



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

COMMON COUNCIL MEETING AGENDA

SEPTEMBER 5, 2017

7:00 P.M.

Daniel Bukiewicz - Mayor
Steven Kurkowski - 1st District
Greg Loreck - 2nd District
Richard Duchniak - 3rd District
Michael Toman - 4th District
Kenneth Gehl - 5th District
Chris Guzikowski - 6th 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: 8/15/17

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

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

4. **Rezone:** Consider a request by Daniel Ziesemer to rezone the property at 9838 S. Chicago Rd. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural (4th District).
5. **Ordinance:** Consider Ordinance No. 2864, an ordinance to rezone the property at 9838 S. Chicago Rd., from Rs-3, Single-Family Residential and A-1, Limited Agricultural, to A-1, Limited Agricultural District (4th District).
6. **Conditional Use:** Consider a request by Lori Kopecky, U.S. Cellular Operating Co., LLC, for a Conditional Use Permit allowing a 120-foot-tall monopole with a 6-foot-tall lightning rod (total height= 126 feet) and appurtenances in a gated and fenced compound on the property at 2330 E. Rawson Ave. (1st District).
7. **Ordinance:** Consider Ordinance No. 2865, approving a Conditional Use Permit for a 120' foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment on the property at 2330 E. Rawson Ave. (1st District).
8. **Rezone:** Consider a request by St. Matthew's Congregation to rezone a portion of the property at 9261 S. Chicago Rd., from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr. from Rs-2, Single Family Residential to I-1, Institutional (4th District).
9. **Ordinance:** Consider Ordinance No. 2866, an ordinance to rezone a portion of the property at 9261 S. Chicago Rd. from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr., from Rs-2, Single Family Residential to I-1, Institutional (4th District).

Visit our website at www.oakcreekwi.org for the agenda and accompanying common council reports.

New Business

10. **Motion:** Consider a *motion* to concur with the Mayor's appointments as follows:
 - a. Celebrations Commission – 3 year term to expire 5/20
Kelly J. Prawdzich, 8140 S. White Oak Dr.
11. **Resolution:** Consider *Resolution* No. 11852-090517, accepting the liability insurance proposal dated June 30, 2017 from Cities and Villages Mutual Insurance Company (CVMIC) and agreeing to continued membership in CVMIC for policy years 2018-2020, based upon guaranteed premiums from CVMIC for these years (by Committee of the Whole).
12. **Resolution:** Consider *Resolution* No. 11854-090517, approving the Agreement to Record Declaration between the City of Oak Creek and One West Drexel LLC for Drexel Town Square (2nd District).
13. **Resolution:** Consider *Resolution* No. 11855-090517, approving the Amended Services Agreement between Drexel Town Square Owners Association Inc. and the City of Oak Creek for Drexel Town Square (2nd District).
14. **Motion:** Consider a *motion* to approve the Vendor Summary Report in the amount of \$924,173.08 (by Committee of the Whole).

TREASURER

15. **Informational:** Summarized Treasurer's Report on investment and banking accounts for the month ending July 31, 2017.

POLICE

16. **Motion:** Consider a *motion* to approve the proposed annual Agreement for School Resource Officer Services for the 2017-18 school year (by Committee of the Whole).

HEALTH

17. **Motion:** Consider a *motion* to endorse the restructuring of the Health Department, in accordance with the City Administrator's memo dated August 24, 2017, and to direct the City Administrator to bring back an Interagency Agreement (related to certain Sanitarian functions) for Council consideration within 60 days (by Committee of the Whole).

COMMUNITY DEVELOPMENT

18. **Motion:** Consider a *motion* to authorize staff to release a request for proposals for an update to the City's Comprehensive Plan and Zoning Ordinance (by Committee of the Whole).
19. **Resolution:** Consider *Resolution* No. 11850-090517, approving a Certified Survey Map for Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave (4th District).

ENGINEERING

20. **Motion:** Consider a *motion* to concur with the Traffic and Safety Commission's recommendation to approve the installation of "NO OUTLET" signs on Jessica Circle and Kyle Court (5th District).

LICENSE COMMITTEE

The License Committee met on August 29, 2017. Minutes are attached. Recommendations are as follows:

21. **Motion:** Consider a *motion* to *deny* an Operator license to Kimberly E. Condeleo, N168 W21700 W. Main St., Jackson (Victor's Again) for falsification of application and for being a habitual offender.

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*):
- Brandon J. Fettig, 719 Lakeview Ave., South Milwaukee (Legion)
 - Cindy A. Johnson, 4655 S. Lake Dr., Cudahy (Woodland Golf)
 - Vicki R. Anderson-Hipke, 1119 Yout St., Racine (Fairfield Inn)
 - Alissa A. Zeteman, 40 E. Fieldstone Cir., Oak Creek (Pizza Man)
 - Tanya R. Krolicki, 2239 S. 6th St., Milwaukee (Sidetracked)
 - Amber M. Krause, 215 E. Lisa Dr., Oak Creek (Sidetracked)
 - Amy N. McIntosh, 3411 18th Ave., South Milwaukee (Target)
 - Zachary T. Leschke, 435 W. Aspen Dr., Oak Creek (Target)
 - Benjamin D. Jeske, 1535 W. Abbott Ave., Milwaukee (Target)
 - Jennifer A. Krenz, 676 E. Summit Ave., Oconomowoc (Target)
 - Angela M. Harris, 3301 E. Woodview Ave., Oak Creek (Target)
 - Michael J. Nowakowski, 1197 E. Stonegate Dr., Oak Creek (Ryan Road Mobil)
 - Jamie M. Moore, 4079 W. Hawthorne Trace Rd., Brown Deer (South Shore Cinema)
 - Adesia L. Randle, 2101 N. Kensington Dr., Waukesha (Fairfield Inn)
 - LaCoya A. Addison, 1111 Marion Ave., South Milwaukee (Meijer)
23. **Motion:** Consider a *motion* to grant a Transient Merchant license to The Window Store Home Improvements, 2706 S. 163rd St., New Berlin, selling home improvement products, and to the following salespersons (*favorable background report received*).
- Keith Harvey, 4163 County Rd. G, Caledonia
 - Clayton Stolberg, 8623 W. Highway G, Franksville
24. **Motion:** Consider a *motion* to grant a Change of Agent to Mega Marts, LLC dba Pick 'n Save #6862, 8770 S. Howell Ave., from Eric Thomas to Joel E. Van Winkle, 1133 Kilbride Dr., Racine (*favorable background report received*).
25. **Motion:** Consider a *motion* to grant a Class A Combination license to Amanda Ward, Agent, Kwik Trip, Inc., dba Kwik Trip #976, 6300 S. 27th St. (fka PDQ), with release of license subject to final Sanitarian and building inspections.
26. **Motion:** Consider a *motion* to grant a Temporary Class B Beer license to Kelly Stefanich, Agent, St. Matthew Parish School, 9303 S. Chicago Rd., for an Adult Field Day Fundraiser to be held on September 16, 2017.

27. **Motion:** Consider a *motion* to grant a Temporary Class B Beer license to Roland Komorowski, Agent, St. Matthew Parish School, 9303 & 9329 S. Chicago Rd., for a Parish Picnic to be held on September 23, 2017.
28. **Motion:** Consider a *motion* to grant a Temporary Class B Beer license to Mark Zapp, Agent, St. Matthew Parish, 9303 S. Chicago Rd., for St. Matthew's Fish Boils to be held on October 6, 2017, March 23, 2018, and May 11, 2018.

MISCELLANEOUS

29. **Motion:** Consider a *motion* to convene into Closed Session pursuant to Wisconsin State Statutes, to discuss the following:
 - a. Section 19.85 (1)(e) to discuss the terms of a proposed development agreement, including a TIF incentive grant, for property owned by Woodman's Food Market, Inc., consisting of approximately four acres located at 8142 S. 6th St.
 - b. Section 19.85 (1) (e) to consider wholesale water supply to the City of Waukesha.
30. **Motion:** Consider a *motion* to reconvene into Open Session.
31. **Motion:** Consider a *motion* to take action, if required.
32. **Resolution:** Consider *Resolution* No. 11851-090517, approving the Tax Incremental Finance District No. 11 Finance Development Agreement by and between the City of Oak Creek and Zund America, Inc. (2nd District).

Adjournment.

Public Notice

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

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by Daniel Zieseemer to rezone the property at 9838 S. Chicago Rd. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural.

Hearing Date: September 5, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Daniel Zieseemer
Property Owner: Ann & Daniel Zieseemer
Property Location: 9838 S. Chicago Rd.
Tax Key(s): 912-9930-000

Legal Description:

That part of the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows, to wit: Commencing at a point in the East line and 283.08' North of the Southeast corner of the Northeast 1/4 of said Section 26, Town 5, Range 22 East, aforesaid; thence West on a line which is 283.08' North and parallel with the South line of said 1/4 Section 673.00' to the center line of Chicago Road; thence North 13° 20' West along the center line of Chicago Road 130.11' to a point, which is 409.70' North of the South line of said 1/4 Section; thence East on a line which is 409.70' North of and parallel with the South line of said 1/4 Section 702.91' to the East line of said 1/4 Section; thence South along the East line of said 1/4 Section 126.62' to the place of beginning, containing 2 acres of land.

A piece of land in the South 1/2 in the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the East line of said 1/4 Section 409.70' North of the Southeast corner of said 1/4 Section; thence West and parallel with the South line of said 1/4 Section 702.91' to the center line of South Chicago Road; thence North 14° 54' West along the center line of said Road 200.46' to a point; thence Easterly on a line parallel and 722.61' South of the 1/8 line 758.20' to the East line of said 1/4 Section; thence Southerly along the East line of said 1/4 Section 193.49' to the place of beginning, containing 3.30 acres of land.

The Common Council has scheduled other public hearings for September 5, 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: August 10, 2017
CITY OF OAK CREEK COMMON COUNCIL

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 5

Recommendation: That the Common Council adopts Ordinance No. 2864, an ordinance to rezone the property at 9838 S. Chicago Rd. from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural.

Background: At the August 8, 2017 meeting, the Plan Commission recommended Common Council approval of rezoning the property above to A-1, Limited Agricultural. Minimum requirements for lot size – 5 acres – are met with the existing configuration of the property.

A majority of the property is currently in the A-1 district; the former single family dwelling, which has been removed, and just under 1 acre of the lot were located within the Rs-3, Single Family zoning district (see map). The Applicant wishes to construct a new single-family dwelling with accessory agricultural outbuilding per the submitted Plat of Survey, and to utilize the property for agricultural purposes. Surrounding properties are zoned residential, agricultural, and commercial. Per the Comprehensive Plan, the area is identified for Planned Mixed Use, which allows for multiple zoning designations.

Fiscal Impact: Approval of this zoning change will allow for the continued use of the property for residential and agricultural purposes, and eliminate the “split zoning” of the parcel. While the zoning change will not have a direct fiscal impact, potential impact fees and assessments for new buildings would have positive fiscal impacts for the City.

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

ORDINANCE NO. 2864

By: _____

AN ORDINANCE TO REZONE THE PROPERTY AT 9838 S. CHICAGO RD.
FROM RS-3, SINGLE FAMILY RESIDENTIAL AND A-1, LIMITED
AGRICULTURAL TO A-1, LIMITED AGRICULTURAL DISTRICT

(4TH Aldermanic District)

WHEREAS, DANIEL ZIESEMER has applied for a rezoning of the property located at 9838 S. Chicago Rd. (Tax Key No. 912-9930-000) from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural.

WHEREAS, the property is more precisely described as follows:

That part of the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows, to wit: Commencing at a point in the East line and 283.08' North of the Southeast corner of the Northeast 1/4 of said Section 26, Town 5, Range 22 East, aforesaid; thence West on a line which is 283.08' North and parallel with the South line of said 1/4 Section 673.00' to the center line of Chicago Road; thence North 13° 20' West along the center line of Chicago Road 130.11' to a point, which is 409.70' North of the South line of said 1/4 Section; thence East on a line which is 409.70' North of and parallel with the South line of said 1/4 Section 702.91' to the East line of said 1/4 Section; thence South along the East line of said 1/4 Section 126.62' to the place of beginning, containing 2 acres of land.

A piece of land in the South 1/2 in the Northeast 1/4 of Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in the East line of said 1/4 Section 409.70' North of the Southeast corner of said 1/4 Section; thence West and parallel with the South line of said 1/4 Section 702.91' to the center line of South Chicago Road; thence North 14° 54' West along the center line of said Road 200.46' to a point; thence Easterly on a line parallel and 722.61' South of the 1/8 line 758.20' to the East line of said 1/4 Section; thence Southerly along the East line of said 1/4 Section 193.49' to the place of beginning, containing 3.30 acres of land.

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

WHEREAS, the Common Council held a public hearing on said application on September 5, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion

that the best interests of the City would be served if the rezoning was approved;
and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 3: 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 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 5th day of September, 2017.

President, Common Council

Approved this 5th day of September, 2017.

Mayor

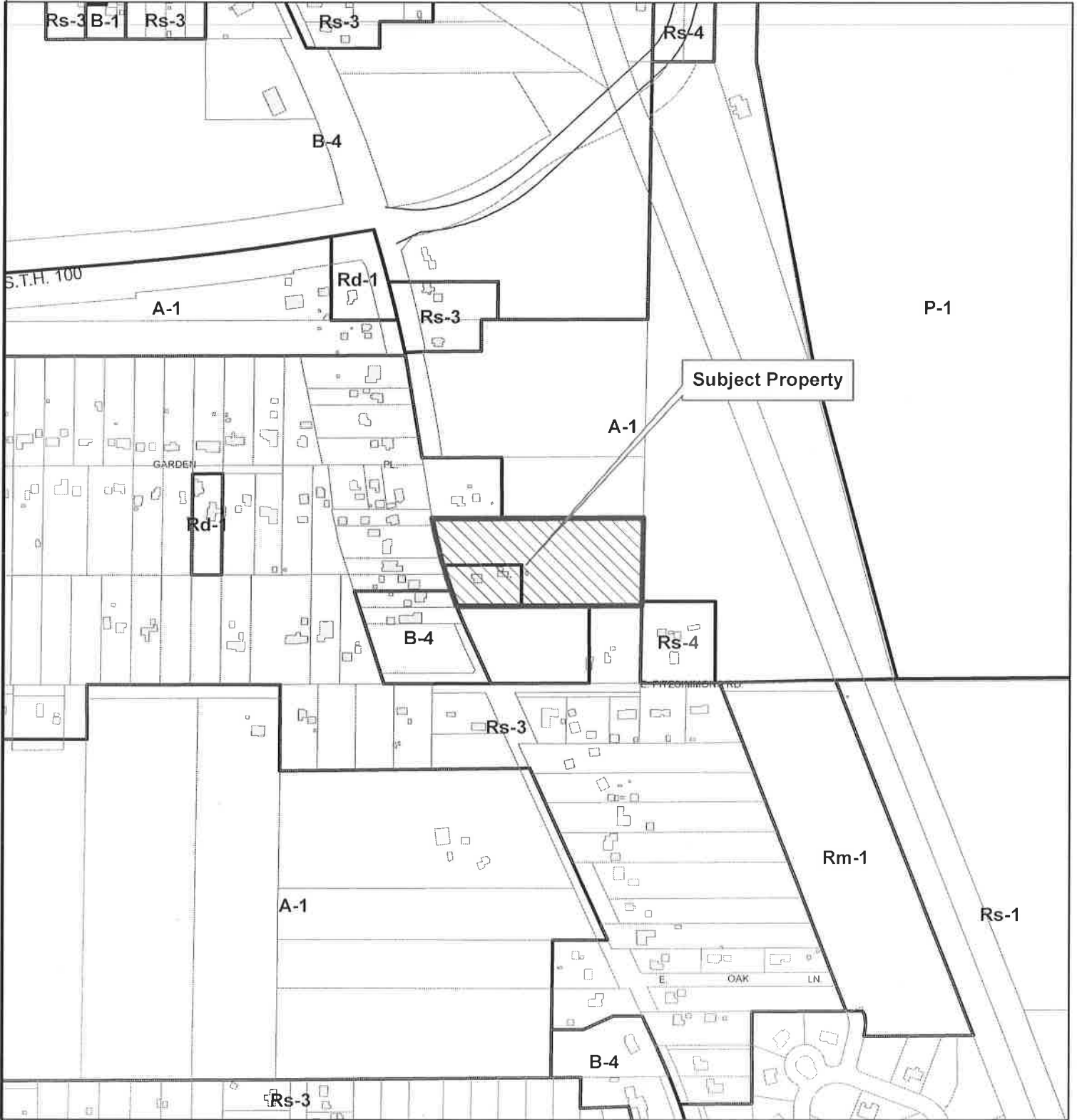
ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

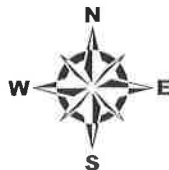
9838 S. Chicago Rd.



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



Department of Community Development



Legend		Zoning Overlays	
	9838 S. Chicago Rd		C-1-Shoreland Wetland
			FF-Flood Fringe
			Unincorporated Overlay
			NO-Mixed Use Neighborhood
			OO-Mixed Use Office
			RR-Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 8, 2017**

**REZONE
DANIEL ZIESEMER
9838 S. CHICAGO RD.
TAX KEY NO. 912-9930-000**

Planner Papelbon provided an overview of the request (see staff report for details).

A plat of survey for the property was displayed showing the proposed new single-family dwelling and accessory agricultural building. Planner Papelbon noted that the buildings themselves are not under Plan Commission review at this time; the plat is only being provided to show the proposed future use of the land for agricultural purposes.

Mayor Bukiewicz called the applicant to address the Commission.

Daniel Ziesemer, 9838 S. Chicago Rd., Oak Creek:

Mr. Ziesemer explained that at one time there was an old farmhouse in the corner of the property, which has since been razed. His request is for a rezone of the entire property to Agricultural.

Commissioner Siefert moved that the Plan Commission recommends to the Common Council that the property at 9839 S. Chicago Rd. be rezoned from Rs-3, Single Family Residential and A-1, Limited Agricultural to A-1, Limited Agricultural after a public hearing.

Alderman Guzikowski seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8/22/17

Date

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by Lori Kopecky, U.S. Cellular Operating Co., LLC, for a Conditional Use Permit allowing 120-foot-tall monopole with a 6-foot-tall lightning rod (total height = 126 feet), and appurtenances in a gated and fenced compound on the property at 2330 E. Rawson Ave.

Hearing Date: September 5, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: Lori Kopecky, U.S. Cellular Operating Co., LLC
Property Owner: Roger and Judith Forray Trust
Property Location: 2330 E. Rawson Ave.
Tax Key(s): 731-9982-001

Legal Description:

A part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Three (3) Township Five (5) North, Range Twenty-Two (22) East, City of Oak Creek, Milwaukee County, Wisconsin containing 1,520 square feet (0.035 acres) of land and being described by: Commencing at the Southwest corner of said Section 3; thence N88°52'25"E 2493.93 feet along the South line of the SW ¼ of said Section 3; thence N01°07'35"W 131.00 feet to the point of beginning, thence N01°07'35"W 38.00 feet; thence N88°52'25"E 40.00 feet; thence S 01° 07' 35" E 38.00 feet; thence S88°52'25"W.

The Common Council has scheduled other public hearings for September 5, 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: August 10, 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, 8040 South 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 7

Recommendation: That the Council adopts Ordinance 2865, an ordinance to approve a Conditional Use Permit for 120-foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment on the property at 2330 E. Rawson Ave.

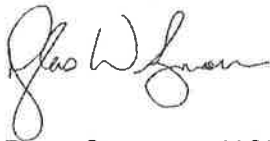
Background: Lori Kopecky, US Cellular Operating Company, LLC, is requesting Conditional Use approval for a 120-foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment at 2230 E. Rawson Ave. Wireless telecommunications sites are Conditional Uses in the City. A copy of Section 17.0504 is included with this report for reference. Due to passage of recent State legislation, the City has extremely limited authority over such uses. A copy of Wis. Stats. 66.0404 is also included with this report for reference.

US Cellular will construct the tower and equipment enclosure on northwest corner of the property owned by the Roger and Judith Forray Trust. This property is currently the site of an automotive service facility. Within the proposed 38' x 40' cyclone fence enclosure will be the pole, equipment cabinets, meters, and associated equipment. The fence is proposed to be 8 feet tall with 1 foot of barbed wire on top. No information has been provided regarding the relocation or removal of the existing Quonset hut structure and outdoor storage in this area. A more detailed review as part of the site, building, landscaping, and lighting plan review process by the Plan Commission may identify other needed modifications to the plans to meet local and state requirements.

The Plan Commission has reviewed the proposed Conditional Use Permit, and, following extensive review and consideration of both statutory limitations and neighbor concerns, has recommended its approval subject to the attached Conditions and Restrictions.

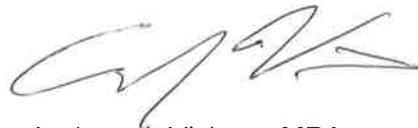
Fiscal Impact: This proposed Conditional Use Permit would allow for the construction of a telecommunications pole and equipment on the property. No direct fiscal impact is anticipated with this approval. This property is not located in a TIF district.

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

ORDINANCE NO. 2865

By: _____

AN ORDINANCE TO APPROVE A CONDITIONAL USE PERMIT FOR 120-FOOT-TALL WIRELESS TELECOMMUNICATIONS MONOPOLE (WITH 6-FOOT LIGHTNING ROD) AND ASSOCIATED EQUIPMENT ON THE PROPERTY AT 2330 E. RAWSON AVE.

(1ST Aldermanic District)

WHEREAS, LORI KOPECKY, US CELLULAR OPERATING COMPANY, LLC, has applied for a Conditional Use Permit that would allow a 120-foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment on the property at 2330 E. Rawson Ave.; and

WHEREAS, the property is more precisely described as follows:

Township Five (5) North, Range Twenty-Two (22) East, City of Oak Creek, Milwaukee County, Wisconsin containing 1,520 square feet (0.035 acres) of land and being described by: Commencing at the Southwest corner of said Section 3; thence N88°52'25"E 2493.93 feet along the South line of the SW ¼ of said Section 3; thence N01°07'35"W 131.00 feet to the point of beginning, thence N01°07'35"W 38.00 feet; thence N88°52'25"E 40.00 feet; thence S 01° 07' 35" E 38.00 feet; thence S88°52'25"W.

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

WHEREAS, the Common Council held a public hearing on this matter on September 5, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, the Plan Commission had recommended that the application for a 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 Building Commissioner is hereby authorized to grant a Conditional Use Permit for a 120-foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment on the property at 2330 E. Rawson Ave., which shall include the aforementioned conditions and restrictions.

SECTION 2: The Conditional Use is subject to the aforementioned conditions and restrictions on the design, location, construction and operation of the Conditional Use for a 120-foot-tall wireless telecommunications monopole (with 6-foot lightning rod) and associated equipment.

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 5th day of September, 2017.

President, Common Council

Approved this 5th day of September, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

**City of Oak Creek – Conditional Use Permit (CUP)
DRAFT Conditions and Restrictions**

Applicant: Lori Kopecky, U.S. Cellular Operating Co., LLC	Approved by Plan Commission: 8-22-17
Property Address: 2330 E. Rawson Ave.	Approved by Common Council: TBD
Tax Key Number: 731-9982-001	(Ord. # 2865)
Conditional Use: Wireless Telecommunications Site (120-foot-tall monopole w/6-ft lightning rod & appurtenances)	

1. LEGAL DESCRIPTION

A part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Three (3) Township Five (5) North, Range Twenty-Two (22) East, City of Oak Creek, Milwaukee County, Wisconsin containing 1,520 square feet (0.035 acres) of land and being described by: Commencing at the Southwest corner of said Section 3; thence N88°52'25"E 2493.93 feet along the South line of the SW ¼ of said Section 3; thence N01°07'35"W 131.00 feet to the point of beginning, thence N01°07'35"W 38.00 feet; thence N88°52'25"E 40.00 feet; thence S01°07'35" E 38.00 feet; thence S88°52'25"W.

2. REQUIRED PLANS, EASEMENTS, AGREEMENTS AND PUBLIC IMPROVEMENTS

A. All requirements of the City of Oak Creek Municipal Code, as amended, not in conflict with State Statute, remain in effect.

