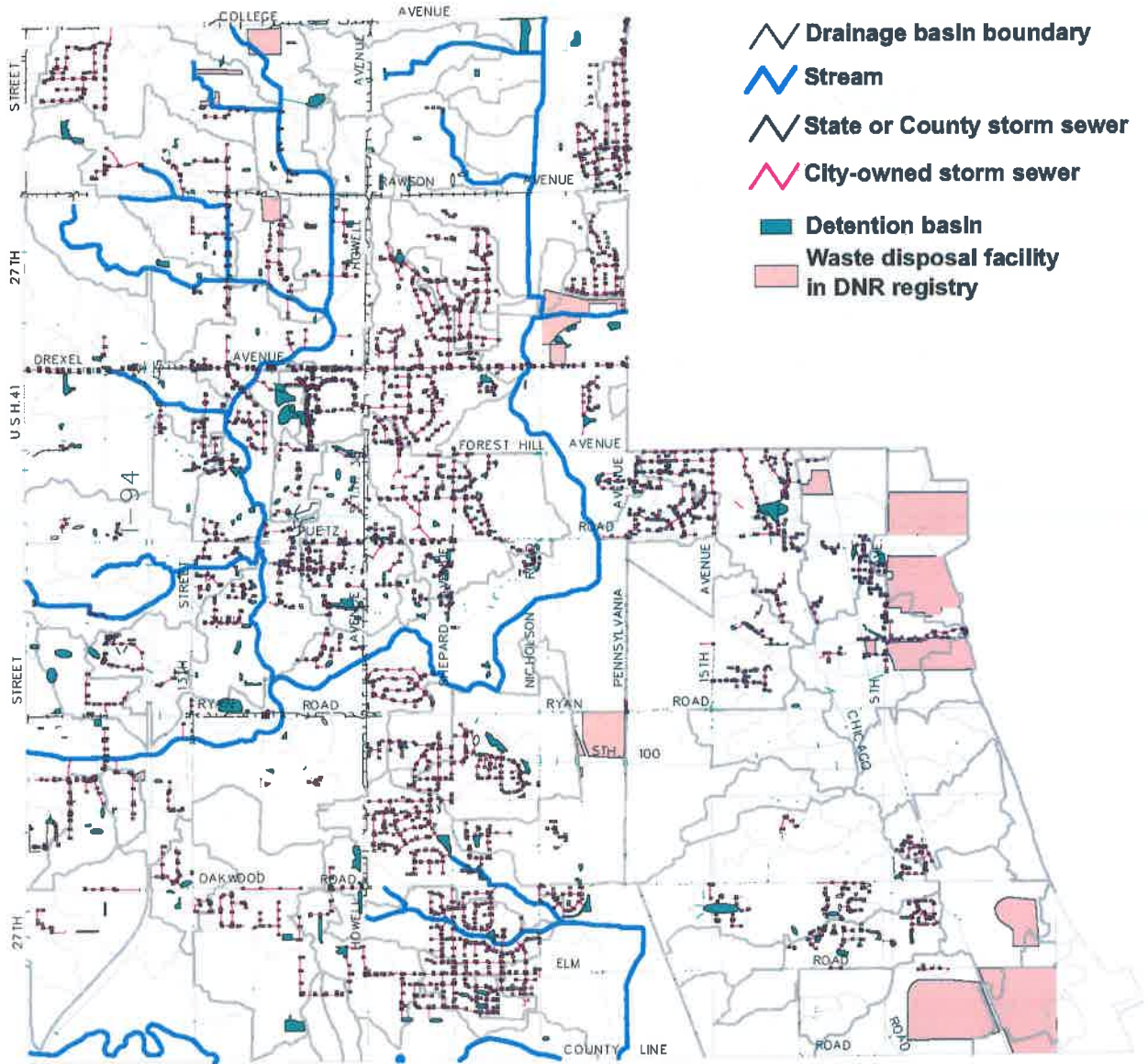
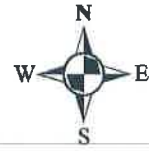
## VII. Program Revisions

None.

