



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

## COMMON COUNCIL MEETING AGENDA

AUGUST 15, 2017

7:00 P.M.

Daniel Bukiewicz - Mayor  
Steven Kurkowski - 1<sup>st</sup> District  
Greg Loreck - 2<sup>nd</sup> District  
Richard Duchniak - 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: 7/31/17

### Recognition

4. **Council Proclamation:** Consider Council Proclamation No. 17-11, Congratulations to Benjamin Walter Kawczynski for receiving the Eagle Scout Award (by Committee of the Whole).

### New Business

5. **Informational:** Oak Creek Fire Department accreditation achievement from the Commission on Fire Accreditation International.
6. **Resolution:** Consider Resolution No. 11847-081517, Authorizing a Memorandum of Understanding (MOU) with Kwik Trip and Milwaukee County Emergency Management (by Committee of the Whole).
7. **Ordinance:** Consider Ordinance No. 2862, an Ordinance to Repeal and Recreate Section 2.05(1)(a)(1)-(6) of the Oak Creek Municipal Code to change the designated City Polling Places (by Committee of the Whole)
8. **Motion:** Consider a motion to concur with the Mayor's appointments as follows:  
  
Celebrations Commission – 3 year term to expire 7/2020
  - Melanie Lindseth, 3105 E. Emily Ave.  
Library Board – 3 year term to expire 6/2020
  - Karen Umbs, 10011 S. McGraw Dr.

Visit our website at [www.oakcreekwi.org](http://www.oakcreekwi.org) for the agenda and accompanying common council reports.

9. **Motion:** Consider a *motion* to approve the Vendor Summary Report in the amount of \$1,752,499.62 (by Committee of the Whole).

### **COMMUNITY DEVELOPMENT**

10. **Resolution:** Consider *Resolution* No. 11843-081517, approving an affidavit of correction submitted by HSA Commercial for the property at 7901 S. 6<sup>th</sup> Street (2<sup>nd</sup> District).
11. **Resolution:** Consider *Resolution* No. 11846-081517, approving a Certified Survey Map for Richard Beck, Henkel Corporation for the property at 500 W. Marquette Ave. (4<sup>th</sup> District).
12. **Ordinance:** Consider *Ordinance* No. 2863, an ordinance adopting an amendment to the comprehensive plan for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St. in the City of Oak Creek (by Committee of the Whole).
13. **Resolution:** Consider *Resolution* No. 11849-081517, approving an Agreement to Modify Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square (2<sup>nd</sup> District)

### **ENGINEERING**

14. **Resolution:** Consider *Resolution* No. 11845-081517, granting a permanent easement to We Energies for services at the park pavilion at Lake Vista Park, 9180 S. 5<sup>th</sup> Avenue (4<sup>th</sup> District).
15. **Resolution:** Consider *Resolution* No. 11844-081517, approving final payment to AW Oakes & Sons for the S. 6<sup>th</sup> Street Soil Removal and Relocation (Project 14035) (2<sup>nd</sup> District).
16. **Resolution:** Consider *Resolution* No. 11848-081517, approving the Glen Crossing Additions Development Agreement (2<sup>nd</sup> District).

### **LICENSE COMMITTEE**

The License Committee met on August 2, 2017. Minutes are attached. Recommendations are as follows:

17. **Motion:** Consider a *motion* to *deny* an Operator's license to McKenna L. Chriske, 2533 W. Saint John's Way, Oak Creek (Kwik Trip) for falsification by omission.
18. **Motion:** Consider a *motion* to *deny* an Operator's license to Hannah M. Stein, 7535 E. Wind Lake Rd., Wind Lake (Kwik Trip) for falsification by omission.

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

19. **Motion:** Consider a *motion* to grant an Operator's license to the following (*favorable background report received*):
- Linda M. Steffen, 4506 S. Adams Ave., Milwaukee (7-Eleven)
  - Keaton E. Szydel, 6052 S. Elaine Ave., Cudahy (South Shore Cinemas)
  - Robert M. Yesbeck, 10355 S. McGraw Dr., Oak Creek (Kwik Trip)

20. **Motion:** Consider a *motion* to grant a 2017-18 Regular Class B Combination alcohol license to Michael D. Ridgway, Marcus Cinemas of Wisconsin, LLC, dba South Shore Cinemas, 7261 S. 13<sup>th</sup> St., with issuance subject to surrender of current Reserve Class B Combination license, and to authorize the refund of the \$10,000 one-time reserve issuance fee.
21. **Motion:** Consider a *motion* to grant a 2017 Transient Merchant license to Joseph Bontempo, Agent for Spectrum, 5812 S. 21<sup>st</sup> St., Racine, WI, selling cable, phone and internet services, and to the following salespersons (*favorable background report received*):
  - Jazimine C. Moore, 1037 Kentucky St., Racine

## **MISCELLANEOUS**

22. **Motion:** Consider a *motion* to convene into Closed Session pursuant to Wisconsin State Statutes, Section 19.85 (1)(c) and (e) to discuss the City negotiating position with the Oak Creek Professional Police Officer's Association.
23. **Motion:** Consider a *motion* to reconvene into Open Session.
24. **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

COUNCIL PROCLAMATION NO. 17-11  
CONGRATULATIONS TO  
BENJAMIN WALTER KAWCZYNSKI  
FOR RECEIVING THE EAGLE SCOUT AWARD

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

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

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

WHEREAS, at a Court of Honor to be held at Grace Lutheran Church on August 27, 2017, at 2:00 p.m., an Eagle Award will be conferred upon Benjamin Kawczynski; and

WHEREAS, as his Eagle project, Benjamin chose to reconstruct a sandbox area at Grace Lutheran Early Childhood Center in Oak Creek.

WHEREAS, as part of his project, Benjamin reconstructed the rotted wood sandbox structure, replaced the existing sand, designed a tight fitting cover to fit on top of the sandbox, and built a shade canopy over the entire area, providing shade to children while at play.

WHEREAS, Benjamin organized and coordinated the efforts of thirty volunteers to reconstruct the shaded sandbox area, putting in a total of over 303 man hours of work; thereby providing the children at Grace Lutheran Early Childhood Center a safe and fun place to play; and

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

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

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

Dated this 15<sup>th</sup> day of August, 2017

Presented and adopted this \_\_\_\_ day of August, 2017.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 5

**Informational:** With Approval of the Council in 2012, the Fire Department has worked the past 5 years to achieve accreditation from the Commission on Fire Accreditation International. On July 26, 2017 in Charlotte, North Carolina the Fire Department was approved and is now one of 239 agencies in the world meeting the requirements for Accreditation.

**Background:** In 2012 the department brought forth a proposal to work to be an accredited agency. The Council approved and we became a registered agency. For the next three year we worked to address 84 performance indicators and approximately 250 core competencies. We created a strategic plan, a standards of cover document, and a risk assessment. In 2017 we became an applicant agency which involves a site visit by a peer assessment team. In May of this year the team came in and reviewed our documents, interviewed personnel from city hall, our department, and external partners. They made their recommendations for approval. In July we went in front of the Commission and were approved as an accredited agency.

What is accreditation?

- It determines community risk and safety needs and develops community-specific Standards of Cover.
- Evaluates the performance of the department.
- Establishes a method for achieving continuous organizational improvement.

Accreditation promotes excellence and encourages quality improvement by enabling fire and EMS agencies to:

- Assure colleagues and the public that they have definite missions and objectives that are appropriate for the jurisdictions they serve
- Provide a detailed evaluation of the services they provide to the community
- Identify areas of strength and weakness within the department
- Create methods or systems for addressing deficiencies while building organizational success
- Encourage professional growth for both the department and its personnel
- Provide a forum for the communication of organizational priorities
- Foster national recognition by colleagues and the public
- Create a mechanism for developing strategic and program action plans

**Fiscal Impact:** During this whole process the cost to achieve accreditation was approximately \$20,000 done all by internal Fire Department budgeting.

Respectfully submitted by:



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

Approved by:

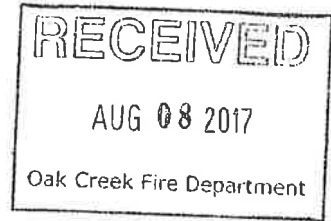


Tom Rosandich  
Fire Chief

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller



August 1, 2017

Dear Chief Rosandich and Members of the Oak Creek Fire Department,

We at LifeQuest send our warmest congratulations on your recent Fire Accreditation! This is a great accomplishment for you and your department and we recognize the hard work and dedication you put in to achieve this. Knowing that there are over 29,727 fire departments in the US, 765 fire departments in Wisconsin and only 11 in Wisconsin have accomplished accreditation, should make you very proud! And with only about 234 agencies accredited in the US, including Naval and other DOD agencies, you are in the **top 1%** of all agencies! That is incredible!

As partners with your department for your ambulance and fire billing, we're proud to do our part to ensure that all of your runs and records are handled professionally and always in compliance with HIPPA regulations.

With your fire accreditation, you have committed to your community to uphold the highest standards in all areas of your service. Your citizens not only benefit from the great service you provide, you will positively affect their insurance rates, and give them the peace of mind that dedicated help is only a phone call away.

Be proud of this accolade, as it is well deserved. The time, energy and (most of all) paperwork required for this type of accreditation shows your excellence as a department and we are very proud to be your partner for your billing.

Best Regards,

A handwritten signature in cursive script that reads "Robin Brunke".

Robin Brunke  
Client Relations Specialist

A handwritten signature in cursive script that reads "Tim Rosin".

Tim Rosin  
Vice President - Client Services

# City of Oak Creek Common Council Report

Meeting Date: August 15, 2017

Item No.: 6

**Recommendation:** The City of Oak Creek in conjunction with Milwaukee County Emergency Management (OEM) approve a Memorandum of Understanding (MOU) with Kwik Trip to partner in a public/private relationship to provide essential services in times of disasters or major incidents.

**Background:** The purpose of this public/private MOU is to establish a plan through which essential retail services (ERS) i.e. gasoline, diesel fuel, ATM services, limited groceries can be made available for normal retail sale during times of emergency or disaster which would normally prevent these essential goods and services from being available. This MOU ensures an organized public/private method of coordinating resources to expedite availability of essential goods and services for retail sale by Kwik Trip.

This is a partnership between The City of Oak Creek, Kwik Trip, and Milwaukee County Office of Emergency Management (OEM). This is only for beyond day to day operations and is part of the overall emergency management operations planning, response, and recovery process.

**Fiscal Impact:** Normal retail sales made by City of Oak Creek employees during the time the incident is active. There may also be a cost if security is needed whether by the city or mutual aid of other law enforcement agencies. Reimbursement may occur if a Federal disaster is declared.