B. 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 structure/equipment location(s) with setbacks
- b) Square footage of all structures/equipment
- c) Area(s) for future expansion
- d) Area(s) to be paved
- e) Access drive(s) (width and location)
- f) Location of sanitary sewer (existing & proposed)
- g) Location of water (existing & proposed)
- h) Location of storm sewer (existing & proposed)
- i) Location(s) of wetlands (field verified)

2) **Landscape Plan**

- a) Screening plan
- b) Number, initial size and type of plantings

3) **Building Plan**

- a) Architectural elevations (w/dimensions)
- b) Materials of construction (including colors)

4) **Lighting Plan**

- a) Types & color of fixtures
- b) Mounting heights
- c) Types & color of poles
- d) Photometrics of proposed fixtures

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

- a) Contours (existing & proposed)
- b) Location(s) of storm sewer (existing and proposed)
- c) Location(s) of stormwater management structures and basins (if required)

6) **Fire Protection**

- a) Locations of existing & proposed fire hydrants
- b) 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. All electric, telephone and cable TV service wires or cable shall be installed underground within the boundaries of this property.
- E. 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. LIGHTING

All plans for new outdoor lighting for each stage of the development shall be reviewed and approved by the Plan Commission and Electrical Inspector in accordance with Section 17.0808 of the Municipal Code.

5. LANDSCAPING

Landscaping shall be designed, installed and maintained in accordance with Section 17.1010 of the Municipal Code.

6. SETBACKS

	Front and Street Setback	Rear (north) Setback	Side (west) Setback
Principal Structure ¹	25'	25'	20'
Accessory Structure*	25'	25'	20'
Equipment Areas ²	25'	25'	20'

** No accessory structures shall be permitted in the front yard or in required buffer yards.*

7. OTHER REGULATIONS

Compliance with all other applicable City, State, DNR and Federal regulations, laws, Code, ordinances, and orders, as amended, not heretofore stated or referenced, is mandatory.

8. VIOLATIONS & PENALTIES

Any violations of the terms of this Conditional Use Permit shall be subject to enforcement and the issuance of citations in accordance with Section 1.20 of the City of Oak Creek Code of Ordinances. If the owner, applicant or operator of the Conditional Use is convicted of two or more violations of these conditions and restrictions or any other municipal ordinances within any 12-month period the City shall have the right to revoke this Conditional Use Permit, subject to the provisions of paragraph 9 herein. Nothing herein shall preclude the City from commencing an action in Milwaukee County Circuit Court to enforce the terms of this Conditional Use Permit or to seek an injunction regarding any violation of this Conditional Use Permit or any other city ordinances.

9. 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

¹ Municipal Code Section 17.0313(f)

² Municipal Code Section 17.0504(f)2d

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.

10. ACKNOWLEDGEMENT

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

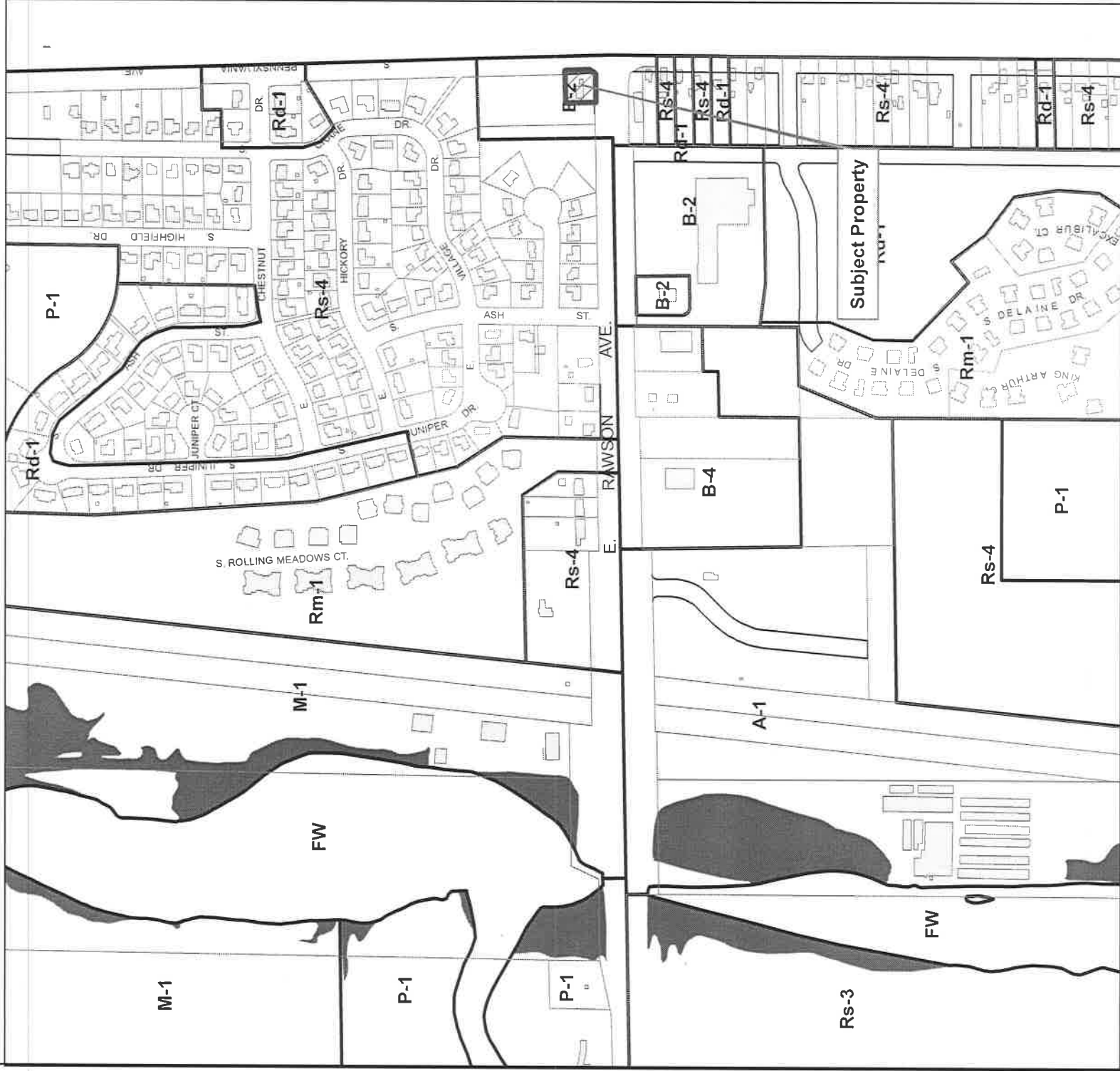
Owner / Authorized Representative Signature

Date

(please print name)

DRAFT

Location Map 2330 E. Rawson Ave



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



OAKCREEK
— WISCONSIN —

Department of Community Development



Legend

2330 E Rawson Ave

Zoning Overlays

- C-1 Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- NO-Move the Hoopline/Right
- OO-Use a Use Other
- RR-Regional Rural




VISIBILITY ANALYSIS
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

DATE	07/27/11
PROJECT #	784730
CLIENT	VA
PROJECT NAME	AIRPORT SOUTH
PROJECT LOCATION	OAK CREEK, WI
PROJECT NUMBER	784730
PROJECT SHEET NUMBER	1001
PROJECT SHEET TOTAL	1001
PROJECT SHEET NAME	VA
PROJECT SHEET NUMBER	1001
PROJECT SHEET TOTAL	1001
PROJECT SHEET NAME	VA
PROJECT SHEET NUMBER	1001
PROJECT SHEET TOTAL	1001
PROJECT SHEET NAME	VA
PROJECT SHEET NUMBER	1001
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PROJECT SHEET TOTAL	1001
PROJECT SHEET NAME	VA
PROJECT SHEET NUMBER	1001
PROJECT SHEET TOTAL	1001
PROJECT SHEET NAME	VA
PROJECT SHEET NUMBER	1001
PROJECT SHEET TOTAL	1001



PROPOSED 127' MONOPOLE TOWER
 (BASE ELEVATION = 700.5')

KEY

- 
 AREAS TOWER WILL LIKELY BE VISIBLE
- 
 AREAS TOWER WILL LIKELY NOT BE VISIBLE
- 
 AREAS TOWER MAY BE VISIBLE DEPENDING ON IF TREES AND BUILDINGS ARE IN DIRECT SIGHT LINE OF TOWER

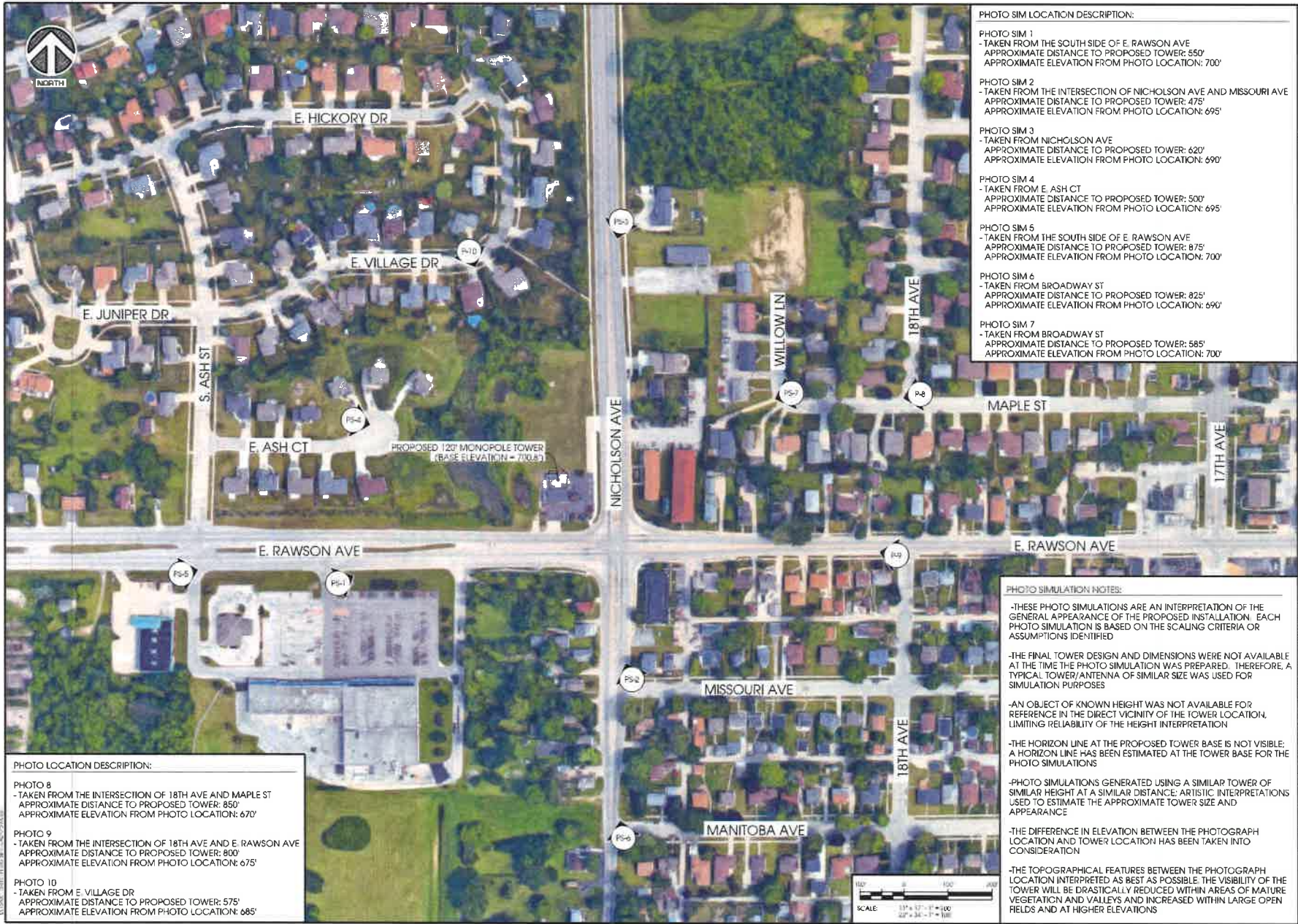


PHOTO SIM LOCATION DESCRIPTION:

- PHOTO SIM 1**
- TAKEN FROM THE SOUTH SIDE OF E. RAWSON AVE
APPROXIMATE DISTANCE TO PROPOSED TOWER: 550'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 700'
- PHOTO SIM 2**
- TAKEN FROM THE INTERSECTION OF NICHOLSON AVE AND MISSOURI AVE
APPROXIMATE DISTANCE TO PROPOSED TOWER: 475'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 695'
- PHOTO SIM 3**
- TAKEN FROM NICHOLSON AVE
APPROXIMATE DISTANCE TO PROPOSED TOWER: 620'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 690'
- PHOTO SIM 4**
- TAKEN FROM E. ASH CT
APPROXIMATE DISTANCE TO PROPOSED TOWER: 500'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 695'
- PHOTO SIM 5**
- TAKEN FROM THE SOUTH SIDE OF E. RAWSON AVE
APPROXIMATE DISTANCE TO PROPOSED TOWER: 875'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 700'
- PHOTO SIM 6**
- TAKEN FROM BROADWAY ST
APPROXIMATE DISTANCE TO PROPOSED TOWER: 825'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 690'
- PHOTO SIM 7**
- TAKEN FROM BROADWAY ST
APPROXIMATE DISTANCE TO PROPOSED TOWER: 585'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 700'

PHOTO SIMULATION NOTES:

- THESE PHOTO SIMULATIONS ARE AN INTERPRETATION OF THE GENERAL APPEARANCE OF THE PROPOSED INSTALLATION. EACH PHOTO SIMULATION IS BASED ON THE SCALING CRITERIA OR ASSUMPTIONS IDENTIFIED
- THE FINAL TOWER DESIGN AND DIMENSIONS WERE NOT AVAILABLE AT THE TIME THE PHOTO SIMULATION WAS PREPARED. THEREFORE, A TYPICAL TOWER/ANTENNA OF SIMILAR SIZE WAS USED FOR SIMULATION PURPOSES
- AN OBJECT OF KNOWN HEIGHT WAS NOT AVAILABLE FOR REFERENCE IN THE DIRECT VICINITY OF THE TOWER LOCATION, LIMITING RELIABILITY OF THE HEIGHT INTERPRETATION
- THE HORIZON LINE AT THE PROPOSED TOWER BASE IS NOT VISIBLE. A HORIZON LINE HAS BEEN ESTIMATED AT THE TOWER BASE FOR THE PHOTO SIMULATIONS
- PHOTO SIMULATIONS GENERATED USING A SIMILAR TOWER OF SIMILAR HEIGHT AT A SIMILAR DISTANCE. ARTISTIC INTERPRETATIONS USED TO ESTIMATE THE APPROXIMATE TOWER SIZE AND APPEARANCE
- THE DIFFERENCE IN ELEVATION BETWEEN THE PHOTOGRAPH LOCATION AND TOWER LOCATION HAS BEEN TAKEN INTO CONSIDERATION
- THE TOPOGRAPHICAL FEATURES BETWEEN THE PHOTOGRAPH LOCATION INTERPRETED AS BEST AS POSSIBLE. THE VISIBILITY OF THE TOWER WILL BE DRASTICALLY REDUCED WITHIN AREAS OF MATURE VEGETATION AND VALLEYS AND INCREASED WITHIN LARGE OPEN FIELDS AND AT HIGHER ELEVATIONS

PHOTO LOCATION DESCRIPTION:

- PHOTO 8**
- TAKEN FROM THE INTERSECTION OF 18TH AVE AND MAPLE ST
APPROXIMATE DISTANCE TO PROPOSED TOWER: 850'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 670'
- PHOTO 9**
- TAKEN FROM THE INTERSECTION OF 18TH AVE AND E. RAWSON AVE
APPROXIMATE DISTANCE TO PROPOSED TOWER: 800'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 675'
- PHOTO 10**
- TAKEN FROM E. VILLAGE DR
APPROXIMATE DISTANCE TO PROPOSED TOWER: 575'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 685'



**PHOTO SIMULATION MAP
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN**

DATE:	08/11/2011
PROJECT:	PS-M
DRAWN BY:	...
CHECKED BY:	...
DATE:	...
PROJECT:	...
SCALE:	...
DATE:	...
PROJECT:	...
SCALE:	...
DATE:	...
PROJECT:	...
SCALE:	...
DATE:	...
PROJECT:	...
SCALE:	...
DATE:	...
PROJECT:	...
SCALE:	...
DATE:	...
PROJECT:	...
SCALE:	...

PS-M



PROPOSED 120' MONOPOLE

EAST RAWSON AVE



ACTUAL PHOTOGRAPH BEFORE SIMULATION



Edge
 Consulting Engineers, Inc.
 631 W. 20th Street
 Oak Creek, WI 53158
 414-442-1454 ext. 400
 414-442-1344 fax
 www.edge-engineers.com

PHOTO SIMULATION 1
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

DATE:	08/18/2014
SCALE:	AS SHOWN
PROJECT:	
CLIENT:	
DESIGNER:	
CHECKED BY:	
DATE:	
PROJECT:	
PROJECT #:	
DATE:	
FILE NAME:	
PROJECT:	
SHEET NUMBER:	

PS-1



Edge
 Consulting Engineers, Inc.
 227 W. 260' ST. N.
 OAK CREEK, WI 53091
 414-221-4450 ext. 4000
 www.edgecorp.com

PHOTO SIMULATION 2
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

DATE	2011-08-10
DRAWN BY	AMC
CHECKED BY	AMC
DATE	2011-08-10
DESCRIPTION	
REVISION	
BY	
DATE	
BY	
DATE	

© EDG CONSULTING ENGINEERS, INC.



**ACTUAL PHOTOGRAPH
BEFORE SIMULATION**

Edge
Consulting Engineers, Inc.
2520 Glen Arbor
Fond du Lac, WI 53488
608.844.1494 voice
www.edgecorp.com

PHOTO SIMULATION 3
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

PROJECT NO.	
ISSUE DATE	8/02
STATUS	PHASE 1A/1B/1C/1D/1E/1F/1G/1H/1I/1J/1K/1L/1M/1N/1O/1P/1Q/1R/1S/1T/1U/1V/1W/1X/1Y/1Z/2A/2B/2C/2D/2E/2F/2G/2H/2I/2J/2K/2L/2M/2N/2O/2P/2Q/2R/2S/2T/2U/2V/2W/2X/2Y/2Z/3A/3B/3C/3D/3E/3F/3G/3H/3I/3J/3K/3L/3M/3N/3O/3P/3Q/3R/3S/3T/3U/3V/3W/3X/3Y/3Z/4A/4B/4C/4D/4E/4F/4G/4H/4I/4J/4K/4L/4M/4N/4O/4P/4Q/4R/4S/4T/4U/4V/4W/4X/4Y/4Z/5A/5B/5C/5D/5E/5F/5G/5H/5I/5J/5K/5L/5M/5N/5O/5P/5Q/5R/5S/5T/5U/5V/5W/5X/5Y/5Z/6A/6B/6C/6D/6E/6F/6G/6H/6I/6J/6K/6L/6M/6N/6O/6P/6Q/6R/6S/6T/6U/6V/6W/6X/6Y/6Z/7A/7B/7C/7D/7E/7F/7G/7H/7I/7J/7K/7L/7M/7N/7O/7P/7Q/7R/7S/7T/7U/7V/7W/7X/7Y/7Z/8A/8B/8C/8D/8E/8F/8G/8H/8I/8J/8K/8L/8M/8N/8O/8P/8Q/8R/8S/8T/8U/8V/8W/8X/8Y/8Z/9A/9B/9C/9D/9E/9F/9G/9H/9I/9J/9K/9L/9M/9N/9O/9P/9Q/9R/9S/9T/9U/9V/9W/9X/9Y/9Z/0A/0B/0C/0D/0E/0F/0G/0H/0I/0J/0K/0L/0M/0N/0O/0P/0Q/0R/0S/0T/0U/0V/0W/0X/0Y/0Z
REVISION	
CHECKED BY	
DRAWN	
PROJECT #	
DATE	
FILE NAME	
SCALE	

SHEET NUMBER:
PS-3



**ACTUAL PHOTOGRAPH
BEFORE SIMULATION**

Edge
Consulting Engineers, Inc.
431 West Street
Fond du Lac, WI 54936
608.841.1444 voice
608.841.1444 fax
www.edgeconsult.com

PHOTO SIMULATION 4
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

DATE	08/04/17	BY	
DESIGNED BY	08/01/2017	BY	
CHECKED BY		DATE	
PROJECT			
CHECKED BY			
DATE			
PROJECT			
DATE			
PROJECT			
DATE			
PROJECT			
DATE			
PROJECT			

PS-4



PROPOSED 120' MONOPOLE

WILLOW LN



ACTUAL PHOTOGRAPH BEFORE SIMULATION

Edge
 Consulting Engineers, Inc.
 2574 20th Street
 Piquette Hill, WI 53154
 414.221.1447
 www.edgeconsulting.com

PHOTO SIMULATION 7
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

PROJECT NO.	8018-0418	DATE
CLIENT NAME	VERIZON WIRELESS	DATE
PROJECT NAME		
DESCRIPTION		
DATE		
PROJECT		
PROJECT		
DATE		
REVISION		
DATE		

PS-7

PHOTO LOCATION DESCRIPTION:

- VIEW OF TOWER IS OBSTRUCTED BY MATURE TREES.
- PHOTO LOCATION IS 30± DOWN HILL FROM TOWER BASE.
- TAKEN FROM THE INTERSECTION OF 18TH AVE AND MAPLE ST. APPROXIMATE DISTANCE TO PROPOSED TOWER: 850'. APPROXIMATE ELEVATION FROM PHOTO LOCATION: 670'
- RESIDENTIAL AREA WITH A NUMBER OF MATURE TREES AND TWO STORY HOUSES.
- TOWER MAY BE VISIBLE BETWEEN TREES AND HOUSES FROM OTHER LOCATIONS AND ANGLES IN THE AREA.



Edge Consulting Engineers, Inc.
 62 Maple St.
 Oak Creek, WI 53091
 414.441.1910 ext 1000
 www.edgeconsul.com

PHOTO 8
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

Project No. _____

Date _____

Scale _____

Sheet _____

Drawn By _____

Checked By _____

Approved By _____

Date _____

Project _____

File Name _____

Notes _____

Sheet Name:

P-8

PHOTO LOCATION DESCRIPTION:

- VIEW OF TOWER IS OBSTRUCTED BY MATURE TREES.
- PHOTO LOCATION IS 25'± DOWN HILL FROM TOWER BASE.
- TAKEN FROM THE INTERSECTION OF 18TH AVE AND E RAWSON AVE.
APPROXIMATE DISTANCE TO PROPOSED TOWER: 800'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 675'
- RESIDENTIAL AREA WITH A NUMBER OF MATURE TREES AND ONE AND TWO STORY HOUSES.
- TOWER MAY BE VISIBLE BETWEEN TREES AND HOUSES FROM OTHER LOCATIONS AND ANGLES IN THE AREA.



REVISION	DATE
----------	------

CHECKED BY:	
DATE:	
PROJECT:	
DATE:	

PHOTO LOCATION DESCRIPTION:

- VIEW OF TOWER IS OBSTRUCTED BY MATURE TREES.
- PHOTO LOCATION IS 15± DOWN HILL FROM TOWER BASE.
- TAKEN FROM E. VILLAGE DR
APPROXIMATE DISTANCE TO PROPOSED TOWER: 575'
APPROXIMATE ELEVATION FROM PHOTO LOCATION: 685'
- RESIDENTIAL AREA WITH A NUMBER OF MATURE TREES AND ONE AND TWO STORY HOUSES.
- TOWER MAY BE VISIBLE BETWEEN TREES AND HOUSES FROM OTHER LOCATIONS AND ANGLES IN THE AREA.