### **B. Updated storm sewer system map including new outfalls and structural controls.**

Please see attached maps.

# CITY OF OAK CREEK DRAINAGE MAP



**C. Summary describing the number and nature of enforcement actions, inspections, public education programs, spill responses and any other activity in the storm water management program that have measurable results**

**C. Summary of Activities in the Storm Water Management Program**

<b>Activities</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Erosion Control Permits Issued	53	38	51	58	46
Erosion Control Citations Issued	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
Erosion Control Ordinance Compliance Letters	1	3	1 <sup>2</sup>	0 <sup>2</sup>	0 <sup>2</sup>
Spills (Hazmat incidents) relating to storm water	4	7	2	0	3
Structural Control Inspections	27	33	33	33	39
Number of Catch Basins Inspected for Cleaning	5,420	2,936	4,338	2,641	4,770
Number of educational activities undertaken	6	6	6	6	6

<sup>1</sup> Note: Citations are issued only if a request for correction or stop work order has not been effective in obtaining the desired corrections to erosion control measures. Approximately 5 stop work orders are issued each year; however none were issued in 2015.

<sup>2</sup> Approximately 10 emails regarding erosion control compliance were sent

**D. Summary of revisions made to the storm water management program.**

Inspection of City-owned detention basins was changed from four to three times annually (spring, summer and fall). This revision was approved by the DNR in July, 2002. No revisions to the program were made in 2016.

**E. Proposed revisions to the storm water management program.**

None.

**F. Summary of monitoring data.**

The Department of Natural Resources approved Oak Creek's monitoring program proposal in November of 2000. The City has previously submitted all of the monitoring data to the DNR.

**G. Proposed revisions to the storm water monitoring program.**

None.

**H. Summary of pollutant loading calculations.**

Pollutant loadings for all 579 subbasins in Oak Creek using the Source Loading and Management Model (SLAMM) were submitted with the City's 2006 Annual Report. The analysis showed a 36% City-wide reduction in total suspended solids. Oak Creek was in compliance with the NR151 requirement of 20% suspended solids reduction by March 10, 2008.

In 2010 the City of Oak Creek contracted with AECOM to field verify swale infiltration rates within the City. The DNR subsequently reviewed and approved the new infiltration rate of 0.35 inches per hour, which is a significant increase over the previously used rate of 0.05 inches per hour.

The City finalized the SLAMM model files in 2012. The results using the new infiltration rate indicate that Oak Creek is over 40% reduction in total suspended solids.

**I. Summary of the assessment of controls required in Section F.**

**I. Summary of the Assessment of Controls**

Part I, Section F(1)(b)

<b>Indirect Measurements</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Number and type of illicit connections found and eliminated	0	0	0	0	0
Number of erosion control permits issued	53	38	51	58	46
Number of enforcement actions taken (citations)	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
Number of spills (Hazmat incidents) relating to storm water	4	7	2	0	3
Number of educational activities undertaken	6	6	6	6	6
Number of sewer inlets stenciled	0	0	0	0	0
Volume of used oil collected (gallons)	8,700	8,325	7,800	8,325	8,225
Mass of leaves collected (c.y.)	925	680	825	750	840
Mass of sediment captured from street sweeping	140.0 Tons	197.63 Tons	397.15 Tons	254.51 Tons	198.07 Tons
Mass of sediment removed from catch basins	13.3 Tons	8 Tons	14.5 Tons	9 Tons	8.5 Tons
Mass of sediment removed from structural controls	6 c.y.	18 c.y.	14 c.y.	16 c.y.	12 c.y.

<sup>1</sup> Note: Citations are issued only if a request for correction or stop work order has not been effective in obtaining the desired corrections to erosion control measures. Approximately 5 stop work orders are issued each year.



**J. Fiscal analysis.**

Summary of previous year's expenditures and current year's budget of the major elements in the NR 216 storm water management program.

A copy of Oak Creek's 2017 Storm Water Fund budget is on the following pages.