Respectfully submitted by:



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

Approved by:



Tom Rosandich  
Fire Chief

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller



# **MEMORANDUM OF UNDERSTANDING**

**Between**

**City of Oak Creek and Kwik Trip Inc.**

This Memorandum of Understanding (MOU) is made and entered into between the City of Oak Creek and the Kwik Trip Inc. of La Crosse, WI (Kwik Trip).

This agreement establishes a framework for implementing new and enhanced coordination efforts to plan for continuation of essential retail services (ERS) during and following a major incident in or affecting the City of Oak Creek.

## **PURPOSE**

The purpose of this public-private MOU is to establish a plan through which essential retail services (ERS) i.e. gasoline, diesel fuel, ATM services, limited groceries can be made available for normal retail sale during times of emergency or disaster which would normally prevent these essential goods and services from being available. This MOU ensures an organized public/private method of coordinating resources to expedite availability of essential goods and services for retail sale by Kwik Trip.

## **BACKGROUND**

The City of Oak Creek encompasses over 28.4 square miles. With a population of over 35,000 citizens having the potential of being exposed to numerous hazards, all of which have the potential to disrupt the community, causing injury, damage and the loss of life. Possible natural hazards include tornados, floods, down bursts, snowstorms and ice storms. Other disastrous situations include cyber, hazardous materials, major transportation accidents, long term power outages, major structure fires, terrorism, pandemic or other civil disorder.

It is recognized that the response to any major emergency will require a coordinated public-private effort to ensure rapid response, avoidance of duplication of effort, maximizing available resources to ensure citizen safety, preservation of property and protection of the environment.

## **TERMS OF THE MOU**

Oversight of this agreement is administered through in partnership with City of Oak Creek and Office of Emergency Management Milwaukee County.

This MOU supplements Milwaukee County Emergency Management Plan (CEMP) for the governance of response to incidents beyond the scope of day to day operations.

The principle parties of this agreement shall meet annually or more often if conditions require reviewing and updating this plan.

## **RESPONSIBILITY**

It shall be the responsibility of each party to ensure that the procedures outlined in this plan is known and practiced by those individuals that will be charged with its implementation.

No provisions of this MOU shall obligate the expenditure of appropriations by Kwik Trip or City of Oak Creek nor the entrance into any contract or other obligation.

The sole intent of this MOU is to understand the availability of essential retail services Kwik Trip may be capable of providing for retail sale. This agreement does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity by a party against Kwik Trip, City of Oak Creek, corresponding agencies and departments or any individual person.

## **EXPIRATION**

This MOU will commence upon signature and continue until updates and/or modifications are made by mutual written agreement by all parties and a new signature page verifying the understanding of changes has been executed or upon 30 days prior written notice by either party.

## **PROCEDURES**

The City of Oak Creek identifies Kwik Trip Stores located at 7880 S. 10<sup>th</sup> St., 9535 S. 13<sup>th</sup> St. and 2040 W. Ryan Road in Oak Creek WI as convenience stores that could provide substantial ERS (fuel, grocery items, ATM) the County and its citizens (Community) will need during/following an emergency event.

**Request for assistance (power outage):** When there is a Disaster Declaration and a need to acquire ERS for the City of Oak Creek the City will contact the Kwik Trip Communication Center (608.793.6267) requesting assistance. The Kwik Trip Communication Center is operational 24/7.

The City will provide Kwik Trip with the following information:

- Type of disaster they are experiencing
- What services the Community needs
- Call-back/contact information (name, position held within the City of Oak Creek, telephone number and alternate contact)
- Other information that may be necessary to help with the response/recovery operations.

Kwik Trip will expeditiously assess what assistance can be provided and will coordinate their response with the City of Oak Creek designated contact person. The City is responsible to keep Kwik Trip informed when the contact person changes.

The City may be required to assist in providing route guidance outside the City and ensure primary routes within the City to the stores and/or parking lots, so generators and resupply trucks (grocery/petroleum) can access the stores.

For an extended power outage in the worst case scenario Kwik Trip shall use reasonable efforts to expedite the delivery and temporary installation of generators with sufficient capacity to fully operate stores and fuel dispensers (with the exception of the CNG dispenser and associated equipment). Kwik Trip will coordinate generator hook-up procedures with We Energies and City of Oak Creek Building Inspection Department. Kwik Trip will provide at no cost to the City, a Wisconsin State Master certified electrician to perform the hook-up procedures. The associated fees for the permit and inspection shall be waived whenever possible.

If We Energies does not allow Kwik Trip to use their own resources for the hook-up procedures and causes a delay in getting a certified electrician onsite, Kwik Trip will ask the City of Oak Creek to intervene.

**Public Service Announcements:** During a declared event if there is a need for the City of Oak Creek to have Public Service Announcements providing critical information for their citizens, contact the Kwik Trip communication center (608.793.6267) requesting what PSA the County would like posted on Kwik Trip's reader board. Kwik Trip will review the request to determine if it is possible to have the PSA displayed on the reader board.

Note: Any changes to Kwik Trip's Reader Board are made during normal business hours only.

**Gas Rationing:** Kwik Trip Stores located within the City of Oak Creek will abide by any gas rationing declarations. The City of Oak Creek will be responsible to provide enhanced security during agreed hours of operation, if requested by Kwik Trip and subject to the other protective needs of the community at the time of the request. It shall be understood that allocation of police resources will be within the sole discretion of the Police Chief and his/her designees. Such requests shall be placed through the City of Oak Creek Emergency Operations Center.

Accepted By: \_\_\_\_\_  
City of Oak Creek Date \_\_\_\_\_

Accepted By: \_\_\_\_\_  
Kwik Trip Date \_\_\_\_\_

RESOLUTION NO. 11847-081517

ADOPTING the Memorandum of Understanding  
With Kwik Trip  
And Milwaukee County Emergency Management

WHEREAS, the City of Oak Creek in conjunction with Milwaukee County Emergency Management find it necessary to prepare for disasters and major incidents;

WHEREAS, both parties find it in their best interest to form a private public partnership with Kwik Trip service and retail center to facilitate a cooperative partnership;

WHEREAS, the City of Oak Creek supports the Milwaukee County emergency plan in working with Kwik Trip to make available resources to the city and county in time of need;

NOW, THEREFORE, BE IT RESOLVED that the City of Oak Creek's Common Council adopt, by way of this resolution, the "Memorandum of Understanding with Kwik Trip Retail Centers and Milwaukee County Office of Emergency Management" and all of the agreements associate within the document.

Passed and adopted this 15<sup>th</sup> day of August 2017.

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

Approved this 15<sup>th</sup> day of August 2017.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

Vote: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

**Revised**  
**City of Oak Creek**  
**Common Council Report**

**Meeting Date:** 08/15/2017  
**Item No.:**7

**Recommendation:** That the Common Council adopt Ordinance No. 2862, an ordinance to Repeal and Recreate Section 2.05 of the Municipal Code to Change the Polling Place Locations for the City of Oak Creek.

**Background:** The City has traditionally utilized City owned properties that are supported by tax payers for polling locations. Wisconsin Statutes Sec. 5.25(1) states that polling places “chosen shall be public buildings, unless the use of a public building for this purpose is impracticable or the use of a nonpublic building better serves the needs of the electorate, as determined by the authority charged with the responsibility for establishing polling places. . .” In addition, there have been many discussions about building security and school safety for election day voting.

In 2016, citing safety and related concerns, Common Council voted to move the District 4 polling site to the National Guard Armory. The City staff has reviewed the current locations and physical conditions of the City’s polling sites to measure factors such as capacity, security, availability and accessibility. There are two polling sites still located in schools: OCEMS and OCWMS. Both middle schools present an ongoing security concern. The City Clerk met with Dr. Tim Culver, School Superintendent, and developed a plan to make a permanent location change for the Oak Creek Middle Schools. The American Legion is .1 mile from East Middle School, and Oak Creek Assembly of God is 1.7 miles from West Middle School, which make both of these locations very desirable. Site surveys of both locations have been conducted by the Clerk’s office. The conclusion is that both sites are more accommodating in all aspects. District 1 will remain at the OCFJSD district office as there are no children present in the building. There is a strong agreement among staff that the safety and security of our children is, and should be a priority.

There are four elections scheduled for 2018, including the November Gubernatorial Election. We would like to implement the changes as soon as possible, to enable voters to become aware of the changes prior to November. All District 2 and 3 voters will be notified by postcard prior to the February 20, 2018 election. We will begin a widespread public notification process as quickly as possible. All voters with a permanent change in voting site will be notified by postcard in January 2018. The polling site changes are:

**DISTRICT 2, WARDS 4-5-6** (Currently at Oak Creek West Middle School)  
Beginning 2/20/18  
Move to Oak Creek Assembly of God  
7311 S. 13<sup>th</sup> Street

**DISTRICT 3, WARDS 7-8-9** (Currently at Oak Creek East Middle School)  
Beginning 2/20/18  
Move to American Legion Post 434, Lower Hall  
9327 S. Shepard Avenue

**Fiscal Impact:** Costs to notify District 2 and 3 voters will be approximately \$1,295.00 to be taken from General Government Account, Election Costs. These costs would be for postcards mailed to the affected district residents. There are 2,007 unique addresses in District 2 and 1,803 in District 3.

Prepared by:

Respectfully submitted by:

Catherine A. Roeske  
City Clerk

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

Fiscal review by:

Bridget Souffrant, CMTW  
Finance Director/Comptroller

**Fiscal Impact:** Costs to notify District 2 and 3 voters will be approximately \$1,295.00 to be taken from General Government Account, Election Costs. These costs would be for postcards mailed to the affected district residents. There are 2,007 unique addresses in District 2 and 1,803 in District 3.

Prepared by:



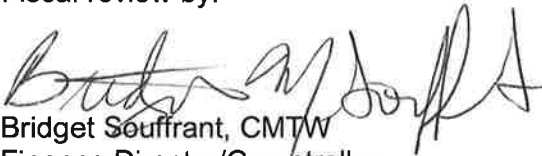
Catherine A. Roeske  
City Clerk

Respectfully submitted by:



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

Fiscal review by:



Bridget Souffrant, CMTW  
Finance Director/Comptroller

**ORDINANCE NO. 2862**

**COMMITTEE OF THE WHOLE**

**AN ORDINANCE TO REPEAL AND RECREATE SECTIONS 2.05(1)(a)(1)-(6) OF THE MUNICIPAL CODE TO CHANGE THE DESIGNATED CITY POLLING PLACES**

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

Section 1: Sections 2.05(1)(a)(1)-(6) are hereby repealed and recreated to read as follows:

(a) **Polling Places Designated.** The following locations are designated City polling places:

(1) First Aldermanic District.