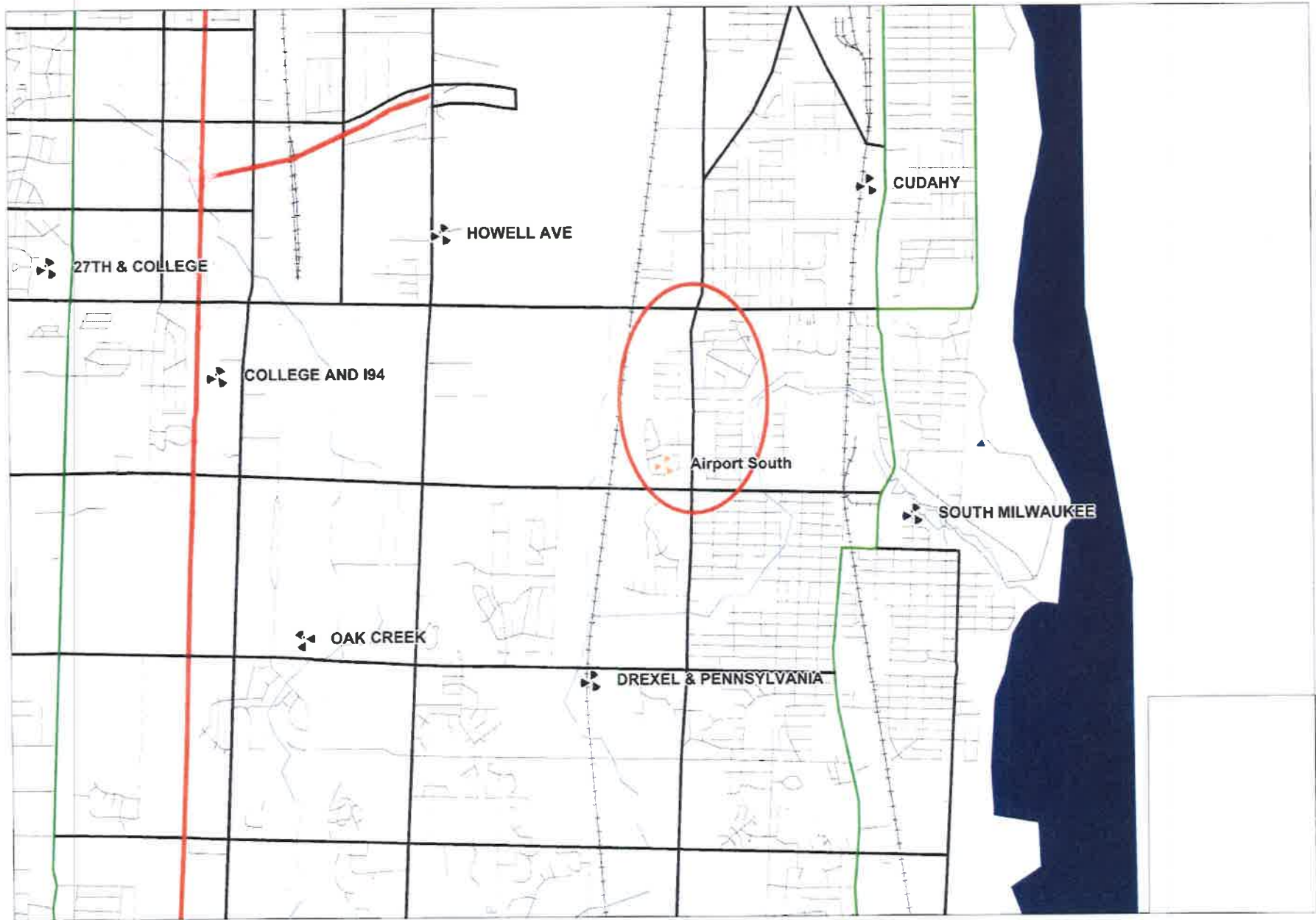


PHOTO 10
AIRPORT SOUTH (784730)
OAK CREEK, WISCONSIN

PROJECT:	028-0430	DWG.
DATE:	06/25/2013	1 of 1
DESCRIPTION:		
PROJECT NO:		
DATE:		
SCALE:		
BY:		
CHECKED BY:		
DATE:		
PROJECT:		

P-10

Airport South Search Ring Map



**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 8, 2017**

**CONDITIONAL USE PERMIT
UNITED STATES CELLULAR OPERATING COMPANY, LLC
2330 E. RAWSON AVE.
TAX KEY NO. 731-9982-001**

Mayor Bukiewicz introduced the item and indicated there were several audience members that wished to speak. Doug Seymour, Director of Community Development, asked if he could first address some general statements to the Commission that may impact their review of the proposal. Mr. Seymour noted that there have been numerous proposals for locating cellular towers in various surrounding communities, however due to changes in the State legislature, he wanted to emphasize to the Commission and to residents who may be affected, that the local communities are severely limited in their ability to choose the locations for cellular equipment.

Mayor Bukiewicz invited anyone who wished to speak to the podium.

Dick Rogers, representing United States Cellular Operating Company, 100 W. Henry Clay St., Whitefish Bay, WI:

Mr. Rogers stated he was present to answer any questions from the Plan Commission on their proposed site plan.

Erald Hoshi, 2240 E. Ash Ct., Oak Creek:

Mr. Hoshi explained he received a notice of the proposed tower because his family's home is within 300 feet of the proposed site and is part of the Rawson Village Estates subdivision consisting of twelve homes. He reached out to the homeowner's association president and started a petition which now has thirteen signatures. The petition states that the signers do not support the construction of the cellular tower as they believe it will reduce their property values, the success of their neighborhood, and their quality of life. Mr. Hoshi also cited the home in his subdivision that has recently completed construction by the Oak Creek High School. He reached out to the potential buyers who are currently under contract, and also are not in favor of the cellular tower.

Mr. Hoshi indicated that he had reviewed the Wisconsin State Statute on cellular towers which states that towers exceeding 60 feet in height should be set back at least 100 feet from any adjoining properties. Rawson Village Estates currently owns the adjoining property which is a wetland, and the proposed site does not adhere to the 100 foot minimum. He requested any assistance that the City can offer as to placement of the tower.

Tom Pappalardo, 2255 E Village Dr., Oak Creek:

Mr. Pappalardo explained that his back yard faces the proposed tower site. He is concerned that the presence of the tower in his neighborhood will affect the property values of all of the homes in the area, as well as negatively affect the natural beauty of the wetland area that abuts his back yard.

Mayor Bukiewicz thanked Mr. Pappalardo for his comments, and noted that he received two resident emails that were requested to be read into the record.

Jennifer Wanta, 2135 E. Ash Ct., Oak Creek:

In Ms. Wanta's email, she noted that her home is located approximately 600 feet west of the proposed cell tower site. She has huge concerns about the health impact of a cell tower located so close to her home and other homes closer than hers, particularly the closest home built by Knights Construction. Ms. Wanta cites various studies indicating cellular towers should not be placed within 1500 feet of a residential area. Her subdivision has seventeen young children that will be exposed to the RF waves from the proposed tower. This does not include the neighboring streets outside of their subdivision which are within 1500 feet, nor the homes on the South Milwaukee side of Pennsylvania Avenue. Her research has shown that the presence of cellular towers within 1500 feet of a residential home can lower property values as much as 10-20 percent, which she feels is unacceptable. Ms. Wanta is urging the Commission to thoughtfully consider the potential impact a cell tower might have on the health of their families and on their property values if it were placed in their own neighborhood, and vote against the proposed conditional use permit.

Steven Kurkowski (1st District Alderperson), 1110 E. Milwaukee Ave., Oak Creek:

In his correspondence, Alderman Kurkowski states that he is unable to attend the Plan Commission meeting but would like to voice his opinion. He does not support the presence of the cell tower and inquires whether United States Cellular has explored alternate nearby locations for the proposed tower, such as County-owned property. He suspects that the dog park located west of the proposed site may present an FAA issue, but suggested the commercial property closer to Howell Avenue.

Mayor Bukiewicz invited discussion from the Commission.

Alderman Loreck inquired of the applicant why there is a need for a cellular tower at that location. Mr. Rogers responded that currently US Cellular's network (as well as other cellular carriers) is sufficient for telephone usage, but with the addition of text messaging, sending photographs, data, and large documents, the spectrum of coverage has shrunk. The existing sites become overloaded and cannot carry the signal, which presents a need for a capacity site such as this, and the need will only become greater over time. There are currently fifteen sites being built around Milwaukee County, and this particular location ties in with the rest of the network they have in South Milwaukee, Oak Creek, and Cudahy. Alderman Loreck asked if any other sites have been researched. Mr. Rogers responded that the location they need to be is fairly specific. For example, if the proposed site were to move even a half mile, the rest of the sites in the network would also need to be moved so that the network is not compromised.

Commissioner Dickmann repeated Alderman Loreck's question as to whether or not other nearby locations had been researched. Mr. Rogers answered that they have looked at other sites within the search area, and this is the only site that was available that is not wetland or heavily residential. Commissioner Dickmann disagreed with Mr. Roger's statement that the area is not "heavily residential", and also noted that to the north of this site is a piece of land currently for sale. He inquired who would be willing to develop this piece of land knowing there is a cell tower in close proximity. Mr. Rogers noted that with the growing use of wireless networks, it is difficult to develop commercial and even residential areas if there is not good wireless service. Referring back to Doug Seymour's opening statements about the local governments having little control over the location of cell towers, Commissioner Dickmann inquired what control, if any, the City will have in this decision. Mr. Seymour answered that anything in our local City ordinances that is in conflict with the state statutes is basically null and void. There are proposals at various levels of state government that would help the situation somewhat; however these proposals have been stalled in the legislative process. His suggestion to those concerned with the proposed location of the cell tower is to look at any pending legislation with the Assembly and Senate. Mr. Seymour

deferred comments to Planner Papelbon to address the issue of what the City can and cannot regulate. Ms. Papelbon stated that according to statute:

- the City may not impose environmental testing, sampling, or monitoring requirements or other compliance measures for radiofrequency emissions on mobile service facilities or mobile radio service providers.
- we cannot enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the City.
- we cannot enact or enforce an ordinance related to radiofrequency signal strength or the adequacy of mobile service quality.
- we cannot disapprove an application based solely on the height of the service support structure or on whether the structure requires lighting. (This proposal does not require lighting).
- we cannot disapprove an application based on an assessment by the City of the suitability of other locations for conducting the activity.
- we cannot impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

In regard to the last point above, Ms. Papelbon elaborated that US Cellular has submitted a fall zone analysis but the City cannot require an additional setback for that fall zone analysis. The City would need to abide by the setbacks that would be allowed for any commercial business in the B-2 district. The proposal is for a 120-foot tall wireless telecommunications monopole with a 6-foot lightning rod and the associated equipment. They have provided letters from the FAA and the county airport indicating no objection to the placement of the tower. US Cellular would construct the tower and the enclosure. Ms. Papelbon displayed a rendering of the proposed site location, noting specifics about the structure, equipment, and enclosure included in the staff report. She emphasized that a recommendation for approval of this conditional use permit by the Plan Commission does not automatically constitute an approval of the site plan. The applicant is aware that the item would have to come back and appear before the Plan Commission for approval.

Commissioner Correll stated that other locations in Oak Creek where cellular towers are currently located have not necessarily seen a reported decline in property values. He cited his own neighborhood where We Energies currently has towers located. This development is full to capacity and features some very nice homes at high values; he feels the towers in other locations are more distracting than this proposed one would be. He inquired where the other cellular sites are within the City. Mayor Bukiewicz stated that there is a facility located at the Street Department with the closest subdivision directly across the road on Puetz, and also to the north at Glen Crossing subdivision, which features homes in the \$300,000 range within approximately a quarter mile of the tower. Other locations are near the Little League Park in an industrial area, near the Legion post, as well as near the storage facility on Ryan Rd. Commissioner Siepert added there is another location at the Fire Department, and Planner Papelbon mentioned the tower located on 27th Street near Pick 'n Save.

Mayor Bukiewicz stated that he does not feel this is an appropriate location for a cellular tower, that it is too close to the residential developments nearby, but acknowledges that our communities depend on the technology the towers provide. Unfortunately, with local control being taken away, the City is powerless to make decisions that are in opposition with the state.

Alderman Guzikowski inquired how the wetland area within Rawson Village Estates subdivision is affected. Planner Papelbon answered that the tower is not proposed to be in the wetland, but on existing impervious surfaces. The City has no control over its location in proximity to the wetland.

Mayor Bukiewicz commented that although he does not devalue the effect on the immediate neighborhood, but over time, the tendency is for the structure to become less noticeable. As a former 2nd District Alderperson, he recalls that residents of Glen Crossing subdivision were extremely upset about the construction of a cellular tower near their neighborhood, but over time, it became more of an issue of how to make it blend in with the existing landscape and there has been no additional opposition since that point. He again emphasized that the City has very little control over this decision and invited Mr. Rogers to again address the Commission. Mr. Rogers stated that US Cellular does not wish to make any enemies among the residents living in the area; they do not like to build towers if they can avoid it. His initial job was to find an existing structure that was tall enough to support cellular activity, but in this case there were no existing facilities that would be workable. He cited several analogies: our forefathers probably did not want a telephone pole every 200 feet, but they wanted the telephone service; people complain about the sewer covers in the roads that do damage to our vehicles, but we need the sewer system – this is a similar scenario. He referred to US Cellular as a “quasi-utility” at this point; someday cellular providers may be considered utility companies. They do not want to put up additional towers, but they are a necessity to make the network function properly.

Commissioner Chandler inquired if the height of the tower and distance from the residents are within the City’s control. Planner Papelbon answered that the City has no control over these items. Doug Seymour added that at the appropriate time when the Plan Commission is reviewing the site plan, the City will have the authority on to make decisions about anything in our local ordinances that are not specifically addressed in the state statutes, though he cannot speculate at this time on what those items might be.

Alderman Loreck asked what the consequence would be if the Plan Commission were to deny the conditional use request – would they just be overruled by the state. Mayor Bukiewicz responded that the state would not do this, but we would be subjected to a lawsuit.

Commissioner Chandler questioned whether there are any records supporting or denying what the residents are saying with regard to health issues or impact to real estate values. Planner Papelbon stated that the City has no reports that would support or deny those claims; she can only refer to the state statute that says we have no control over the radiofrequency requirements. Property values are not specifically addressed by the state, but Planner Papelbon reported that while any development has the potential to affect property values to some extent, she has no data to illustrate any specific impact on property values by the presence of cellular towers.

Tom Pappalardo, 2255 E Village Dr., Oak Creek:

Mr. Pappalardo inquired whether there was any picture of what the tower would actually look like. Planner Papelbon displayed a series of renderings showing views of the site on Rawson Avenue from the west, and on Nicholson Avenue from the south.

Commissioner Correll reiterated Mr. Rogers’ comments that the cellular companies are considered utilities to some extent and he understands how little control we have over the placement of facilities. Commissioner Dickmann referred to other appeals for cellular towers at past Plan Commission meetings, and recalls that the Commission was provided with information as to signal strength, signal patterns, the areas that would be covered. In short, the Commission was made part of the planning. Planner Papelbon displayed a rendering of the coverage boundaries for the new tower. Commissioner Correll asked what opportunities there are for co-location with other providers. Mr. Rogers noted that there are master lease agreements with among carriers stating which companies can access the cell towers of other companies, but all of the towers constructed by US Cellular are a minimum of three-carrier towers, but can go up to five carriers depending on the height. The standard height for a cellular tower is 150 feet; this tower at 120 feet is relatively low but provides space for two other carriers and can make it three

if the commission recommends it. Commissioner Correll inquired at what point that decision would be made. Mr. Rogers answered that it could just be made a stipulation of the conditional use permit. Mr. Seymour added that it would be part of the Conditions and Restrictions when it comes back to be readdressed by the Plan Commission.

Nicole Hoshi, 2240 E. Ash Ct., Oak Creek:

Ms. Hoshi indicated her understanding is that she is the only resident that was notified of the hearing and is probably the closest house to where the tower is proposed to be built. At this point, her family has a beautiful view of the wetland area and she feels that the tower will detract from the natural beauty of the area. She inquired whether it will be taken into consideration that the tower would be located less than 100 feet from the HOA wetlands. Doug Seymour reiterated that per state statute, the City cannot impose any setback regulation greater than that which would be imposed on any other commercial structure in that zoning district (he believes it is 25 feet), therefore the City cannot enforce the prior ordinance.

Commissioner Carrillo inquired whether the City would have any choice in what type of fencing material was used around the structure to improve the appearance for the neighbors (i.e., something other than a Cyclone fence). Planner Papelbon indicated she would check into it, but did not believe the City had any leeway with regard to aesthetics. Doug Seymour added that the City recently required a masonry enclosure for the equipment around the cell tower at the Fire Department.

Erald Hoshi, 2240 E. Ash Ct., Oak Creek:

Mr. Hoshi expressed stated that the presence of this cell tower of this height would set a precedence for other towers to be constructed around the City and is concerned about the overall aesthetic impact on the City. Mayor Bukiewicz encouraged Mr. Hoshi to contact his State Representative to address the issue.

Commissioner Dickmann asked when the tower was expected to be constructed after final approval – whether it would be a long or short-range project. Mr. Rogers indicated that they are at the early stage of approval. There are various levels of approval that must be met, and they are in the process of applications for approval at these various levels, but he anticipates construction would be during the fourth quarter of this year if possible.

Mayor Bukiewicz called for a motion.

Commissioner Correll moved that the Plan Commission recommends that the Common Council approves a Conditional Use Permit allowing a wireless telecommunications pole and associated facility on the property at 2330 E. Rawson Ave. after a public hearing and subject to conditions and restrictions that will be prepared for the Commission's review at the next meeting (August 22, 2017).

Commissioner Johnston seconded. On roll call: all voted aye except Alderman Guzikowski who voted no. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8/22/17

Date

(12) CONSTRUCTION. (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

The common law right to solar access is discussed. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Numrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00–1643.

Wisconsin recognizes the power of the sun: *Prah v. Maretti* and the solar access act. 1983 WLR 1263.

66.0404 Mobile tower siting regulations. (1) DEFINITIONS. In this section:

(a) “Antenna” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) “Application” means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

(c) “Building permit” means a permit issued by a political subdivision that authorizes an applicant to conduct construction activity that is consistent with the political subdivision’s building code.

(d) “Class 1 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(e) “Class 2 collocation” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) “Collocation” means class 1 or class 2 collocation or both.

(g) “Distributed antenna system” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

(h) “Equipment compound” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) “Existing structure” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

(j) “Fall zone” means the area over which a mobile support structure is designed to collapse.

(k) “Mobile service” has the meaning given in 47 USC 153 (33).

(l) “Mobile service facility” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

(m) “Mobile service provider” means a person who provides mobile service.

(n) “Mobile service support structure” means a freestanding structure that is designed to support a mobile service facility.

(o) “Permit” means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

1. A class 1 collocation.
2. A class 2 collocation.
3. The construction of a mobile service support structure.

(p) “Political subdivision” means a city, village, town, or county.

(q) “Public utility” has the meaning given in s. 196.01 (5).

(r) “Search ring” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

(s) “Substantial modification” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.

4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

(t) “Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

(u) “Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(2) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATION OF FACILITIES AND SUPPORT STRUCTURES. (a) Subject to the provisions and limitations of this section, a political subdivision may enact a zoning ordinance under s. 59.69, 60.61, or 62.23 to regulate any of the following activities:

1. The siting and construction of a new mobile service support structure and facilities.

2. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.

(b) If a political subdivision regulates an activity described under par. (a), the regulation shall prescribe the application process which a person must complete to engage in the siting, construction, or modification activities described in par. (a). The application shall be in writing and shall contain all of the following information:

1. The name and business address of, and the contact individual for, the applicant.

2. The location of the proposed or affected support structure.

3. The location of the proposed mobile service facility.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the

proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(c) If an applicant submits to a political subdivision an application for a permit to engage in an activity described under par. (a), which contains all of the information required under par. (b), the political subdivision shall consider the application complete. If the political subdivision does not believe that the application is complete, the political subdivision shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(d) Within 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period:

1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(e) A political subdivision may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under par. (b) 6.

(f) A party who is aggrieved by the final decision of a political subdivision under par. (d) 2. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(g) If an applicant provides a political subdivision with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the political subdivision provides the applicant with substantial evidence that the engineering certification is flawed.

(h) A political subdivision may regulate the activities described under par. (a) only as provided in this section.

(i) If a political subdivision has in effect on July 2, 2013, an ordinance that applies to the activities described under par. (a) and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the activity.

(3) COLLOCATION ON EXISTING SUPPORT STRUCTURES. (a) 1. A class 2 collocation is a permitted use under ss. 59.69, 60.61, and 62.23.

2. If a political subdivision has in effect on July 2, 2013, an ordinance that applies to a class 2 collocation and the ordinance is inconsistent with this section, the ordinance does not apply to, and may not be enforced against, the class 2 collocation.

3. A political subdivision may regulate a class 2 collocation only as provided in this section.

4. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

(b) If an applicant submits to a political subdivision an application for a permit to engage in a class 2 collocation, the application shall contain all of the information required under sub. (2) (b) 1. to 3., in which case the political subdivision shall consider the application complete. If any of the required information is not in the application, the political subdivision shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(c) Within 45 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 45 day period:

1. Make a final decision whether to approve or disapprove the application.

2. Notify the applicant, in writing, of its final decision.

3. If the application is approved, issue the applicant the relevant permit.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) A party who is aggrieved by the final decision of a political subdivision under par. (c) 1. may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

(4) LIMITATIONS. With regard to an activity described in sub. (2) (a) or a class 2 collocation, a political subdivision may not do any of the following:

- (a) Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.

- (b) Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.

- (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision.

- (d) Charge a mobile radio service provider a fee in excess of one of the following amounts:

1. For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by a political subdivision for a building permit for any other type of commercial development or land use development.

2. For a permit for an activity described in sub. (2) (a), \$3,000.

- (e) Charge a mobile radio service provider any recurring fee for an activity described in sub. (2) (a) or a class 2 collocation.

- (f) Permit 3rd party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.

- (g) Disapprove an application to conduct an activity described under sub. (2) (a) based solely on aesthetic concerns.

- (gm) Disapprove an application to conduct a class 2 collocation on aesthetic concerns.

- (h) Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.

- (i) Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. There is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this paragraph.

- (j) Prohibit the placement of emergency power systems.

- (k) Require that a mobile service support structure be placed on property owned by the political subdivision.

(L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.

(m) Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.

(n) Limit the duration of any permit that is granted.

(o) Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.

(p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.

(q) Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.

(r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.

(s) Consider an activity a substantial modification under sub. (1) (s) 1. or 2. if a greater height is necessary to avoid interference with an existing antenna.

(t) Consider an activity a substantial modification under sub. (1) (s) 3. if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.

(u) Limit the height of a mobile service support structure to under 200 feet.

(v) Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.

(w) Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

(5) APPLICABILITY. If a county enacts an ordinance as described under sub. (2) the ordinance applies only in the unincorporated parts of the county, except that if a town enacts an ordinance as described under sub. (2) after a county has so acted, the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.

History: 2013 a. 20, 173.

66.0405 Removal of rubbish. Cities, villages and towns may remove ashes, garbage, and rubbish from such classes of places in the city, village or town as the board or council directs. The removal may be from all of the places or from those whose owners or occupants desire the service. Districts may be created and removal provided for certain districts only, and different regulations may be applied to each removal district or class of property. The cost of removal may be funded by special assessment against the property served, by general tax upon the property of the respective districts, or by general tax upon the property of the city, village or town. If a city, village or town contracts for ash, garbage or rubbish removal service, it may contract with one or more service providers.

History: 1993 a. 246; 1999 a. 150 s. 119; Stats. 1999 s. 66.0405.

66.0406 Radio broadcast service facility regulations.

(1) DEFINITIONS. In this section:

(a) "Political subdivision" means any city, village, town, or county.

(b) "Radio broadcast services" means the regular provision of a commercial or noncommercial service involving the transmission, emission, or reception of radio waves for the transmission of sound or images in which the transmissions are intended for direct reception by the general public.

(c) "Radio broadcast service facilities" means commercial or noncommercial facilities, including antennas and antenna support structures, intended for the provision of radio broadcast services.

(2) LIMITATIONS ON LOCAL REGULATION. Beginning on May 1, 2013, if a political subdivision enacts an ordinance, adopts a resolution, or takes any other action that affects the placement, construction, or modification of radio broadcast service facilities, the ordinance, resolution, or other action may not take effect unless all of the following apply:

(a) The ordinance, resolution, or other action has a reasonable and clearly defined public health or safety objective, and reflects the minimum practical regulation that is necessary to accomplish that objective.

(b) The ordinance, resolution, or other action reasonably accommodates radio broadcast services and does not prohibit, or have the effect of prohibiting, the provision of such services in the political subdivision.

(3) CONTINUED APPLICATION OF EXISTING REGULATIONS. If a political subdivision has in effect on May 1, 2013, an ordinance or resolution that is inconsistent with the requirements that are specified in sub. (2) for an ordinance, resolution, or other action to take effect, the existing ordinance or resolution does not apply, and may not be enforced, to the extent that it is inconsistent with the requirements that are specified in sub. (2).