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BUDGET REPORT FOR OAK CREEK  
Fund: 38 STORM WATER UTILITY FUND

CITY OF OAK CREEK  
PROPOSED 2017 BUDGET

GL NUMBER	DESCRIPTION	2013 ACTIVITY	2014 ACTIVITY	2015 ACTIVITY	2016 AMENDED BUDGET	2016 PROJECTED ACTIVITY	2017 RECOMMENDED BUDGET
ESTIMATED REVENUES							
Dept 00							
CHARGES FOR SERVICES							
38-00-35-34650	STORM WATER FEES	704,801.97	752,760.25	738,908.83	738,942.00	738,000.00	835,230.00
CHARGES FOR SERVICES		704,801.97	752,760.25	738,908.83	738,942.00	738,000.00	835,230.00
COMMERCIAL REVENUE							
38-00-37-36000	INTEREST INCOME	658.09	1,257.73	816.78	500.00	500.00	600.00
COMMERCIAL REVENUE		658.09	1,257.73	816.78	500.00	500.00	600.00
LICENSES & PERMITS							
38-00-34-33820	STORMWATER MANAGEMENT PERMIT	1,500.00	300.00	1,200.00	900.00	500.00	900.00
LICENSES & PERMITS		1,500.00	300.00	1,200.00	900.00	500.00	900.00
Totals for dept 00-		706,960.06	754,317.98	740,925.61	740,342.00	739,000.00	836,730.00
TOTAL ESTIMATED REVENUES		706,960.06	754,317.98	740,925.61	740,342.00	739,000.00	836,730.00
APPROPRIATIONS							
Dept 81-STORM WATER							
DIRECT EMPLOYEE COSTS							
38-81-41-10000	SALARIES - FULL TIME	299,584.69	363,984.54	371,831.27	381,680.00	380,000.00	382,632.00
38-81-41-11000	SALARIES - OVERTIME	355.42	257.96	9,968.98	500.00	3,000.00	500.00
38-81-41-13000	RETIREMENT	20,697.45	25,287.73	25,794.27	25,135.00	25,218.88	26,019.00
38-81-41-13500	SOCIAL SECURITY	22,691.11	26,727.79	28,241.84	29,133.00	28,134.30	29,271.00
38-81-41-15000	INSURANCE - ACTIVE HEALTH	64,600.00	36,800.00	84,992.00	84,992.00	84,992.00	84,992.00
38-81-41-16000	INSURANCE - WORKMANS COMP	12,944.00	17,428.00	17,284.00	16,547.00	16,547.00	16,444.00
38-81-41-16500	INSURANCE - DISABILITY	704.88	1,057.32	1,176.00	1,276.00	1,276.00	1,276.00
38-81-41-17000	INSURANCE - DENTAL	6,650.00	2,702.00	6,461.00	6,461.00	6,461.00	6,461.00
38-81-41-17500	INSURANCE - GROUP LIFE	423.44	556.26	642.84	550.00	550.00	550.00
38-81-41-18000	LONGEVITY	615.00	686.40	704.16	700.00	700.00	700.00
38-81-41-18500	SECTION 125 EXPENSES	233.50	224.50	0.00	0.00	0.00	0.00
DIRECT EMPLOYEE COSTS		429,499.49	475,712.50	547,096.36	546,974.00	546,879.18	548,845.00
INDIRECT EMPLOYEE COSTS							
38-81-42-20000	TRAVEL/TRAINING	0.00	0.00	0.00	1,200.00	900.00	1,200.00
38-81-42-20500	RECRUITMENT/TESTING/PHYSICALS	0.00	0.00	0.00	100.00	50.00	100.00
38-81-42-21500	UNIFORMS/CLOTHING	860.43	1,004.06	952.44	1,000.00	1,000.00	1,100.00
INDIRECT EMPLOYEE COSTS		860.43	1,004.06	952.44	2,300.00	1,950.00	2,400.00
UTILITY COST							
38-81-43-31500	TELEPHONE	0.00	0.00	0.00	0.00	0.00	250.00
UTILITY COST		0.00	0.00	0.00	0.00	0.00	250.00
SUPPLIES							
38-81-44-40000	OFFICE SUPPLIES	50.00	0.00	0.00	0.00	0.00	0.00
38-81-44-41500	POSTAGE	0.00	0.00	0.48	0.00	0.00	0.00
38-81-44-44000	MEDICAL AND SAFETY	300.00	57.20	115.66	350.00	150.00	300.00
38-81-44-46000	MINOR EQUIPMENT	0.00	307.00	350.00	350.00	600.00	500.00
38-81-44-46200	FIELD SUPPLIES	0.00	0.00	0.00	350.00	100.00	300.00
SUPPLIES		350.00	364.20	466.14	1,050.00	850.00	1,100.00
OTHER SERVICES							
38-81-45-51400	CONSULTING	14,702.86	0.00	4,271.32	9,000.00	25,000.00	10,000.00
38-81-45-52000	LANDFILL CHARGES	9,540.56	17,446.62	0.00	12,500.00	0.00	0.00