- a. Place. School Administration Building, 7630 South 10<sup>th</sup> Street
- b. Wards. Ward Nos. 1, 2 and 3

(2) Second Aldermanic District

- a. Place. Oak Creek Assembly of God, 7311 South 13<sup>th</sup> Street
- b. Wards. Ward Nos. 4, 5 and 6

(3) Third Aldermanic District

- a. Place. American Legion Post 434, 9327 South Shepard Avenue
- b. Wards. Ward Nos. 7, 8 and 9

(4) Fourth Aldermanic District

- a. Place. National Guard Armory, 8520 South Howell Avenue
- b. Wards. Ward Nos. 10, 11 and 12

(5) Fifth Aldermanic District

- a. Place. Parkway Church, 10940 South Nicholson Road
- b. Wards. Ward Nos. 13, 14 and 15

(6) Sixth Aldermanic District

- a. Place. Community Center, 8580 South Howell Avenue
- b. Wards. Ward Nos. 16, 17, 18 and 19

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

Section 3: This ordinance shall take effect and be in full force and effect from and after its passage and publication, as required by law.



Introduced at a regular meeting of the Common Council this 15<sup>th</sup> day of August 2017.

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 9

**Recommendation:** That the Common Council approves payment of the obligations as listed on the August 9, 2017 Invoice GL Distribution Report.

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

1. \$90,467.11 to Advanced Disposal (pg #2) for recycling.
2. \$226,372.29 to C.W. Purpero (pg #11) for Ikea Way street construction, phase 2.
3. \$520,702.01 to Edgerton Contractors, Inc. (pg #4) for Lake Vista community park and playground.
4. \$7,661.00 to Healics Inc. (pg #6) for 2017 Health Risk Assessment deposit.
5. \$56,111.27 to JPM (pgs #16-23) 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.
6. \$5,062.99 to Oak Creek Water & Sewer (pg #9) for June digger hotline costs and project #15023 & #16051 inspection costs.
7. \$375,108.90 to Payne & Dolan, Inc (pg #10) for asphalt and street improvements.
8. \$14,906.00 to R.A. Smith (pg #13) for inspection services at Ikea Way: construction staking, erosion control and paving.
9. \$12,691.36 to Ramboll Environ (pg #11) for Lake Vista South Oversight professional services.
10. \$102,599.00 to Rasch Construction & Engineering (pg #11) for Lake Vista structure construction and engineering services.
11. \$7,745.94 to Securian Financial Group, Inc. (pgs #12-13) for employee life insurance.
12. \$5,761.87 to Sherwin Industries, Inc. (pg #13) for street repair inventory: crack router part, hot mix and road saver.
13. \$5,932.00 to The Sherwin-Williams (pg #13) for white traffic paint and glass beads.
14. \$6,489.47 to Tyco Integrated Security, LLC (pg #14) for access control at Fire Station No.3.
15. \$9,820.00 to Tyler Technologies, Inc. (pg #14) for assessor services.
16. \$80,785.55 to WE Energies (pg #15) for electric & gas installation on 5<sup>th</sup> Ave/ Lake Vista, and citywide street lighting, electricity and natural gas.
17. \$11,647.00 to Wheaton Franciscan Medical Group (pg #15) for pre-employee physicals, July random PD screenings, and nurse practitioner services/supplies.
18. \$7,794.39 to WI Court Fines & Surcharges (pg #15) for July court fines.
19. \$10,000.00 to WSB Oak Creek Restaurant LLC (pg #16) for reserve issuance fee refund.

20. \$82,194.00 to Zenith Tech Inc. (pg #16) for bridge maintenance project.

**Fiscal Impact:** Total claims paid of \$1,752,499.62

Prepared by/Fiscal Review by:

  
Bridget M. Souffrant, CMT, CFM  
Finance Director/Comptroller

Respectfully submitted,

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

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 10

**Recommendation:** That the Council adopts Resolution No. 11843-081517 approving an affidavit of correction submitted by HSA Commercial for the property at 7901 S. 6th Street.

**Background:** HSA Commercial, on behalf of Froedtert is requesting approval of an Affidavit of Correction related to the previously-approved and recorded Certified Survey Map (CSM) affecting the Froedtert property at 7901 S. 6th St. CSM No. 8670 prohibited access to Lot 1 from Drexel Avenue. Following discussions with the City, and approval of the site plans for the Froedtert facility, the proposed Affidavit of Correction contains the following language:

Lot 1 is permitted one (1) direct access driveway to West Drexel Avenue, to be used by property owner and/or his lessee for service, delivery and emergency vehicles only. No access for public, nor employee, client or non-emergency patients allowed via this driveway.

Included with the Affidavit is a legal description and map of said 70-foot-wide driveway access.

**Fiscal Impact:** The recording of this affidavit does not have any fiscal impact. This property is located in TID 11.

Prepared by:



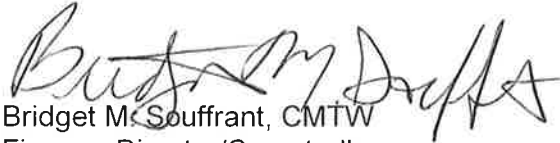
Doug Seymour, AICP  
Director of Community Development

Respectfully submitted,



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

RESOLUTION NO. 11843-081517

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

RESOLUTION APPROVING AN AFFIDAVIT OF CORRECTION  
HSA COMMERCIAL

7901 South 6<sup>th</sup> Street  
(1<sup>st</sup> Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council that the Affidavit of Correction submitted on behalf of HSA Commercial correcting Certified Survey Map No. 8670 be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Affidavit of Correction in behalf of the City of Oak Creek.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

Passed and adopted this 15<sup>th</sup> day of August, 2017.

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

Approved this 15<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

Document Number

**AFFIDAVIT OF CORRECTION**

(TYPE OR PRINT CLEARLY IN BLACK OR RED INK)

AFFIANT, **John P. Casucci, PLS**, hereby swears or affirms that a certain document recorded on the **25<sup>th</sup> day of February, 2015, as Doc # 10437677** in **Milwaukee County, State of Wisconsin**, contained the following error:

**The note on Sheet 1 of 9 stating:**  
"LOT 1 IS RESTRICTED TO NO ACCESS TO WEST DREXEL AVENUE".

AFFIANT makes this Affidavit for the purpose of correcting the above document as follows:

Lot 1 is permitted one (1) direct access driveway to West Drexel Avenue, to be used by property owner and/or his lessee for service, delivery and emergency vehicles only. No access for public, nor employee, client or non-emergency patients allowed via this driveway. The legal description for the driveway strip of land is shown and described on Page 2.

Recording Area

Name and Return Address  
NATIONAL SURVEY & ENGINEERING  
C/O SURVEY DEPARTMENT  
16745 W. BLUEMOUND ROAD  
BROOKFIELD, WI 53005

8139056000  
Parcel Identification Number (PIN)

AFFIANT is the (check one):

- Drafter of the document being corrected
- Owner of the property described in the document being corrected
- Other (explain: \_\_\_\_\_).

The original document (in part or whole) is not attached to this Affidavit (if original document is not attached, please attach legal description).

Signed: *John P. Casucci* 6-28-17  
\* John P. Casucci, PLS S-2055 Date

State of Wisconsin }  
                                  } ss.  
County of Waukesha }

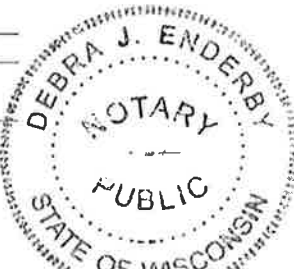
Subscribed and sworn to (or affirmed) before me this 28<sup>th</sup> day of June, 2017.

*Debra J. Enderby*  
\* Debra J. Enderby

Notary Public, State of Wisconsin  
My Commission expires: 12-25-2020

THIS INSTRUMENT WAS DRAFTED BY:

John P. Casucci

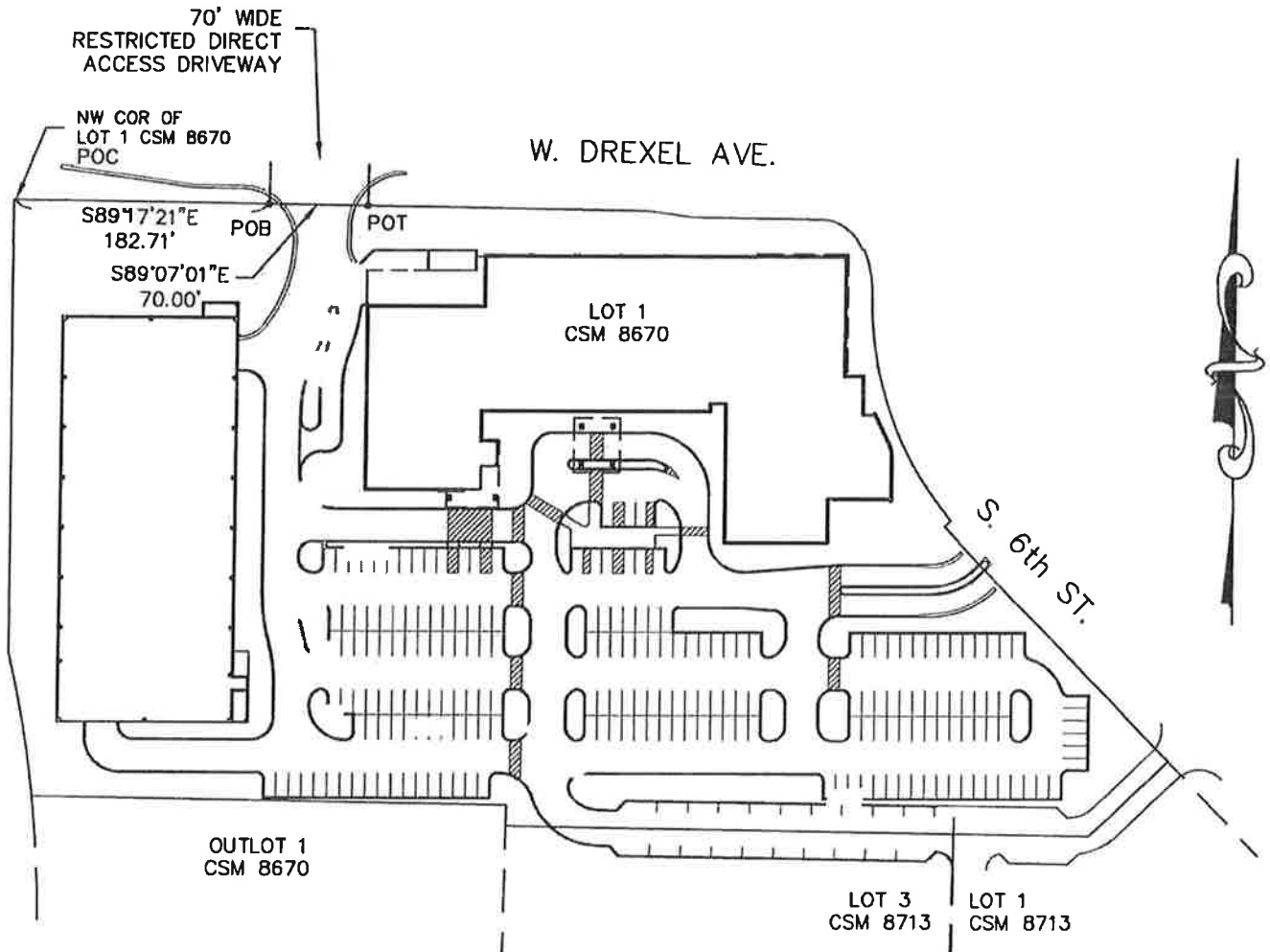


This instrument  is  is not (check one) a conveyance of real property as per s. 77.21(1) Wisconsin Statutes (A Wisconsin Real Estate Transfer Return is required for instruments that do convey real property.)