(4) DENIAL OF PLACEMENT, CONSTRUCTION, OR MODIFICATION OF FACILITIES. If a political subdivision denies a request by any person to place, construct, or modify radio broadcast service facilities in the political subdivision, the denial may be based only on the political subdivision's public health or safety concerns. The political subdivision must provide the requester with a written denial of the requester's request, and the political subdivision must provide the requester with substantial written evidence which supports the reasons for the political subdivision's action.

History: 2013 a. 20; 2013 a. 173 s. 33.

66.0407 Noxious weeds. (1) In this section:

(a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

(b) "Noxious weed" means Canada thistle, leafy spurge, field bindweed, any weed designated as a noxious weed by the department of natural resources by rule, and any other weed the governing body of any municipality or the county board of any county by ordinance or resolution declares to be noxious within its respective boundaries.

(3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

(4) The chairperson of each town, the president of each village and the mayor or manager of each city may annually on or before May 15 publish a class 2 notice, under ch. 985, that every person is required by law to destroy all noxious weeds, as defined in this section, on lands in the municipality which the person owns, occu-

SEC. 17.0503 ANTENNAS

Antennas, including earth station dish antennas, are permitted as accessory uses. Terrestrial antennas may be located in the rear yard or on the roof of the principal structure in all residential districts. Earth station dish antennas may be located in the rear yard in any residential district. Terrestrial antennas and earth station dish antennas may be located in the side or rear yard or on the roof of the principal structure in all agricultural, business, manufacturing, institutional or park districts. In addition:

- (a) All Antennas, including earth station dish antennas, shall be manufactured and installed in compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations and applicable City building and electrical codes.
- (b) Not More Than one (1) terrestrial and one (1) earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
- (c) Earth Station Dish Antennas shall be located and designed to reduce their visual impact on surrounding properties.
- (d) No Form of Advertising or identification may be displayed on the dish or framework of an earth station dish other than the customary manufacturer's identification plates, except on an earth station dish that is less than 24" in diameter.
- (e) Portable or trailer-mounted antennas are not permitted; with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two (2) days at any one location.
- (f) Communication Structures, such as radio and television transmission and relay towers, aerials, and radio and television receiving and transmitting antennas, not including ground and building-mounted earth station dish antennas, shall not exceed a height of three times their distance from the nearest lot line. Ground-mounted earth station dish antennas shall not exceed a height of 15 feet. Building-mounted earth station dish antennas shall not exceed the maximum height regulation of the district in which they are located.

SEC. 17.0504 WIRELESS TELECOMMUNICATION SITES

- (a) Background and Purpose. Recent advances in wireless communications technology have resulted in a new generation of telecommunication services. These new services transmit electromagnetic waves of such a frequency and

power that will likely require numerous antenna locations. These antennas may be located on buildings, water towers and other similar structures but will also frequently be located on new or enlarged towers. This requires that the City of Oak Creek regulate these wireless communication system facilities in a different manner than conventional television and radio transmission towers, which are able to transmit their signals at much greater distances.

A number of providers of wireless communication services have recently been licensed by the Federal Communications Commission and additional providers are expected to be licensed in the near future. These firms are expected to pursue antenna sites within the City of Oak Creek and these efforts are expected to include requests to construct new communication towers.

The intent of this proposed regulation is to provide for the establishment and or expansion of wireless telecommunication services within the City of Oak Creek while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunication facilities through careful design, siting and screening. More specifically this regulation has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
- Encourage providers to co-locate their facilities on a single tower;
- Minimize the location of facilities in visually sensitive areas;
- Encourage creative design measures to camouflage facilities;
- Protect residential areas from potential adverse impacts of communication towers;
- Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

- (b) Location Preferences. The locations for siting the equipment involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services are listed in the following order of preference.

1. On existing structures such as buildings, water towers and utility poles.
2. On existing towers that otherwise meet local, State and Federal regulations.
3. On new towers less than 100 feet in height located in institutional zones.

4. On new towers 100 feet or greater in height located in institutional zones.
 5. On new towers less than 100 feet in height located in commercial or industrial zones.
 6. On new towers 100 feet or greater in height located in commercial and industrial zones.
 7. On new towers less than 100 feet in height located in residential zones.
 8. On new towers 100 feet or greater in height located in residential zones.
- (c) Permitted Uses. The following uses which, generally pose minimum adverse visual effect shall be permitted without review by the City of Oak Creek Plan Commission. Such permitted uses must obtain a building permit, and are subject to the submittal requirements established in Sections 17.1004 and 17.0504(e) of the Municipal Code.
1. Wireless telecommunications sites where the antenna is mounted to existing buildings, towers, utility poles, water towers, light standards or other structures provided the following standards are met:
 - a. No changes are made to the height of such structure.
 - b. No panel antenna shall exceed 72 inches in height and 24 inches in width.
 - c. No dish antenna shall exceed 3 feet in diameter.
 - d. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the City of Oak Creek as part of the site plan review.
- (d) Uses Allowed Only by Conditional Use Permit. Wireless telecommunications sites not otherwise permitted in subsection (c) shall be considered conditional uses in all zoning districts. In addition to specific requirements listed in Subsections (f) and (g), the standards provided in Section 17.1007 shall also apply to applications submitted under this section. Section 17.1007 shall also apply to application procedures, hearing and notice requirements.
- (e) Site Plan Requirements. All proposals to develop a wireless telecommunication site shall be subject to the site plan requirements listed in Section 17.1009 of these regulations. In addition the following information shall be submitted:
1. Permitted Use:
 - a. A plan showing where and how the proposed antenna will be affixed to a building or structure.
 2. Conditional Use Permit.
 - a. All of the plans and information required for Permitted Uses in the previous subsection.
 - b. Details of all proposed antenna and mounting equipment including size and color.
 - c. An elevation of all proposed equipment buildings or boxes and details of all proposed fencing and screening.
 - d. A design drawing including cross section and elevation of all proposed towers. A description of the tower's capacity including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separation distances between antennas. Where a monopole is proposed the design shall illustrate how the tower will collapse upon itself without encroaching upon any adjoining property line.
 - e. A report from a licensed engineer indicating that the proposed wireless telecommunication site will comply with the emission standards found in this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.
 - f. An analysis of the fall zone for the proposed tower prepared by a licensed engineer.
 - g. Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunications services that the proposed tower is designed to support.
 - h. A report or letter from the Federal Aviation Administration (FAA) that the proposed tower complies with all airport safety requirements of and for General Mitchell International Airport.
 - i. A map depicting the extent of the provider's planned coverage within the City of Oak Creek and the service area of the proposed wireless telecommunication site.
 - j. A map indicating the search radius for the proposed wireless telecommunication site.

- b. Upon request of the Commission the applicant shall provide a simulation of the proposed wireless telecommunication site in order to help the Commission ascertain the visual impacts associated with such proposal.
 - c. For towers located in a residential zoning district or within 1,000 feet of a residential zoning district, the applicant shall provide a view shed analysis showing all areas from which the tower would be visible.
- (f) Height and Setback Requirements.
- 1. Height
 - a. The maximum height of a tower proposed under Section 17.0504 shall be 200 feet including the antenna and all other appurtenances. The height of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.
 - b. The maximum height of any rooftop mounted equipment building or box shall be 15 feet above the roof surface.
 - 2. Setbacks.
 - a. All freestanding monopole towers shall comply with the following minimum property line setbacks:
 - 1) Front Yard or Street Yard – A distance equal to $\frac{3}{4}$ of the height of the tower or the setback required for the underlying zone, whichever is greater.
 - 2) Side or Rear Yards in residential zones, 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
 - 3) Side or Rear Yards in nonresidential zones, 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. Where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.
 - b. All other towers in residential zones shall provide a setback from any property line that is equal to 125 percent of the proposed tower height or 200 feet whichever is greater.
 - c. All other towers in nonresidential zones shall provide a setback from any property line equal to the height of the tower.
 - d. All equipment buildings/boxes or equipment areas, which are each 50 square feet or greater in area, shall comply with the minimum property line setbacks for a principal building in the underlying zone.
 - e. All equipment buildings/boxes or equipment areas which are each less than 50 square feet in area shall comply with the following minimum property line setbacks:
 - 1) Front Yard or Street Yard – Same as for a principal building in the underlying zone.
 - 2) Rear and Side Yards – 5 feet.
- (g) General Requirements
- 1. No wireless telecommunication site shall be located within 200 feet of an existing or proposed residence.
 - 2. No lights shall be mounted on proposed towers unless otherwise required by the FAA. All strobe lighting, except for municipal purposes, shall be avoided if possible.
 - 3. Towers not requiring special FAA painting or markings shall be painted a non-contrasting blue or gray.
 - 4. Towers may not be used to exhibit any signage or other advertising.
 - 5. Any proposed tower shall be designed in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional comparable antenna if the tower is between 50 and 100 feet in height. The Plan Commission may require the tower to be of such design as to allow for future rearrangement of antennas upon the tower and to accommodate antennas mounted at varying heights.
 - 6. Antennas or equipment buildings/boxes mounted to or on buildings or structures shall, to the greatest degree possible, blend with the color and design of such building or structure.
 - 7. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
 - 8. All applications for wireless telecommunication sites within the Floodplain zoning districts shall comply with the stand-

- ards found in Section 17.0321 of these regulations.
9. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for emissions.
 10. All utilities proposed to serve new wireless telecommunication sites shall be installed underground unless otherwise approved by the Plan Commission.
 11. All generators installed in conjunction with any wireless telecommunication site shall comply with all local noise regulations.
- (h) Factors Upon Which Conditional Use Permit Decisions of the Plan Commission Shall Be Based. In considering applications for wireless telecommunication sites, the Plan Commission shall also find:
1. In the case where an application for the proposed location of a wireless telecommunication facility is not a preferred site as identified in Section 17.0504(b)(1) through (8), that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
 - a. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.
 - b. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified licensed engineer and that such deficiencies cannot be eliminated at a reasonable cost as determined by the Plan Commission.
 - c. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by the applicant as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost as determined by the Plan Commission.
 - d. Any restriction or limitation imposed by the FCC.
 - (i) Abandonment. A wireless telecommunication site not in use for 12 consecutive months shall be removed by the service facility owner. This removal shall occur within 90 days of the end of such 12-month period. Upon removal, the site shall be restored to its previous appearance and, where appropriate, revegetated to blend with the surrounding area. If the service facility owner fails to remove their facilities within this time frame, after receiving prior written notice from the City, the City shall remove said facilities and shall charge the cost of such removal to the property involved, pursuant to Wis. Stats. Sec. 66.0413.
 - (j) Expiration of Permit. The approval of an application for conditional use permit shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Common Council. For purposes of this regulation, start of construction shall be defined as the installation of a permanent building foundation or slab. The Common Council may grant up to two six-month extensions of the time to start construction upon written request by the applicant. The Common Council shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. The Common Council may, as a condition of approval of a conditional use permit, establish a time period that such conditional use permit shall remain in effect.

Ordinance #2106 A 1/4/01 Sec. 17.0504

OFFICIAL NOTICE

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

PURPOSE: The purpose of this public hearing is to consider a request by St. Matthew's Congregation to rezone a portion of the property at 9261 S. Chicago Rd. from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr. from Rs-2, Single Family Residential to I-1, Institutional.

Hearing Date: September 5, 2017
Time: 7:00 PM
Place: Oak Creek City Hall
8040 South 6th St.
Oak Creek, WI 53154
Common Council Chambers

Applicant: St. Matthew Congregation
Property Owner: St. Matthew Congregation & Parish
Property Location: 9261 S. Chicago Rd. & 9348R S. Regency Dr.
Tax Key(s): 869-9973-000 & 870-9978-002

Legal Description:

Parcel 1 (west portion): Tax Key No: 869-9973-000 Address: 9261 S. Chicago Rd.

COM 169.50 FT. E. & 446.50 FT. S. OF NW COR OF S1/2 OF N1/2 OF SE1/4 SEC 23-5-22 TH E. 199.53 FT. S. 83.23 FT. W. 199.53 FT. TH N. 83.23 FT. TO BEG. CONT. 0.38 ACS.

Parcel 2: Tax Key No: 870-9978-002 Address: 9348R S. Regency Dr.

COM 1191.96 FT N & 289.08 FT W OF SE COR SW 23-5-22 TH N 131.87 FT W 193.64 FT TO W.E.P.CO ELY R-O-W LI, TH SELY ON SD R-O-W LI TO POC (0.480 AC).

The Common Council has scheduled other public hearings for September 5, 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: July 27, 2017
CITY OF OAK CREEK COMMON COUNCIL
By: Daniel J. Bukiewicz, 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 of 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, 8040 South 6th Street, Oak Creek, Wisconsin 53154.

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 9

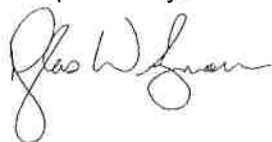
Recommendation: That the Common Council adopts Ordinance No. 2866, an ordinance to rezone a portion of the property at 9261 S. Chicago Rd. from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr. from Rs-2, Single Family Residential to I-1, Institutional.

Background: At the July 25, 2017 meeting, the Plan Commission recommended Common Council approval of rezoning a portion of the St. Matthew property at 9261 S. Chicago Rd. from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr. from Rs-2, Single Family Residential to I-1, Institutional. Both of the areas requested to be rezoned were combined via a CSM approved at the end of July (to be recorded).

Future use of the property will be related to the existing institutional uses, including a possible expansion of the parking lot and/or cemetery. No plans have been submitted for either potential project. Rezoning the properties to I-1 recognizes the existing and continued use for institutional purposes.

Fiscal Impact: Approval of this zoning change will allow for the continued use of the property for Institutional (e.g., religious, educational) purposes, and eliminate the "split zoning" of the parcel. The zoning change will not have a direct fiscal impact. However any change in use may affect the taxable status of the property at 9261 S. Chicago Road.

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

ORDINANCE NO. 2866

By: _____

AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY AT 9261 S. CHICAGO RD. FROM RS-3, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL, AND THE PROPERTY AT 9348R S. REGENCY DR. FROM RS-2, SINGLE FAMILY RESIDENTIAL TO I-1, INSTITUTIONAL

(4TH Aldermanic District)

WHEREAS, ST. MATTHEW'S CONGREGATION has applied for a rezoning of a portion of the property at 9261 S. Chicago Rd. from Rs-3, Single Family Residential to I-1, Institutional, and the property at 9348R S. Regency Dr. from Rs-2, Single Family Residential to I-1, Institutional.

WHEREAS, the property is more precisely described as follows:

Parcel 1, 9261 S. Chicago Rd. (west portion)

COM 169.50 FT. E. & 446.50 FT. S. OF NW COR OF S1/2 OF N1/2 OF SE1/4 SEC 23-5-22 TH E. 199.53 FT. S. 83.23 FT. W. 199.53 FT. TH N. 83.23 FT. TO BEG. CONT. 0.38 ACS.

Parcel 2, 9348R S. Regency Dr.:

COM 1191.96 FT N & 289.08 FT W OF SE COR SW 23-5-22 TH N 131.87 FT W 193.64 FT TO W.E.P.CO ELY R-O-W LI, TH SELY ON SD R-O-W LI TO POC (0.480 AC).

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

WHEREAS, the Common Council held a public hearing on said application on September 5, 2017, at which time all interested parties appeared and were heard; and

WHEREAS, following said public hearing and with the favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved; and

WHEREAS, following said public hearing and upon favorable recommendation of the Plan Commission, the Common Council is of the opinion that the best interests of the City would be served if the rezoning was approved for the lands hereinabove described.

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

SECTION 1: To promote the general welfare, public safety and general planning within the City of Oak Creek, the lands hereinabove described are hereby rezoned from Rs-3, Single Family Residential and Rs-2, Single Family Residential to I-1, Institutional, and the Zoning Map of Chapter 17 of the Municipal Code is hereby amended to reflect the rezoning.

SECTION 2: 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 3: 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 4: The rezoning shall take place contemporaneously with the enactment of this ordinance and shall take effect immediately upon its passage and publication.

Passed and adopted this 5th day of September, 2017.

President, Common Council

Approved this 5th day of September, 2017.

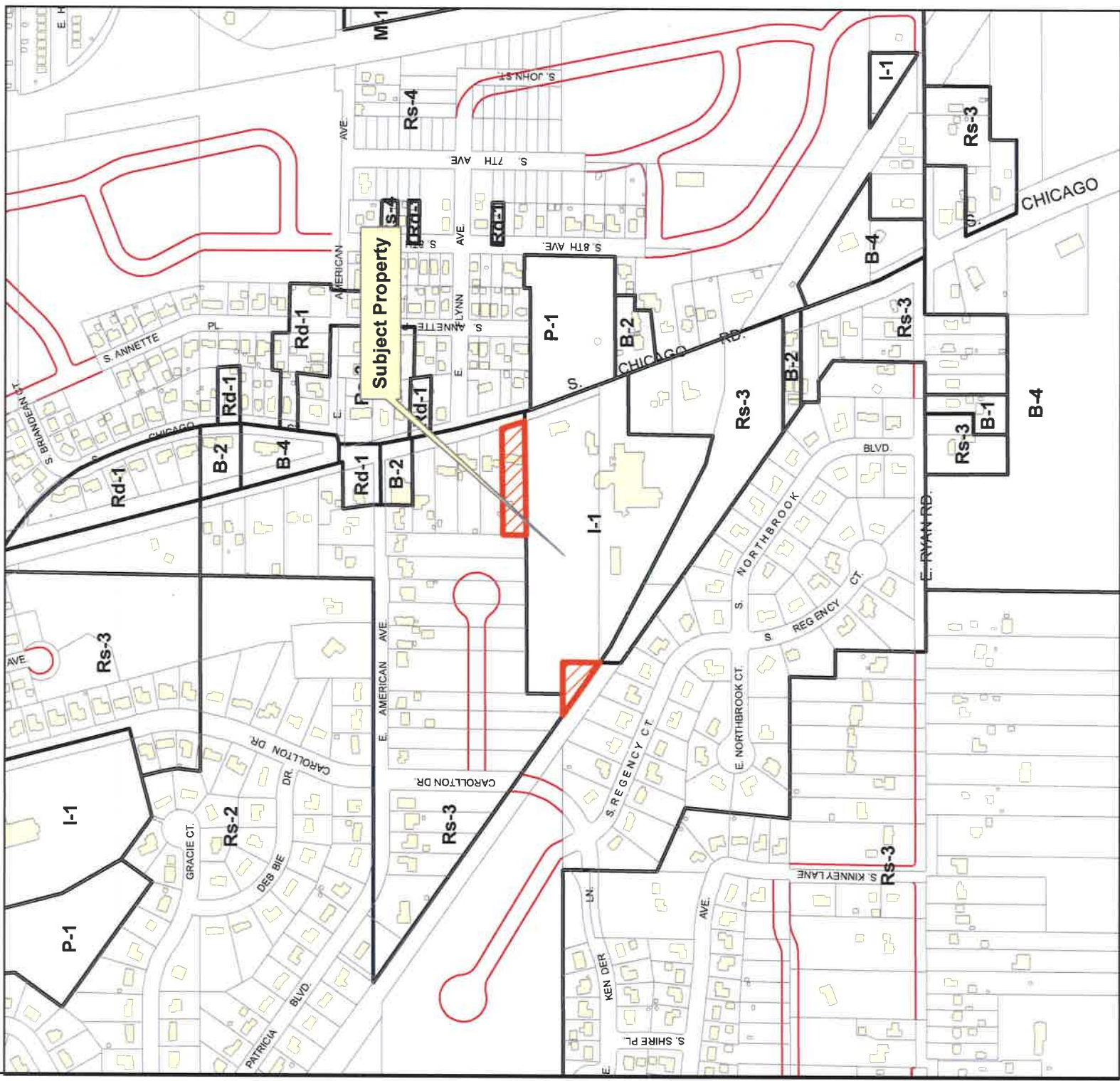
Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map 9261 & 9348R S. Chicago Rd.



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



OAKCREEK
WISCONSIN

Department of Community Development



Legend

	9248R S. Chicago Rd.		9261 S. Chicago Rd.	Zoning Overlays	C-1-Shoreland Wetland
	9248R S. Chicago Rd.		9261 S. Chicago Rd.		FF-Flood Fringe
	9248R S. Chicago Rd.		9261 S. Chicago Rd.		Lakefront Overlay
	9248R S. Chicago Rd.		9261 S. Chicago Rd.		NO-Mixed Use Neighborhood
	9248R S. Chicago Rd.		9261 S. Chicago Rd.		OO-Mixed Use Office
	9248R S. Chicago Rd.		9261 S. Chicago Rd.		RR-Regional Retail

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, JULY 25, 2017**

**CERTIFIED SURVEY MAP
ST. MATTHEW'S CONGREGATION
9261, 9303, 9329 AND 9348R S. CHICAGO RD.
TAX KEY NO. 869-9973-000, 869-9972-002, 869-9971-000 AND 870-9978-002**

Planner Papelbon provided an overview of the request (see staff report for details).

Mayor Bukiewicz read the following comment into the record from Charles Surrett, 3501 E. American Avenue:

"Parts of the provided map are inaccurate, for example Carrollton ends at American, but the map shows it continuing to the power lines."

Planner Papelbon responded that staff will look at that as it could just be a mapping error.

Commissioner Correll moved that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by St. Matthew Congregation for the properties at 9261, 9303, 9329, and 9348R S. Chicago Rd. be approved, with the following conditions:

1. That all easements are shown and clearly labeled on the map prior to recording.
2. 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.

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

**REZONE
ST. MATTHEW'S CONGREGATION
9261 AND 9348R S. CHICAGO RD.
TAX KEY NO. 869-9973-000 AND 870-9978-002**

Planner Papelbon provided an overview of the request (see staff report for details).

Commissioner Dickmann moved that the Plan Commission recommends to the Common Council that a portion of the property at 9261 and 9348R S. Chicago Rd. be rezoned from Rs-3, Single Family Residential and Rs-2, Single Family Residential to I-1, Institutional after a public hearing. Commissioner Correll seconded. On roll call: all voted aye. Motion carried.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8/8/17

Date

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 11

Recommendation: That the Common Council approve Resolution No. 11852-090517 accepting the liability insurance proposal dated June 30, 2017 from Cities and Villages Mutual Insurance Company (CVMIC), and agreeing to continued membership in CVMIC for policy years 2018-2020 based upon guaranteed premiums from CVMIC for these years. The City increased its self-insured retention (SIR) from \$50,000 to \$75,000 in the 2016 policy year, and the \$75,000 amount is adequate for this renewal.

Background: The City of Oak Creek has been a member of Cities and Villages Mutual Insurance Company (CVMIC) since 2001. The organization was created in 1988 and currently has 49 member communities. These communities share insurance risk and coordinate services to produce high quality comprehensive insurance coverages at stable rates.

Attached is Resolution #11852-090517, which accepts a multi-year proposal from CVMIC to provide liability insurance coverage for the City in 2018-2020 at guaranteed costs of \$123,185 (2018), \$127,718 (2019) and \$130,272 (2020) with a selected SIR of \$75,000. Costs for the City's current 2017 liability coverages total \$120,181. In 2016, the City began the practice of placing earned dividends into a restricted fund to offset any required SIR payments. Dividends paid to City 3/1/17 were \$46,480 and dividends payable to City 3/1/18 will be \$44,126. The restricted fund has a year-to-date balance of \$63,445.94 available for claims payments. Staff recommends placing dividends into the restricted account through the 3/1/18 expected payable, and then re-assessing this practice to determine if the City should continue.

Fiscal Impact: Total fiscal impact over 2017 costs for the 2018-2020 policy term is a total of \$10,091.