BUDGET REPORT FOR OAK CREEK  
Fund: 38 STORM WATER UTILITY FUND

CITY OF OAK CREEK  
PROPOSED 2017 BUDGET

GL NUMBER	DESCRIPTION	2013 ACTIVITY	2014 ACTIVITY	2015 ACTIVITY	2016 AMENDED BUDGET	2016 PROJECTED ACTIVITY	2017 RECOMMENDED BUDGET
APPROPRIATIONS							
Dept 81-STORM WATER							
OTHER SERVICES							
38-81-45-52500	MISCELLENEOUS PERMITS	4,000.00	4,000.00	5,000.00	6,000.00	5,500.00	6,000.00
	OTHER SERVICES	28,243.42	21,446.62	9,271.32	27,500.00	30,500.00	16,000.00
MAINTENANCE							
38-81-46-65000	STORM DRAINAGE SYSTEM	35,218.43	33,650.96	42,304.53	50,000.00	45,000.00	55,000.00
	MAINTENANCE	35,218.43	33,650.96	42,304.53	50,000.00	45,000.00	55,000.00
VEHICLES							
38-81-47-70000	VEHICLE MAINTENANCE	18,245.02	4,284.10	4,472.34	6,500.00	4,500.00	6,500.00
38-81-47-70500	EQUIPMENT MAINTENANCE	21,467.59	11,629.10	12,079.08	12,000.00	11,500.00	12,000.00
38-81-47-71000	GAS/OIL/FLUIDS	11,524.20	13,832.11	9,216.72	12,000.00	11,000.00	12,000.00
38-81-47-71500	TIRES	1,613.25	2,981.35	1,432.00	1,500.00	2,500.00	2,500.00
	VEHICLES	52,850.06	32,726.66	27,200.14	32,000.00	29,500.00	33,000.00
TRANSFER							
38-81-49-99999	INTERFUND TRANSFER OUT	100,000.00	500,000.00	100,000.00	200,000.00	200,000.00	325,000.00
	TRANSFER	100,000.00	500,000.00	100,000.00	200,000.00	200,000.00	325,000.00
Totals for dept 81-STORM WATER		647,021.83	1,064,905.00	727,290.93	859,824.00	854,679.18	981,595.00
TOTAL APPROPRIATIONS		647,021.83	1,064,905.00	727,290.93	859,824.00	854,679.18	981,595.00
BEGINNING FUND BALANCE		434,553.13	494,491.36	183,904.34	197,539.02	197,539.02	81,859.84
ENDING FUND BALANCE		494,491.36	183,904.34	197,539.02	78,057.02	81,859.84	(63,005.16)

## **K. Identification of water quality improvements or degradation.**

The City of Oak Creek was issued its NR 216 permit in June of 2000 and subsequently re-issued in April of 2006 and June of 2013. Implementation of water quality improvement programs began in 2001 on a phased basis. The following programs or projects have resulted in water quality improvements:

- The street sweeping and catch basin cleaning programs have resulted in the collection of a significant amount of sediment since 2001. Street sweeping has collected 4,362,680 pounds of sediment and catch basin cleaning has removed 228,660 pounds of sediment.
- The Shepard Hills detention basin was retrofitted in 2003 to provide for water quality which should improve the conditions downstream.
- The Arthur Avenue storm sewer project constructed in 2005 diverted the untreated storm sewer runoff from 33 acres of a developed residential area through a wet detention basin.
- Installation of a hydrodynamic separator in the Southbranch Industrial Park in 2006.
- Portions of the Northbranch industrial park (Marquette Ave., 1<sup>st</sup> St. and 10<sup>th</sup> St.) were reconstructed with curb & gutter and inlets were replaced with catch basins in 2007. This enables catch basin cleaning and street sweeping on these roads.
- The regional detention basin at the southeast corner of I-94 and W. College Avenue constructed through an intergovernmental agreement between Wisconsin Department of Transportation, Milwaukee County and Oak Creek, treats about 230 acres of tributary area prior to discharging into the N2 Tributary.

## **L. Program Proposals.**

- New program proposals are not required under the permit for 2017.

13-21

**MINUTES  
LICENSE COMMITTEE  
March 15, 2017 at 8:30 a.m.**

1. The meeting was called to order at 8:30 a.m.
2. On roll call, the following committee members were present: Ald. Kurkowski, Ald. Verhalen and Ald. Gehl. ~~Also in attendance was City Clerk Catherine Roeske and Deputy City Clerk Christa Miller.~~
3. Ald. Verhalen, seconded by Ald. Gehl, moved to approve the minutes of 2/16/17. On roll call, all voted aye.
4. The Committee reviewed an Operator's license submitted by Patricia Halverson, 3765 E. Van Norman Ave., Cudahy (Meijer). Ms. Halverson was in attendance.

On her application, Ms. Halverson failed to disclose a 1989 Theft (felony) conviction and a 1990 Theft (misdemeanor) conviction, both from the City of Milwaukee.

Ms. Halverson addressed the Committee and advised them that she believed that both convictions were so old that they no longer appeared on her background report.

Ald. Gehl, seconded by Ald. Verhalen, moved to approve the request for an Operator's license submitted by Patricia Halverson, 3765 E. Van Norman Ave., Cudahy (Meijer). On roll call, all voted aye.

5. The Committee reviewed an Operator's license submitted by Erica Olliden, 3651 E. Puetz Rd., Oak Creek (BelAir Cantina). Ms. Olliden was in attendance.

On her application, Ms. Olliden disclosed a 1<sup>st</sup> offense OWI conviction from 2015, however, failed to disclose a 2011 Underage Alcohol-Procure conviction.

Ms. Olliden advised the Committee that she had been in a bar while under age and that she had forgotten she was ticketed for it.

Ald. Verhalen, seconded by Ald. Gehl, moved to approve the request for an Operator's license submitted by Erica Olliden, 3651 E. Puetz Rd., Oak Creek (BelAir Cantina). On roll call, all voted aye.

6. The Committee reviewed an Operator's license submitted by Kaleb Sims, 6426 S. 35<sup>th</sup> St., Franklin (Kwik Trip). Mr. Sims was not in attendance.

On his application, Mr. Sims indicates that he has had no prior convictions. The police record check shows that he was convicted for Underage Alcohol in Caledonia in 2016.

The Committee reasoned that had Mr. Sims disclosed the prior conviction, it would meet the City's restrictions and he would be issued a license.

Ald. Verhalen, seconded by Ald. Gehl, moved to approve the request for an Operator's license submitted by Kaleb Sims, 6426 S. 35<sup>th</sup> St., Franklin (Kwik Trip). On roll call, all voted aye.

7. The Committee reviewed the event application submitted for "Performance Running Outfitters Fun Runs" events that are scheduled to be held weekly from 6:00 p.m. – 6:30 p.m.