\*Names of persons signing in any capacity must be typed or printed below their signature

# AFFIDAVIT OF CORRECTION

A restricted direct access driveway being described as follows:  
 Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 8670, being a part of the Northwest 1/4 and Northeast 1/4 of Section 17, Town 5 North, Range 21 East, in the City of Oak Creek, Milwaukee County Wisconsin; thence South 89°17'21" East along the North line of said Lot 1 a distance of 182.71 feet to the point of beginning of said restricted direct access driveway; thence South 89°07'01" East along said North line 70.00 to the point of terminus of said restricted direct access driveway.

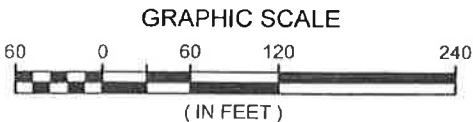


**R.A. Smith National, Inc.**

*Beyond Surveying  
and Engineering*

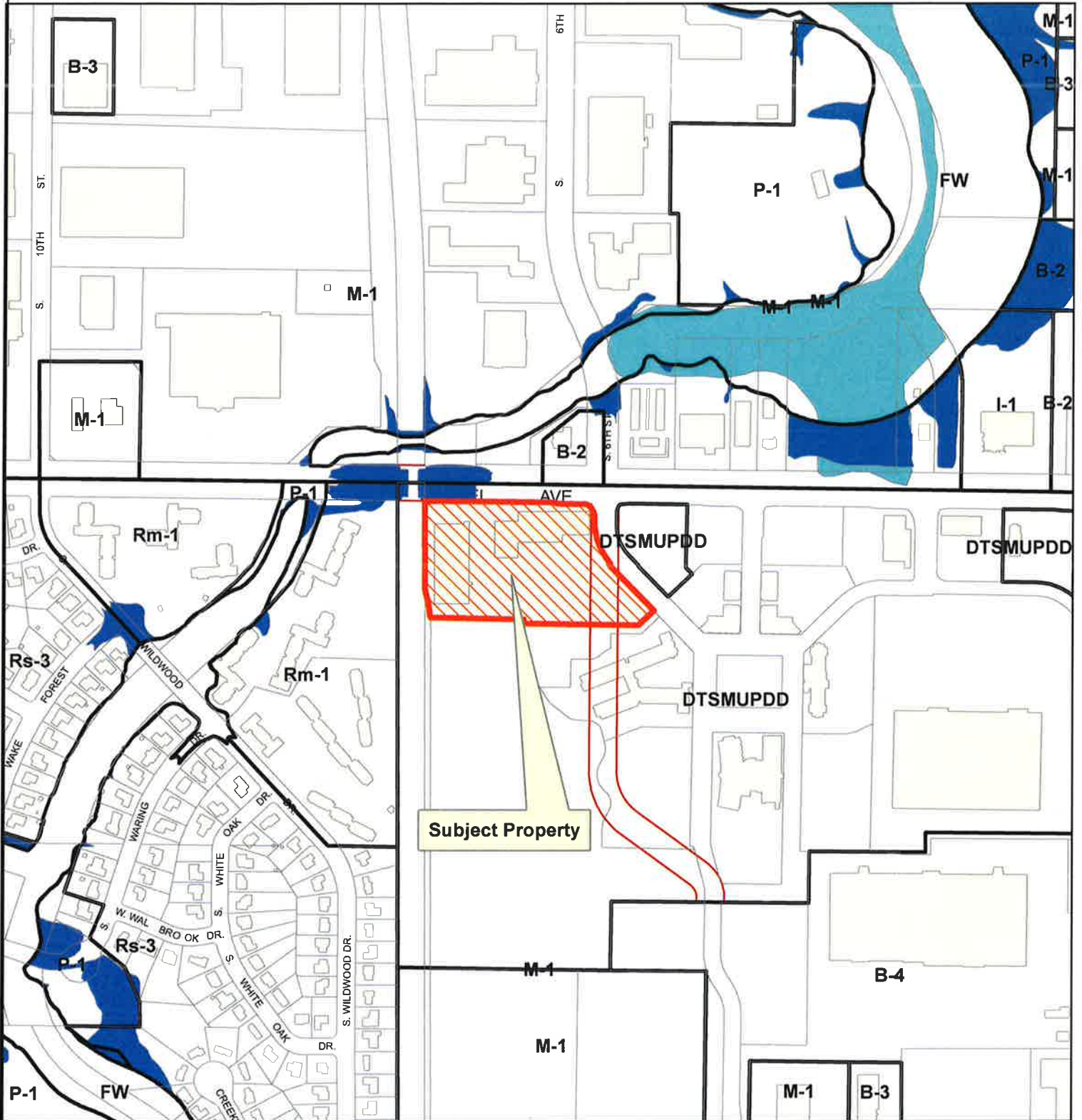
16745 W. Bluemound Road, Brookfield WI 53005  
 262-781-1000 Fax 262-797-7373 www.rasmithnational.com  
 Appleton, WI Irvine, CA Pittsburgh, PA

S:\5166060\dwg\  
 EX201A120.dwg\AFF OF CORR



# Location Map

## 7901 S. 6th St.



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



Department of Community Development



Legend	
	7901 S. 6th St.
Zoning Overlays	
	C-1-Shoreland Wetland
	FF-Flood Fringe
	Lakefront Overlay
	NO-Mixed Use Neighborhood
	OO-Mixed Use Office
	RR-Regional Retail



# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 11

**Recommendation:** That the Council adopts Resolution No. 11846-081517 approving a Certified Survey Map for Richard Beck, Henkel Corporation for the property at 500 W. Marquette Ave.


**Background:** The Applicant is requesting approval of a Certified Survey Map (CSM) for the property at 500 W. Marquette Ave. Two lots are being proposed of conforming size and dimension, each with existing buildings. There are no immediate plans for future development on either lot. Future development will be required to comply with all applicable portions of Chapter 17, including green/open space (min. 30%).

The Plan Commission reviewed this CSM at their meeting on August 8, 2017, and recommended approval with the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

**Fiscal Impact:** The division of the developed lot will create two conforming and developed lots in the M-1, Manufacturing district. There are no immediate plans for further development of either proposed lot. An active special assessment for project 05036 being paid via the tax roll has been identified by the Finance Department, but should not affect permitting. These properties are not part of a TID.

Prepared by:



Doug Seymour, AICP

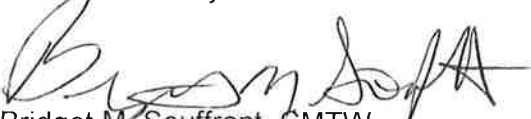
Director of Community Development

Respectfully submitted,



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review by:



Bridget M. Souffrant, CMTW

Finance Director/Comptroller

RESOLUTION NO. 11846-071817

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

RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR  
THE HENKEL CORPORATION

500 W. Marquette Ave.  
(1<sup>st</sup> Aldermanic District)

WHEREAS, the HENKEL CORPORATION, hereinafter referred to as the subdivider, has submitted a certified survey map in compliance with all statutory requirements; and

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

WHEREAS, the Plan Commission has recommended that this certified survey map be approved subject to the following condition:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

NOW, THEREFORE, BE IT RESOLVED that this certified survey map, in the City of Oak Creek, Wisconsin, is hereby approved by the Common Council subject to the following conditions:

That all technical corrections, including, but not limited to spelling errors, minor coordinate geometry corrections, and corrections required for compliance with the Municipal Code and Wisconsin Statutes, are made prior to recording.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

Passed and adopted this 15<sup>th</sup> day of August, 2017.

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

Approved this 15<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

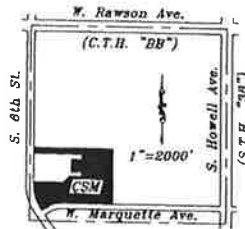
CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Parcel 2 of Certified Survey Map No. 5437, being a part of the SW 1/4 of the NE 1/4 of Section 8, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

**Note:**

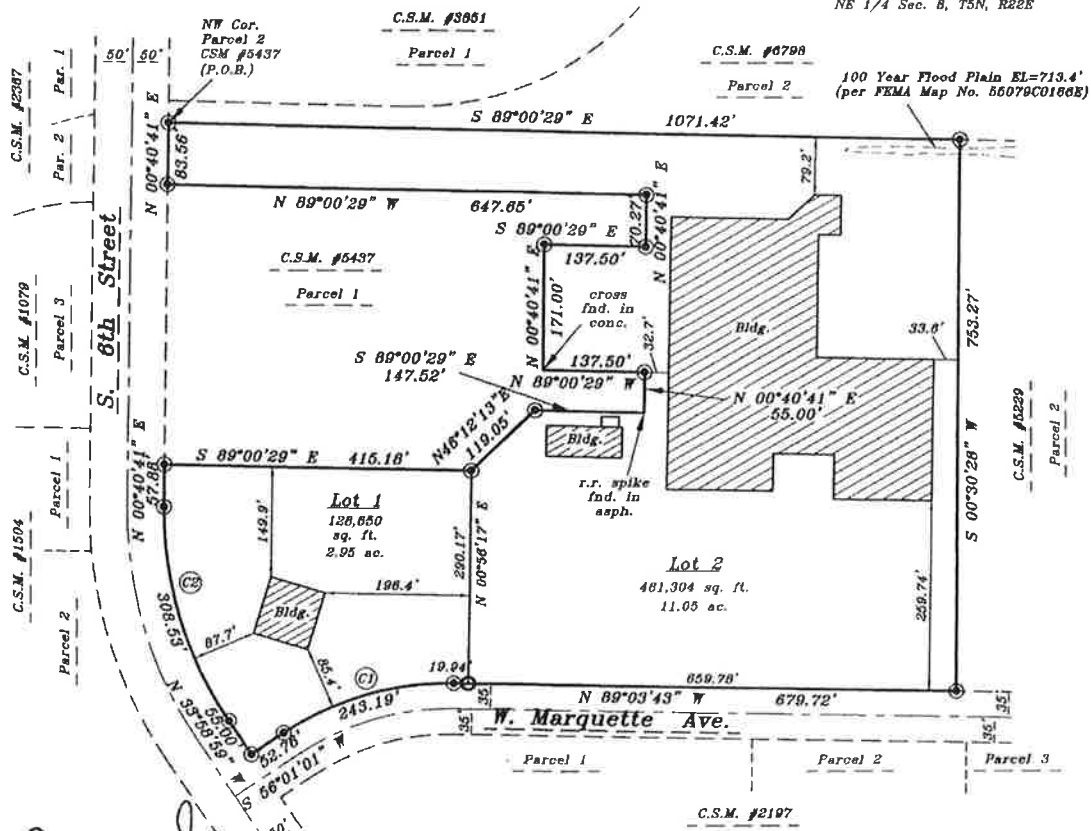
- Denotes 1"x24" iron pipe set, weighing 1.13 lbs per lin. ft.
- Denotes 1" iron pipe found and accepted.
- All other lot corners monumented as noted.