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

Prepared and Submitted by:



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

RESOLUTION NO. 11852-090517

BY: _____

**A RESOLUTION ACCEPTING THE LIABILITY INSURANCE PROPOSAL
DATED JUNE 30, 2017 FROM CITIES AND VILLAGES
MUTUAL INSURANCE COMPANY**

WHEREAS, Cities and Villages Mutual Insurance Company ("CVMIC") was created in 1988 and currently has 49 member communities who share insurance risk and coordinate services to produce high quality comprehensive insurance coverages at stable rates; and

WHEREAS, CVMIC is an industry leader in providing risk management training and workplace safety training, in many different mediums, which training provides a significant additional value to the City of Oak Creek as a CVMIC member community; and

WHEREAS, the City of Oak Creek has been a member of CVMIC since 2001 and has purchased various types of insurance through CVMIC over the past 16 years; and

WHEREAS, CVMIC has provided a very reasonable multi-year proposal for liability insurance coverage for the City of Oak Creek at reasonable rates (see attached proposal); and

THEREFORE, BE IT RESOLVED by the Common Council of the City of Oak Creek that the City of Oak Creek does hereby accept the Liability Insurance Proposal dated June 30, 2017, from Cities and Villages Mutual Insurance Company ("CVMIC") and agrees to continue its membership in CVMIC for policy years 2018 and 2019 based on the premiums guaranteed by CVMIC for said policy years.

Passed and adopted this ____ day of September, 2017.

President, Common Council

Approved this ____ day of September, 2017.

Mayor

Attest:

City Clerk

Vote: Ayes _____ Noes _____



June 30, 2017

Mr. Andrew Vickers
City of Oak Creek
8040 S 6th Street
Oak Creek, WI 53154

RE: Two-Year Liability Renewal Package
2019-2020

Dear Andrew:

Cities and Villages Mutual Insurance Company (CVMIC) is pleased to provide your community with its two (2) year liability renewal package. CVMIC continues to provide your community with the best possible public entity, general liability and auto liability protection available in Wisconsin. This re-pricing continues CVMIC's approach of providing a long-term solution to your liability insurance needs.

Bickmore Risk Services has completed an actuarial review of CVMIC losses from 1988 to present. Their analysis has indicated that we continue to have very stable losses. The Board of Directors requested that Bickmore Risk Services review 2019-2020 premiums for both the current and next higher self-insured retention (SIR). Premium calculations were developed utilizing current loss data and the underwriting information members provided last fall for the reinsurance renewal.

The proposed pricing limits the experience modification to premium increases no greater than 15% and reductions no greater than 10% for 2018. Increases for 2018 will be as quoted in 2015.

Your premium options for the 2019 and 2020 policy years are set forth in Attachment One. These premiums are guaranteed for the two-year period, assuming that we achieve an adequate level of commitment for the renewal. In order to lock in these rates, we are asking that each member make their renewal commitment **by September 15, 2017**. Our general counsel, Mark Kircher of

Quarles & Brady, has provided instructions for making this two-year commitment to CVMIC (Attachment Two).

The Board implemented the two-year pricing cycle to ensure members will always know their liability insurance cost before beginning the budget process.

To confirm your community's commitment to CVMIC for the 2019-2020 policy years as outlined in Attachment One, it will be necessary to complete and sign the acceptance form at the bottom of Attachment One and return one signed copy in the postage paid envelope provided.

We look forward to continuing working with you. If you have any questions regarding re-pricing, please contact either Michelle Voskuil or myself.

Yours very cordially,

CITIES AND VILLAGES MUTUAL INSURANCE CO.

Kenneth Horner
Chief Executive Officer

Michelle Voskuil
Finance Director/CFO

KAH:mjv
Enc.



City of Oak Creek
ANNUAL PREMIUMS
 Policy Years 2018, 2019, 2020

ATTACHMENT ONE

- **Coverage includes:**
 - General Liability
 - Auto Liability
 - Excess Liability
 - Public Officials Liability
 - Law Enforcement Liability

- **Self-Insured Retention ("SIR")** is available at several levels.

- **Limits of Liability:**
 - \$5,000,000 per occurrence excess of SIR.

- **Defense Costs are included in the SIR.**

ANNUAL PREMIUMS:

(SIR) Occurrence / Aggregate


	<u>Current SIR</u>	<u>Optional SIR</u>
	\$75,000	\$100,000
<u>Policy Year</u>	<u>Option 1</u>	<u>Option 2</u>
2018	\$123,185	\$118,258
2019	\$127,718	\$122,609
2020	\$130,272	\$125,061

NOTE: The premiums stated herein are based on an expected number of renewals and are subject to review, depending on the actual number of renewals. With that qualification, they are guaranteed for the three-year policy period 2018, 2019 and 2020.

ACCEPTANCE

The City of Oak Creek agrees to continue as a member of CVMIC for the policy years 2018, 2019 and 2020 as outlined in Option 1 (\$75,000) [or] as outlined in Option 2 (\$100,000) (*please indicate*) at the corresponding guaranteed premiums set forth on the previous page.

ACCEPTED AND AGREED TO this 6th day of September, 2017.
City of Oak Creek

By  ANDREW J. VICKERS
Name

Its CITY ADMINISTRATOR
Title



City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 12


Recommendation: That the Common Council adopt Resolution No. 11854-090517, a Resolution Approving the Agreement to Record Declaration between the City of Oak Creek and One West Drexel LLC for Drexel Town Square.

Background: On May 30, 2014, a Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square ("DTS") (the "Declaration") was recorded against the properties in DTS. 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. On December 11, 2014, an Amendment to the Declaration clarifying membership and assessments was recorded. Neither the Declaration nor the Amendment were ever recorded against the property owned by the City in DTS. 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.

The Council recently approved modifications to the Declaration in anticipation of the Declaration being recorded against The Waters parcel at closing. This includes adoption of Resolution No. 11822-060617, a Resolution Approving the Modification to Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square and Resolution No. 11849-081517, a Resolution Approving an Agreement to Modify Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square. By agreeing to have the Declaration recorded against the City property in DTS, the City confirms its participation in and representation as part of the DTS Owners Association.

Fiscal Impact: Under the Declaration, the Owners Association bears the costs of maintenance related to the common areas of DTS. The City is not responsible for paying the regular assessments under the Declaration. This results in positive fiscal impact for the City.

Prepared by:



Melissa L. Karls
City Attorney

Respectfully submitted by:



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

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11854-090517

RESOLUTION APPROVING THE AGREEMENT TO RECORD DECLARATION
BETWEEN THE CITY OF OAK CREEK AND ONE WEST DREXEL LLC
FOR DREXEL TOWN SQUARE
(2nd Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Agreement to Record Declaration between the City of Oak Creek and One West Drexel LLC for Drexel Town Square be and the same is hereby approved.

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 5th day of September, 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 RECORD
DECLARATION**

Document Number

Document Title

This Agreement to Record Declaration ("Agreement") is made as of the ___ day of _____, 2017 by and between the City of Oak Creek, a Wisconsin municipal corporation (the "City"), and One West Drexel LLC, a Wisconsin limited liability company ("Declarant").

WITNESSETH:

WHEREAS, the City is the owner of that certain real property located in the City of Oak Creek described on Exhibit A attached hereto (the "Property").

WHEREAS, Declarant is the declarant under 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 (the "Declaration"; a copy of the Declaration is attached hereto as Exhibit B).

WHEREAS, the City and Declarant now desire to record the Declaration against the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Declarant agree that the Declaration shall be and hereby is recorded against the Property with the Milwaukee County Register of Deeds.

[Signatures appear on the following pages.]

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)

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: _____

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 1, 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: 813-9065

EXHIBIT B

Declaration

[Include the December 11, 2014 Amendment]

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 13

Recommendation: That the Common Council adopt Resolution No. 11855-090517, a Resolution Approving the Amended Services Agreement between Drexel Town Square Owners Association Inc. and the City of Oak Creek for Drexel Town Square.

Background: On June 20, 2017, the Common Council approved Resolution No. 11826-062017 approving the Services Agreement between The Drexel Town Square Owners Association (the "Association") and the City of Oak Creek for Drexel Town Square ("DTS"). Under the Services Agreement, the Association pays for the cost of maintenance of the common areas of DTS, and the City provides certain services within DTS for which it is compensated by the Association. These services include, in specified areas of DTS, sidewalk snow removal, lawn mowing and landscaping maintenance, trash pick-up from waste disposal containers and maintenance of bus stop areas.

With the Agreement to Record Declaration before the Council this evening for consideration and recommended approval, this proposed Amended Services Agreement simply clarifies on page 2 that the City is not responsible for paying regular assessments under the Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square. Rather, the costs for regular assessments were factored in when determining annual fees the Owners Association would pay the City for the City's services provided for in the agreement.

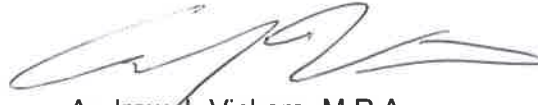
Fiscal Impact: Exhibit C of the Services Agreement details the annual fees to be paid to the City.

Prepared by:



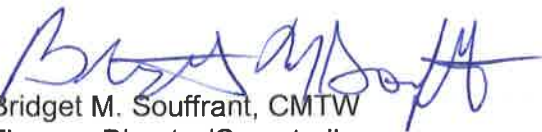
Melissa L. Karls
City Attorney

Respectfully submitted by:



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

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

RESOLUTION NO. 11855-090517

RESOLUTION APPROVING THE AMENDED SERVICES AGREEMENT
BETWEEN DREXEL TOWN SQUARE OWNERS ASSOCIATION INC. AND THE
CITY OF OAK CREEK FOR DREXEL TOWN SQUARE
(2nd Aldermanic District)

BE IT RESOLVED by the Mayor and Common Council of the City of Oak Creek that the Amended Services Agreement between Drexel Town Square Owners Association Inc. and the City of Oak Creek for Drexel Town Square be and the same is hereby approved.

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 5th day of September, 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 ____

SERVICES AGREEMENT

This **Services Agreement** (this "Agreement") is dated as of June ____, 2017 (the "Effective Date"), by and between Drexel Town Square Owners' Association Inc., a Wisconsin non-stock corporation (the "Association"), and the City of Oak Creek, a Wisconsin municipal corporation (the "City").

WITNESSETH:

WHEREAS, the Association is the association of owners of real estate in Drexel Town Square in the City of Oak Creek, Wisconsin (the "Development");

WHEREAS, the Association desires to have the City perform or furnish, or cause to be performed or furnished, certain services within the Development, as further described on Exhibit A attached hereto (the "Services"); and

WHEREAS, the City desires to provide the Services, on the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants set forth below and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. **Term.** This Agreement shall commence as of the Effective Date and continue for a period of five (5) years (the "Term"). Upon the expiration of the Term, this Agreement shall continue on an annual basis upon all the terms and conditions set forth herein, provided that either party may terminate the Agreement upon delivering written notice of such termination ninety (90) days in advance of such termination date.

2. **Scope of Services.**

(a) During the Term, upon the terms and conditions set forth in this Agreement, the City shall perform or furnish, or cause to be performed or furnished, the Services. Upon mutual agreement between the parties during the Term, the Association and the City may amend Exhibit A hereto to amend the scope of the Services to be provided by the City.

(b) The City agrees to provide the Services diligently and in a good and workmanlike fashion, and to complete the same within the time reasonably specified by the Association from time to time. The City specifically acknowledges and agrees that time is of the essence in the performance of the Services and of all other obligations under this Agreement.

(c) The City agrees to comply with all applicable laws, regulations, executive orders and ordinances relating to the Services or its performance thereof, including, without limitation, all environmental laws and regulations. On request of the Association, the City shall promptly furnish the Association with satisfactory evidence of compliance with all such laws, regulations, executive orders and ordinances.

3. **Compensation for Services.** In consideration of the provision of the Services as set forth hereunder, the Association shall pay the City annual fees in the amounts set forth on Exhibit C attached hereto. Such fees shall be paid in equal quarterly payments in advance on or before each January 1, April 1, July 1 and October 1 during the Term (provided that the January 1 and April 1 payments for 2017 will be paid within five (5) business days after the Effective Date). Annual fees beyond the Term shall increase two percent (2%) annually. The fee amounts have been established to reflect that the City is not responsible to pay regular assessments under the Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square.

4. **Indemnification.** Each party shall indemnify and hold harmless the other party, and each party's subsidiaries, affiliates and assignees, and their directors, officers, employees and agents, and defend any action brought against same with respect to any claim, loss, demand, cause of action, debt or liability, including reasonable attorneys' fees, to the extent caused by: (i) the negligence or willful misconduct of the indemnifying party, or its agents, employees or contractors, or (ii) any breach of this Agreement by the indemnifying party.

5. **Independent Contractor.** The City is acting as an independent contractor, and the manner and means of conducting the services specified herein will be under the City's sole control, subject to compliance with all of the terms and provisions of this Agreement and to the continuing right of inspection by the Association's representatives.

6. **Notices.** All notices, requests, demands, and other communications under this Agreement shall be in writing. Notices shall be sent by commercial courier, certified mail or email, addressed as follows:

To the City at: City of Oak Creek
8040 South 6th Street
Oak Creek, WI 53154
Attention: Mr. Andrew Vickers
Email: avickers@oakcreekwi.org

To the Association at: Drexel Town Square Owners' Association Inc.
c/o Wispark LLC
231 West Michigan Street— P423
Milwaukee, WI 53203
Attention: Ms. Erica-Nicole Harris
Email: enharris@wispark.com

7. **Default.** If either party shall default in the performance of any duty required hereunder, the other party shall notify such defaulting party. If such defaulting party shall fail to cure such default within ten (10) days of such notice (or within a reasonable time period if the default cannot reasonably be cured within ten days), or within twelve (12) hours in the case of a default pertaining to snow removal, the non-defaulting party shall be entitled to all remedies available at law or in equity, including, but not limited to the right to terminate this Agreement.

8. **Assignment.** This Agreement shall be binding upon the parties hereto and their respective successors and assigns. The City may not assign or subcontract the whole or any part of

its rights or obligations under this Agreement without the prior written consent of the Association, which consent shall not be unreasonably withheld.

9. **Entire Agreement.** No change or modification of this Agreement shall be valid unless the same is in writing and signed by the parties hereto. No waiver of any of the provisions of this Agreement shall be valid unless in writing and signed by the party against whom such waiver is sought to be enforced. This Agreement contains the entire agreement between the parties relating to the matters set forth herein.

10. **Severability.** If any provision of this Agreement is declared void or unenforceable by a final judicial or administrative order, this Agreement shall continue in full force and effect, except that the void or unenforceable provision shall be deemed deleted and replaced with a provision as similar in terms to such void or unenforceable provision as may be possible and be valid and enforceable.

11. **Counterparts.** This Agreement may be executed in one or more counterparts, each when taken together shall constitute an original. Copies of signatures transmitted by facsimile or electronic mail shall be deemed binding.

IN WITNESS WHEREOF, intending to be legally bound, the parties have executed this Agreement as of the date first set forth above.

**DREXEL TOWN SQUARE OWNERS
ASSOCIATION INC.**

By: _____
Name: _____
Title: _____

CITY OF OAK CREEK

By: _____
Name: _____
Title: _____

EXHIBIT A

SERVICES

1. Snow removal from sidewalks as indicated on Exhibit B.
2. Lawn mowing and landscape maintenance along sidewalks as indicated on Exhibit B.
3. Landscape maintenance in bioswales.
4. Trash pick-up from waste disposal containers.
5. Maintenance of bus stop areas.

EXHIBIT B

MAINTENANCE MAP

EXHIBIT C

ANNUAL FEES

2017	\$39,000 (quarterly payment is \$9,750)
2018	\$41,000 (quarterly payment is \$10,250)
2019	\$43,000 (quarterly payment is \$10,750)
2020	\$43,680 (quarterly payment is \$10,965)
2021	\$44,553.60 (quarterly payment is \$11,138.40)

* Per above Section 3. *Compensation for Services.* Annual fees beyond the Term shall increase two percent (2%) annually.

AMENDED SERVICES AGREEMENT

This **Amended Services Agreement** (this "Agreement") is dated as of September ____, 2017 (the "Effective Date"), by and between Drexel Town Square Owners' Association Inc., a Wisconsin non-stock corporation (the "Association"), and the City of Oak Creek, a Wisconsin municipal corporation (the "City").

WITNESSETH:

WHEREAS, the Association is the association of owners of real estate in Drexel Town Square in the City of Oak Creek, Wisconsin (the "Development");

WHEREAS, the Association desires to have the City perform or furnish, or cause to be performed or furnished, certain services within the Development, as further described on Exhibit A attached hereto (the "Services"); and

WHEREAS, the City desires to provide the Services, on the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the mutual covenants set forth below and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. **Term.** This Agreement shall commence as of the Effective Date and continue for a period of five (5) years (the "Term"). Upon the expiration of the Term, this Agreement shall continue on an annual basis upon all the terms and conditions set forth herein, provided that either party may terminate the Agreement upon delivering written notice of such termination ninety (90) days in advance of such termination date.

2. **Scope of Services.**

(a) During the Term, upon the terms and conditions set forth in this Agreement, the City shall perform or furnish, or cause to be performed or furnished, the Services. Upon mutual agreement between the parties during the Term, the Association and the City may amend Exhibit A hereto to amend the scope of the Services to be provided by the City.

(b) The City agrees to provide the Services diligently and in a good and workmanlike fashion, and to complete the same within the time reasonably specified by the Association from time to time. The City specifically acknowledges and agrees that time is of the essence in the performance of the Services and of all other obligations under this Agreement.

(c) The City agrees to comply with all applicable laws, regulations, executive orders and ordinances relating to the Services or its performance thereof, including, without limitation, all environmental laws and regulations. On request of the Association, the City shall promptly furnish the Association with satisfactory evidence of compliance with all such laws, regulations, executive orders and ordinances.

3. **Compensation for Services.** In consideration of the provision of the Services as set forth hereunder, the Association shall pay the City annual fees in the amounts set forth on Exhibit C attached hereto. Such fees shall be paid in equal quarterly payments in advance on or before each January 1, April 1, July 1 and October 1 during the Term (provided that the January 1 and April 1 payments for 2017 will be paid within five (5) business days after the Effective Date). Annual fees beyond the Term shall increase two percent (2%) annually. The fee amounts have been established to reflect that the City is not responsible to pay regular assessments under the Declaration of Covenants, Conditions, Restrictions and Easements for Drexel Town Square.

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Attention: Mr. Andrew Vickers
Email: avickers@oakcreekwi.org

To the Association at: Drexel Town Square Owners' Association Inc.
c/o Wispark LLC
231 West Michigan Street P423
Milwaukee, WI 53203
Attention: Ms. Erica-Nicole Harris
Email: enharris@wispark.com

7. **Default.** If either party shall default in the performance of any duty required hereunder, the other party shall notify such defaulting party. If such defaulting party shall fail to cure such default within ten (10) days of such notice (or within a reasonable time period if the default cannot reasonably be cured within ten days), or within twelve (12) hours in the case of a default pertaining to snow removal, the non-defaulting party shall be entitled to all remedies available at law or in equity, including, but not limited to the right to terminate this Agreement.

8. **Assignment.** This Agreement shall be binding upon the parties hereto and their respective successors and assigns. The City may not assign or subcontract the whole or any part of its rights or obligations under this Agreement without the prior written consent of the Association, which consent shall not be unreasonably withheld.

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IN WITNESS WHEREOF, intending to be legally bound, the parties have executed this Agreement as of the date first set forth above.

**DREXEL TOWN SQUARE OWNERS
ASSOCIATION INC.**

By: _____
Name: _____
Title: _____

CITY OF OAK CREEK

By: _____
Name: _____
Title: _____

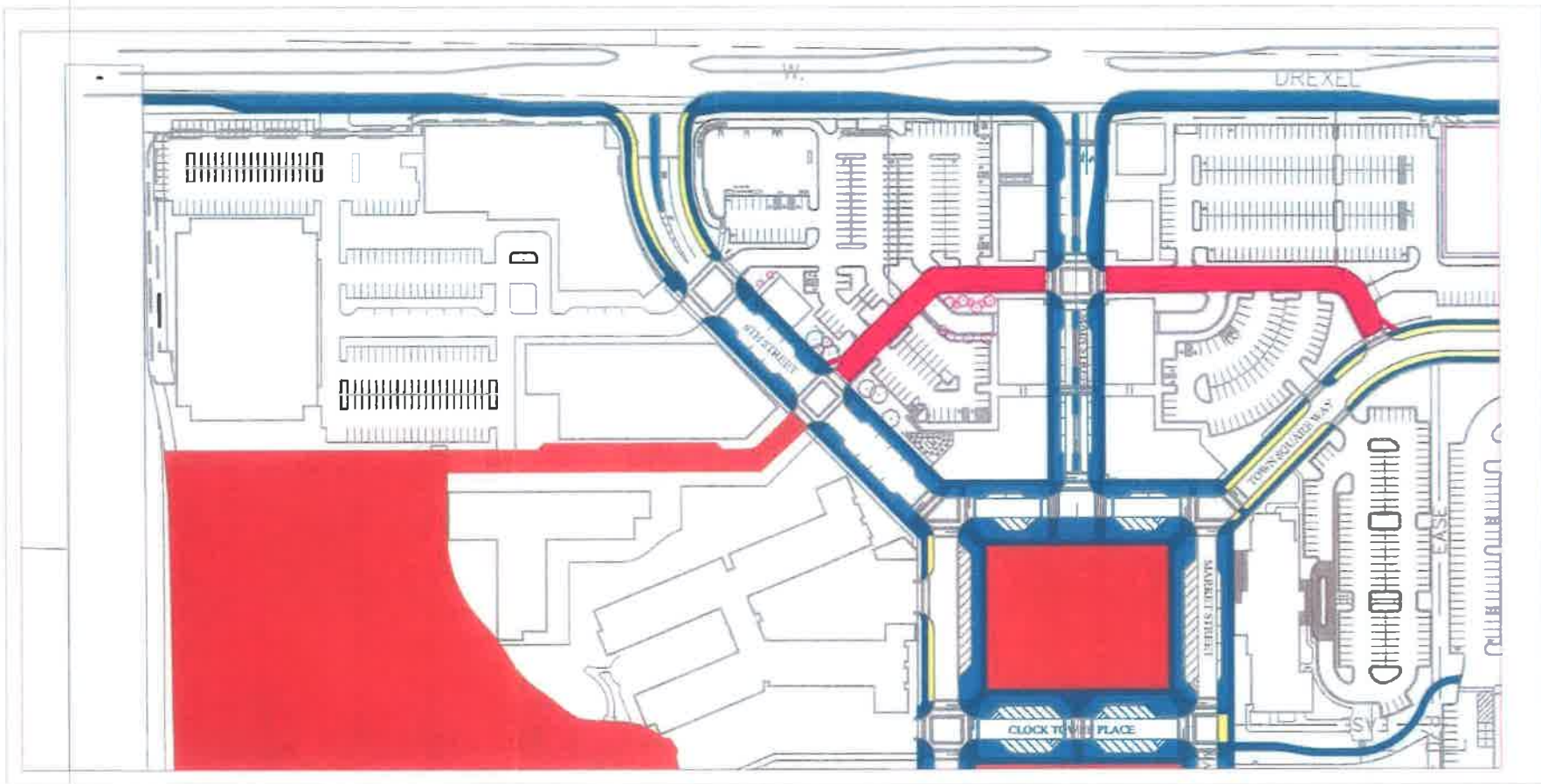
EXHIBIT A

SERVICES

1. Snow removal from sidewalks as indicated on Exhibit B.
2. Lawn mowing and landscape maintenance along sidewalks as indicated on Exhibit B.
3. Landscape maintenance in bioswales.
4. Trash pick-up from waste disposal containers.
5. Maintenance of bus stop areas.