City Clerk Roeske advised the Committee that the event details had been vetted through the various affected departments and all had come back as favorable.

Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the event application submitted for "Performance Running Outfitters Fun Runs" events to be held weekly from 6:00 p.m. – 6:30 p.m. On

roll call, all voted aye.

8. The Committee reviewed the event application submitted for a "Community Easter Egg Hunt" event to be held on April 8, 2017, from 10:00 a.m. – 1:00 p.m. This event is being sponsored by the Celebrations Commission and they anticipate an estimated attendance of up to 1,000 people. They have requested that a portion of S. 6<sup>th</sup> Street be barricaded.

City Clerk Roeske advised the Committee that the event details had been vetted through the various affected departments and all had come back as favorable.

Ald. Verhalen, seconded by Ald. Gehl, moved to approve the event application submitted for a "Community Easter Egg Hunt" event to be held on April 8, 2017, from 10:00 a.m. – 1:00 p.m. On roll call, all voted aye.

9. The Committee reviewed the event application submitted for the "Knights Against Substance Abuse" event to be held on May 13, 2017, from 8:00 a.m. to 12:00 p.m.

This event is being organized by the Oak Creek High School and its purpose is to raise awareness and funds for fighting substance abuse.

City Clerk Roeske advised the Committee that the event details had been vetted through the various affected departments and all had come back as favorable.

Ald. Verhalen, seconded by Ald. Kurkowski, moved to approve the event application submitted for the "Knights Against Substance Abuse" event to be held on May 13, 2017, from 8:00 a.m. to 12:00 p.m. On roll call, all voted aye.

10. The Committee reviewed the Tourism Commission's "Dog Day at Drexel" event to be held on July 15, 2017, from 9:00 a.m. – 4:00 p.m.

This is the Tourism Commission's first "official" event and a return of last years' Dog Day at Drexel event.

City Clerk Roeske advised that she worked with the City's new Destination Marketing Specialist, Kristin Kowaleski, to provide her with information as to last years' event and setup to assist with a smooth transition to the Tourism Commission event this year.

City Clerk Roeske also noted that the event details had been vetted through the various affected departments and all had come back as favorable.

Ald. Verhalen, seconded by Ald. Kurkowski, moved to approve the event application submitted by the Tourism Commission, for a "Dog Day at Drexel" event to be held on July 15, 2017, from 9:00 a.m. – 4:00 p.m. On roll call, all voted aye.

11. The Committee reviewed an event application for "Bootz' Parking Lot Party" event to be held on May 27, 2017, from 2:00 p.m. – 9:15 p.m.

City Clerk Roeske advised the Committee that Bootz is no longer considered a "nuisance property" and having vetted all the affected departments, reviews and approvals have come back favorable.

Ald. Gehl asked if the event will have a crowd event manager on duty as they appear to be expecting

between 400-500 people at their event. Ald. Kurkowski presented the Committee with a review by City Clerk Roeske which stated that the crowd event manager was an OSHA regulation and is not required by the City for special events.

Ald. Gehl, seconded by Ald. Verhalen, moved to approve the event application for "Bootz' Parking lot Party" event to be held on May 27, 2017, from 2:00 p.m. – 9:15 p.m. On roll call, all voted aye.

12. The Committee reviewed an event application for a "Bootz' Car Show" event to be held on September 16 from 9:00 a.m. – 5:00 p.m., with the granting of this event permit subject to receipt of their 2017-18 alcohol license.

City Clerk Roeske advised the Committee that she has vetted all the affected departments and approvals have come back favorable.

Ald. Gehl, seconded by Ald. Verhalen, moved to approve the event application for "Bootz' Car Show" event to be held on September 16 from 9:00 a.m. – 5:00 p.m., with the granting of this event permit subject to receipt of their 2017-18 alcohol license. On roll call, all voted aye.

Ald. Verhalen, seconded by Ald. Kurkowski, moved to adjourn the meeting at 9:04 a.m. On roll call, all voted aye.