Map bearings refer to Certified Survey Map No. 5437, with the West line of the NE 1/4 of Section 8, Town 5 North, Range 55 East having an assumed bearing of N 0°40'41" E.



**Vicinity Map**

NE 1/4 Sec. 8, T5N, R22E



*Henkel*  
 DENNIS C. SAUER  
 S-2421  
 FRANKLIN, WI  
 LAND SURVEYOR  
 JUN 30, 2017

**CURVE DATA**

CURVE NO.	RADIUS	ARC	CHORD	CHORD BEARING
C1	399.01'	243.19'	239.44'	S 73°28'39" W
C2	510.00'	308.53'	303.84'	N 16°39'09" W



**Graphic Scale**  
 Scale: 1"=200'

North

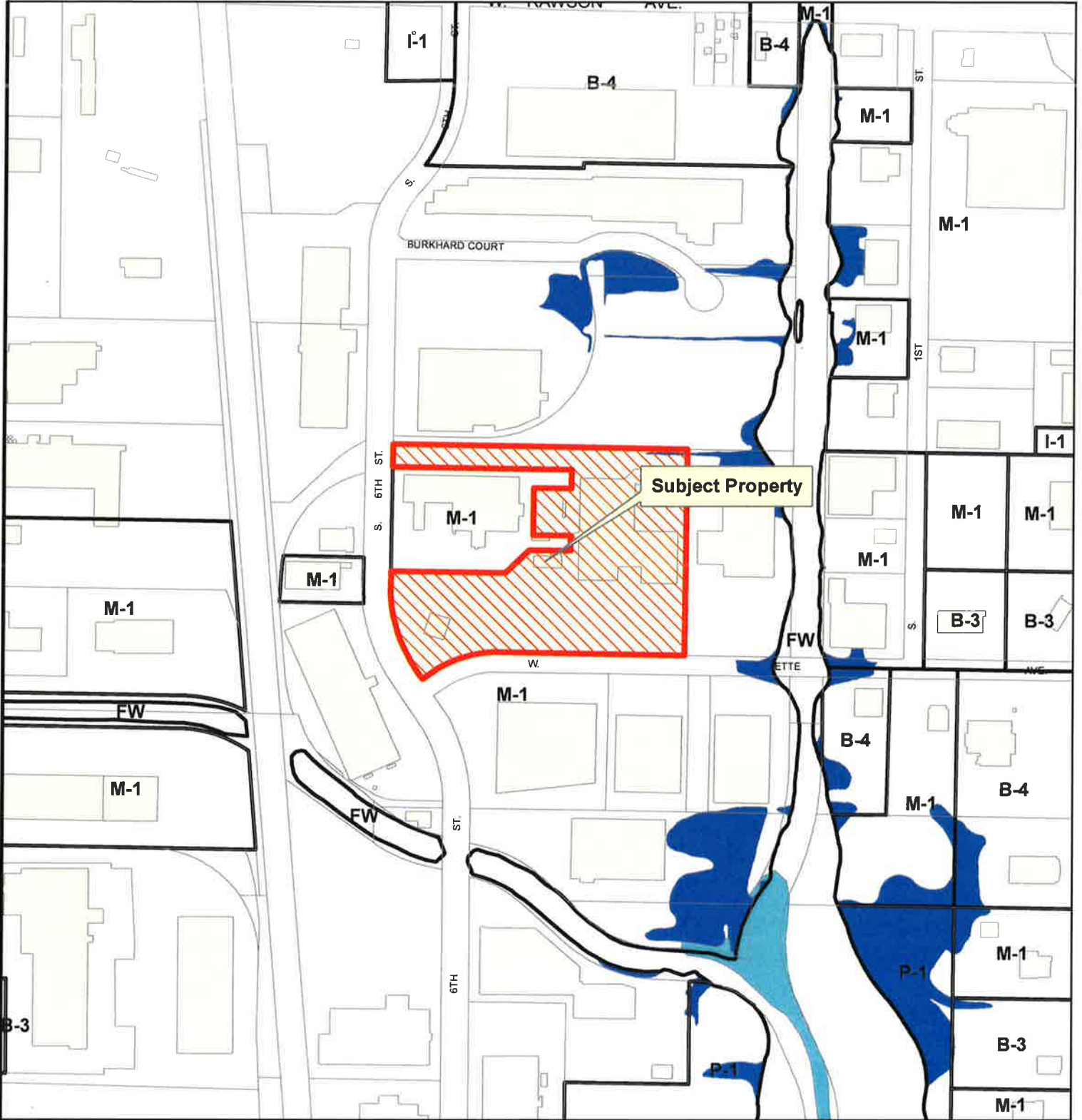


Scale: 1"=200'

RECEIVED

# Location Map

## 500 W. Marquette Ave.



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



Department of Community Development



Legend	
	500 W. Marquette Ave.
Zoning Overlays	
	C-1-Shoreland Wetland
	FF-Flood Fringe
	Lakefront Overlay
	NO-Mixed Use Neighborhood
	CO-Mixed Use Office
	RR-Regional Retail

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 12

**Recommendation:** That the Council adopts Ordinance No. 2863, an ordinance adopting an amendment to the Comprehensive Plan for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St.

**Background:** The City of Oak Creek is requesting that the Planned Land Use category and map in the Comprehensive Plan for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St. are updated from Single Family Residential to Planned Mixed Use to reflect the existing zoning (B-3, Office and Professional Business; Rs-3, Single Family Residential) and the future development plans for the properties (to include rezoning to PUD). In December of 2006, the City had initiated discussion of amending the Comprehensive Plan simultaneously with the rezone of 7581 and 7869 S. 13th St. A copy of the Common Council report discussing the rezone and related Comprehensive Plan Amendment is included with this report for reference.

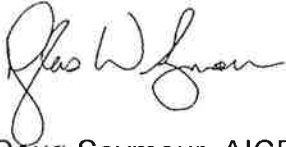
Unfortunately, the Comprehensive Plan Amendment process was never completed, although the rezone of the properties was finalized. It is based on this background, and the forthcoming development plans for this area, that staff is proposing to not only complete the Amendment for the properties in the 2006 report, but also for the existing properties that are currently being assembled for that future development. While the original thought was that the area would be developed with professional offices, staff now believes that the category of Planned Mixed Use is more appropriate for the area. Planned Mixed Use allows for a comprehensive development that could include professional office, residential, and commercial uses. This is consistent with the original intent and goals for the redevelopment of the area as mentioned in the 2006 report.

On August 8, 2017, following a duly-noticed public hearing, the Plan Commission adopted Resolution 2017-06 amending the Comprehensive Plan and Planned Land Use map for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St. to reflect the change in land use from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area).

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the objectives, goals, and policies contained within the Comprehensive Plan. Approval of these changes to the Comprehensive Plan would bring the Comprehensive Plan in line with the intent and goals for future development of the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St.

**Fiscal Impact:** The amendment to the Comprehensive Plan would give the Council the discretion to approve land uses at this location that may enhance the tax base. Impact fees from the development and redevelopment of the properties would provide additional positive fiscal impact for the City. These properties are not currently part of a TID.

Prepared by:



Doug Seymour, AICP  
Director of Community Development

Respectfully Submitted,



Andrew J. Vickers, MPA  
City Administrator

Fiscal Review by:



Bridget M. Souffrant  
Finance Director / Comptroller

ORDINANCE NO. 2863

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

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE  
PLAN FOR THE CITY OF OAK CREEK, WISCONSIN

7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St.

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

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

SECTION 1: Pursuant to Section 62.23 of the Wisconsin Statutes, the City of Oak Creek is authorized to prepare and adopt a comprehensive plan and an amendment to a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

SECTION 2: The Common Council, by the enactment of Ordinance No. 2090, formally adopted the document titled "A Comprehensive Plan for the City of Oak Creek" on April 1, 2002.

SECTION 3: The City of Oak Creek published a Class 1 public notice on July 6, 2017, and held a public hearing before the Plan Commission on August 8, 2017.

SECTION 4: The Plan Commission, by a majority vote of the entire Commission at a meeting held on August 8, 2017, adopted Resolution No. 2017-06, amending the adopted Comprehensive Plan for the City of Oak Creek from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area) for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St., and recommending that the Common Council adopt the amendment to the Comprehensive Plan by ordinance.

SECTION 5: The Common Council hereby adopts the proposed amendment to the Comprehensive Plan for the City of Oak Creek from "Single Family Residential" to "Planned Mixed Use" (no change to the Resource Protection Area) for the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St.

SECTION 6: Except as herein modified, the Comprehensive Plan dated April 1, 2002 shall remain in full force and effect.

SECTION 7: The City Clerk is directed to send a copy of this ordinance and the Comprehensive Plan amendment to the parties listed in Section 66.1001(4)(b) of the Wisconsin Statutes.

SECTION 8: This ordinance shall take effect and be in force from and after its passage and publication.