EXHIBIT B

MAINTENANCE MAP



- City Maintenance (Also includes all public roads)
- City Maintenance: Snow Removal funded by Association
- City Maintenance of Landscaping funded by Association
- Property Owner: Mowing
- Property Owner Snow Removal
- Woodman's Maintenance



CITY OF OAK CREEK – ENGINEERING DEPARTMENT

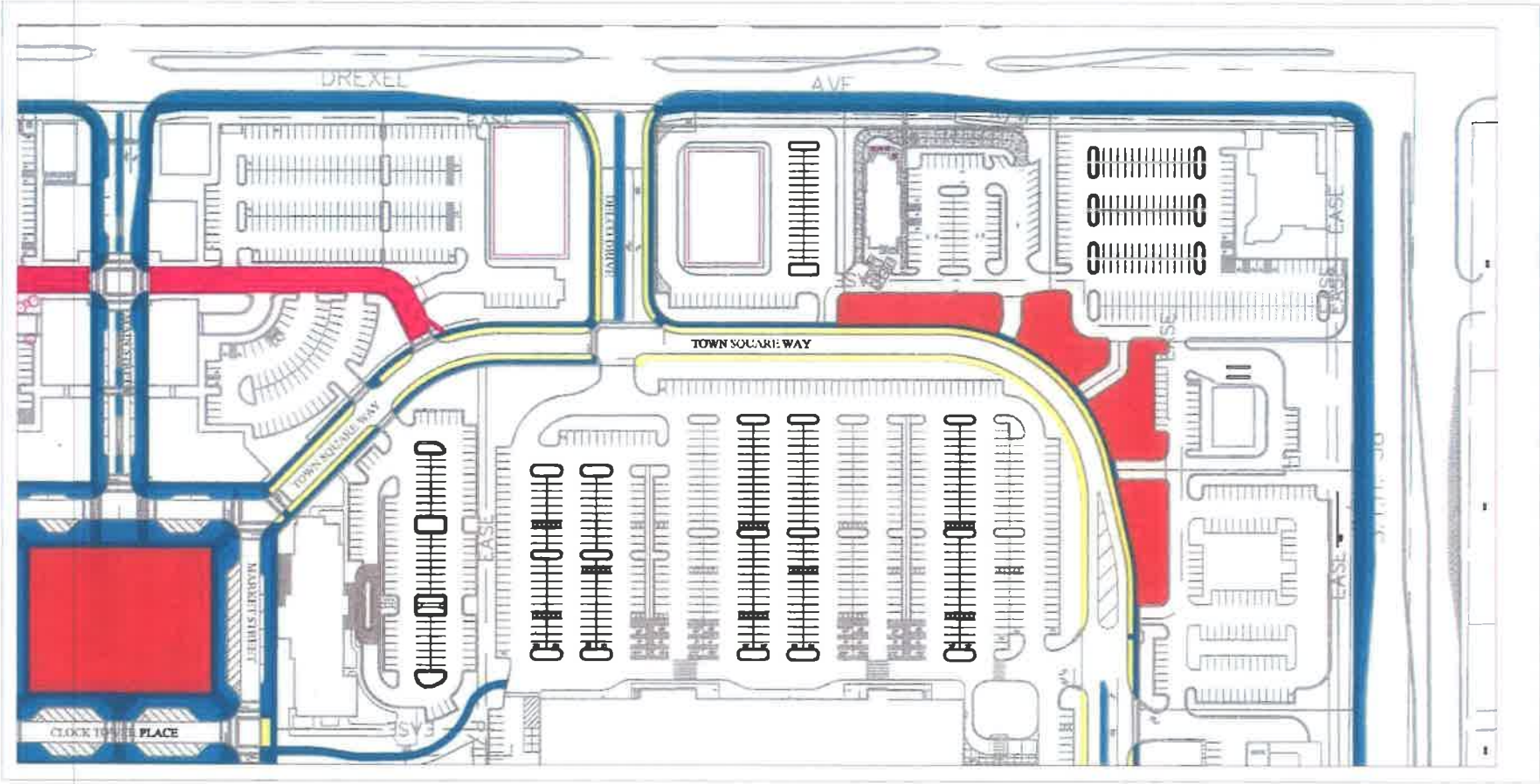
DESIGNED BY: _____ DATE: _____ DRAWN BY: **BLJ** DATE: **11/7/16** CHECKED BY: _____ DATE: _____

**DREXEL TOWN SQUARE
MAINTENANCE RESPONSIBILITY MAP
NW QUADRANT**

APPROVED BY:	
CITY ENGINEER	DATE
SCALE	SHEET
PLAN	1
HOR.	OF
PROF.	4
REV.	

REVISION BY: _____ DATE: _____ APPROVED BY COUNCIL RESOLUTION NO. _____

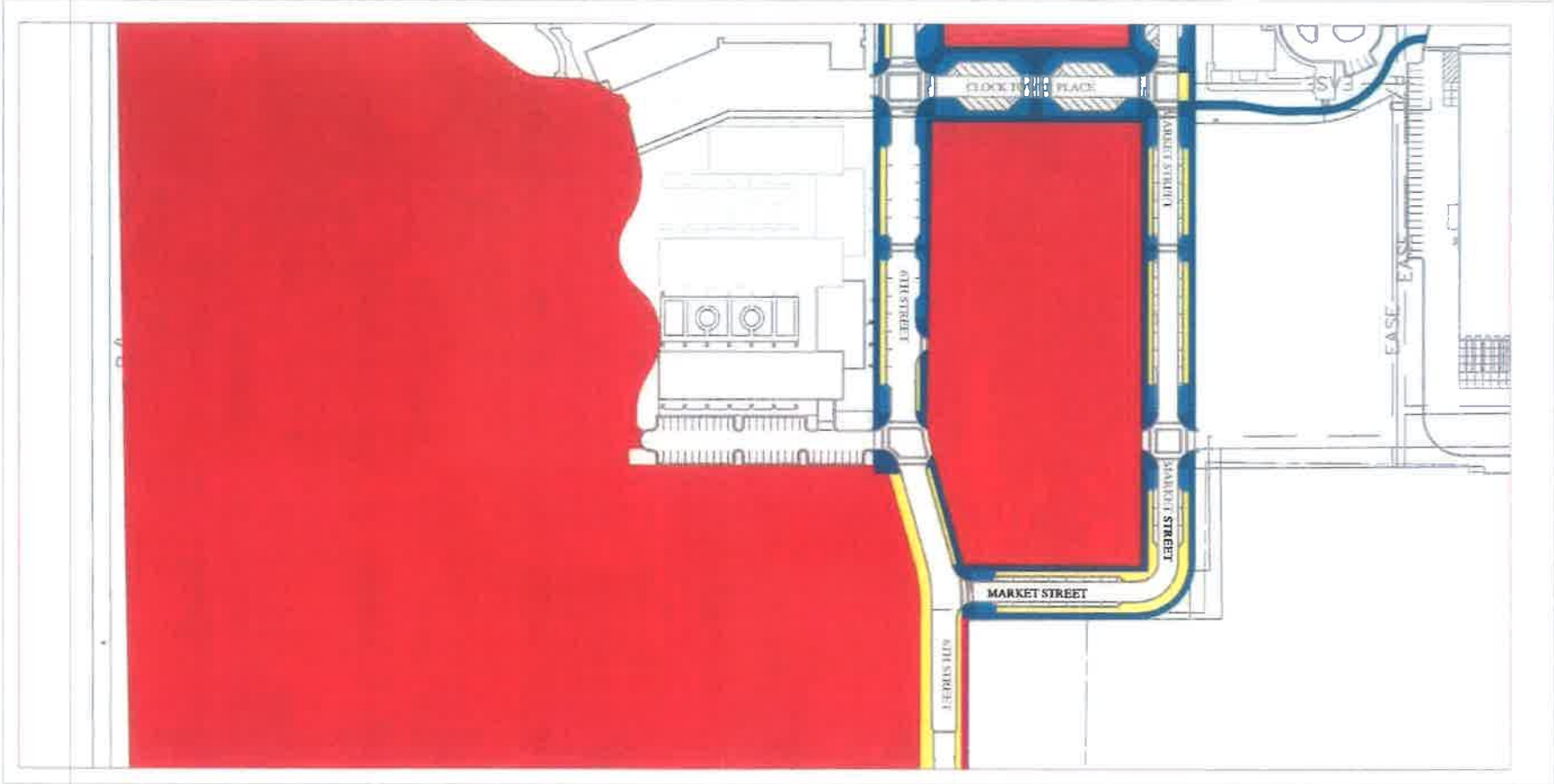
FILE NO: _____



- City Maintenance (Also includes all public roads)
- City Maintenance: Snow Removal funded by Association
- City Maintenance of Landscaping funded by Association
- Property Owner Mowing
- Property Owner Snow Removal
- Woodman's Maintenance



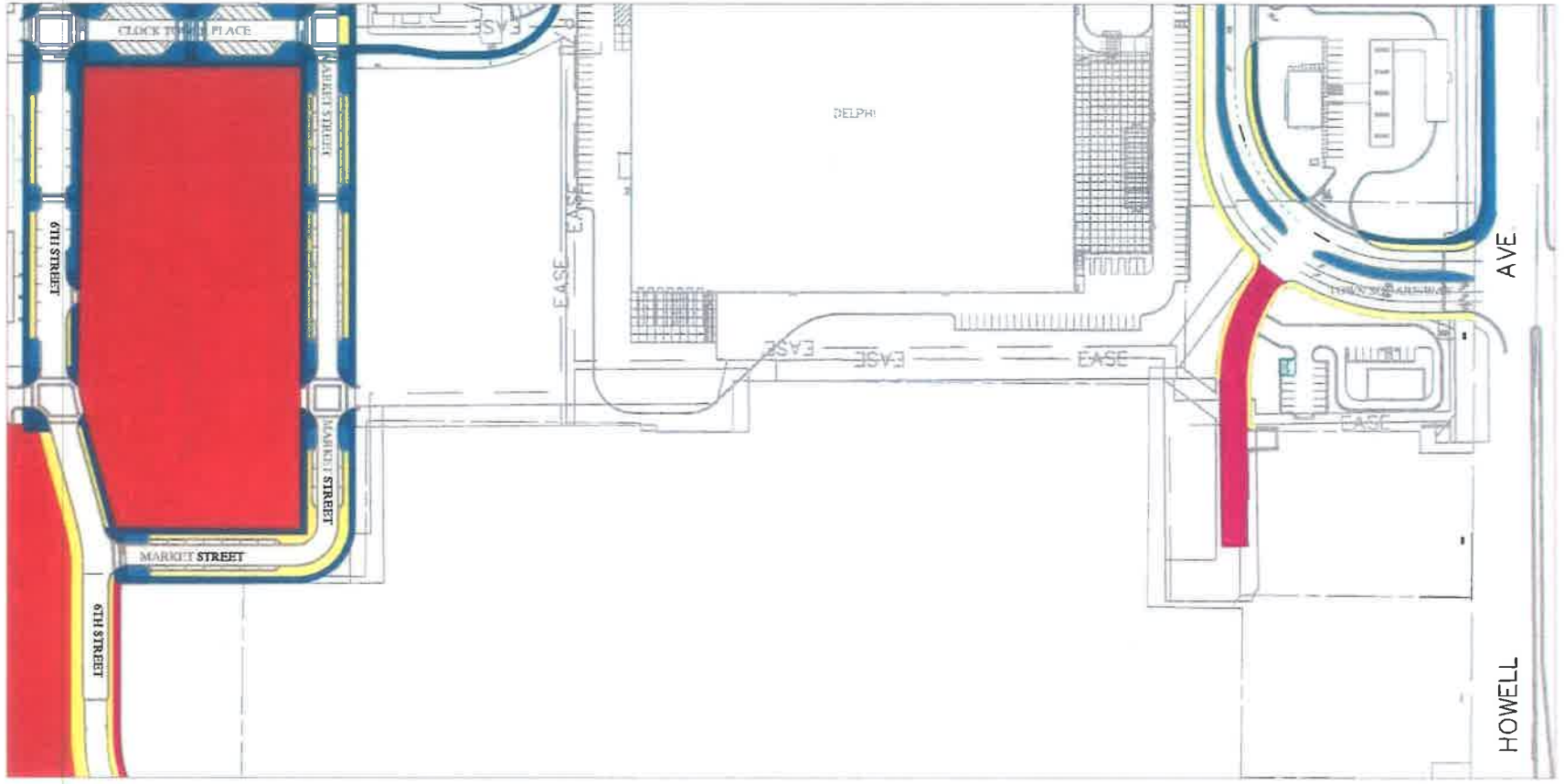
CITY OF OAK CREEK - ENGINEERING DEPARTMENT					
DESIGNED BY	DATE	DRAWN BY	DATE	CHECKED BY	DATE
		BLJ	11/16		
DREXEL TOWN SQUARE MAINTENANCE RESPONSIBILITY MAP NE QUADRANT				APPROVED BY	
				CITY ENGINEER	DATE
				SCALE	SHEET
				PLAN HOR.	2
				PROFILE HOR. S/A	OF
				VER.	4
REVISION BY		DATE		APPROVED BY COUNCIL RESOLUTION NO.	
				FILE NO.	



- City Maintenance (Also includes all public roads)
- City Maintenance Snow Removal funded by Association
- City Maintenance of Landscaping funded by Association
- Property Owner Mowing
- Property Owner Snow Removal
- Wetland Area



CITY OF OAK CREEK – ENGINEERING DEPARTMENT					
DESIGNED BY	DATE	DRAWN BY	DATE	CHECKED BY	DATE
		BLJ	11/16		
DREXEL TOWN SQUARE MAINTENANCE RESPONSIBILITY MAP SW QUADRANT					
				APPROVED BY	
				CITY ENGINEER	DATE
				SCALE	SHEET
				PLAN	3
				HOR. I/A	OF
				PROFILE	4
				HOR.	
				VER.	
REVISION BY		DATE		APPROVED BY COUNCIL RESOLUTION NO.	
				FILE NO:	



- City Maintenance (Also includes all public roads)
- City Maintenance Snow Removal funded by Association
- City Maintenance of Landscaping funded by Association
- Property Owner Mowing
- Property Owner Snow Removal
- Westman's Maintenance



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CITY OF OAK CREEK – ENGINEERING DEPARTMENT

DESIGNED BY	DATE	DRAWN BY	DATE	CHECKED BY	DATE
		BLJ	11/16		

APPROVED BY	

**DREXEL TOWN SQUARE
MAINTENANCE RESPONSIBILITY MAP
SE QUADRANT**

CITY DESIGN SCALE	SHEET
PLAN HOR. 1/4"	4
PROFILE HOR.	OF
VER.	4

REVISION BY	DATE	APPROVED BY COUNCIL RESOLUTION NO.
-------------	------	------------------------------------

FILE NO:

EXHIBIT C

ANNUAL FEES

2017	\$39,000 (quarterly payment is \$9,750)
2018	\$41,000 (quarterly payment is \$10,250)
2019	\$43,000 (quarterly payment is \$10,750)
2020	\$43,680 (quarterly payment is \$10,965)
2021	\$44,553.60 (quarterly payment is \$11,138.40)

* Per above **Section 3. Compensation for Services.** Annual fees beyond the Term shall increase two percent (2%) annually.

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 14

Recommendation: That the Common Council approves payment of the obligations as listed on the August 30, 2017 Invoice GL Distribution Report.

Background: Of note are the following payments:

1. \$65,933.55 to Benistar (pg #2) for September Medicare supplement insurance.
2. \$14,197.00 to Buelow Vetter (pg #2) for legal services.
3. \$8,180.72 to DLT Solutions, Inc. (pg #5) for Architecture Engineering multi-user annual subscription.
4. \$251,618.28 to Edgerton Contractors, Inc. (pg #5) for Lake Vista Community Park and playground.
5. \$17,559.00 to Healics Inc. (pg #7) for biometric health screening.
6. \$10,862.78 to Kansas City Life Insurance Co (pg #8) for September disability insurance.
7. \$10,000.00 to Marcus Theatres Corporation (pg #9) for reserve class B combination alcohol license refund.
8. \$78,695.57 to MP Systems, Inc. (pg #10) for 10th & Drexel Ave traffic signals.
9. \$13,352.31 to Oak Creek Water & Sewer Utility (pg #11) for digger hotline services and for reimbursements of damage done by Trace Technologies.
10. \$10,880.98 to Reliant Fire Apparatus, Inc. (pgs 12-13) for Fire Engines (181, 182 & 183) repairs: foam pump kit, motor blower, muffler, air actuator, and fuel tank/hose.
11. \$8,371.47 to Sanofi Pasteur Inc. (pg #13) for Health department medical supplies: influenza vaccine.
12. \$6,898.59 to The Sherwin-Williams (pg #14) for glass beads, bead wind deflectors, and white traffic paint.
13. \$6,577.23 to Trane (pg #15) for AC repair at Streets department, wireless sensor display & communicators, software set-up & training, and 3-year software subscription.
14. \$60,084.36 to WE Energies (pgs #16-17) for street lighting, electricity & natural gas.
15. \$5,000.00 to WI Dept of Natural Resources (pg #17) for 2017 Storm water Municipal fee.
16. \$17,389.44 to World Fuel (pg #18) for fuel inventory.
17. \$257,843.95 to Zenith Tech (pg #18) for bridge maintenance project.

Fiscal Impact: Total claims paid of \$924,173.08.

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: 09/05/2017

Item No.: 15

Communication: Attached please find the summarized Treasurer's Report for the City of Oak Creek investment and banking accounts, for the month ending July 31, 2017.

Background: I have created a monthly Treasurer's Report for the purpose of providing the City of Oak Creek Common Council and the public with the current condition of the City's treasury, to be presented at their first meeting of each month. This report summarizes the investment and banking accounts end of the month balances. It is not intended to infer available funds for general purpose spending since some funds are allocated for specific uses such as Tax Incremental Districts, large projects, distribution of tax collection to other underlying taxing jurisdictions etc.

This monthly report, along with an additional comprehensive report, is reviewed by the Finance Committee to assist with investment decisions and other financial strategies. The attached report is for the month ending July 31, 2017 and is highlighted below:

<u>Investment/Banking:</u>	<u>Beginning Bal</u>	<u>Ending Bal</u>	<u>Interest Earned</u>	<u>Rate</u>
• Tri City Bank	\$ 7,257,297.50	\$ 4,300,109.04	\$ 4,408.66	1.12389%
• DANA Investments	\$ 6,665,262.98	\$ 6,663,589.17	\$11,196.70	1.19%
• BMO Global	\$ 4,851,260.17	\$ 4,862,899.30	\$ 4,597.47	1.57%
• American Deposit	\$ 6,707,671.60	\$ 6,367,385.05	\$ 4,746.92	0.88%
• LGIP	<u>\$ 7,805,806.11</u>	<u>\$19,693,179.58</u>	<u>\$11,414.68</u>	0.88%
• Total Treasury	\$33,287,298.36	\$41,887,162.14	\$36,364.43	

Tax Collections:

• Collections at City Hall (Tax Acct 2)	\$76,154.57	
• Collections At Bank/Lockbox	\$	
Total Tax Collections	\$76,154.57	0.1% of Tax Levied

Please note that no Finance Committee meeting was held in August to review the July reports. The large increase in the LGIP consisted of the WE Mitigation, Transportation Aids, Shared Revenue, First Dollar Credit and Computer Aids Received. I am not available to be at the meeting; however, please contact me if you have any questions.

Fiscal Impact: Presenting the monthly condition of the treasury at an open meeting of the Common Council will provide additional financial data to decision makers while enhancing transparency to the public.

Prepared by:



Barbara Guckenberger, CMTW
City Treasurer

Respectfully submitted by:



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

Fiscal Reviewed by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller

**City of Oak Creek
Treasurer Report on Investment and Banking**

Name of Account	Beginning Balance	Additions	Subtractions	Account Ending Balance	Actual Interest Earned	Interest Rate	Percentage of Total Invested
Tri City National Bank	7,257,297.50	12,172,164.79	(15,129,353.25)	4,300,109.04	4,408.66	1.12389%	10.27%
General Fund	6,687,401.71	11,676,013.96	(14,398,755.99)	3,964,659.68			
0	-			-			
Title 125	35,526.25	21,089.06	(21,265.65)	35,349.66			
Police Credit Card	26,577.24	15,800.80	(26,967.86)	15,410.18			
Parks & Rec Counter Credit Card	11,945.18	9,812.49	(12,804.54)	8,953.13			
Tax Payment Account #2	312,138.10	80,893.36	(304,738.79)	88,292.67			
Parks & Rec Online Credit Card	9,764.20	4,216.00	(13,183.33)	796.87			
Health Insurance	42,911.53	294,869.24	(273,985.98)	63,794.79			
Tax Payment Account	53,382.18	-	-	53,382.18			
EMS	77,651.11	69,469.88	(77,651.11)	69,469.88			
DANA Investment Advisors	6,665,262.98	11,196.70	(12,870.51)	6,663,589.17	11,196.70	1.19%	15.91%
BMO Global Asset Management	4,851,260.17	12,765.08	(1,125.95)	4,862,899.30	4,597.47	1.57%	11.61%
American Deposit Management (ADM)	6,707,671.60	4,746.92	(345,033.47)	6,367,385.05	4,746.92	0.88%	15.20%
*ADM General Account Balance	2,123,404.09	1,535.83		2,124,939.92	1,535.83		
Local Government Investment Pool (LGIP)	7,805,806.11	15,084,609.14	(3,197,235.67)	19,693,179.58	11,414.68	0.88%	47.01%
*LGIP General Account Balance	2,009,732.50	10,175,128.09	(2,700,000.00)	9,484,860.59	4,141.96		
Ehlers Investment	-	-	-	-	-	-	0.00%
Total Balance	33,287,298.36	27,285,482.63	(18,685,618.85)	41,887,162.14	36,364.43		

*General Account Balance shown separately and is also part of the total account listed above; although it is used for cash flow purposes, a portion may be allocated for specific purposes and not available for general purpose spending;

Excludes Police Forfeiture Account;

Tri City Interest is an analyzed credited from previous month earnings;

Additions and subtractions on investment accounts may include market adjustments for realized and unrealized gains(losses) or change in accrued income, as well as interest, management fees, deposits, transfers, returned payments or withdrawals

Tax Collection Deposits

Tax Payment Account #2		
City Deposit (Counter, Drop Box, Mail)	75,379.90	
Gov Tech		
Credit Card	774.67	
Total Tax Payment Account #2	<u>76,154.57</u>	
Tax Payment Account		
Tri City Payments (At Bank, Lockbox)		
Total Tax Collection Deposits	<u>76,154.57</u>	0.10% of Total Tax Levied

Please note the City uses two bank accounts for tax collection; one for payments processed by the City (account #2) and the other for payments processed by our bank

Prepared for Common Council; cc Finance Committee
Barbara Guckenberger, CMTW
City Treasurer

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 16

Recommendation: That the Common Council approve the proposed annual Agreement for School Resource Officer Services for the 2017-2018 school year.

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

The language of the Agreement has been adjusted to include the City's ability to change the amount the School District shall pay once current wage negotiations by the Collective Bargaining Unit have been resolved. In addition, the Agreement includes a clause allowing for the recoupment of 50% of overtime costs incurred by the School Resource Officers while acting in that capacity. The Agreement has been reviewed and approved by the City Attorney. In addition, the Oak Creek/Franklin Joint School District has already agreed to and signed the renewal Agreement for the 2017-2018 school year.

Fiscal Impact: The Oak Creek/Franklin School District will pay the City of Oak Creek a total of \$123,694 for their share of the costs of the program. The City of Oak Creek's portion of the costs, which also totals \$123,694, will be covered by funds allocated in the Police Department's 2017 and 2018 Full-Time Salaries budget account.

Respectfully submitted by:



Andrew J. Vickers, MPA
City Administrator

Prepared by:



Steven J. Anderson
Chief of Police

Fiscal Review by:



Bridget M. Souffrant, CMTW
Finance Director/Comptroller

AGREEMENT FOR SCHOOL RESOURCE OFFICER SERVICES

THIS AGREEMENT, made and entered into this _____ day of _____, 2017, by and between the **OAK CREEK/FRANKLIN JOINT SCHOOL DISTRICT**, hereinafter referred to as the "School District", and the **CITY OF OAK CREEK**, hereinafter referred to as the "City";

WHEREAS, the City shall provide to the School District for the 2017-2018, school year, two (2) police officers to serve as School Resource Officers at the Oak Creek High School and Oak Creek East and West Middle Schools, and

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

1. The City shall provide School Resource Officer services for a one-year period beginning June 1st, 2017 through May 31st, 2018 to include the 2017-2018 regular school year.

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

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

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

5. The School District shall pay to the City the sum of \$123,694* which is one-half of the wages and fringe benefits of the two SRO officers. Said payments shall be due and payable on or before December 15, 2017, and May 31, 2018. The first payment—due December 15, 2017, for the period of June 1, 2017, through December 31, 2017—will be in the amount of \$72,154. The second payment—due May 31, 2018, for the period of January 1, 2018, through May 31, 2018—will be in the amount of \$51,540* The City will issue an invoice to the School District for said payments.

*NOTE: The amount due for the period January 1, 2018, through May 31, 2018, is subject to change pending the resolution of current wage negotiations by the Collective Bargaining Unit of the OCPPA Labor Agreement. If the Agreement is not ratified prior to the payment due date, the amount indicated above will be the cost due and payable to the City.

6. In the event of overtime hours accrued by the School Resource Officers specific to SRO duties, the costs of the wages will also be split 50/50 between the City and the School District. The 1st Shift Lieutenant will be in charge of authorizing any overtime requests. A written record of the overtime costs incurred will be submitted to the Oak Creek/Franklin School District with the installment invoice for reimbursement to the City for 50% of those costs.