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

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

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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



**RESOLUTION NO. 2017-06**

**A RESOLUTION ADOPTED BY THE PLAN COMMISSION AMENDING THE ADOPTED  
COMPREHENSIVE PLAN FOR THE  
CITY OF OAK CREEK, IN MILWAUKEE COUNTY, WISCONSIN**

WHEREAS, Sections 62.23 and 66.1001 of the Wisconsin Statutes establish the required procedure for a local government to adopt a Comprehensive Plan; and

WHEREAS, the City of Oak Creek Plan Commission has the authority to amend the Comprehensive plan by resolution and also to recommend that the Common Council adopt the Comprehensive Plan; and

WHEREAS, the City of Oak Creek has proposed an amendment to the "2020 Vision – A Comprehensive Plan for the City of Oak Creek" designating the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St. as "Planned Mixed Use" (no change to Resource Protection Area); and

WHEREAS, the City has duly noticed a public hearing on the aforementioned amendment to the "2020 Vision – A Comprehensive Plan for the City of Oak Creek" and the Plan Commission has held the public hearing following the procedures in Section 66.0295(4)(d), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED that the Plan Commission of the City of Oak Creek hereby adopts the amendment to the Comprehensive Plan designating the properties at 7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, and 7869 S. 13th St. as "Planned Mixed Use" (no change to Resource Protection Area), recognizing that the Common Council must also adopt the amendment to the Comprehensive Plan for it to become effective; and

BE IT FURTHER RESOLVED that the Secretary of the Plan Commission certifies a copy of the amendment to the Common Council; and

BE IT FURTHER RESOLVED that the Plan Commission does hereby recommend that the Common Council adopts the amendment to the Comprehensive Plan by ordinance.

Passed and adopted this 8th day of August, 2017.

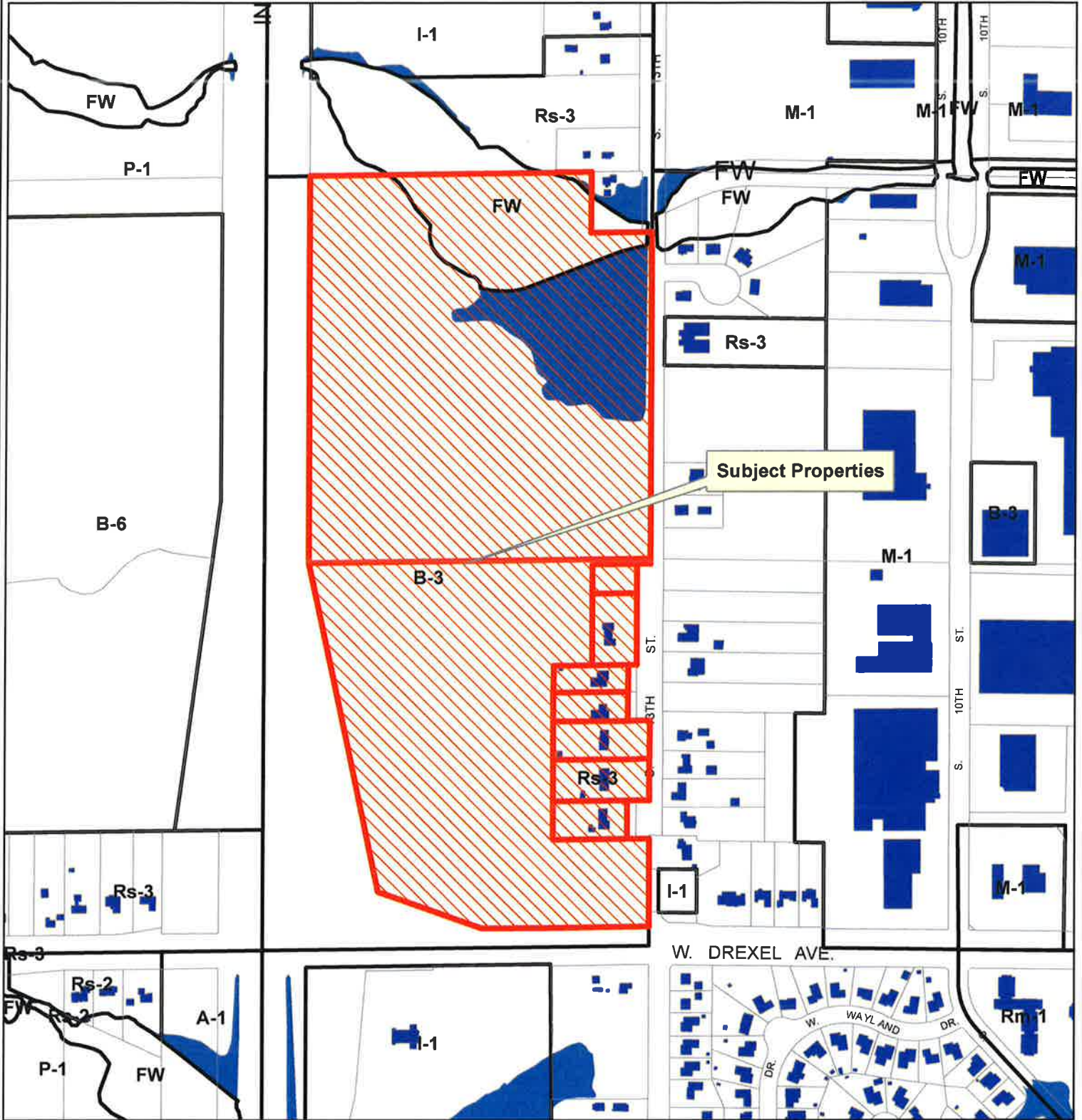
  
\_\_\_\_\_  
Plan Commission Chair

Attest:

  
\_\_\_\_\_  
Secretary of the Plan Commission

# Location Map - Comprehensive Plan Amendment

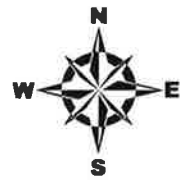
7581, 7705, 7725, 7751, 7765, 7781, 7811, 7831, & 7869 S. 13th St.










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



Department of Community Development



**Legend**

	Properties to Change to "Mixed Use"	<b>Zoning Overlays</b>
		 C-1-Shoreland Wetland
		 FF-Flood Fringe
		 Lakefront Overlay
		 NO-Mixed Use Neighborhood
		 OO-Mixed Use Office
		 RR-Regional Retail

# City of Oak Creek Common Council Report

Meeting Date: August 15, 2017

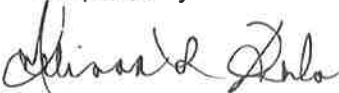
Item No.: 13

**Recommendation:** That the Common Council adopt Resolution No. 11849-081517, a Resolution Approving an Agreement to Modify Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square.

**Background:** On June 6, 2017, the Common Council adopted Resolution No. 11822-060617 approving the Modification to Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square ("Modification"). A copy of that Council Report and Resolution are attached. Since that time, The Waters' lender has reviewed the Modification and raised certain issues that are addressed in this Agreement to Modify Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square ("Agreement"). The Agreement, similar to the Modification, clarifies that The Waters property shall not be subject to cross parking easements, the use and plans for the property are approved by OWD, and the project shall be completed within 18 months of commencement of construction. The additional issues include clarifying the project as a senior housing facility, including independent care, assisted living, memory care and related services and addressing the City's right to repurchase option. The Agreement replaces the Modification.

**Fiscal Impact:** The Declaration has positive fiscal impact on the City. Costs of maintenance related to the common areas of Drexel Town Square are borne by the Owners Association.

Prepared by:



Melissa L. Karls  
City Attorney

Respectfully submitted by:



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

Reviewed by:



Doug Seymour, AICP  
Director of Community Development

Fiscal review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

RESOLUTION NO. 11849-081517

RESOLUTION APPROVING THE AGREEMENT TO MODIFY DECLARATION OF  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR DREXEL TOWN SQUARE  
(2<sup>nd</sup> Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Agreement to Modify Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square be and the same is hereby approved subject to any technical corrections as approved by the City Administrator and City Attorney.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute the same in behalf of the City of Oak Creek.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

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

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

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

ATTEST:

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

\_\_\_\_\_  
Catherine Roeske, City Clerk

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

AGREEMENT TO MODIFY DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR DREXEL TOWN SQUARE

Document Number

Document Title

**THIS AGREEMENT TO MODIFY DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR DREXEL TOWN SQUARE** (this "Agreement") is made and entered into as of the \_\_\_ day of \_\_\_\_\_, 2017, by and among **ONE WEST DREXEL LLC**, a Wisconsin limited liability company (the "Declarant"), **THE CITY OF OAK CREEK**, a Wisconsin municipal corporation (the "City") and **THE WATERS OF OAK CREEK, LLC**, a Delaware limited liability company (the "Buyer").

**WHEREAS**, the Declarant is the developer of a mixed-use development known as Drexel Town Square, located in the City of Oak Creek, County of Milwaukee, State of Wisconsin; and

**WHEREAS**, by (i) Special Warranty Deed dated August 30, 2012, and recorded in the Milwaukee County Register of Deeds on September 31, 2012, as Document No. 1056307, and (ii) Quit Claim Deed dated of even date from Declarant to the City and recorded or intended to be recorded immediately prior to this Agreement, the Declarant conveyed to the City the property within Drexel Town Square more particularly described on Exhibit A attached and made a part of this Agreement (the "Property");

**WHEREAS**, the real property within Drexel Town Square is generally subject to that certain Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square recorded on May 30, 2014 in the office of the Register of Deeds of Milwaukee County, Wisconsin as Document No. 10363555; as amended by that certain Amendment to Declaration recorded on December 11, 2014, in the office of the Register of Deeds of Milwaukee County, Wisconsin as Document No. 10418826 (as amended, the "Declaration"; the Declaration is attached hereto as Exhibit B);

**WHEREAS**, at the time of conveyance of the Property to the City, the Declaration had not yet been created and recorded against the Property;

**WHEREAS**, the Period of Declarant Control (as defined in the Declaration) has not ended or terminated as of the date of this Agreement and the Declarant remains the Declarant under the Declaration;

**WHEREAS**, it is the intent of the City to convey the Property to the Buyer for development of a senior housing project (the "Project"); and

**WHEREAS**, the parties intend to subject the Property to the operation and effect of the Declaration, as modified as set forth below.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant, the City and the Buyer hereby agree that upon the

Recording Area

Name and Return Address

Joseph E. Puchner, Esq.  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

See Exhibit A

Parcel Identification Number (PIN)

recording of this instrument the Declaration shall be valid and effective against the Property, modified as set forth below:

1. Recitals; Exhibits; Definitions. The foregoing recitals and all attached exhibits are incorporated within this Agreement by this reference. Capitalized terms used but not defined in this Agreement shall have the same meanings given to such terms in the Declaration.

2. Annexation. Except as otherwise specifically provided in this Agreement, the Property is and shall be subject to all assessments, covenants, conditions and restrictions set forth in the Declaration effective as of the date of this Agreement.

3. Cross Parking Easements. Notwithstanding any provision of the Declaration to the contrary and pursuant to the Section 2.3 of the Declaration, the provisions of Section 6.4 of the Declaration shall not apply to the Property such that all parking areas constructed on or within the Property shall be for the exclusive use of the owner of the Property, its employees, residents, contractors, guests and invitees and no other party shall have any right to use such parking areas.