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

8. This Agreement will terminate on May 31, 2018, with the express understanding that it will be reviewed and renewed on an annual basis.

Dated at Oak Creek, Wisconsin, this _____ day of _____, 2017.

CITY OF OAK CREEK

By: _____
Daniel J. Bukiewicz, Mayor

By: _____
Catherine A. Roeske, City Clerk

By: _____
Steven J. Anderson, Police Chief

**OAK CREEK/FRANKLIN
JOINT SCHOOL DISTRICT**

By: _____
Dr. Tim Culver,
Superintendent of Schools

By: _____
Frank Carini,
School Board President

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 17

RECOMMENDATION: Consider a motion “to endorse the restructuring of the Health Dept in accordance with the City Administrator’s Memo Dated August 24, 2017 and to direct the City Administrator to bring back an Interagency Agreement (related to certain Sanitarian functions) for Council consideration within 60 days.”

BACKGROUND: Attached to this Council report is a memo dated August 24, 2017 entitled “Recommended Actions for Health Department Reorganization”. This memo was discussed at the August 25 Personnel Committee. Although the Committee purposely did not take a formal action re: the memo’s recommendations, the Committee did direct the City Administrator to advance the proposal to the Common Council. The City Administrator and Human Resources Manager discussed the contents of the attached memo with the full Health Department staff on August 23, 2017.

FISCAL IMPACT: The fiscal impacts of the Health Department reorganization are contained in the attached memo.

Prepared & Respectfully Submitted by:

Fiscal Review by:



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



Bridget M. Souffrant, GMTW
Finance Director/Comptroller



To: Personnel Committee, Mayor Bukiewicz, and full Common Council

From: Andrew J. Vickers, City Administrator

Subject: Recommended actions for Health Department Reorganization

Date: August 24, 2017

BACKGROUND:

As Council is aware, the City decided against pursuing a shared Health Department with South Milwaukee. At the close of the Public Policy Forum's study regarding consolidation/sharing of services, I met with each Alderperson and the Mayor. The reoccurring themes from those conversations included the following high-points:

- ① Environmental Health Services, specifically establishment licensure, (retail food, restaurants, hotels/motels, pools/spas, campgrounds, etc...) is a primary Health Department function, and the City should identify means to add resources to that function;
- ② The "leveling" process/attainment for our Health Department is less important than providing, more precisely, for the needs of Oak Creek residents from a public health perspective;
- ③ It is unlikely that any future increased levy funding would be directed to the Health Department;
- ④ The services and values our Health Department provides the citizens needs to be better demonstrated/communicated to City decision-makers;
- ⑤ Grants for the sake of grant-funding activities (or people) the City would otherwise not pursue need to be more thoroughly vetted;
- ⑥ Staff and, in turn, the Council need to further analyze and prioritize the City's Public Health services offerings. (i.e. policy-makers have a role to play in defining level and type of services they desire for the City).

Because of the City's decision to continue as a stand-alone department, the MOU for Interim Health Officers Services with South Milwaukee (Jackie Ove) expired on June 20. During the past +/- 30 days, the City has advertised for and interviewed potential candidates for its vacant Community Public Health Officer (CPHO) position. Our City

interview panel whittled an exceptional list of seven candidates down to three finalists. Those individuals will be meeting with the Health Department staff who will provide their input to the interview panel. In turn, the interview panel will establish a First and Second preferred candidate. Prior to making an offer, the City Administrator will be meeting with the two preferred candidates regarding the particulars of this memo. These meetings will likely take place the week of August 28.

MOVING FORWARD:

Certain decisions related to the human resources in the Health Department should be communicated prior to the new CPHO assuming his/her position. In furtherance of the above sentiments from Mayor/aldermanic discussions, discussions with certain Health Department employees, in consulting the Public Policy Forum study, and general discussions with the Board of Health members, Administration recommends the following actions moving forward:

- 1) **Elimination of one vacant PT Clerical position.** One of three PT Clerical positions budgeted for the Department is presently vacant. This action eliminates that budgeted position. The position has been vacant since October 2014.

-Fiscal Impact: approximate savings of \$10,350

- 2) **Reduction of TOTAL part-time (PT) *public health nursing* hours down to 24 hours/week.** This action would be effective 1/1/18, and would be reflected in the 2018 budget. This action would eliminate positions for two *irregular* part-time nurses, one of which was a temporary position to assist the Department during the vacancy of the CPHO. One *regular* part-time nurse presently working 24 hours/week would remain unchanged. Administration would give advance notice to affected employees.

-Fiscal Impact: approximate savings of \$21,030

- 3) **Elimination of the Deputy Health Officer position, and returning the incumbent in that position to a practicing Public Health Nurse.** Supervisory and administrative functions will be handled comfortably by the new CPHO given the now smaller department after the re-organization. This action would take effect the day the new CPHO begins employment with the City in early-mid October.

-Fiscal Impact: actual savings will be clarified upon setting 2018 compensation amounts for the public health nurses.

4) **Removal of the establishment licensure (i.e. Sanitarian) functions of the Environmental Health program from the Health Department to the Inspections Department.** This action could be complicated by the state departments, DSPS/DATCP, as they need to approve such a maneuver. Initial discussions with the DSPS/DATCP Administrators indicate they approve of a conceptual framework for an M.O.U. outlining the interagency responsibilities between Inspections, Health, and the DSPS/DATCP, for which the City has executed Agent Contracts. The formal M.O.U document is in the draft stage at present. Other environmental health services (lead abatement, radon, vermin control, hoarding abatement, etc...) will remain with the public health nurses, which is where they are currently being handled as the department is behind with establishment licensure. Please see attached document entitled *Interagency Agreement Framework for Handling Certain Public Health Functions through Oak Creek Inspections Department* for an “outline” of what the formal end-product Interagency Agreement will cover, among other items.

-Fiscal Impact: No quantifiable financial impact, but it is assumed various work efficiencies will be gained by this action.

5) **Addition of up to 20 part time hours/week to the Sanitarian functions.** In discussing with our FT and PT Sanitarian, they seem confident the City can find certified sanitarians desiring PT, flexible hours. Administration will also vet other arrangements in addition to a new PT employee(s), such as use of temporary position sharing with another community, or independent contractor-type employees, among other options to be determined.

-Fiscal Impact: Approximate additional cost of up to \$35,700 depending on the number of hours selected.

**Net fiscal impact of items 1-5 above: a minimum net savings of \$4,185 depending on the selection of number hours/week for additional Sanitarian support. These savings will be utilized toward compensation adjustments for the Inspections Supervisor and City Engineer resulting from the increase supervisory responsibilities and workload of shifting the establishment inspection and licensure functions. Those compensation discussions will take place part-and-parcel of 2018 budget deliberations.

OPTIONS/ALTERNATIVES:

While Administration believes the above actions are prudent, certainly options/alternatives exist for the Council to consider. Alternatives include, but are not

limited to, the following:

- ④ “Do nothing”. Leave present staffing resources, as they are- where they are, and simply go forward in hiring our new CPHO. This does not afford the City additional resources for Sanitarian hours unless Council intends to increase levy support in the 2018 budget and thereafter.
- ④ Eliminate more or less PT public health nursing hours per item # 2 above. Should the Council wish to see different total hours for PT nursing, staff can cost this out. Please be mindful that Administration’s goal for the resulting financial impact of all above actions was to at least be budget neutral so additional levy support was not required in 2018 and beyond;
- ④ Staff can analyze any other options/alternatives suggested by Council members.

Administration is hopeful that both the Health Department staff and Council see these changes for what they are: a redirection and redeployment of Health Department resources to meet growing demands in Sanitarian functions. Additionally, these actions relate to the City’s Strategic Action Plan initiative to “Evaluate, Right-size, and Better Align the City Organization.”

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 18

Recommendation: That the Council authorizes staff to release a request for proposals for an update to the City's Comprehensive Plan and Zoning Ordinance.

Background: As part of the Capital Improvement Program for the 2017 Budget the Council authorized an interfund transfer of \$80,000 from Fund 31 (Economic Development) for an update to the City's zoning code.

The City of Oak Creek Zoning Code (Municipal Code Chapter 17) was last underwent significant revisions in 1995. While it has been amended many times since then, the structure of the code has not fundamentally changed for over 20 years. The cumulative effect of this has led to a zoning code that is in many instances difficult to interpret, redundant and often contradictory. An updated zoning code, and the opportunities that it would create for interactivity would support the City's recent initiatives towards improved transparency, communications and public interaction.

Likewise, the City's most recent comprehensive land use plan was adopted back in 2002. While the plan has been amended from time to time, it is well past time to undertake an update to the original plan. At the time it was originally adopted in 2002, State law required the plan to be updated every ten years. Traditionally, outside consultants have been utilized for major plan updates. In an effort to be fiscally conservative, the original plan was to perform this update utilizing existing City staff and resources. The combination of an active development environment and limited staff resources made this unlikely to occur.


The typical sequence for a plan updates would be (1) adoption of a strategic plan, (2) adoption of (or update to) a comprehensive plan, and (3) update of the zoning ordinance. The City just recently adopted its strategic plan. The 2017 adopted budget included an interfund transfer of \$80,000 from the economic development fund (Fund 31) to a CIP project to fund an update to the City's zoning code. Given the realization that the comprehensive plan was not likely to occur 'in-house' staff is proposing that the \$80,000 be directed towards the comprehensive plan and that a similar \$80,000 fund transfer from Fund 31 be made in the 2018 budget to fund an update to the City's zoning ordinance.

Fiscal Impact: see above


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

Request for Proposals
Comprehensive Plan &
Zoning Ordinance Update
City of Oak Creek, WI

Release Date: September 11, 2017

Proposal Submittal Deadline: October 13, 2017

<http://www.oakcreekwi.org/your-government/departments/engineering-department/active-public-contracts/>



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SECTION 1: Introduction

Purpose

The purpose of this Request for Proposals (RFP) is to receive competitive proposals from qualified planning individuals and consultant teams (hereinafter referred to in the singular as “consultant”) who are interested in carrying out 1) a comprehensive update to 2020 Vision – A Comprehensive Plan for the City of Oak Creek (“Plan Update”), which was last adopted in 2002, and 2) an update to and revision of Chapter 17 of the Municipal Code (“Zoning Code Update”). The Plan Update should provide a vision, goals, objectives, and policies that will guide the City’s future land use decisions and will incorporate plans currently in progress. A Plan Update will assist City staff, Plan Commission, Common Council, and advisory committees to gauge the direction in which citizens and various other stakeholders within the community would like to see the City advance. The Plan Update must provide guidance to the City on appropriate implementation of new development and redevelopment plans within the community, while also meeting the service demands that come with community growth.

Following the adoption of the comprehensive plan update, an update to and revision of Chapter 17 of the Municipal Code - the Zoning Code - will be developed and adopted. The Zoning Code Update will incorporate revisions based on statutory and federal regulatory amendments, as well as advances and innovations in planning/zoning practices. This Zoning Code Update must complement the Plan Update.

History & Background

The City of Oak Creek encompasses 28.4 square miles in the southeast part of Milwaukee County. In general, the City’s boundaries are County Highway ZZ (College Avenue) to the north, Racine County to the south, 27th Street to the west, and Lake Michigan to the east, though the City of South Milwaukee is located north of Forest Hill Avenue and east of Pennsylvania Avenue. Oak Creek shares its borders with the communities of Franklin, Cudahy, South Milwaukee, Milwaukee, Greenfield, and the Town of Caledonia.

The City of Oak Creek is a rapidly growing, diverse suburban community. Just under one-half of the City’s substantial land base is undeveloped or in permanent open space. Oak Creek’s population has grown from 28,456 persons in 2000 (U.S. Census), to 34,451 in 2010 (U.S. Census)—a 21% increase. Population in 2030 is projected to be 40,596 persons¹.

¹ State of Wisconsin Department of Administration Demographic Services Center – “Final Population Projections for Wisconsin Municipalities: 2000-2025”

Light industrial and manufacturing development in Oak Creek mainly consists of three large industrial parks: Northbranch, Southbranch, and OakView Business Park. As large areas of land have become scarce, newer industrial parks have been much smaller. These smaller parks are generally located adjacent to the larger industrial parks, with access off of 27th Street, 13th Street, and Howell Ave.

Recent single-family residential development has been predominately in the southern area of the City, with some neighborhoods more than doubling their population between 2000 and 2010. With the majority of open land being located south of Puetz Road, it is anticipated that the southern portion of the City will see more single-family residential growth over the next 10 to 20 years. Recent multi-family development has occurred near the City center area (Drexel Town Square, Centennial Park) as well as along major arterial streets such as E. Drexel Ave., S. Chicago Road, S. 13th Street, and S. 27th Street.

SECTION 2: Scope of the Project

Expectations

The Plan will guide decisions affecting the physical development and redevelopment within the City. The process for the Plan Update will be critical to its success and must ensure that the final document reflects the desired vision for the community as determined by citizens, developers, landowners, business leaders, appointed and elected officials, and other stakeholders through community participation. The Plan will be a guiding document that reflects the community's unique character and provides a clear process, together with specified objectives and policies, of how the City can build upon its strengths.

The Zoning Code will need to be updated as to ensure conformance with goals and objectives of the Comprehensive Plan, statutes, and federal legislation. While periodic updates to the Zoning Code have been made, a holistic update is required.

Services

The consultant will provide a full range of municipal planning services required to update the Comprehensive Plan & Zoning Code including, but not necessarily limited to:

1. A thorough evaluation of, and recommendations for, modifications to the existing plan, including its vision statement, goals, objectives, policies and recommendations.
2. An analysis and incorporation of relevant data and trends in conformance with the State of Wisconsin's Smart Growth Law (Wis. Stats. Sec. 66.1001(2)).

3. Recommendations for integration with other plans and initiatives adopted by the City, such as the South 27th Street Corridor Plan, the Lakefront Redevelopment Action Plan and related plans, the Park and Open Space Plan, and the City of Oak Creek Strategic Action Plan.
4. Re-evaluation of the Planned Land Use Map and categories, how they function with the existing zoning districts adopted by the City, and any recommendations for potential future zoning districts or district amendments.
5. Evaluation of, and recommendations for, the Growth Pattern Concept Plan (as defined in the 2002 Comprehensive Plan).
6. Identification of opportunities and implementation strategies, and general recommendations on appropriate changes that should be made to the Land Use and Zoning Code to make it consistent with the Plan Update.
7. Effective coordination with staff, the Plan Commission, Community Development Authority, and Common Council. The consultant will assist with the creation of a Comprehensive Plan Update Steering Committee to lead the process.
8. An effective Steering Committee and public participation process and schedule to ensure community involvement in the Plan Update process. Plan Commission and Common Council review meetings, hearings, and adoption date estimates shall also be proposed and updated throughout the process.
9. Final comprehensive plan document preparation and presentation.
10. Identification of opportunities and implementation strategies, and general recommendations on appropriate changes that should be made for consistency with the Plan Update.
11. A thorough evaluation of, and recommendations for, modifications to the existing Zoning Code, including, but not limited to: Zoning Districts; allowed uses; land use controls; incorporation of relevant statutory and federal regulatory mandates, local plans, and planning and zoning practices, trends, and innovations.
12. Effective coordination with staff, the Plan Commission, Community Development Authority, and Common Council. The consultant will assist with the creation of a Zoning Code Update Steering Committee, if applicable, to lead the process.

13. An effective public participation process and schedule to ensure community involvement in the Zoning Code Update process. Plan Commission and Common Council review meetings, hearings, and adoption date estimates shall also be proposed and updated throughout the process.

14. Updated Zoning Code Ordinance and presentation.

These are general requirements for the Plan Update and Zoning Code Update, and are not intended to be a comprehensive list of tasks and deliverables. It is expected that the chosen consultant will provide the City with more specific recommendations for approaches, tasks and deliverables based on their experience and expertise from past work on comprehensive plan projects.

Community Involvement in Decision Making

The City of Oak Creek values participation of citizens in every stage of decision making. Participation of citizens, developers, land owners, business owners, second homeowners, appointed and elected officials, and other stakeholders throughout the community is paramount to success of the Plan Update; therefore, the City will place a strong emphasis in the selection process on choosing a consultant that has strong facilitation skills with respect to the public participation and meeting process. The selected consultant will be responsible for organizing and either leading or co-leading public events with City staff.

Existing Plans

The Plan Update should coordinate with other plans of the City of Oak Creek, so that all of the plans in the City are mutually supportive and consistent with one another. These plans include:

- S. 27th Street Corridor Plan
- Lakefront Redevelopment Action Plan
- 2013 Park & Open Space Plan
- Drexel Town Square Mixed Use Planned Development
- City of Oak Creek Strategic Action Plan
- Chapter 17: Zoning Code

Products and Deliverables

Some of the deliverables to be included with the Plan Update and Zoning Code Update are expected to be, but not limited to the items below. Other areas of emphasis may be identified during the Plan Update and Zoning Code Update process.

Comprehensive Plan Document

A completed Plan Update document that incorporates the required information outlined under the Services subparagraph found in Section 2 of this document. Consultant shall provide one (1) unbound copy and 25 bound copies of the final Plan document to the City, including graphics. The consultant shall also provide (1) electronic submission of the Plan document, including attachments and other graphics, in an editable format commonly used by the Community Development Department.

The City will also require that drafts of the Plan be provided for review at the completion of various key phases of the project. The timing and number of copies to be submitted will be mutually agreed upon between the consultant and City staff as the project moves forward. It should be noted that most City staff and community members are used to accessing electronic documents in Oak Creek, but some paper copies will need to be available.

Zoning Code Ordinance

Preparation of updated zoning ordinance that is accurate, complete, understandable, and meets all requirements of planning, zoning, and land use law.

- a. The consultant is being asked to review the current Zoning Code for possible legal issues, inconsistent standards, and recommend amendments to the Code. A summary is to be provided to the City for review and confirmation of the items that warrant immediate attention. Of those requiring immediate attention, the consultant would work with Planning Division Staff to provide appropriate amendment language.
- b. Complete the revision of the Zoning Code to support the Comprehensive Plan. The revision would include, but not be limited to:
 - i. Administrative aspects of the Zoning Code, including purpose, intent, duties of individual committees and commissions, and enforcement procedures.
 - ii. Permitted uses and uses allowed by a conditional use permit in all zoning districts.
 - iii. Appropriate revision of review procedures for proposed developments.
 - iv. Appropriate revisions of development standards and standards of approval for all development proposals (e.g., site plans, conditional use permits, variances, etc.).

- v. Revisions and/or addition of graphics and tables.
- vi. Appropriate revisions of basic rules and regulations, such as setbacks and separation distances; density, lot area and coverage; landscaping, screening and buffering requirements; signage; parking and loading space allocation and driveway dimensions; statutory and federal requirements/limitations; etc.
- vii. Incorporation of zoning and planning trends and innovations.

Community Engagement Tools

The chosen consultant will be expected to assist City staff with developing and implementing community engagement tools that should foster public outreach and citizen participation. The City of Oak Creek website should be used in disseminating information related to the Plan Update, while providing avenues for feedback that can be incorporated into the Plan Update and Zoning Code Update. The consultant should also collaborate with City staff to utilize social media to keep the public informed on the Plan Update and Zoning Code Update process. Other public outreach methods should be recommended by the chosen consultant, should implement these outreach efforts or assist City staff with their implementation. In addition, the consultant shall provide assistance to the City with the development of a Comprehensive Plan Update Steering Committee (and Zoning Code Update Committee, if applicable).

Meetings and Presentations

The consultant is expected to attend key meetings with City staff, citizens, developers, land owners, business leaders, appointed and elected officials, and other stakeholders. The consultant will prepare and conduct key presentations as appropriate. The City is equipped to conduct virtual meetings with the consultant when appropriate to save travel time and expense.

GIS Data

Relevant GIS data and digital map documents used in the creation of maps and other supporting documentation in the Plan and Zoning Code Updates shall be provided to the City at the end of the project. GIS data formats and standards shall be created in consultation with Oak Creek's GIS team to ensure the data can be used later in City operations. Relevant metadata, if applicable, shall be created and provided to the City as well.

SECTION 3: Proposal Requirements

Proposal Submission Requirements

1. One (1) unbound original proposal.
2. Eight (8) printed and bound copies of the proposal.
3. One (1) digital copy of the proposal.

Digital copies may be submitted via email (max. 2 MB file size), on a flash/thumb drive, or via FTP/Dropbox link. The deadline to submit proposals is **Wednesday, October 13, 2017 before 4:00 PM.**

The proposal submittal should be submitted in an envelope labeled “2018 Comprehensive Plan and Zoning Code Update Proposal” and delivered to:

Doug Seymour, Director of Community Development
City of Oak Creek
Community Development Department
8040 S. 6th Street
Oak Creek, WI 53154

Proposal Format

Proposals should contain the following information:

1. Title Page. Provide the name of your firm, address, telephone and name of contact person on a title page.
2. Letter of Transmittal. Provide a complete statement regarding the understanding of the project and your interest in working with the City of Oak Creek on the Comprehensive Plan and Zoning Code Updates. The transmittal letter shall be signed by a duly authorized officer or agent empowered with the right to bind the consultant submitting a proposal for consideration.
3. Firm Background. Provide information on the size, location, available resources and brief discussion on past experiences related to updating comprehensive plans, transportation plans, workforce housing, zoning codes, and other policy documents.

4. Project Team. Identify the project team (including sub-consultants and associates) and provide a statement of qualifications for each individual.
5. Work Samples. List and provide in electronic format only (either a webpage link to the document or other electronic format) three (3) examples of comprehensive plans, zoning codes, or other applicable writing samples recently completed by the firm or team members.
6. Methodology and Approach. Provide a description of the method and approach your firm intends to utilize in order to complete the Comprehensive Plan and Zoning Code Updates.
7. Timeframe. Include a detailed phasing and task list and estimated completion time of each task. Provide an estimated start date and completion date of the Comprehensive Plan Update and Zoning Code Update, based on an estimated consultant selection date of late October, 2017.
8. References. Submit names, e-mails and telephone numbers of other municipal officials that we may contact to verify performance on projects recently completed by the firm as identified under the Firm Background section of the proposal submittal.
9. Verify Firm Capacity and Project Team. Provide a statement verifying your ability to begin work on the Comprehensive Plan and Zoning Code Updates, and complete the tasks within the timeframes identified in the Methodology and Approach section of the submitted proposal based on your firm's current work load and capacity. Provide a list of the person(s) that will be principally involved in the project.
10. Cost Breakdown. Submit a not-to-exceed cost breakdown of the Comprehensive Plan and Zoning Code Update process, including total travel and material expenses as separate line items, for the work identified by the consultant in the Methodology and Approach and Timeframe sections of the proposal submittal.
11. Supporting Information (Optional). Provide other supporting information you feel may help us further evaluate firm qualifications and fit for completing the Comprehensive Plan and Zoning Code Updates.

Tentative Schedule

The tentative schedule for this Request for Proposals is as follows:

- Release of RFP: September 11, 2017
- Deadline for Questions: September 27, 2017
- Question Responses and/or Addenda to RFP: October 4, 2017 by 4:00 PM
- Proposal Submission Deadline: October 13, 2017 at 4:00 PM
- Selection Committee Reviews Complete: October 17, 2017
- Schedule Consultant Interviews: October 23-24, 2017
- Selection of Preferred Consultant: October 27, 2017

Questions

There will be a mandatory meeting at City Hall on September 21, 2017, at 10 a.m. All questions received at the meeting will receive written response and distributed to all RFP holders by 4 p.m. on October 4, 2017. The deadline for questions regarding the proposal is September 27, 2017. Questions can be directed to Kari Papelbon, City Planner, by e-mail only at kpapelbon@oakcreekwi.org. Responses to questions and/or addenda determined to be required by City staff to further clarify this RFP will be posted to the City's RFP webpage <http://www.oakcreekwi.org/your-government/departments/engineering-department/active-public-contracts/> no later than October 4, 2017 at 4:00 PM.

SECTION 4: Evaluation and Consultant Selection

Selection Process

The City will follow the process below to select the consultant for the Plan Update and Zoning Code Update:

1. Each proposal submitted within the deadline will be reviewed to ensure whether all required materials have been submitted according to the guidelines set forth in this RFP. All proposals that do not meet minimum requirements will be rejected.
2. A review group will be assembled to serve as the Comprehensive Plan Update/Zoning Code Update Selection Committee, and will review the submitted RFPs based on predetermined Evaluation Criteria below. The qualifications of each consultant and all submitted materials will be evaluated for compliance with the requirements and conditions contained in this RFP.
3. After the Comprehensive Plan Update/Zoning Code Update Selection Committee completes its evaluation of the submitted proposals, consultants will be selected to take part in an interview process. This interview process will include a brief presentation by the consultant, and a question-and-answer session led by the Comprehensive Plan Update/Zoning Code Update Selection Committee. All costs related to the interview process will be the responsibility of the consultants being interviewed.
4. The Comprehensive Plan Update/Zoning Code Update Selection Committee will be responsible for selecting the consultant. The City reserves the right to modify the scope of the project as necessary to fit the needs of the community.

Evaluation Criteria

1. Project Team Qualifications and Experience
2. Proposed Methodology and Approach
3. Understanding of the City of Oak Creek
4. Timeframe and Completion Date
5. Proposed Fees and Costs

SECTION 5: Additional Information

Consulting Agreement

A consulting agreement in a form provided by the City shall be executed by the City Administrator and a duly authorized officer or agent of the chosen consultant prior to commencing any work related to the Plan Update or any other work requested in this RFP. Minor changes that do not affect the substance of the agreement provided may be considered prior to finalizing the agreement.

Insurance

The consultant chosen by the City to perform the Plan Update and Zoning Code Update shall provide City with a certificate of insurance naming the City, including the Common Council, employees and agents, as additional insured with an insurance company, types of coverage, and amounts of coverage that are acceptable to the City.

Acceptance of Terms

Submission of a proposal indicates acceptance by the consultant of conditions contained in this Request for Proposals. Note that all proposal submissions are subject to State and Federal open records laws.

Reference Materials

Additional information about the City of Oak Creek is provided at the following website:

<http://www.oakcreekwi.org/your-government/departments/community-development/>

- 2020 Comprehensive Plan
- Drexel Town Square Mixed Use Planned Development
- Park and Open Space Plan
- Lakefront Redevelopment Action Plan
- Chapter 17: Zoning Code
- 2017 Strategic Plan
- Video Tour of Oak Creek
- Citizen Engagement and Priority Assessment Report

City of Oak Creek 2017 Annual Budget

Capital Improvement Program

Department:	Community Development	Date:	9/7/2016	District:	n/a
Project Title:	Zoning Code update	Contact Person:	Doug Seymour		
Project Components and Location:					
update of Chapter 17 (Zoning) of the Municipal Code					
Project Justification and Intent:					
<p>The City of Oak Creek Zoning Code (Municipal Code Chapter 17) was last underwent significant revisions in 1995. While it has been amended many times since then, the structure of the code has not fundamentally changed for over 20 years. The cumulative effect of this has led to a zoning code that is in many instances difficult to interpret, redundant and often contradictory. An updated zoning code, and the opportunities that it would create for interactivity would support the City's recent initiatives towards towards improved transparency, communications and public interaction.</p>					
Annual Impact on Operating Budget and Funding Sources:					
<p>An updated Chapter 17 will provide clarity and will be more intuitive for the public to use, thus reducing the time spent by staff in researching and explaining common zoning questions</p>					
Identify any projects currently underway that relate to or impact this project:					
<p>The strategic planning process may yield recommendations that impact Chapter 17</p>					
Cost Analysis:					
<p>While it is not possible to be more precise without developing a more detailed scope, initial staff research has placed the estimated cost of such a code update from \$50,000 to \$125,000. A budget of \$80,000 is being proposed. This is proposed to be funded using an interfund transfer from Fund 31 (Economic Development)</p>					
Priority:					
Project Design and Management:					
Community Development				page 1 of 1	

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 19

Recommendation: That the Council adopts Resolution No. 11850-090517 approving a Certified Survey Map for Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave.

Background: The Applicant is requesting approval of a Certified Survey Map (CSM) combining the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave. As mentioned in the submitted narrative, the Applicant wishes to use the existing water and sewer laterals in Outlot 1 of the New Heights subdivision (10028 S. Hillview Ave.) for the house at 3607 E. Fitzsimmons Rd. Laterals may not cross property boundaries, and the Oak Creek Water and Sewer Utility requires unused laterals to be abandoned at the main.

Council will note that unlike the Hillview property, the Fitzsimmons property is not located in the New Heights subdivision. Per Wis. Stats. 236.34(1)(dm), a CSM that crosses the exterior boundary of a subdivision plat "must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagee's certificates that are in substantially the same form as required under s. 236.21 (2) (a)." In other words, the CSM must be approved by both the Plan Commission and Common Council, and contain the same language in the signature blocks as a subdivision plat. Staff has conferred with the City Attorney regarding this, and while the CSM process may be completed at the City-level, it does not preclude the Applicant from fulfilling other requirements as may be required (e.g., Homeowners Association or subdivision obligations, etc.).

A small wetland area has been identified in the northwest corner of the Fitzsimmons property; however, there is evidence that wetlands may also exist on the southern portion of the lot. All wetlands must be delineated and shown on the CSM prior to recording.

There are also several errors that must be corrected:

- The Plan Commission and Common Council approval blocks appear twice.
- The signature blocks for the Chair of the Plan Commission Chair and Mayor must be updated with Mayor Daniel J. Bukiewicz's name.
- The Common Council approval block is missing the dedication of the Fitzsimmons Rd. right-of-way.

No new driveway access off of Hillview Avenue was requested nor included in the approval recommendation. Hillview Avenue as currently constructed cannot accommodate new driveways. Additionally, the combination of the properties does not automatically result in a rezoning of the Outlot to A-1, Limited Agricultural – the property would be "split-zoned." Should the Applicant wish to include the entirety of the parcel in one zoning district, a separate rezoning request would be required.

The Plan Commission reviewed this CSM at their meeting on August 22, 2017, and recommended approval with the following conditions:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
2. That the landowner and mortgagee signature page is updated in conformance with the requirements of Wis. Stats. 236.34(1)(dm).
3. That a wetland delineation be completed on the property by a Wisconsin DNR-approved professional with all wetlands shown and clearly labeled on all pages of the CSM prior to recording.
4. That the signature page is updated to remove redundancies and to reflect the current Plan Commission Chair and Mayor's name.
5. That dedication and acceptance language for the public right-of-way (Fitzsimmons Rd.) is updated in the Common Council approval block.
6. 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.

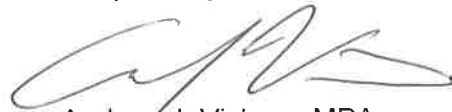
Fiscal Impact: The combination of the Fitzsimmons lot with the Outlot in the New Heights subdivision will create one (1) conforming building lot in the A-1, Limited Agricultural and Rs-3, Single Family Residential districts. As mentioned above, the Fitzsimmons property is currently under development for single-family residential and agricultural purposes. Development of the lot will have positive fiscal impacts for the City in terms of assessed value and potential impact fees. 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. 11850-090517

BY: _____

RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR
WESLEY SCHAEFER

3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave.
(4th Aldermanic District)

WHEREAS, WESLEY SCHAEFER, 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 conditions:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
2. That the landowner and mortgagee signature page is updated in conformance with the requirements of Wis. Stats. 236.34(1)(dm).
3. That a wetland delineation be completed on the property by a Wisconsin DNR-approved professional with all wetlands shown and clearly labeled on all pages of the CSM prior to recording.
4. That the signature page is updated to remove redundancies and to reflect the current Plan Commission Chair and Mayor's name.
5. That dedication and acceptance language for the public right-of-way (Fitzsimmons Rd.) is updated in the Common Council approval block.
6. 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:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
2. That the landowner and mortgagee signature page is updated in conformance with the requirements of Wis. Stats. 236.34(1)(dm).
3. That a wetland delineation be completed on the property by a Wisconsin DNR-approved professional with all wetlands shown and clearly labeled on all pages of the CSM prior to recording.

4. That the signature page is updated to remove redundancies and to reflect the current Plan Commission Chair and Mayor's name.
5. That dedication and acceptance language for the public right-of-way (Fitzsimmons Rd.) is updated in the Common Council approval block.
6. 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 5th day of September, 2017.

Passed and adopted this 5th day of September, 2017.

President, Common Council

Approved this 5th day of September, 2017.

Mayor

ATTEST:

City Clerk

VOTE: Ayes _____ Noes _____

Location Map

10028 S. Hillview Ave. & 3607 E. Fitzsimmons Rd.



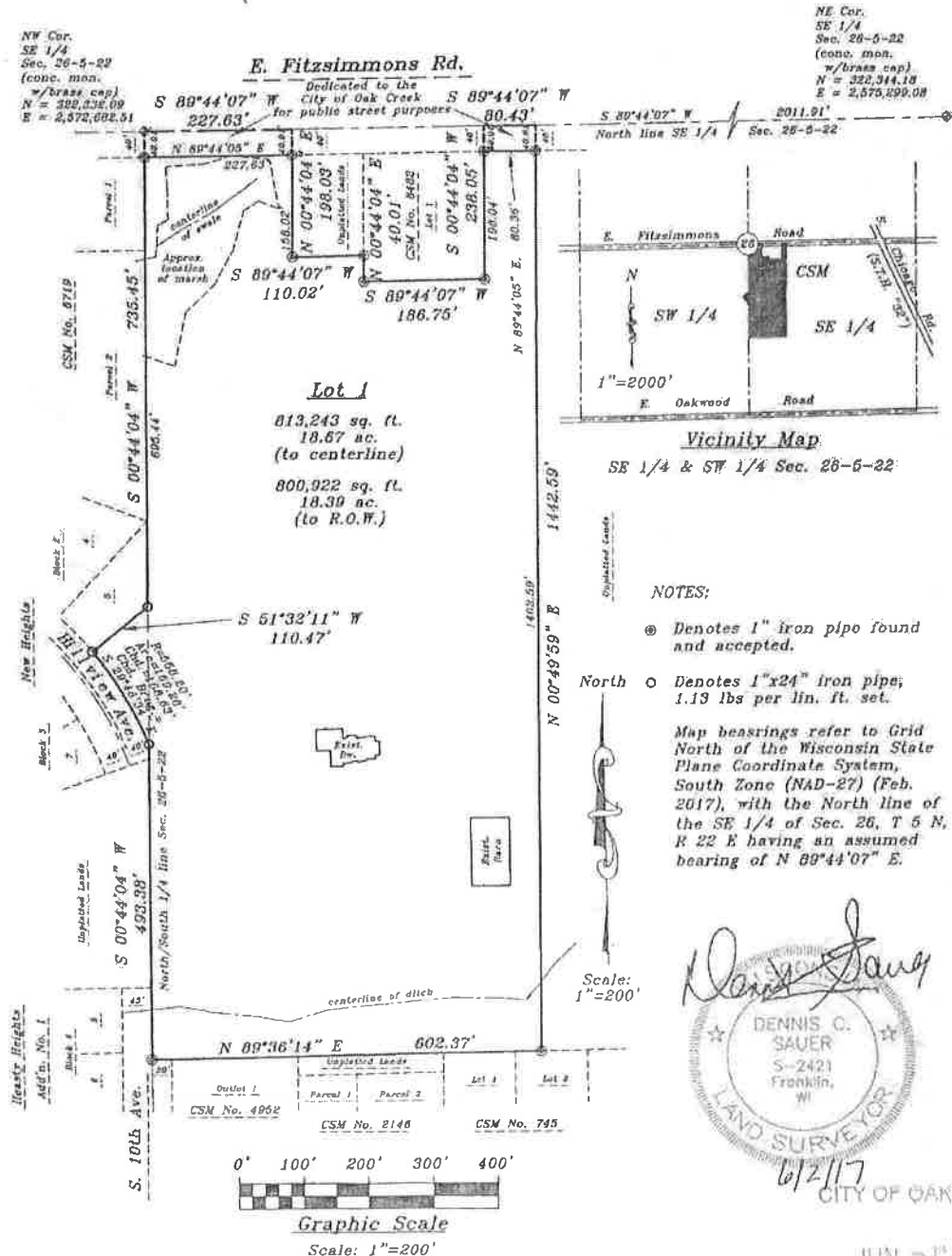
This map is not a survey of the actual boundary of any property this map depicts.

Legend

- 10028 S Hillview Ave
- 3607 E Fitzsimmons Rd
- Zoning Overlays
- C-1 Shoreland Wetland
- FF-Flood Fringe
- Lakefront Overlay
- RD-Mixed Use Neighborhood
- OO-Mixed Use Office
- RR-Regional Retail

CERTIFIED SURVEY MAP NO. _____

Being a part of lands in the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 and Outlot 1, Block 2, New Heights, being a part of the Northeast 1/4 of the Southwest 1/4, all in Section 26, Town 5 North, Range 22 East, in the City of Oak Creek, Milwaukee County, Wisconsin.



NE Cor.
SE 1/4
Sec. 26-5-22
(conc. mon.
w/brass cap)
N = 322,344.18
E = 2,572,299.08

NW Cor.
SE 1/4
Sec. 26-5-22
(conc. mon.
w/brass cap)
N = 322,344.09
E = 2,572,292.51

E. Fitzsimmons Rd.

Dedicated to the City of Oak Creek for public street purposes

North line SE 1/4 Sec. 26-5-22



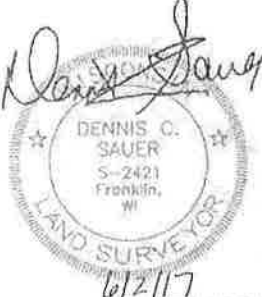
Vicinity Map

SE 1/4 & SW 1/4 Sec. 26-5-22

NOTES:

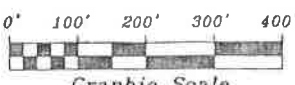
- ⊙ Denotes 1" iron pipe found and accepted.
- Denotes 1"x24" iron pipe; 1.13 lbs per lin. ft. set.

Map bearings refer to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27) (Feb. 2017), with the North line of the SE 1/4 of Sec. 26, T 5 N, R 22 E having an assumed bearing of N 89°44'07" E.



6/2/17

CITY OF OAK CREEK



JUN - 6 2017

RECEIVED

**DRAFT MINUTES OF THE
OAK CREEK PLAN COMMISSION MEETING
TUESDAY, AUGUST 22, 2017**

**MINOR LAND DIVISION/CERTIFIED SURVEY MAP
WESLEY SCHAEFER
3607 E. FITZSIMMONS RD AND 10028 S. HILLVIEW AVE.
TAX KEY NOS. 918-9986-001 AND 919-005-000**

Planner Papelbon provided an overview of the request (see staff report for details.)

Mr. Schaefer stated he is requesting the combining of parcels to save money. The roadwork is the expensive part if they have to cutting into the road to bring sewer and water up to the house he is building. When he found out the laterals already existed, he talked to the Water and Sewer Utility and they said he could use them, but he would have to combine the parcels. Getting the CSM was less expensive than cutting into the road.

Commissioner Dickmann inquired about changing the address. Planner Papelbon responded that that would be taken care of internally at staff level.

Commissioner Johnston mentioned that the wetland delineation needed to be shown on the CSM. Mr. Schaefer asked about the timeline for doing that because all of the companies that specialize in wetland delineation are completely booked because of the time of year. Commissioner Johnston responded that the wetland delineation has to be shown on the CSM in order for it to be recorded. That is part of City ordinance.

Mr. Schaefer asked what the zoning would be for the new parcel. Planner Papelbon responded that the zoning would not change with the CSM. Once the parcels are combined through the CSM, the one parcel would then have split zoning.

Planner Papelbon clarified that this proposal this does not include another driveway off of Hillview Lane. This is merely to tap into those laterals. The access is still going to remain off of Fitzsimmons.

Ted Bratanow, 10060 S. 11th Avenue, stated that other property owners have added their driveway access off of 11th Avenue, even though that area had reached its capacity for homes/access in that area. He wanted to know if he can now do the same. Mr. Schaefer stated he has no plans of putting a driveway on 11th Avenue.

Commissioner Correll motioned that the Plan Commission recommends to the Common Council that the Certified Survey Map submitted by Wesley Schaefer for the properties at 3607 E. Fitzsimmons Rd. and 10028 S. Hillview Ave. be approved, subject to the following conditions:

1. That all unused laterals are abandoned at the main in conformance with Oak Creek Water and Sewer Utility requirements.
2. That the landowner and mortgagee signature page is updated in conformance with the requirements of Wis. Stats. 236.34(1)(dm).
3. That a wetland delineation be completed on the property by a Wisconsin DNR-approved professional with all wetlands shown and clearly labeled on all pages of the CSM prior to recording.
4. That the signature page is updated to remove redundancies and to reflect the current Plan Commission Chair and Mayor's name.

5. That dedication and acceptance language for the public right-of-way (Fitzsimmons Rd.) is updated in the Common Council approval block.
6. 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.

Alderman Guzikowski seconded. On roll call: all voted aye.

ATTEST:



Douglas Seymour, Plan Commission Secretary

8/23/17

Date

City of Oak Creek Common Council Report

Meeting Date: September 5, 2017

Item No.: 20

Recommendation: To concur with the recommendations of the Traffic and Safety Commission to approve the installation of "NO OUTLET" signs on Jessica Circle and Kyle Court. (Aldermanic District 5)

Background: "NO OUTLET" Signs – On July 17, 2017 the Traffic and Safety Commission discussed a request for "Slow Children" signs on Jessica Circle and Kyle Court. Residents in attendance stated that vehicles are traveling in excess of the posted speed limit of 25 mph and that there are concerned for the children that play in the front yards of the homes along these two roads. They also believed that most of the speeding was done by either the residents that lived in the cul-de-sacs or drivers that thought the roadway was a through street. Engineering discussed the traffic data collected on E. Jessica Circle; average daily traffic was 125 vehicles and 85% of the cars were traveling less than 24 mph (only 3 vehicles were traveling over 30 mph in the 7 days that the data was collected). Engineering also stated that the "Slow Children" sign is not supported by the Manual of Uniform Traffic Control Devices and the sign doesn't provide a clear message/direction to the driver. Engineering suggested that a sign such as "NO OUTLET" would be a more appropriate sign installation and should be discussed at the next meeting on August 9, 2017.

On August 9, 2017 there were two residents from the subdivision that were in attendance for the item. The residents requested information or the reason for the request. Engineering provided the previous request for "Slow Children" and the outcome of the discussion between the residents and the committee. The residents in attendance were satisfied with the background information and request. The commission members had no further discussion on the item. All the commission members agreed that the installation of "NO OUTLET" signs would be a more appropriate installation.

FISCAL IMPACT: Street Department will construct and install signs.

Prepared by:



Matthew J. Sullivan, P.E.
Design Engineer

Respectfully submitted,

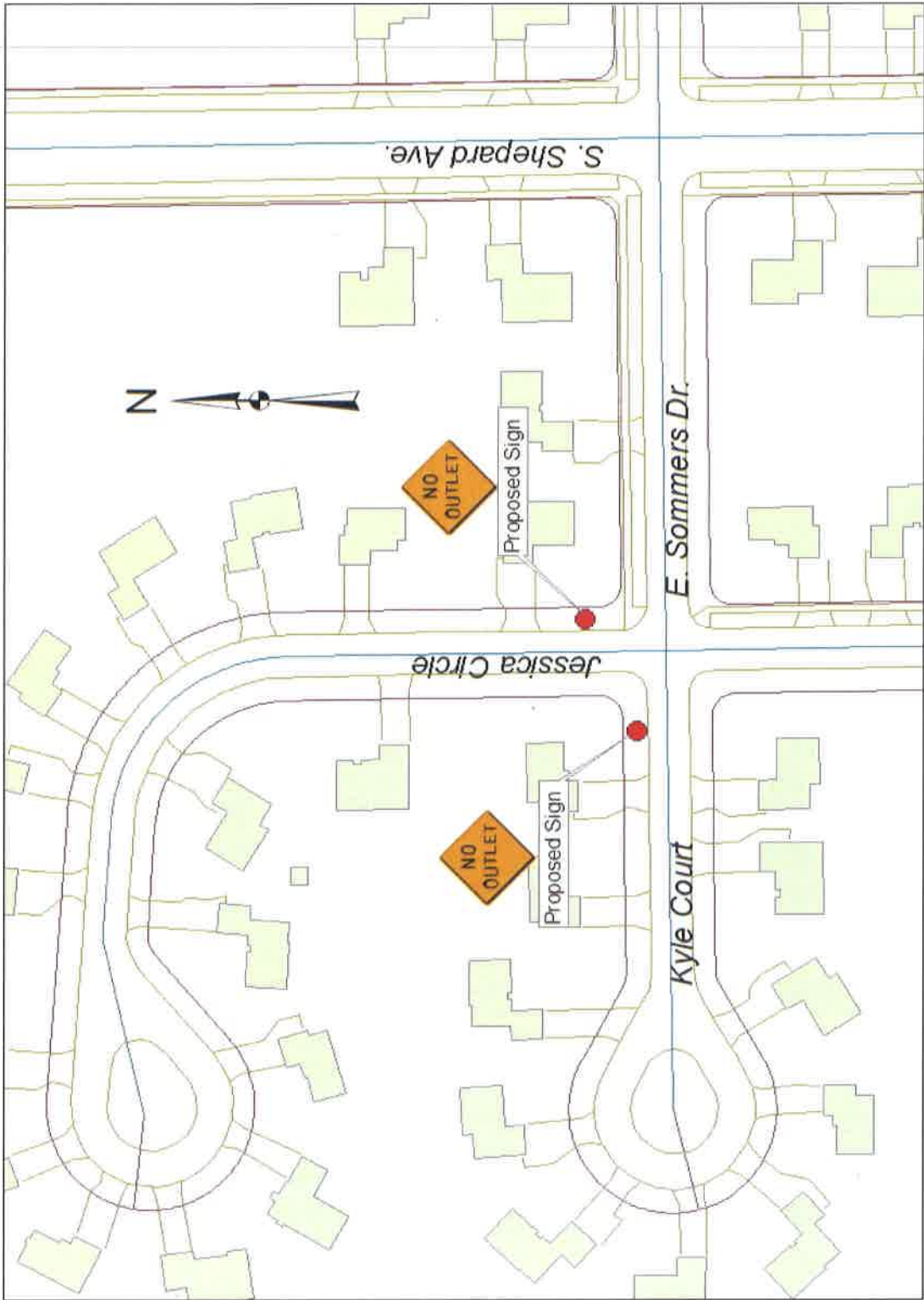


Andrew J. Vickers, MPA
City Administrator

Fiscal review by:



Bridget M. Souffrant, CMTW
Finance Director / Comptroller



**MINUTES
LICENSE COMMITTEE
August 29, 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. Duchniak and Ald. Gehl. Ald. Kurkowski was excused. Also in attendance was Deputy City Clerk Christa Miller.
3. Approval of the 8/2/17 minutes was held.
4. The Committee reviewed an original application for Operator license submitted by Kimberly E. Condeleo, N168 W21700 W. Main St., Jackson (Victor's Again). Ms. Condeleo was invited to the meeting, however, did not attend.

Ms. Condeleo disclosed 2 DUI's (2/5/13, 12/14/15), Disorderly Conduct (10/23/15) and Driving Without a License on Person (10/23/15).

The background report showed OWI (2/5/13), OWI (12/14/15), Disorderly Conduct DV Related (10/23/15), and Bail Jumping (12/14/15).

The Committee discussed that Ms. Condeleo failed to disclose her Bail Jumping conviction from 12/14/15. Additionally, they discussed that as Ms. Condeleo has two DUI's within the past five years, she could be considered a habitual offender.

Ald. Gehl, seconded by Ald. Kurkowski, moved to deny an Operator license to Kimberly E. Condeleo, N168 W21700 W. Main St., Jackson (Victor's Again), for falsification of application and for being a habitual offender. On roll call, all voted aye.

5. Deputy City Clerk Miller presented the Committee with information regarding yearly alcohol license applications, deadlines, delinquent applications and provided the Committee with an overview of the process taken for applications once submitted. In the past several years, applicants have been given 3-4 weeks to submit renewal paperwork, and increasingly, applications are being submitted well after the deadline, which puts stress on the various inspection departments.

The Committee discussed initiating a "late fee" for renewal applications. Information from surrounding cities were provided to the staff as comparable. Options were discussed (flat late fee, staggered late fees). No formal action was taken.

Ald. Kurkowski, seconded by Ald. Gehl, moved to adjourn the meeting at 8:40 a.m. On roll call, all voted aye.