4. Approval of Use and Plans. The parties acknowledge that on November 8, 2016, the City's Planning Commission approved the Buyer's site and building plans for the use and development of the Property for the Project as a senior housing facility, including, without limitation, independent care, assisted living, memory care and related services. All requirements for approval by the Declarant, the Association, and/or the Architectural Review Committee in connection with the Project are deemed waived and/or fully satisfied, including but not limited to any approvals and other requirements described in Section 5.3, Article VII, and Article VIII of the Declaration. The foregoing waiver shall apply to any amendments to such site and building plans for the Project approved by the City's Planning Commission. The waivers and agreements of this Section are made pursuant to the terms of the Declaration, including, without limitation, Section 2.3 of the Declaration.

5. Completion of Improvements. Notwithstanding any provision of the Declaration to the contrary, including, without limitation, Section 7.1.7 and Section 14.7.1 of the Declaration, Declarant hereby states and agrees as follows: (a) currently Declarant does not have the right to repurchase the Property under the terms of the Declaration; and (b) commencement of construction of the Project shall begin not later than three (3) months after the purchase of the Property by Buyer from the City, and construction shall be substantially completed no later than eighteen (18) months after the commencement of construction. With respect to the enforcement provisions under Section 14.7 of the Declaration, pursuant to Article XVI of the Declaration, Declarant hereby assigns to the City all of Declarant's rights of enforcement under such Section 14.7 and Article XIV of the Declaration with respect to the Property, and with respect to such rights the City hereby agrees as follows: prior to the exercise of any repurchase option based on the failure of Buyer to commence and complete construction of the Project within the timeframes and deadlines set forth in Section 5(b) above, the City shall provide written notice to all mortgagees of record for the Property and the City agrees that it shall not exercise any repurchase option available under the Declaration unless construction of the Project has not been completed within eighteen (18) months after the receipt by such mortgagees of such written notice from the City to all mortgagees. Nothing contained herein or in the Declaration contained shall be construed to create any obligation on any mortgagee to perform any of the Buyer's obligations under the Declaration, or to cure or remedy any default of the Buyer under the Declaration. Notwithstanding any provision contained in the Declaration or in this Agreement to the contrary, any enforcement remedies available to the City or the Declarant pursuant to Article XIV of the Declaration (including, without limitation, any repurchase right or option under the Declaration or any lien arising under Section 14.7.2) shall be automatically and fully subordinate and subject to the lien of any mortgages now or hereafter encumbering the Property to the maximum extent

permitted by law, without any requirement that the City, the Declarant or any other party execute any additional documents to confirm such subordination. Without limiting the generality of the foregoing, if the City should acquire the Property pursuant to the repurchase option provided in the Declaration, the City shall take title to the Property subject to all mortgages of record at the time of such repurchase.

6. Successors. This Agreement binds successors and assigns (including but not limited to the Association), and except as specifically provided herein, the rights, benefits, covenants and burdens set forth in this Agreement shall bind the Property and run with the land.

7. Governing Law. This Agreement and the rights and obligations of the parties hereunder shall be governed by the laws of the State of Wisconsin.

8. Recordation. This Agreement will be recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin.

9. Counterparts. This Agreement may be executed in any number of counterparts.

*[No Further Text on this Page; Signature Pages Follow]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first written above.

ONE WEST DREXEL LLC,  
a Wisconsin limited liability company

By: WISPARK LLC, its Manager

By: \_\_\_\_\_  
Scott J. Lauber, President

STATE OF WISCONSIN            )  
  ):  
COUNTY OF MILWAUKEE        )

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me the above-named Scott J. Lauber, to me known to be the President of WISPARK LLC, the Manager of One West Drexel LLC, who executed the foregoing instrument by its authority and on its behalf and acknowledged the same.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

*[Signatures continue on following pages]*



WITNESS:

CITY OF OAK CREEK

\_\_\_\_\_

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

Name: Daniel J. Bukiewicz

Title: Mayor

CITY OF OAK CREEK

\_\_\_\_\_

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

Name: Catherine A. Roeske

Title: City Clerk

STATE OF WISCONSIN            )  
  ):  
COUNTY OF MILWAUKEE        )

I HEREBY CERTIFY, that on this \_\_\_\_ day of \_\_\_\_\_, 2017, appeared before me the above-named Daniel J. Bukiewicz and Catherine A. Roeske, Mayor and City Clerk, respectively, of the CITY OF OAK CREEK, to me known to be the persons who executed the foregoing instrument on behalf of the City of Oak Creek and acknowledged the same.

WITNESS my hand and Notarial Seal.

Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

*[Signatures continue on following page]*

WITNESS:

THE WATERS OF OAK CREEK, LLC  
a Delaware limited liability company

By: The Waters of Oak Creek Investors, LLC  
Managing Member

\_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF MINNESOTA, COUNTY OF \_\_\_\_\_, TO WIT:

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, the above-named \_\_\_\_\_, to me know to be the \_\_\_\_\_ of THE WATERS OF OAK CREEK INVESTORS, LLC, the Managing Member of The Waters of Oak Creek, LLC, who executed the foregoing instrument by its authority and on its behalf and acknowledged the same.

WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Minnesota  
My Commission Expires: \_\_\_\_\_

This instrument was drafted by:

Joseph E. Puchner, Esq.  
Quarles & Brady LLP  
411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202

EXHIBIT A

**LEGAL DESCRIPTION OF THE PROPERTY**

Lot 2, Certified Survey Map No. 8735, recorded in the office of the Register of Deeds for Milwaukee County on October 16, 2015, as Document No. 10508295, being a division of Lot 4 of Certified Survey Map No. 8573, being a part of the Northeast Quarter, Northwest Quarter and Southwest Quarter of the Northeast Quarter of Section 17, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.

Parcel Identification Number: 813-906-5000

**EXHIBIT B**

**THE DECLARATION**

[Include the December 11, 2014 Amendment]

# City of Oak Creek Common Council Report

Meeting Date: June 6, 2017

Item No.: 27

**Recommendation:** That the Common Council adopt Resolution No. 11822-060617, a Resolution Approving the Modification to Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square.

**Background:** A Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square ("DTS") (the "Declaration") was recorded against the properties in DTS on May 30, 2014. The Declaration includes a number of provisions, including creating an Owners Association; creating a Board of Directors; providing for an advertising and promotional program; creating architectural and development control over improvements; reserving easements for common areas, roadways, utilities and parking; providing for sharing of costs for maintenance of the common areas; providing for signage and parking regulations; and other miscellaneous provisions. An Amendment to the Declaration clarifying membership and assessments was recorded on December 11, 2014.

The Declarations were never recorded against the property owned by the City. This property includes the Civic Center, Emerald Preserve and the property east of City Hall which is being sold to The Waters for development of a senior housing project. In anticipation of the pending sale of a portion of the City-owned property to a private entity, One West Drexel LLC ("OWD") and The Waters have agreed to modify the Declarations to be recorded against that property. This Modification clarifies that The Waters property shall not be subject to cross parking easements, the use and plans for the property are approved by OWB, and the project shall be completed within 18 months of commencement of construction.

**Fiscal Impact:** The Declaration has positive fiscal impact on the City. Costs of maintenance related to the common areas of Drexel Town Square are borne by the Owners Association.

Prepared by:



Melissa L. Karls  
City Attorney

Respectfully submitted by:



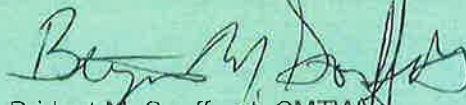
Andrew J. Vickers, M.P.A.  
City Administrator

Reviewed by:



Doug Seymour, AICP  
Director of Community Development

Fiscal review by:



Bridget M. Souffrant, CMTWA  
Finance Director/Comptroller

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 14

**Recommendation:** That the Common Council adopts Resolution No.11845-081517, a resolution granting to We Energies a 15'-wide permanent easement for requested electric and natural gas services for the new park pavilion being constructed at Lake Vista Park. (9180 S. 5<sup>th</sup> Avenue, Tax Key No. 868-9996-002, 4<sup>th</sup> Aldermanic District)

**Background:** We Energies has designed the electric and natural gas services for the Lake Vista Park pavilion.

It is We Energies' policy to have its facilities located within permanent easements. Therefore, this easement must be in force before the service will be scheduled for installation.

**Fiscal Impact:** None at this time. This being a permanent easement, We Energies would have the right to be compensated for the associated costs if the facilities would ever need to be relocated due to a future project.

Prepared by:



Michael C. Simmons, P.E.  
City Engineer

Respectfully submitted,



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

Fiscal review by:



Bridget M. Souffrant, CMTW  
Finance Director/Comptroller

**RESOLUTION NO. 11845-081517**

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

**RESOLUTION GRANTING TO WE ENERGIES A 15'-WIDE PERMANENT  
ELECTRIC & NATURAL GAS EASEMENT AT 9180 S. 5<sup>TH</sup> AVENUE**

**(TAX KEY NO. 868-9996-002)**

**(4<sup>TH</sup> ALDERMANIC DISTRICT)**

WHEREAS, We Energies is requiring a 15'-wide permanent electric and natural gas easement to install new buried services for the new Lake Vista Park pavilion, and;

WHEREAS, the proposed permanent electric and natural gas easement would be located across the City property at 9180 S. 5<sup>th</sup> Avenue, and;

WHEREAS, We Energies requires all of its newly installed buried facilities be located within permanent easements;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Common Council of the City of Oak Creek that the 15'-wide permanent electric and natural gas easement at 9180 S. 5<sup>th</sup> Avenue is hereby granted and the Mayor and City Clerk are authorized to execute the same.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to transmit the executed easement to We Energies for their recording of the document in the office of the Register of Deeds in and for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

Passed and adopted this 15<sup>th</sup> day of August, 2017.

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

Approved this 15<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor

ATTEST:

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

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

**DISTRIBUTION EASEMENT  
ELECTRIC, GAS AND COMMUNICATIONS**

Document Number

WR NO. Elec. 4047663 & Gas 4047664 IO NO. 5451 & SN202500

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **City of Oak Creek, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies and WISCONSIN BELL, INC. doing business as AT&T Wisconsin, a Wisconsin corporation**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land 15 feet wide being part of Grantor's premises in the **Southwest ¼ and the Southeast ¼ of Section 24, Township 5 North, Range 22 East, in the City of Oak Creek, Milwaukee, County, Wisconsin**; said lands being further described in that certain **Special Warranty Deed**, recorded on December 8<sup>th</sup>, 2014, as **Document No. 10417713**.

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

868-9996-002  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground, as well as pipeline or pipelines with valves, tieovers, main laterals and service laterals, together with all necessary and appurtenant equipment under and above ground, including cathodic protection apparatus used for corrosion control, as deemed necessary by Grantee, for the transmission and distribution of electric energy, signals, television and telecommunications services; natural gas and all by-products thereof, or any liquids, gases, or substances which can or may be transported or distributed through a pipeline, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric and gas codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.



8. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

**Grantor:**

**The City of Oak Creek, a Wisconsin Municipal Corporation**

By \_\_\_\_\_

Daniel Bukiewicz, Mayor

By \_\_\_\_\_

Catherine A. Roeske, City Clerk

Personally came before me in Milwaukee County, Wisconsin on \_\_\_\_\_, \_\_\_\_\_,  
the above named Daniel Bukiewicz, the Mayor, and Catherine A. Roeske, the City Clerk, of The City of Oak Creek, a  
Wisconsin Municipal Corporation, by its authority, and pursuant to Resolution File No. \_\_\_\_\_  
adopted by its Common Council on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

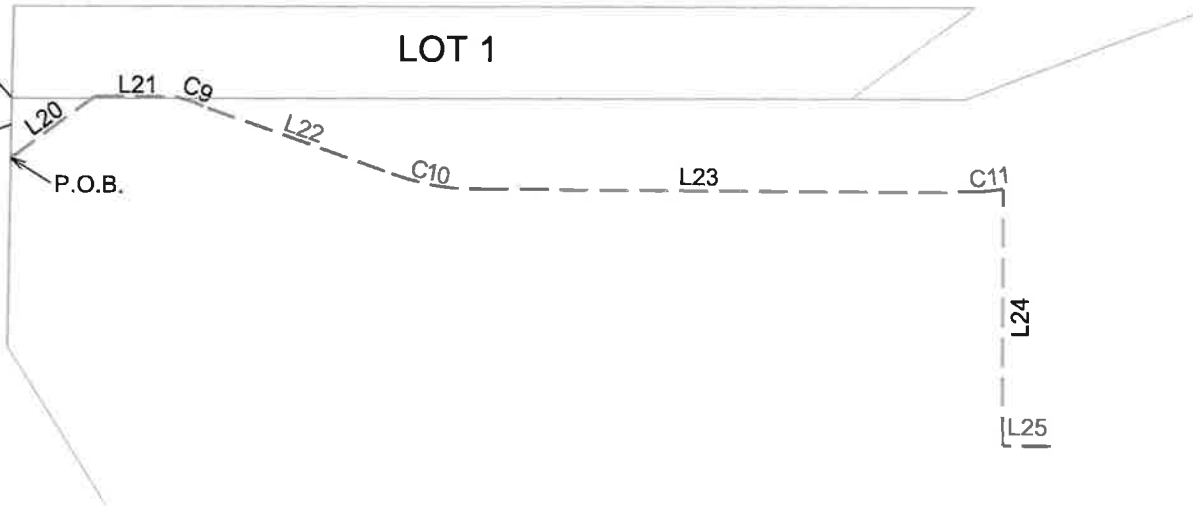
My commission expires \_\_\_\_\_

This instrument was drafted by Maria Koerner on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

SW COR. LOT 1  
C.S.M. NO. 8554

S 00°52'00" W  
65.50'

S. 5TH AVE.



NUMBER	C9	C10	C11
ARC LENGTH	37.42	99.69	32.22
DELTA ANGLE	11°01'03"	21°30'30"	06°54'14"
CHORD DIRECTION	S 70°12'44" E	S 80°07'20" E	N 83°34'37" E
RADIUS	194.61	265.57	267.41
CHORD LENGTH	37.36	99.11	32.20

NUMBER	BEARING	DISTANCE
L20	N 53°50'53" E	115.10'
L21	N 89°44'00" E	89.38'
L22	S 70°42'51" E	215.29'
L23	N 89°58'05" E	546.12'
L24	S 00°00'58" E	283.84'
L25	EAST	54.00'

----- = C/L 15' WIDE WE-ENERGIES EASEMENT



EXHIBIT "A"

LOT 1 C.S.M. NO. 8554 & PART OF  
NW ¼ SEC 24, T5N, R22E  
CITY OF OAK CREEK  
MILWAUKEE COUNTY  
WISCONSIN

DRAWN BY: TIMOTHY JOHNSON

DATE: 8/07/2017

WR NUMBER: 4047663

REVISIONS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 15

**Recommendation:** That the Common Council approve Resolution No. 11844-081517, accepting the workmanship and authorizing final payment to AW Oakes & Sons, for Project No. 14035. This project involved the soil removal & relocation in S. 6<sup>th</sup> Street (2<sup>nd</sup> Aldermanic District)

**Background:** This project was authorized by the Common Council as part of the Capital Improvement Program, and was awarded on August 23, 2016.

**Fiscal Impact:** Final payment of \$2,500.00 is to be paid with lakefront improvement bond provided funding.

Prepared by:

J. John Ozolins  
Senior Engineering Technician

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. 11844-081517**

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

**RESOLUTION ACCEPTING THE WORKMANSHIP OF  
AW OAKES & SONS  
AND AUTHORIZING FINAL PAYMENT**

**S. 6<sup>th</sup> STREET  
SOIL REMOVAL & RELOCATION**

**PROJECT NO. 14035**

**(2<sup>nd</sup> ALDERMANIC DISTRICT)**

WHEREAS, the City of Oak Creek, hereinafter referred to as the City, and AW Oakes & Sons,, hereinafter referred to as the contractor, entered into a contract whereby the Contractor agreed to perform certain public works under Project No. 14035 for the removal & relocation of soils in the City of Oak Creek, in accordance with plans and specifications prepared by the City Engineer for the agreed price of \$221,537.50; and,

WHEREAS, said total final contract price has been determined to be \$236,721.95 as computed by the City Engineer using actual quantities, as measured, additions and deletions to the contract, and contract unit prices; and,

WHEREAS, the Contractor has completed all of the work set out in the specifications; and,

WHEREAS, the Contractor has filed with the City an affidavit stating that he has complied fully with the provisions and requirements of Section 66.0903, Wis. Stats.; and,

WHEREAS, the City Engineer has submitted his final report certifying that the workmanship of the Contractor is satisfactorily completed and recommends a final settlement be made and that the City accept the work and authorize the payment of the balance presently outstanding and due the Contractor, and that there remains a balance on account, the sum of \$2,500.00.

NOW, THEREFORE, BE IT RESOLVED that the recommendation and report prepared by the City Engineer be accepted.

BE IT FURTHER RESOLVED that the City of Oak Creek does hereby accept the workmanship furnished by the Contractor, subject, however, to all guarantees and other obligations set out in the contract which the City of Oak Creek hereby reserves, if any, and subject to the right of the City of Oak Creek to commence an action or file a third party claim against the Contractor in the event that an action is commenced by anyone against the City of Oak Creek as a result of alleged injuries or wrongful death as a result of the condition of the work site or any other condition related to this project.

BE IT FURTHER RESOLVED that in order to guarantee said workmanship and materials on the soil removal & relocation area for a period of 12 months after the acceptance of

the work, the performance or contract bond, which has been made a part of the contract, shall be in effect until 12 months after the passage of the resolution.

BE IT FURTHER RESOLVED that the City, through its proper officials, issues its voucher in the sum of \$2,500.00 to the Contractor in full and final payment of the City's obligations under this contract.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

Passed and adopted this 15<sup>th</sup> day of August, 2017.

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

Approved this 15<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Mayor, City of Oak Creek

ATTEST:

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

VOTE: AYES \_\_\_\_\_ NOES \_\_\_\_\_

# FINAL PROJECT PAYMENT COST BREAKDOWN

CITY PROJECT NO. **14035** COUNCIL MEETING DATE: **August 15, 2017**  
PROJECT LOCATION: S. 6th St. COUNCIL RESOLUTION NO. **11844-081517**  
PROJECT DESCRIPTION: Soil Removal & Relocation  
GENERAL CONTRACTOR: A. W. Oakes & Sons

CONTRACT BID AMOUNT: \$ 221,537.50  
AUTHORIZED ADDITIONS TO ORIGINAL CONTRACT AMOUNT: \$ -  
REVISED CONTRACT AMOUNT: \$ 221,537.50  
AS-BUILT PROJECT COST: \$ 236,721.95  
AMOUNT OVER/UNDER ORIGINAL CONTRACT AMOUNT: \$ 15,184.45  
AMOUNT PAID TO DATE: \$ 234,221.95  
AMOUNT DUE FINAL PAYMENT: \$ 2,500.00

PREPARED BY: J. John Ozolins  
Senior Engineering Technician

DATE PREPARED: August 7, 2017

APPROVED FOR PAYMENT BY: \_\_\_\_\_  
Mike Simmons  
City Engineer

DATE APPROVED: \_\_\_\_\_  
Monday, August 07, 2017



# City of Oak Creek Common Council Report

**Meeting Date:** August 15, 2017

**Item No.:** 16

**Recommendation:** That the Common Council adopts Resolution No. 11848-081517, approving the Glen Crossing Additions Subdivision development agreement for the design and installation of public improvements at 8400 S Nighthawk Trail (Tax Key No. 829-0061-000) (Project Nos. 17056 and 17057) (2<sup>nd</sup> Aldermanic District).

**Background:** This development agreement is for the installation of public infrastructure for a phased 44-lot subdivision. Glen Crossing LLC is developing this property as an addition to the existing single family residential development. This expansion was anticipated with the original development. The storm water detention pond for the proposed development was included in the existing subdivision calculations. This development agreement will allow for the installation of the required water, sanitary and storm laterals to each individual lot. This agreement will provide the City with the authority to direct and control the design and construction of the required public improvement to ensure they meet City codes and specifications.

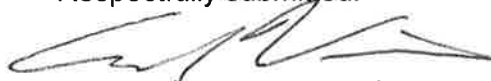
**Fiscal Impact:** None. Developer pays for all improvement costs.

Prepared by:



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

Respectfully submitted:



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

Approved by:



Michael C. Simmons, P.E.  
City Engineer

Approved by:

Ronald J. Pritzlaff, P.E.  
Utility Engineer

Fiscal review by:



Bridget M. Souffrant  
Finance Director



**RESOLUTION NO. 11848-081517**

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

**RESOLUTION APPROVING THE  
GLEN CROSSING ADDITIONS  
DEVELOPMENT AGREEMENT**

**TAX KEY NO. 829-0061-000**

**(2<sup>ND</sup> ALDERMANIC DISTRICT)**

BE IT RESOLVED that Chapter 14 of the Municipal Code requires that a development agreement be entered into first, prior to the required public improvements being installed.

BE IT FURTHER RESOLVED that the Development Agreement attached hereto and incorporated herein by reference, by and between Glen Crossing LLC as party of the first part, and the CITY OF OAK CREEK, as party of the second party, be and the same is hereby approved.

Introduced at a regular meeting of the Common Council of the City of Oak Creek held this 15<sup>th</sup> day of August, 2017.

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

Approved this 15<sup>th</sup> day of August, 2017

\_\_\_\_\_  
Mayor

ATTEST:

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

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